

1 DEPARTMENT OF LABOR AND INDUSTRIES

2 STATE OF WASHINGTON

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6 ELECTRICAL BOARD MEETING

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8 TRANSCRIPT OF PROCEEDINGS

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10 Thursday, October 30, 2008

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13 BE IT REMEMBERED, that a quarterly Electrical Board

meeting was held at 9:00 a.m. on Thursday, October 30,

14 2008, at the address of Comfort Inn & Conference Center,

1620-74th Avenue S.W., Tumwater, Washington before

15 CHAIRWOMAN GLORIA ASHFORD and BOARD MEMBERS JIM SIMMONS

(Vice Chair), TOM PHILLIPS, ROD BELISLE, DAVID JACOBSEN,

16 DON KOPCZYNSKI, FRED TRICARICO, VIRGIL HAMILTON, DAVID A.

BOWMAN, DAVID S. BOWMAN, TRACY PREZEAU, GEOFF NEWMAN, and

17 SECRETARY/CHIEF ELECTRICAL INSPECTOR RONALD FULLER. Also

present were ASSISTANT ATTORNEYS GENERAL PAM REULAND

18 representing the Board and SHELLEY MORTINSON (with TERENCE

B. ARTZ) representing the Department.

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WHEREUPON, the following proceedings were held, to

20 wit:

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Reported by:

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H. Milton Vance, CCR, CSR

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Thursday, October 30, 2008

Tumwater, Washington

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Agenda Item

Page

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1 Approve Transcript of July 31, 2008, 3

Electrical Board Meeting

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Motion

3

9	Motion Carried	3	
10	2 Departmental/Legislative Update		71
11	3 Budget Discussion	4	
12	4 Reciprocity Update	26	
13	5 Secretary's Report	68	
14	6 Certification Quarterly Report &		75
	Examination Development		
15			
	7 Appeals	84	
16			
	7 A Ethan Electric & Leonard Spain		84
17			
	Motion	115	
18	Motion Carried	116	
19	7 B Live Wire Electric/Brian McKee		117
20	7 C Kory L. Keezer	119	
21	7 D Daniel R. Walker	125	
22	Motion	144	
	Motion Carried	144	
23	Motion (Revised)	145	
24	Motion to Adjourn	147	
	Motion Carried	147	
25			

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PROCEEDINGS

CHAIRWOMAN ASHFORD: Good morning, everybody. The hour is now 9:05. The October 30th Board meeting will now commence.

Item 1. Approve Transcripts of July 31, 2008,  
Electrical Board Meeting

CHAIRWOMAN ASHFORD: The first order of business is to approve the transcripts from July 31st.

Motion

BOARD MEMBER PREZEAU: So moved.

BOARD MEMBER: Second.

CHAIRWOMAN ASHFORD: We have a motion and a second to approve. All those in favor?

THE BOARD: Aye.

CHAIRWOMAN ASHFORD: Opposed? So moved.

Motion Carried

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1           Item 3. Budget Discussion

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3       CHAIRWOMAN ASHFORD: Oh, Patrick is here. Good  
4 morning.

5       MR. WOODS: Good morning.

6       CHAIRWOMAN ASHFORD: You're next on our agenda.

7       MR. WOODS: Thank you, Madam Chair, members of the  
8 Electrical Board.

9       I wanted to give you an update -- and Ron and myself  
10 can kind of respond to questions here. But at our last  
11 Board meeting -- excuse me.

12                               (Pause in proceedings.)

13       BOARD MEMBER SIMMONS: You don't have to be nervous  
14 in front of us, Patrick.

15       CHAIRWOMAN ASHFORD: Yes, he does.

16       MR. WOODS: I was just really trying to create some  
17 drama.

18       At our last Board meeting we talked about the fiscal  
19 challenge that we're facing. And one thing I felt really  
20 good coming away from the meeting is the support that we  
21 got from you in looking at all these issues.

22       On one hand we've got the challenge of the downturn  
23 in the economy which is somewhat unprecedented in some

24 ways. And yet we've also got this commitment to public  
25 safety and making sure that we've got a workforce that's

5

1 able to respond when the economy kicks back up again or  
2 being ready to ensure that our inspectors that we've  
3 invested so much time, energy and money into are able to  
4 be maintained during these difficult times.

5 At the same time we've got this financial issue. And  
6 Ron and I outlined a couple of the things that we intend  
7 to do. Some of those have been accomplished. And Ron can  
8 give us a little bit more of an update of some of the  
9 in-the-field activities.

10 One thing we talked to you about is that our five  
11 percent reduction that had been in place for two years  
12 would be reinstated. And as you know, everybody's fine  
13 when you get the reduction, but when the increase goes  
14 back up people think it's a tax increase. So we've tried  
15 to highlight to the folks this was a reduction for two  
16 years. And it's somewhat unprecedented in our programs to  
17 reduce fees. But we did go ahead and do that.

18 But that should kick in January 1, Ron, I believe is  
19 that fee increase of five percent?

20 SECRETARY FULLER: December 31st.

21 MR. WOODS: So I wanted to get ready for that.

22 The other thing that we talked about is that we would  
23 potentially have to look at additional fee increases in  
24 July 2009. So we're trying to set the stage for that if  
25 that is required. And that's something that we're

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1 reluctant to do, but we want to be ready in the event that  
2 that is something that is required.

3 We also said that we would go out to our field  
4 inspectors and we would provide training to the counter  
5 staff and to the inspectors on ensuring that the right fee  
6 was being charged for the job.

