

**STATE OF NEW HAMPSHIRE  
OFFICE OF PROFESSIONAL  
LICENSURE AND CERTIFICATION**

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**BOARD OF ELECTRICIANS**

**In Re: Richard J. Azzara  
Lic. No.: 9830M**

**NOTICE OF DECISION DATED 11/21/2024**

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Enclosed please find a copy of the Board's Order dated 11/21/2024 relative to:

**DISCIPLINARY HEARING FINAL DECISION AND ORDER**

**PETITIONS FOR REHEARING:**

Pursuant to N.H. Code Admin. Rs. Plc 206.31(b), 206.33 ("Rules") and RSA 310:14, II, petitions for rehearing shall be filed within 30 calendar days after service of a final adjudicative order. Pursuant to Rule 206.31(c) and (d), the Petition shall: 1) clearly identify the respondent, by name and license number, and the docket number of the matter for which the petition is being filed, for rehearing in a disciplinary or non-disciplinary remedial proceeding; 2) clearly state whether the petitioner is seeking to have the decision reversed or modified and, if modified, the specific modification(s) sought; 3) clearly identify the specific findings of fact or conclusions of law, or both, that the petitioner asserts are erroneous; 4) contain such argument in support of the petition as the petitioner desires to present, including an explanation of how substantial justice would be done by granting the relief requested; and 5) be served by the petitioner on all other participants in accordance with Plc 206.11. Pursuant to Rule 206.31(e), the petitioner or petitioner's representative shall sign the petition. Pursuant to Rule 206.31(f), such signature shall constitute attestation that: 1) the signer has read the petition for rehearing; 2) the signer is authorized to file the petition for rehearing; 3) to the best of the signer's knowledge, information, and belief, there are good grounds to support the petition for rehearing; and 4) the petition for rehearing has not been filed solely or primarily for purposes of delay or harassment in any pending or contemplated administrative, civil, or criminal proceeding. Pursuant to Rule 206.31(g), no answer to a petition for rehearing shall be required, but any answer or objection filed shall be delivered to the presiding officer's office within 5 working days following receipt of service of the petition for rehearing. Pursuant to RSA 541:5, upon the filing of such petition for rehearing, the Board or Presiding Officer shall within ten days either grant or deny the same, or suspend the order or decision complained of pending further consideration, and any order of suspension may be upon such terms and conditions as the Board or Presiding Officer may prescribe. The Presiding Officer and/or Board shall rule upon a Motion for Rehearing in accordance with Rule 206.32. Pursuant to Rule 206.32(e), a decision on reconsideration shall be issued after fully considering the petition and any responses thereto, which reconsideration shall include a hearing on the factual issues identified in the motion if the board determines a hearing to be necessary to a full consideration of the facts.

**RIGHT TO APPEAL:**

Pursuant to RSA 155-A:11-a, I, the New Hampshire State Building Code Review Board "...shall hear appeals of final decisions..." of the Electricians Board "...established under RSA 319-C:4." "To initiate an appeal, the aggrieved party from the hearing... shall file with the board a notice of appeal. The notice of appeal shall be signed by the aggrieved party or his or her lawyer or representative and shall be filed within 30 days of the date of the final decision or order by the licensing board." *See* Bcr 215.03 *et seq.* The State Building Review "...[B]oard shall hold a hearing within 40 days of the receipt of an appeal, unless an extension of time has been granted by the board at the written request of one of the parties and shall render a decision within 30 days of the conclusion of the hearing." *See* RSA 155-A:11-a, II. Pursuant to RSA 310:14, III, "no sanction shall be stayed by the board pending appeal."

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**BOARD OF ELECTRICIANS**

**In Re: Richard J. Azzara  
Lic. No.: 9830M**

Docket No.: 2024-ELEC-006

**FINAL DECISION AND ORDER**

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**I. PARTICIPANTS:**

Board Members, Support Staff, and Counsel:

Matt Connors, Board Chair  
William Infantine, Board Member  
Michael Palmeri, Board Member  
Henry J. Szumiesz, Board Member  
Dexter Robblee, Board Member  
Phil Biron, Board Member

Carson Hansford, OPLC Board Administrator  
Attorney Elizabeth Eaton, OPLC Board Counsel

Presiding Officer:

Attorney Shane D. Goulet, OPLC Administrative Law Judge

Parties:

Kathy Needleman, Esq., Hearing Counsel  
Richard J. Azzara, Licensee (not in attendance)

**II. CASE SUMMARY/PROCEDURAL HISTORY:**

On 05/07/24 the Office of Professional Licensure and Certification, Division of Enforcement (“OPLC Enforcement”) provided the Board with a status update of Richard J. Azzara’s compliance with

the Board's Final Decision and Order in In Re: Richard J. Azzara, Docket # 2023-ELEC-0026.

