

1                                   **BEFORE THE DIRECTOR OF THE DEPARTMENT OF**  
2                                   **CONSUMER AND BUSINESS SERVICES,**  
3                                   **BUILDING CODES DIVISION**  
4                                   **STATE OF OREGON**

5                                   ) )  
6                                   ) ) **IN THE MATTER OF:**                                   **CONSENT ORDER**  
7                                   ) ) **MICHAEL A. LECKER,**                                   **CASE NO. C2014-0133**  
8                                   ) ) **AN INDIVIDUAL**                                   )  
9                                   ) ) **RESPONDENT**                                   )  
10                                   ) )

11                                   1.

12                                   The Director of the Department of Consumer and Business Services (Director) is responsible  
13 for administration and enforcement of Oregon’s statewide building code, and is authorized to regulate  
14 electrical installations and persons engaged in making those installations, in Oregon. On or about May  
15 14, 2015, the Director properly served a Notice of proposed discipline on Michael A. Lecker  
16 (Respondent), alleging violations of statutes and administrative rules under the Director’s authority.

17                                   2.

18                                   The parties wish to settle this matter informally. Respondent understands that Respondent has  
19 the right to a hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes  
20 (ORS), and fully and finally waives the right to a contested case hearing, any appeal therefrom, and  
21 any judicial review by the signing and entry of this Consent Order in the Agency’s records.  
22 Respondent agrees to conduct all future business in compliance with the applicable statutes, Oregon  
23 Administrative Rules (OAR), and specialty codes. Respondent understands that this Consent Order is a  
24 public record.

25                                   ///

3.

The Director Finds and Respondent stipulates:

3.1 Respondent has held Class "A" limited energy technician license #4859LEA continuously since February 19, 2013.

3.2 At all relevant times, Respondent was employed by Vivint as a Limited Energy Technician, and was responsible to make electrical installations related to the installation of burglar systems on behalf of Vivint.

3.3 On multiple occasions from at least May 18, 2013 to at least June 8, 2013, Respondent allowed unlicensed individuals to run electrical wire through interior walls, or through raceways attached to interior walls, during the installation of burglar alarm systems on behalf of Vivint and under minor label permits signed by Respondent, in Oregon.

3.4 Installing electrical wire through interior walls, or through raceways attached to interior walls, is an electrical installation as defined by ORS 479.530(10).

4.

The Director finds, but Respondent does not admit, that by allowing individuals to perform electrical work for which those individuals were not properly registered or licensed under minor label permits signed by Respondent, Respondent violated OAR 918-282-0120(1) on multiple occasions.

5.

The Director hereby assesses a \$10,000 civil penalty against Respondent for violating OAR 918-282-0120(1) on multiple occasions, \$8,000 of which will be stayed for a period of four years from issuance of this Consent Order, under the terms of this order. If Respondent fully complies with all terms of this Consent Order, the stayed amount of the civil penalty shall be considered satisfied at the end of two years. Respondent shall pay the \$2,000 of civil penalty that has not been stayed, to the Department of Consumer and Business Services – Building Codes Division, no later than July 25,

1 2015.<sup>1</sup> If Respondent fails to fully and timely comply with any term of this Consent Order, the \$8,000  
2 of the civil penalty that has been stayed shall be immediately due and payable.

3 6.

4 Through June 1, 2019, Respondent's Class "A" limited energy technician license #4859LEA  
5 will remain active and valid upon the following terms:

6 6.1 Respondent shall fully cooperate with the Division's enforcement efforts in cases  
7 against other entities or individuals that rely on the underlying facts in this case.

8 6.2 Respondent shall not commit any new violations of the Division's  
9 statutes or rules.

10 6.3 Respondent shall timely complete all license renewal requirements, including  
11 documentation and any required continuing education, and shall timely pay all license renewal fees for  
12 Class "A" limited energy technician license #4859LEA.

13 6.4 Respondent shall pay the \$2,000 of the civil penalty that is not stayed by the due date  
14 provided herein.

15 7.

16 If, at any time through June 1, 2019, Respondent fails to comply with any provision of  
17 paragraph 5 above, including sub-paragraphs 5.1 through 5.4, Respondent understands and agrees that  
18 Respondent's Class "A" limited energy technician license #4859LEA shall be immediately inactive,  
19 invalid for electrical work in Oregon, and subject to further discipline. If Respondent fully complies  
20 with all provisions of this Consent Order, then on June 2, 2019, Respondent's Class "A" limited  
21 energy technician license #4859LEA shall no longer be subject the terms of this Consent Order.

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25 <sup>1</sup> *An invoice will be included with Respondent's copy of the final order after it is signed by the Director or his designee.*

1 8.

2 Respondent understands that any violation of the terms of this Consent Order will also result in  
3 further enforcement action.

4 9.

5 Respondent understands and agrees that any violation of the Building Code Division's statutes  
6 or rules not alleged in this order, whether committed before or after the execution of this Consent  
7 Order, may result in additional enforcement action. However, and notwithstanding the foregoing, this  
8 Consent Order fully and finally resolves any and all potential violations of OAR 918-282-0120(1) by  
9 Respondent in connection with the installation or repair of a burglar alarm system that may have  
10 occurred before July 29, 2014.

11 10.

12 Respondent understands that failure to comply with this Consent Order may result in the denial  
13 of future licensing applications, suspension or revocation of licensing or certification issued by the  
14 Division and other state agencies, or a combination thereof.

15 11.

16 Respondent has read and fully understands the terms of this Consent Order, freely and  
17 voluntarily consents to the entry of this order without further hearing, without any coercion, force or  
18 duress, and expressly waives all rights to hearing, appeal or judicial review in this matter.

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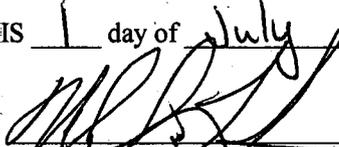
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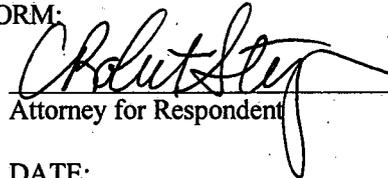
12.

Respondent understands that, upon signature of the Director or his designee, this Consent Order is a final order.

IT IS SO AGREED THIS 1 day of July, 2015.

  
Michael A. Lecker, Respondent

APPROVED AS TO FORM:

  
Attorney for Respondent

DATE:

IT IS SO ORDERED THIS 21st day of July, 2015.



Patrick Allen, Director  
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES  
BUILDING CODES DIVISION, STATE OF OREGON  
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