7 And with any situation from the information I've  
8 received, you may have -- a permit comes in. It's for a  
9 certain square footage or a certain type of installation.  
10 And when the contractors go to the site and see what's  
11 required, they have to change it. Sometimes the  
12 connection is not always made between the change that  
13 occurs in the field. That we believe is beginning to show  
14 some results. But we'll really have more tangible  
15 concrete information at the next presentation in January.

16 I was looking at the financials this last month, and  
17 I was worried because the variance initially indicated  
18 that we would have the fund go below \$8 million. And that  
19 was something I was worried about because that would have

20 been a pretty dramatic reduction in the account. I'm  
21 pleased to say that it folded up for the financials for  
22 the end of the month, it came to \$8.27 million. So we're  
23 thinking -- Ron and I chatted -- that perhaps this is  
24 taking effect. We've heard some individual incidents  
25 throughout the regions -- Ron shared with me -- of

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1 installations with additional fees in excess of \$500 for  
2 multiple installs. So that's the type of thing -- you  
3 start building that across the state and you see an impact  
4 on our financial.

5 In addition, Ron, there was some other trainings that  
6 we've done. And we're really trying to make sure that all  
7 positions that are not needed are not filled in the  
8 temporary arena. But any other items, Ron, you want to  
9 highlight for the Board?

10 SECRETARY FULLER: I think the main thing is just  
11 raising the awareness of the inspectors to utilize their  
12 time. If they are down on inspections, that we're asking  
13 them to beef up the compliance. I talked to someone  
14 earlier here. We don't want them to get into the slow  
15 mode and then have the economy ram back up because then  
16 they're going to think they're overwhelmed again just  
17 because they can't -- you know, have trouble remembering

18 back. But we want them to stay busy because there is  
19 plenty of work out there.

20 When people don't work for contractors, they  
21 generally work for themselves. And then they become part  
22 of the underground economy. So we're trying to keep that  
23 focus high.

24 The fee trainings did go really well. We finished  
25 those the last week of September. And the very first job

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1 that our training that Doug Erickson did actually, one of  
2 the inspectors in that office went out that afternoon and  
3 had a -- it was a \$150 permit that wound up being a \$450  
4 permit because the feeders were left off. And it was  
5 something that he said that he just wouldn't have even  
6 thought about. A fairly new inspector. So we're seeing  
7 that across the state, things like that happening. So a  
8 lot of permits are being doubled over what was paid  
9 initially on them.

10 So we'll have -- like Patrick said, we'll have some  
11 results this month. Probably hopefully we can start  
12 seeing a difference in the fees -- dollars per permit.  
13 That's what we'll be looking at and the valuation  
14 probably. But that went really well.

15 We gave the inspectors a new tool on their mobile

16 computing in September also that lets them do the fee  
17 assessment in the field when they're doing the inspection.  
18 It's been a manual process before. And it takes a lot of  
19 paperwork and time. So when they're out in the field  
20 doing the inspection, they can actually change the fee  
21 that's due on the computer, and then when they do their  
22 uploads the next day, all the fee-due notices and things  
23 are generated automatically. So the contractors will get  
24 notified a lot quicker. Everything should just go  
25 smoother. It's just a smoother process. So I think

9

1 that'll motivate some of the inspectors to actually  
2 collect the fees that are due too rather than having to  
3 do a lot of extra paperwork. It's just a few clicks of  
4 the mouse now.

5 CHAIRWOMAN ASHFORD: Ron, trip charges, additional  
6 fees, et cetera, are we close to doing those on-line now?

7 SECRETARY FULLER: I'm going to have to say no.  
8 Because just the technical aspects of it are so tough.  
9 They're still working on it. And I was trying to figure  
10 out how to make that happen. But it's -- I don't think  
11 it's a close fix yet.

12 Like Patrick said, one of the things that we're  
13 really doing is watching where people are at right now,

14 where they're working at, physically assigned, trying to  
15 do that management.

16 The supervisors have a project right now to  
17 reevaluate where all the inspectors are assigned at to  
18 make recommendations. So I'll have those for them next  
19 week. But we're taking just a really close look at all  
20 the management practices right now about where we have  
21 people working and what they're doing.

22 So just oversight and watching and evaluating I think  
23 is the key for right now.

24 This last month actually was one of the best months  
25 we've had. Even though it was a negative month, it was

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1 one of the best months we've had since spring. I think we  
2 were only down 100,000 this month, and that's the lowest  
3 we've had I think since March.

4 MR. WOODS: Yeah, about 150,000.

5 SECRETARY FULLER: So bad, but not as bad as we  
6 thought it would be. Because we were expecting a \$300,000  
7 hit like we have been getting.

8 MR. WOODS: And one thing I do feel good about is  
9 that each of the regions are looking at this individually  
10 and trying to figure out how they can help in this process  
11 and really brought the program into focus and making sure

12 we've got the inspectors where they should be.  
13 Eastern Washington, region 5, which goes from -- it's  
14 Yakima. It's Tri Cities. It is Wenatchee and up the  
15 Okanogan valley. They've had a busier time. There's been  
16 a lot of big industrial installations there. I think it's  
17 -- particularly, Ron -- in Moses Lake, the Yahoo and some  
18 of the other high-tech companies. So they've experienced  
19 a demand that has been somewhat unprecedented for that  
20 arena. While we're slowing down in the Puget Sound,  
21 they're having a lot of activity.

