

**STATE OF NEW HAMPSHIRE
MECHANICAL SAFETY AND LICENSING BOARD
Concord, New Hampshire**

In the matter of:
David Favreau, Sr.
Lic. #GFE0801376 – Gas Fitter

DOCKET #22-MECH-001

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public, the New Hampshire Mechanical Safety and Licensing Board (“Board”) and David Favreau, Sr. (“Mr. Favreau” or “Respondent”) do hereby stipulate and agree to resolve certain allegations of professional misconduct now pending before the Board according to the following terms and conditions:

1. Pursuant to RSA 153:32, RSA 541-A, and Board Administrative Rule Saf-Mec 205, the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by licensees. Pursuant to Saf-Mec 213.01, the Board may, at any time, dispose of such allegations by settlement and without commencing an adjudicative hearing.
2. The Respondent holds Gas Fitter License # GFE0801376 (Exp. 5/31/2022).
3. The Respondent stipulates that Hearing Counsel could present the following evidence at an adjudicative proceeding in this matter:
 - A. On November 22, 2021, the Respondent pleaded *nolo contendere* to one class-A misdemeanor criminal charge of Negligent Performance of Fuel Gas Fitting. (RSA 153:37, II) (Hillsborough Superior Court – North, Docket #216-2019-CR-1161, Charge ID #1638244C).
 - B. The complaint narrative for that charge states as follows:

David Favreau did commit the crime of Negligent Performance of Fuel Gas Fitting in that David Favreau, a N.H. Fuel Gas Fitting licensee who performed fuel gas fitting at lot 32, Foxberry Drive, negligently violated any rule adopted under RSA 153:28, specifically, pursuant to the NFPA, 2009 edition, as adopted pursuant to RSA 153:28, any repair or alteration on an existing piping system was required to be left in a safe condition, and while acting in his capacity as a N.H. Fuel Gas Fitting licensee and conducting fuel gas fitting activities, Favreau failed to label a natural gas furnace that had been removed from service with a warning sign, label, or tag clearly stating "DO NOT OPERATE."

- C. The Court accepted the Respondent's plea and entered a finding of guilty.
 - D. The Court sentenced the Respondent to serve 12 months in the House of Corrections and pay a \$2,000 fine, all of which was suspended for a period of 10 years conditioned on the Respondent's payment of \$9,035 in restitution to the Estate of Antonio de Souza and the Respondent remaining of good behavior.
 - E. Additionally, the Court prohibited the Respondent from "engaging in any work that requires a fuel gas fitting license" for a period of 10 years as a condition of his suspended sentence.
4. Respondent acknowledges that the conduct alleged above could constitute grounds for the Board to impose disciplinary sanctions against his license to practice in this state.
 5. The Board finds that, by engaging in such conduct, Respondent has violated RSA 153:32, II(a) and Saf-Mec 604.01(c)(2).
 6. Respondent consents to the **REVOCATION** of his license pursuant to RSA 153:32, III(b).
 7. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant RSA 153:32, II(a) and a separate and sufficient basis for further disciplinary action by the Board.

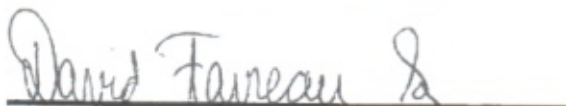
8. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Board based upon the misconduct described above. However, the Board may consider the fact that discipline was imposed by this Order as a factor in determining appropriate discipline should any further misconduct be proven against Respondent in the future.
9. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.
10. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to him other than those terms and conditions expressly stated herein. Respondent further agrees that no coercion or duress from any person has caused him to sign this *Settlement Agreement*.
11. The Board agrees that in return for Respondent executing this *Settlement Agreement*, the Board will not proceed with the formal adjudicatory process based upon the facts described herein. This *Settlement Agreement* shall constitute a final Board action on this matter.
12. Respondent understands that his execution of this *Settlement Agreement* is a final act and not subject to reconsideration, judicial review, or appeal.
13. Respondent acknowledges that he has had the opportunity to seek and obtain the advice of an attorney of his choosing prior to signing this *Settlement Agreement*.
14. Respondent understands that the Board must review and accept the terms of this *Settlement Agreement*. The Respondent agrees to support the Board's acceptance of this *Settlement Agreement* in any further hearing on this matter. If the Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent

specifically waives any claims that any disclosures made to or by the Board during its review of this *Settlement Agreement* have prejudiced his right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.

15. Respondent certifies that he is not under the influence of any drugs or alcohol and is otherwise of sound mind and judgment at the time he signs this *Settlement Agreement*.
16. Respondent certifies that he has read this and understands all of the terms of this *Settlement Agreement*.
17. Respondent understands that he has the right to a formal adjudicatory hearing concerning this matter and that at said hearing he would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, qualities and dimensions of these rights. Respondent understands that by signing this *Settlement Agreement*, he waives these rights as they pertain to the misconduct described herein.

This *Settlement Agreement* shall take effect as an Order of the Board when it is signed by an authorized representative of the Board.

IN WITNESS WHEREOF, I hereby affix my signature on this 2th day of March, 2022.



David Favreau, Sr.

ACCEPTED BY THE BOARD on this 9 day of March 2022.

3/9/22
Date

[Signature]
Signature

Jesse Donatto
Printed or typed name
Authorized Representative of the
New Hampshire Mechanical Safety