

1 **BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON**

2  
3 **IN THE MATTER OF:**

)  
) **CONSENT ORDER**

4 **VIVINT, INC., A FOREIGN BUSINESS**  
5 **CORPORATION**

) **CASE NO. C2014-0090**  
)

6 **RESPONDENT**  
7 )

8 The Electrical and Elevator Board of the State of Oregon (Board) has conducted an investigation  
9 and determined that Respondent violated certain provisions of the Oregon Building Codes statutes,  
administrative rules, and specialty codes.

10 The parties wish to settle this matter informally. Respondent agrees to conduct all future business in  
11 compliance with the applicable statutes, administrative rules, and specialty codes. As evidenced by  
the authorized signatures on this Order, Respondent hereby consents to the entry of this Order and its  
12 following terms.

13 **FINDINGS OF FACT**

- 14 (1) During all relevant times, respondent held a valid Oregon Limited Energy Electrical  
Contractor license number CLE216.
- 15 (2) Respondent is in the business of selling and installing alarm systems. Where  
16 applicable, respondent uses electrical minor labels for the installation of their alarm  
systems.
- 17 (3) Per OAR 918-100-0050(1)(c), all contractors using electrical minor labels are required  
18 to report the use of those labels to the division in the format prescribed in rule. In  
addition, those labels that are not used within 12 months from the date of sale shall be  
19 returned to the division.
- 20 (4) On or about the period of January 1, 2011 to March 31, 2014, Respondent has failed  
21 to return hundreds of labels to the division as required by rule when the labels have  
gone unused or expire.

22 **WHAT THE LAW SAYS**

- 23 (1) OAR 918-100-0050(c) states, return the minor label log sheet to the selling  
24 jurisdiction or division office after the ten minor labels are used or every 12 months  
from date of sale, whichever occurs first.
- 25 (2) ORS 479.530(10) states, electrical installations include the construction or installation  
of electrical wiring and the permanent attachment or installation of electrical products

1 in or on any structure that is not it self an electrical product.

2 **CONCLUSIONS OF LAW**

- 3 (1) By making electrical installations of alarm systems which require an electrical minor  
4 label permit, and failing to return the unused labels to the division within the  
5 prescribed amount of time as outlined in the rule, Respondent violated OAR 918-100-  
0050(c)

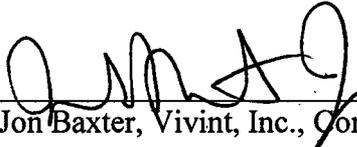
6 **SETTLEMENT AGREEMENT**

7 Respondent and the board agree to resolve this matter without a hearing according to the  
8 following terms:

- 9 (1) Respondent's representative, John Baxter, Compliance Manager, met with the Division  
10 on April 11, 2014, to discuss future compliance. Respondent submitted a plan of  
11 compliance which is attached to this document and referenced as "Attachment A".  
Should Respondent's plan for future compliance change for any reason, Respondent is to  
12 submit a new document to the Division for review. Respondent also submitted a list of  
their licensed employees working in the State of Oregon.
- 13 (2) Respondent agrees to maintain a list of licensed employees who work in the state of  
Oregon. The list shall be submitted on an annual basis from the signature date of this  
14 Order.
- 15 (3) Respondent agrees to not commit further violations of the Building Code Divisions,  
statues or rules.
- 16 (4) Respondent understands that failure to comply with any of the terms of this consent  
17 agreement will result in further sanctions by the Division.
- 18 (5) Respondent understands and agrees that any violation of the Building Codes Division's  
19 statues or rules not alleged in this Consent Order, whether committed before or after the  
execution of this Consent Order may be the bases for further enforcement action.
- 20 (6) Respondent has read and fully understands the terms of this Consent Order, freely and  
21 voluntarily consents to the entry of this order without further hearing, without any force  
or duress, and expressly waives all rights to hearing or appeal in this matter.
- 22 (7) Respondent understands that, upon signature of all parties, this Consent Order will be a  
23 Final Order.
- 24 (8) Respondent understand that once this Settlement Agreement and Consent Order  
25 becomes a Final order, it becomes a public document.

1 (9) The signatory for the Respondent, Jon Baxter, Compliance Manager, further agrees that  
2 by signing this Settlement Agreement and Consent Order, he is the Respondent and/or  
3 authorized representative for the Respondent in this matter

4 **FOR THE RESPONDENT**

5  
6  Date: 5/13/2014  
7 Jon Baxter, Vivint, Inc., Compliance Manager

8  
9 **FOR THE ELECTRICAL AND ELEVATOR BOARD**

10  for Date: 5-16-14  
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12 Chairman  
13 Electrical and Elevator Board  
14 State of Oregon  
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