22 I was delighted -- I met with region 4, which ranges  
23 from Aberdeen, Olympia, all the way down to Vancouver  
24 yesterday. And they're having one of their inspectors go  
25 over three days a week I believe it is to region 5 to make

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1 sure that they're fully staffed. Because the expectations  
2 of customer service -- kind of the way we're looking at is  
3 if your inspections and permits are down, your on-time  
4 service within 24 hours should go up. So we're looking at  
5 those things to make sure that customer service -- if  
6 we're charging you more, you'd better be getting good  
7 service. We want to make sure the people are happy with  
8 the service they're getting. And the inspectors are doing  
9 that. They're up to 90 percent within 24 hours.

10 I think, Ron, is it 90, right?

11 SECRETARY FULLER: Yes.

12 MR. WOODS: So that's a big deal for a lot of the  
13 folks.

14 Two, that compliance, as Ron mentioned, is up.

15 We gave you a chart last time showing the dramatic  
16 increase of 2005 to 2008. In 2005 you had 2,000  
17 compliance activities. In 2008 it's up to over 6,000. So  
18 that's a dramatic increase that the inspectors and our  
19 team are involved in.

20 So those are some of the things that -- compliance  
21 should go up and customer service should go up if there is  
22 that variance.

23 The thing I was really pleased -- and I think the  
24 inspectors know that we're fully supportive. They are a  
25 part of our team. And we all realize that with a downturn

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1 there's going to be cuts and there's going to be  
2 challenges. But we want to make sure that that key part  
3 of our team, which the customer sees on a daily basis, is  
4 maintained.

5 And people are worried. When you look at downturns  
6 in the economy and you see what's happening in the news,  
7 people are concerned about their jobs. We want to make

8 sure that they know that we're doing everything we can to  
9 be prudent and to be strategic as we're working this  
10 budget issue.

11 CHAIRWOMAN ASHFORD: Tracy.

12 BOARD MEMBER PREZEAU: Ron -- and maybe I'm skipping  
13 ahead to the Secretary's Report -- but, you know, when it  
14 comes to inspectors, I agree that they're obviously an  
15 integral part of the team. But what I'm trying to  
16 understand is I look at the number of permits purchased on  
17 EPIS, and you do the calculation out, unless I'm doing  
18 something wrong, in this period we had 32,276 permits, and  
19 the last quarter we had 32,865 permits. So I'm not seeing  
20 a huge -- and maybe I'm skipping to your part -- I don't  
21 see a huge drop in the number of permits. Am I looking at  
22 something incorrectly here?

23 SECRETARY FULLER: I don't think -- the numbers are  
24 so big, I think you don't see big drops. But we've gone  
25 from a couple years ago having 13 inspections per

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1 inspector per day down to just a little over 9 today. So  
2 I think one of the things that you're seeing is a much  
3 lower rate of residential permits than we've had before.  
4 That's what's hurting our electrical economy.

5 BOARD MEMBER PREZEAU: Well, yeah. No. I mean,

6 that's -- yeah --

7 SECRETARY FULLER: So there's just a lot fewer being  
8 done. So we're down to 9, just barely over 9 inspections  
9 per day. And that's why we're able to do the 90 percent.

10 If you remember back when we were pushing to get the  
11 8 inspectors that we got a couple years ago, we were up  
12 then I think at 12, and the goal was to get them to 10  
13 with those 8. So we've brought on the 8 inspectors and  
14 now we're at 9. So in reality we're still down one, one  
15 and a half inspections per day over where we were two  
16 years ago.

17 MR. WOODS: And it is a challenge, Tracy, when you're  
18 looking at it because you've got inspections per day,  
19 you've got permits, and then you've got the funds  
20 connected to the permits. And that's where -- because we  
21 were kind of struggling with some of those things too.  
22 You can have a certain level of permitting, but the money  
23 isn't there. And that is, we've got to make sure that the  
24 right fees are being charged.

25 The other thing is: Are those same permits the right

1 -- you know, different permits are different costs. So  
2 those are the dynamics that we're looking at. But overall  
3 when the funds are down, there's a certain level of

4 activity that's down with it.

5 BOARD MEMBER PREZEAU: Oh, no. I mean, I -- you know

6 -- trust me, I certainly understand and recognize that,

7 you know, there's been a huge reduction in residential

8 construction, especially new construction, and even

9 remodels as people's even assessed value on their homes is

10 now being reevaluated.

11 But I guess I was just crunching these numbers and

12 thinking, well, to me it didn't look like a huge reduction

13 in the number of permits, recognizing that it's -- you

14 know, anecdotally I know that there's not as much

15 residential construction would think that perhaps we're

16 still actually experiencing a decent economy on the

17 commercial side, which those permits typically are going

18 to be more expensive I would assume, --

19 MR. WOODS: Right.

20 BOARD MEMBER PREZEAU: -- which -- you know, and I'm

21 thinking about all of this in the context of -- and I was

22 looking at the trend and recognize that yeah, we're losing

23 about \$300,000 a month, which you can't -- you know, we

24 can't continue to bleed like that. But, you know, also

25 recognizing that -- I mean, I just sort of in my mind put

1 all of these numbers together and figure out how --

2 because logically it didn't work for me that if the number  
3 of permits are down, and these are going to be commercial  
4 permits, then where's -- you know, why is this happening?

5 MR. WOODS: And that's kind of the flux in January.  
6 This thing will settle a little bit, and we'll be able to  
7 see.

8 But one of the things that may be a part of that is  
9 the variance we thought was going to happen for last month  
10 wasn't as bad as we anticipating.

11 So we can capture some of those details, but we're  
12 looking at each aspect: the inspectors per day, the  
13 number of permits, the dollar value connected with those  
14 permits and making sure that they all line up.