Following the report, the New Hampshire Electrician's Board ("Board") voted on 05/07/24 to initiate a disciplinary adjudicative proceeding against Richard J. Azzara ("Licensee") for failure to comply with certain terms of the Final Decision and Order in Docket # 2023-ELEC-0026. A Disciplinary Hearing was held on 09/24/24. This Final Order follows.

### **III. SUMMARY OF THE PROPOSED EVIDENCE AND EVIDENTIARY RULINGS:**

The Board received the following evidence pursuant to RSA 541-A:33 and Rules 206.22 and 206.18(d):

A. Exhibits were submitted by Hearing Counsel, numbered as follows:

1. Final Order of the Electrician's Board – Notice of Decision Dated 02/22/2024 Docket No. 2023-ELEC-0026 (Bates #HC001-008);
2. Richard Azzara's Master Electrician License #9830M (Bates #HC009).

B. Exhibits were submitted by the Licensee and labeled as follows:

A. None.

C. Sworn testimony was received from:

1. Scott Johnston, OPLC Chief Electrical Inspector
2. Carson Hansford, OPLC Board Administrator

### **IV. CONDUCT OF THE HEARING AND EVIDENCE PRESENTED:**

Hearing Counsel had the burden of proving its case by a preponderance of the evidence. Exhibit's 1 and 2 were accepted as full Exhibits for the Board's consideration. The Board took administrative notice of the Licensee's licensing profile. Hearing Counsel submitted "Findings of Fact" which were accepted for the Board's consideration. The Licensee failed to appear. The Presiding Officer concluded that the Licensee had received sufficient notice pursuant to RSA 310, Plc 206.06, and the

Federal and State Constitutions. The hearing was held *in absentia*. Hearing Counsel proceeded by offer of proof. Inspector Scott Johnston was sworn in under oath with respect to Hearing Counsel's offer.<sup>1</sup>

## **HEARING COUNSEL'S CASE-IN-CHIEF**

### **Scott Johnston, OPLC Chief Electrical Inspector**

Hearing Counsel provided an offer of proof on Inspector Johnston's behalf. Hearing Counsel referenced the Board's final order dated 02/22/2024. She reiterated the sanctions imposed within the Board's final order. She further represented that Inspector Johnston has no record of the Licensee attending any continuing education programs, no information that he has paid any of the fines and has further failed to report any of his jobs. In response to Board questioning, Inspector Johnston testified that the first month after the Board's order issued, he made multiple attempts by phone and email to reach the Licensee to ensure compliance with the Final Order. Each attempt went unanswered.

### **Carson Hansford, OPLC Board Administrator**

Mr. Hansford is the current Board Administrator for the Electrician's Board. He supported the Board in that capacity at the Board's 08/06/2024, 09/10/2024, and 09/24/2024 meetings. He maintains access to all the Board's records. He is also the primary hub for all correspondence for the Electrician's Board within the Office of Professional Licensure and Certification. Mr. Hansford testified that since serving as the Electrician's Board's Administrator, he has not received any communications from the Licensee.

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<sup>1</sup> Administrator Carson Hansford was sworn in under oath by the Presiding Officer to provide clarification relative to the Board's administrative files.

**V. THE BOARD’S FINDINGS OF FACT**

After reviewing all the evidence and considering the presentation and demeanor of all the witnesses, the Board makes the following findings of facts. The Board adopted Hearing Counsel’s Findings of Fact paragraphs 1 through 14, and makes further findings as set forth below as set forth below:

