State of New Hampshire
Electricians' Board
Concord, New Hampshire 03301

In the Matter of
Henry Pedersen

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 Electricians' Board (hereinafter "Board") and Henry Pedersen (hereinafter "Respondent"), an electrician licensed by the Board, 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 319-C:6-a, RSA 319-C:12, 319-C:12-b, and the Board of Electrician's Practice and Procedural Rules the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by electricians. Pursuant to RSA 319-C:12 and Elec 207.07 the Board may, at any time, dispose of such allegations by settlement and without commencing a disciplinary hearing.
2. The Board first granted Respondent a license to practice electrical installation in the State of New Hampshire on August 9, 1983. Respondent holds license number 4117M.
3. In response to a random inspection at 28R Ballard St, Epsom, New Hampshire on July 10, 2014, it was determined that the Respondent allowed one unlicensed individual, Michael Martin to perform electrical installations at 28R Ballard St, Epsom, New Hampshire on July 10, 2014. This is in violation of the provisions of RSA 319-C and the Board of Electrician's Practice and Procedural Rules. In response to this, State Electrical Inspector Alfio Torrisi conducted an investigation and obtained information from various sources pertaining to Respondent's violation of the provisions of RSA 319-C and the Board of Electrician's Practice and Procedural Rules.
4. The investigation revealed and Respondent freely admits to the following facts :

   The Respondent allowed one unlicensed individual, Michael Martin to perform electrical installations at 28R Ballard St, Epsom, New Hampshire on July 10, 2014. This is in violation of the provisions of RSA 319-C and the Board of Electrician's Practice and Procedural Rules. The Board finds that Respondent

committed the acts as described above and concludes that, by engaging in such conduct, Respondent violated RSA 319-C:12 (II)(c), RSA 319-C:15(I)(b)(d) and Elec 405.01(a)(1).

5. Respondent acknowledges that this conduct constitutes grounds for the Board to impose disciplinary sanctions against Respondent's license to practice as an electrician in the State of New Hampshire and represents that he has taken steps to avoid any repetition of such conduct.

6. There is no current record of a similar violation on file at the Board's office.

7. Respondent is willing to accept that this is a first offense as described in Elec 405.03(c)(1). This shall be considered as a disciplinary action until November 18, 2021, as described in Elec 405.03(i).

8. Respondent consents to the Board imposing the following discipline, pursuant to RSA 319-C:12 and Elec 405.03:

   A. Respondent is **reprimanded**.

   B. Respondent's license is **suspended** for a period of six months. The suspension will be deferred for a period of twelve months provided the Respondent advises the Board on a monthly basis in a written report of (1) the location of his current and projected jobs in NH and (2) all employees who are working on those jobs, with his/her license or apprentice ID card numbers. The reports shall include jobs from the fifteenth day of the month to the fifteenth day of the following month and shall be filed in the Board's office by the fifteenth day of the month, with the first report due on December 15, 2014 and the last report due on November 15, 2015. A report shall be filed each month even if no work is done in NH. If the Respondent does not fully satisfy these conditions, the Board shall schedule a hearing to allow the Respondent to show cause why his master license shall not be immediately suspended for a period of six months.

   C. The Board may consider Respondent's compliance with the terms and conditions herein in any subsequent proceeding before the Board regarding Respondent's license.

9. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant to RSA 319-C:12, and a separate and sufficient basis for further disciplinary action by the Board.

10. 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 this misconduct as evidence of a pattern of conduct in the event that similar misconduct is proven against Respondent in the future. Additionally, the Board may consider the fact that discipline was imposed by this Agreement as a factor in determining appropriate discipline should any further misconduct be proven against Respondent in the future.

11. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.

12. 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.

13. 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.

14. Respondent understands that his action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.

15. Respondent has had the opportunity to seek and obtain the advice of an attorney of his choosing in connection with his decision to enter into this *Settlement Agreement*.

16. Respondent understands that the Board must review and accept the terms of this *Settlement Agreement*. 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 the Board during its review of this agreement have prejudiced his right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.

17. Respondent is not under the influence of any drugs or alcohol at the time he signs this *Settlement Agreement*.

18. Respondent certifies that he has read this *Settlement Agreement*. Respondent understands that he has the right to a formal adjudicatory hearing concerning this matter and that at said hearing he would possess the right 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 Building Code Review Board, pursuant to RSA 155-A:11-a. 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.

19. This agreement shall take effect as an *Order of the Board* on the date it is signed by an authorized representative of the Board.

FOR RESPONDENT

Date: 11-6-14 Henry Pedersen Jr
Respondent

FOR THE BOARD

This proceeding is hereby terminated in accordance with the binding terms and conditions set forth above.

Date: 12/9/14 Louise Lavertu
(Signature)

Louise Lavertu
(Print or Type Name)
Authorized Representative of the New Hampshire Electrician's Board