15 We want to let you know that we had four positions  
16 that were provided in the last legislature. We did not  
17 fill three of those. We did fill one for the plan review  
18 because that's the commercial, generally the hospitals,  
19 the schools, the care facilities that have to be on time  
20 or everything is slowed up. So we are moving forward with  
21 that position.

22 Any other questions, Madam Chair?

23 CHAIRWOMAN ASHFORD: Well, not really a question,  
24 just kind of a comment.

25 When these reports come out for us, you have region

1 1, region 2, et cetera. Well, we aren't familiar with  
2 where the regions are. So could you put, you know, like  
3 region 1, what that encompasses?

4 MR. WOODS: A little map, a little legend?

5 SECRETARY FULLER: Actually it would be easier to  
6 actually give you a map.

7 CHAIRWOMAN ASHFORD: That would be perfect.

8 SECRETARY FULLER: Because describing it is more than  
9 interesting when you try to do it in words.

10 BOARD MEMBER PREZEAU: Isn't it in the front page of  
11 the WAC?

12 SECRETARY FULLER: Somewhat. It kind of gives you an  
13 idea of where the offices are.

14 CHAIRWOMAN ASHFORD: I have it pinned on my wall in  
15 my office, but I never think of bringing it. So if that  
16 could just be attached to the report so when we look at it  
17 we can really see, okay, region 5 but where is that.

18 SECRETARY FULLER: Kind of start at Bellingham.  
19 That's region 1. King County is region 2. Tacoma and  
20 Pierce County peninsula is 3. 4 is south of that. 5 is  
21 in the middle. And 6 is over in Spokane. It is -- there  
22 was an order to it when they did it.

23 CHAIRWOMAN ASHFORD: In all honesty, I'm not going to  
24 remember that from now and January.

25 MR. WOODS: Actually what we will do I think for our

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1 next meeting is get you a copy of our strategic plan for  
2 the whole agency. And that's got the map on it too. And  
3 you can follow it.

4 But that's one thing -- if we get a chance to go  
5 through this financial sometime -- to share with you our  
6 strategic plan because I think you'll be pleased.

7 Electrical really has been the model that I've tried to  
8 use to move forward with all of the division and to try to  
9 share that with the other areas of the agency.

10 You know, focusing on one, telling people the story  
11 of what needs to be happening, you know, the outreach  
12 activities. We have an outreach person in our division,  
13 and Ron utilizes that person to get all the home shows and  
14 get the message out regarding electrical compliance. Two,  
15 that you target the people who are not in compliance. And  
16 the E-CORE team is a great example. And it's also  
17 bringing in revenues. That's another area that I didn't  
18 mention. But that is bringing in revenues from people who  
19 are not in compliance with the electrical industry, and  
20 they had an unfair disadvantage, and we're reconciling  
21 that and making compliance a competitive advantage.  
22 Three, we're trying to promote everywhere we can voluntary

23 compliance. It's much better for us if 90 -- it goes from  
24 90 percent are in compliance to 95 percent are in  
25 compliance. So you've got those types of things that Ron

18

1 is doing, in some ways helping those struggling businesses  
2 that have lots of corrections. It costs them money. It  
3 costs us money. And really expose the public to more  
4 danger because they're not doing it correctly.

5 So lots of ways -- your program has been the model --  
6 technology to free up resources. If you look at what our  
7 inspectors can do now, get the inspection early in the  
8 morning, do the inspection, upload it to central office  
9 what the corrections are, the company gets it in the early  
10 afternoon, and it all can be completed for a final  
11 inspection within that 24-hour period. That's really  
12 unprecedented in our system that type of interaction. It  
13 doesn't happen all the time, but I know in region 2 it's  
14 happened and in region 6 that's over in Spokane that's  
15 happened.

16 So those are the types of things I want to share with  
17 you. While we're going through some financial challenges,  
18 we're not stopping the march to get our program to be the  
19 best that it can be.

20 And just finally, I just wanted to say I appreciate

21 your support. And I know the inspectors and I know the  
22 chief does as we're moving through these difficult times.

23 CHAIRWOMAN ASHFORD: And it's just been recent, but  
24 our projections, do you look at having to trim staff or  
25 just do a hiring freeze coming up in the next --

19

1 MR. WOODS: We're looking -- first of all, we've got  
2 the ones that we were given that we didn't fill. We then  
3 are looking at temporary positions and what we need to do  
4 on this. And each of the regions, we'll work with each of  
5 the folks. Some of the regions are not -- they're letting  
6 their temporary folks go at the end of this month or next  
7 month because of the downturn and demand. Some folks are  
8 looking at retirements. You know, how do we deal with  
9 that. We may not fill those vacancies. I want to be very  
10 careful about that because it sends such a shockwave  
11 through our system if people think that there's any chance  
12 of a riff because people start looking for other  
13 opportunities. These are highly trained people, and if  
14 there's an opportunity out there, they're usually the  
15 first ones to get these presented to them. But we are  
16 looking at all aspects. But we'll be very careful working  
17 with their representatives, in communications, to make  
18 sure that we're all in sync. But, Madam Chair, we are

19 looking at all options. At this stage I think what we're  
20 doing is fine. I don't see any riffs. That's kind of a  
21 terrible term to use in state government. Reduction in  
22 force. We don't see that happening at the moment. But we  
23 are looking at all aspects because we're realistic.

24 CHAIRWOMAN ASHFORD: If the trend continues where  
25 we're not going to be bleeding \$300,000 a month, if we can

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1 reduce that.