1. Richard Azzara (“Respondent”) was first issued his master electrician license #9830M on April 13, 1995 having the expiration date of October 31, 2025.
2. On February 17, 2023 Moultonborough building inspector, Scott Dvorak filed a complaint against Mr. Azzara with the Office of Professional Licensure (“OPLC”) citing multiple code violations.
3. On March 1, 2023, OPLC Inspector Kenneth Vallery visited 2 jobsites where Mr. Azzara was performing electrical work. Inspector Vallery found multiple code violations. On April 7, 2023, Inspector Vallery issued a Notice of Violation to Mr. Azzara.
4. On June 7, 2023, a confidential memorandum from the board referred the matter for adjudication, and the matter was docketed as #2023-ELEC-026. In re Azzara Docket No. 24-ELEC-006
5. On February 22, 2024, a Notice of Decision issued in the matter Docket #2023-ELEC-026. A finding of professional misconduct was found pursuant to RSA 310:12 and RSA 319-C:12, III.
6. In its February 22, 2024, Notice of Decision in Docket #2023-ELEC-026, the board issued the following sanctions:
  - i. Respondent was reprimanded, and his license was downgraded to journeyman until such time as:
    1. The Licensee pays the administrative fine of \$500.00 and the reasonable cost of investigation and prosecution in the amount of \$500.00.
    2. The Licensee submits documentation evidencing completion of 30 hours of continuing education on the 2020 National Electrical code; 6 of the 30 hours shall be focused on AFCI, and the 2020 NH NEC amendments. The continuing education shall be conducted by a board approved educational provider.

- ii. The Licensee shall be subject to a limitation of certification for 18 months. The licensee shall report on a monthly basis, the locations of his jobs in NH, and provide a list of employees, if any, accompanied by their license or ID number. The monthly report shall be submitted regardless of whether the licensee had jobs in NH during the reporting period.
7. On May 7, 2024, the Office of Professional Licensure and Certification Division of Enforcement (“OPLC Enforcement”) provided the Board with a status update of Richard J. Azzara’s compliance with the Board’s Final Decision and order in In Re: Richard J. Azzara, Docket #2023-ELEC-0026. Following the report, the New Hampshire Electrician’s Board (“Board”) voted to initiate a disciplinary adjudicative proceeding against Richard J. Azzara (“Licensee”) for failure to comply with certain terms of the Final Decision and Order in Docket #2023-ELEC-0026.
8. The OPLC Chief Inspector made multiple attempts by phone and email to reach the Licensee to ensure compliance with the Final Order. Each attempt went unanswered.
9. Neither the Board nor the OPLC Chief Electrical Inspector have received any monthly reports from the Licensee since its Final Order of 02/22/2024 issued.

**VI. CONCLUSION AND DECISION:**

Based upon the Board’s findings of fact, the Presiding Officer makes the following conclusions of law:

1. Hearing Counsel has not met its burden of proof that the Licensee has engaged in professional misconduct as defined at Elec 405.01(a)(5) by failing to pay his administrative and investigative fines imposed by the Board’s 02/22/2024 Final Order.
2. Hearing Counsel has not met its burden of proof that the Licensee has engaged in professional misconduct pursuant to Elec 405.01(a)(5) by failing to complete his continuing education programming as required by the Board’s 02/22/2022 Final Order.
3. Hearing Counsel has met its burden of proof that the Licensee has engaged in professional misconduct pursuant to Elec 405.01(a)(5) by failing to adhere to his monthly reporting requirement imposed by the Board’s 02/22/2024 Final Order.

In making the conclusions above, the Presiding Officer notes that there are no deadlines for the submission of the fines or the continuing education requirements imposed by the Board's 02/22/2024 Final Order. The Board's sanctions exclusively condition his licensure restriction until such a date that he makes payment of the fines and submits documentation evidencing his completion of his continuing education requirements. However, the Board's findings of fact establish that, despite the OPLC Chief Inspectors efforts, the Licensee has not submitted any monthly reports to the Board "...regardless of whether [he] had jobs in N.H...." or not.

Pursuant to RSA 310:12 and RSA 319-C:12, III, the Board issues the following sanctions:

1. The Licensee's License is hereby suspended until he comes into compliance with the Board's Final Order dated 02/22/2024. Specifically, the Licensee shall submit his monthly reports from March 2024 through October of 2024.
2. All other orders shall remain in full force and effect.

## **VII. ORDER**

Pursuant to RSA 310:12 and Elec 405.01(a)(5), the Presiding Officer hereby makes a finding of professional misconduct noted herein and the Board administers the discipline outlined above.

DATED: 11/21/2024

/s/ Shane D. Goulet, Esq., \_\_\_\_\_  
Shane D. Goulet, Presiding Officer  
Administrative Law Judge  
New Hampshire Office of  
Professional Licensure & Certification  
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Concord, NH 03301  
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