2 SECRETARY FULLER: Of course, one of the things that  
3 I'd like to say on that is that over the last five or six  
4 years especially, one of the things that I've been focused  
5 on is creating a situation where we have lots of  
6 opportunities and options before we ever get to that  
7 stage. Like Patrick said, not hiring these three that we  
8 just got is step one obviously. But all the regions have  
9 the nonpermanent staff now. When I started, all the  
10 regions were fully staffed with permanent people. And if  
11 we'd have been in that situation today or next year, we  
12 might be looking at something like a riff. But there's  
13 ways now. There's things that we can do with attrition  
14 and temporary positions that give us a lot of opportunity  
15 before we ever have to get to that situation.

16 BOARD MEMBER PREZEAU: Well, and I think that's wise.

17 You know, I mean, I applaud your comments.  
18 You know, we've had -- before this downturn we had a  
19 lot of discussion about concern over human resource  
20 projections going forward, a number of people being  
21 eligible for retirement. You know, obviously these  
22 inspectors, you know, are all very talented folks. They  
23 understand their job. They are good at what they do. So  
24 when you lose one, you've lost not only that individual's  
25 expertise, but also the investment that we've made, you

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1 know, and their education and training and in that  
2 expertise. And so if we can ride this storm out without  
3 losing those folks, then it puts us in a better scenario  
4 when we come back up, you know, to maintain a quality  
5 staff as we go forward, you know, and folks begin to  
6 retire. So we don't want to lose the folks that we have  
7 if at all possible.

8 MR. WOODS: I think when talking with Ron, it takes  
9 about two years for us to train an inspector to make sure  
10 that they can do things the way that we like. And a  
11 two-year period, that's a lot of time and energy,  
12 especially working and accomplishing things through that  
13 two-year period.

14 But you're right. I mean, the challenges we've had

15 is if the customers aren't getting the service -- and  
16 that's why it's really key that during these times of  
17 economic challenge that we're doing things correctly but  
18 communicating with our customers and the contractors.  
19 We're not trying to gouge them. This is really fees that  
20 are due. And that we do it in a way that communicates to  
21 them that we view them as a partner in this whole process.  
22 So those are all those intangibles that if you don't  
23 get them right, it becomes a whole host of complaints and  
24 problems. I mean, the contractors that we've dealt with  
25 in the past -- you know, we can deal with fee increases to

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1 a certain extent. What we can't deal with is poor  
2 service. That just costs us too much to be able to have  
3 that type of a relationship.  
4 And when Ron did his survey two years ago, we had  
5 great returns from the contractor community on the  
6 service. And from previous to that, surveys with the  
7 customers, actual building owners that we were getting  
8 good comments on our inspectors' involvement. We want to  
9 maintain that. We don't want to lose that. Because  
10 that's at the end of the day the prize that will be  
11 remembered: Did we maintain the level of customer service  
12 and the public safety that would be expected?

13 CHAIRWOMAN ASHFORD: Any other questions?  
14 Just use both sides of the paper and throw your  
15 pencil out when you can't get it sharp any more.  
16 MR. WOODS: I will encourage everybody to do that,  
17 including myself.  
18 SECRETARY FULLER: We're doing little things now like  
19 I have a broken chair and one of my staff has a broken  
20 chair. The object now is that we actually scour the  
21 entire building looking for another chair before a chair's  
22 bought. And that's the lengths that L & I is going to  
23 overall right now. So it's quite tight right now.  
24 CHAIRWOMAN ASHFORD: Isn't that one of the alternate  
25 purposes of duct tape also?

23

1 BOARD MEMBER PREZEAU: I have one final comment,  
2 Patrick. I understand that you are facing a challenge in  
3 your office, and that Trista Zugal will be leaving. And  
4 so I see that she is here. I want to bid her farewell and  
5 thank her for all the work that she's done. And she will  
6 be very difficult to replace.  
7 MR. WOODS: She will.  
8 I don't know if -- Trista, do you want to come up?  
9 Trista has been key. She is -- a lot of folks -- you  
10 don't see the impact of somebody until they're gone. In

11 our programs, when we look at all the budget packages that  
12 we've put together, all of the legislation that has  
13 occurred, and electrical has been monumental in the last  
14 number of years. The change that has occurred responsive  
15 to the legislature, the increases in our funding packages  
16 to make sure the customers are taken care of, you know,  
17 all those things go through Trista. She has been the key  
18 and kind of our brains trust in looking at the financials  
19 and looking at the policies. So we are going to miss her.

20 But I think we should -- it'll be good for her to  
21 tell us where she is going. Because other people are  
22 going to benefit from her skills.

23 MS. ZUGAL: Tomorrow is my last day at the Department  
24 of Labor and Industries. And on Monday I will start as a  
25 fiscal analyst with the Office of Program Research, which

24

1 is the nonpartisan staff -- and I will be staff -- for the  
2 House of Representatives. And I will be staffing the  
3 Appropriations Committee.

4 BOARD MEMBER PREZEAU: So I want to just know one  
5 thing. Was it the HVAC issue that --

6 MS. ZUGAL: No comment.

7 SECRETARY FULLER: That broke her back. Looking at  
8 one more study.

9 MR. WOODS: In that regard, you're going to have to  
10 be very easy on me. And Tracy, you in particular when  
11 dealing with the HVAC issue, because I don't have Trista  
12 here to bail me out when we get in the midst of those.

13 CHAIRWOMAN ASHFORD: But you have her phone number  
14 I'm sure.

15 MR. WOODS: But she's going to the place that is so  
16 busy during session. She will be the fiscal person on the  
17 House side for L & I and for other agencies. So she's  
18 going to have all those in that portfolio. So she's  
19 probably not going to return our calls.

20 CHAIRWOMAN ASHFORD: Well, good luck to you.

21 MS. ZUGAL: Thank you very much.

22 CHAIRWOMAN ASHFORD: Thank you, Patrick.

23 SECRETARY FULLER: May I do one thing before we move  
24 on?

25 CHAIRWOMAN ASHFORD: Oh, sure.

25

1 SECRETARY FULLER: We're also getting ready to lose  
2 our assistant attorney general Shelley.

3 CHAIRWOMAN ASHFORD: What?

4 SECRETARY FULLER: We've actually lost her. She's  
5 just here on gratis today.

6 But Shelley's moving on. But we actually wrote you a

7 nice little letter today.

8 ASSISTANT ATTORNEY GENERAL MORTINSON: O-o-oh, you're  
9 going to make me cry.

10 SECRETARY FULLER: So I wanted to read that while  
11 we're at the Board meeting here today.

12 But it says, "Dear Shelley, as public servants, we're  
13 required daily to act professionally and to represent the  
14 L & I electrical program professionally in difficult  
15 situations. You've been a tremendous asset to the  
16 electrical program answering our questions and concerns,  
17 helping us through some tough situations. You impress  
18 everyone around you with your dedication, friendly  
19 demeanor and willingness to help. Your expertise and team  
20 attitude makes you an excellent role model. We were  
21 fortunate to have you.

22 "Thanks for everything you've done for our program  
23 and the Electrical Board."

24 (Clapping)

25 ASSISTANT ATTORNEY GENERAL MORTINSON: And now I

26

1 would like to introduce you to my replacement who is here.

2 Although, he can't replace me.

3 This is Terry Artz. And he will be taking over the  
4 electrical contractor primary responsibility for building

5 trades. He has a cohort; his name is Courtlan Erickson.  
6 He will be here later. And they will be each other's  
7 backup. But you will probably be seeing Terry more than  
8 Courtlan because he's taking on most of the electrical  
9 specialty compliance duties and advice.

10 And I'm serious, I will miss you all. I am going to  
11 the Health Services Analysis Office, the Medical Director  
12 Program of the Department. So I'm not leaving the L & I  
13 division; I'm just moving to a different section of the  
14 Department. But it's been hard to say good-bye to the  
15 people. So thank you, Ron. This is so unexpected. Thank  
16 you.

17 (Clapping)

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19 Item 4. Reciprocity Update

20

21 CHAIRWOMAN ASHFORD: Oh, Patrick, you're still here.  
22 We have the reciprocity update next on the agenda. So  
23 you're back in the hot seat.

24 MR. WOODS: I want to let you know the -- I don't  
25 have a full briefing on this. Ron, if you've got

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1 additional information?

2 SECRETARY FULLER: Well, we've been talking --

3 Patrick and I have been talking about the reciprocity and  
4 the concerns that some of the Board members have and  
5 everything.

6 I guess before I forget about it, one of the things  
7 that we talked about, if we can do it budgetarily, is that  
8 when we have the annual meeting next August is that we're  
9 very interested in maybe having you and Jim or whoever the  
10 Chair and Co-chair are at that time go to that meeting  
11 with us. Where always before it's been me and one of the  
12 technical specialists have gone to it. But I think it  
13 would be really good for you to see that group and meet  
14 them and find out what they're really about because they  
15 are about what you're about, which is good compliance,  
16 good certification, good licensing, good inspections. We  
17 all do it in different ways. But I think that would be a  
18 confidence builder if that happened. And it's not  
19 uncommon for people to bring board members along. Usually  
20 every year one state or another brings somebody along to  
21 observe like that and be a part of the meeting too. So  
22 we're looking at that.

23 And the next one is in New Hampshire. So it's kind  
24 of a jaunt. But that's where it's going to be. And it's  
25 going to be in New Hampshire for one reason, and that's

1 because there's some states surrounding it that are  
2 licensing certification states that aren't in the  
3 reciprocity group, and we're trying to outreach to them a  
4 little bit as a group to see if they're interested.

5 But Massachusetts being one of them, we have a  
6 separate agreement with Massachusetts and have since the  
7 mid 90's actually. But they're not in the reciprocal  
8 group. So they would be a prime candidate probably  
9 because theirs is very similar to what the rest --

10 So that was one thing that we wanted to throw on the  
11 table I guess for now. We don't know right now because we  
12 might have a statewide travel freeze on out-of-state  
13 travel next August; we don't know. But that was one of  
14 the things that we thought might give you some comfort  
15 with what that group does I guess.

16 The big piece today is that the group asked me in the  
17 spring to start drafting bylaws and working agreements for  
18 the group to operate under. We've got some bylaws -- we  
19 don't really have bylaws; we actually have some meeting  
20 practices that we use now and have used since that group  
21 was developed before I became chief even.

22 The group's interested in becoming a little more  
23 formalized, having a little more structure than they've  
24 had before.

25 So I said I'd do it. And to be honest with you, I

1 kind of plagiarized our Board's bylaws. If you look, a  
2 lot of it's word for word. I don't like recreating that  
3 wheel.

4 So we -- I did send it out to them before we met in  
5 August. And then we had -- we spent most of the two days  
6 actually talking about this document and what it meant.  
7 There were some changes that were made to it during the  
8 meeting. We had this PowerPoint screen going up and we  
9 were editing and changing during that meeting. But about  
10 a day and a half of the two days was spent on talking  
11 about how we wanted to function as a group.

12 A lot of discussion, for instance, on the voting part  
13 of it. You'll notice in here, one of the things that they  
14 finally settled on was a four-fifths vote rather than a  
15 blackball vote. Because a lot of the members -- most of  
16 the members have significant concerns over a blackball  
17 vote.

18 So I hope you've had a chance to read it. It's been  
19 in your packet. I've only had two comments back actually.  
20 One -- Ron Baker from Arkansas found a typo. He found  
21 where we should have said "formally," and I think we said  
22 something else. Just a typo on page 2 in Article I.

23 And then the only other comment that I've had so far

24 back is from Utah. And they're going to be proposing an  
25 amendment to the voting sections where instead of a voice

30

1 -- so that there will be a voice vote. I think they were  
2 thinking that it was just going to be a raise of hands or  
3 something like that. They want it more officially  
4 recorded is all. So they're going to be putting an  
5 amendment forward for that when we vote.

6 We are actually having a special teleconference  
7 meeting -- this is the first time we've ever done that --  
8 in February. So that'll give -- that gives all the boards  
9 basically six -- it gives all the boards six months to  
10 comment on this so that we can go in and represent  
11 ourselves as a state.

12 I think the group really -- they really want to have  
13 something happen. The rules that we are working under  
14 right now actually only takes a majority vote to pass  
15 these bylaws. So that's kind of unusual. I mean, but  
16 that's what the rules are now. It takes a full 100  
17 percent vote to get somebody into the group, but you can  
18 pass something like this with a 51 percent majority.

19 I think it's going to pass. Of all the states that  
20 we -- I think we were missing three states at the August  
21 meeting. And everybody else there was strongly in support

22 of passing these bylaws pretty much as they're written. I  
23 mean, everybody's going back, they're running them through  
24 all their boards for recommendations. Some of the states  
25 that have -- the word is they're actually -- they're not

31

1 advisory boards like you are. They actually run the  
2 department. Oklahoma's an example. The board in Oklahoma  
3 runs the department. They are the administrative  
4 function. They act as our Director does basically. So  
5 those types of boards have to -- they have to actually  
6 vote and tell the person what to do. You know, we're in a  
7 recommendation stage at ours I suppose. But I don't think  
8 we've ever done anything that the Board has recommended  
9 against. So I guess I'd like some feedback. And then I'd  
10 like to talk about it again in January too before we have  
11 that teleconference meeting.

12 CHAIRWOMAN ASHFORD: One comment that I have. And  
13 then I'll get to you, Virgil.

14 But when I was reading this -- and I don't know if  
15 the bylaws are in place for it. But I went back and  
16 reviewed what you gave us last month, and I have a little  
17 concern. Some states have no on-the-job training hours,  
18 three-to-one ratios, et cetera. I'd like to see the  
19 categories weighted somehow. Because when I went back and

20 looked at this, you know, how do you compare apples to  
21 apples, apples to oranges, et cetera? Where do you  
22 define? Do these different states have equal or similar  
23 requirements? I think a weighting system, you know, like  
24 if you have 8,000 hours required on-the-job training,  
25 that's worth so many points. If you have a one-to-one

32

1 ratio, that's so many points. Et cetera. And, of course,  
2 that one to one would be higher than one to three.

3 You know, as a contractor that hires these people, I  
4 become responsible financially and legally for everybody  
5 that works for me. I really would rather have somebody  
6 that was trained on a one-to-one ratio than one journeyman  
7 to three apprentices. But -- so I don't know where the  
8 place that would be, if that --

9 SECRETARY FULLER: I'm not sure it would be in here  
10 either. What you're describing almost more sounds like if  
11 you meet the criteria, you get in, which I think makes  
12 people nervous too. Because there's -- sometimes on paper  
13 you can look really good too and not be so strong, and  
14 sometimes you don't look so strong on paper and you're  
15 actually pretty good. So I think doing that might take  
16 some of the human factor out of making those decisions.  
17 So I'd be cautious about that I guess.

18 CHAIRWOMAN ASHFORD: Virgil.

19 BOARD MEMBER HAMILTON: First off, I'd like to say  
20 that I thank you for working on this alliance.

21 You know, my goal would be that some day we would  
22 have a good set of criteria nationwide. We could just  
23 have a nationwide licensing program so that as an  
24 electrician I can go get my license in a proper manner and  
25 go from state to state to state. That would be good for

33

1 all electricians and contractors. But again, we want to  
2 make sure that we do not come down to some substandard  
3 level to make something like that work. We may need to  
4 make the states that aren't there come up to a reasonable  
5 level.

6 And Patrick and Ron, you came to one of our  
7 Washington state electrical type meetings, and we talked  
8 about this a little bit. And I'll reemphasize what I said  
9 there. I don't want to diminish the capacity of the state  
10 electrical inspector/chief, but at the same time I think  
11 that this Board should have some consensus process, if not  
12 to say, you know, approval process before we sign a state  
13 into a reciprocity agreement.

14 MR. WOODS: And just to respond to you, Virgil, in my  
15 mind -- and I think Ron has said it also -- we've never

16 done anything that I'm aware of that if the Board says,  
17 "Look, this is something we're very uncomfortable with.  
18 We don't want you to do it."

19 What may have happened in the past, items have  
20 occurred or decisions have been made that haven't included  
21 the Board's preview of that decision.

22 And Ron and I are committed to make sure that  
23 whatever it may be -- in fact, to some degree we may be  
24 erring on the side of bringing too much to you. So we  
25 don't want to do that and end up saying, "Gee, we've got a

34

1 two-day meeting instead of a one-day meeting." But we  
2 want -- and in this particular arena, I'm the one that  
3 signs the agreements with the states. So before I'm doing  
4 that, Ron and I have agreed that we'll go to the Board,  
5 share it with you and say, "Look, what do you think? Does  
6 this make sense?" And we'll give you our recommendation.  
7 I mean, that's I think something that you would want to  
8 have, if this is a good thing, if it's not a good thing.

9 And we know that these things can be cyclical. There  
10 are times when people want to be able to have folks come  
11 in, and then there's other times when there's plenty of  
12 people here to do the job and do we need to flood the  
13 market with additional people in the workforce. So we

14 want to be sensitive to that. We want to do the right  
15 thing.

16 So regarding reciprocity agreements with other  
17 states, we're going to bring that to you so you get a  
18 chance to look at that. And Ron and I will be working to  
19 make sure that you get a preview and a chance to discuss  
20 that.

21 SECRETARY FULLER: One of the things when you're  
22 looking at this in Article XI for meetings, we've always  
23 just had the one meeting in August for two days. And that  
24 was one of the things that I actually wanted to do was  
25 have more meetings with this group and be a little bit

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1 more proactive with how we do the business. So you see in  
2 there we are actually proposing to have quarterly  
3 meetings. And probably they'll be teleconference except  
4 for the annual meeting because we can't travel all over --  
5 none of us can travel all over the nation four times a  
6 year. But I think that's going to give us a lot better  
7 handle on who we're looking at and what we're evaluating.  
8 And that method is going to give people like you an  
9 opportunity I think to actually hear what goes on.  
10 Because there's -- I mean, it's still a meeting. So you  
11 can be there to listen to that teleconference and see what

12 happens and what the discussions are. And I think that's  
13 going to again be a step that will give this Board a lot  
14 more confidence in that reciprocity group.

15 CHAIRWOMAN ASHFORD: David.

16 BOARD MEMBER (D.A.) BOWMAN: Exactly along that line,  
17 you had mentioned there would be a meeting in February  
18 that would be a teleconference. And I'm wondering whether  
19 or not you can send Jim or Gloria or somebody in August,  
20 whether it would be a benefit to having someone from the  
21 Board participate in that teleconference in February.

22 SECRETARY FULLER: I think that's absolutely true.  
23 And that's -- you know, it's going to be an 800 line. I  
24 haven't told Patrick, but I actually committed to doing  
25 the 800 number. So we're going to be doing it from here

36

1 basically. It's actually the New Hampshire fellow that's  
2 the chair this year, so he'll be chairing the meeting, but  
3 we're going to set up the teleconference. If people let  
4 me know so that I know how big of a room to get, we can do  
5 that pretty much at any location. All we do is dial in an  
6 800 number on a speakerphone and we can have you there.

7 CHAIRWOMAN ASHFORD: Emergency budget item.

8 MR. WOODS: Well, fortunately it's a very cheap  
9 conference line. So that's the good side of that whole

10 thing. It's really beneficial, whether we get 10 or 20  
11 people. It's a very cost effective way to do things.  
12 In addition, I think Ron touched on something. The  
13 big thing for me is trust. And you've got to trust what  
14 we're doing and make sure that we build on that trust on a  
15 quarterly basis.

16 So if this meeting in New Hampshire -- because  
17 sometimes meeting your own contemporaries and people that  
18 you're working with have the same dynamics as you to deal  
19 with, if there are other members that feel a need to go,  
20 that's something -- let's explore a strategic kind of  
21 delegation from the Board to go back there. Because  
22 that's the type of thing when you meet those folks, a lot  
23 of the worries and concerns can be addressed in a  
24 face-to-face meeting. And the teleconference is a great  
25 idea too. But we just want to keep building on that

37

1 dynamic of trust.

2 And the financials have been one arena where --  
3 because we know each other and we know the difficulties  
4 that are there, we're able to work through those things.  
5 I want to make sure on the reciprocity issue we've got  
6 that same level. Because you've got to have the  
7 confidence those people we're letting in are capable

8 electricians and they know what to do. So we want to  
9 continue that.

10 So let's discuss if there are other members of the  
11 Board that should strategically be involved in that too.

12 SECRETARY FULLER: Like I said, anybody that's  
13 interested in hearing the teleconference -- I don't know  
14 when in February yet; they haven't set the date. But  
15 sometime in February. And I did that for a reason too  
16 because we meet in January. But that was -- you know, I  
17 made the motion to do that teleconference meeting rather  
18 than wait till next year.

19 Like I said, the whole process now gives everybody a  
20 chance to look at an application, have it reviewed in  
21 their local state to have those recommendations and  
22 decisions being made. It lets us move on in a much more  
23 timely manner than we have before. I mean, it literally  
24 takes years for somebody to get into this group. And  
25 that's inappropriate. If you're ready to be a member,

38

1 you're ready to be a member and you shouldn't be having to  
2 wait around. So just the simple things like how the  
3 signatures are gathered and those kinds of things.

4 We used to have -- if you remember, Patrick -- we  
5 used to have a document that had to get shuffled with

6 every state and eventually get to Patrick. And whenever  
7 he got to signing it, it would move on. But sometimes it  
8 would sit at states for a month or two because it had to  
9 be a board meeting just to make that signature. And now  
10 we actually have shifted so we just send a signature page  
11 around. So we have a short approval process document, but  
12 there's 15 signature pages attached to it now. But it  
13 speeds the process up. So we've done things like that.

14 BOARD MEMBER HAMILTON: You don't have an exact date  
15 for that meeting yet?

16 SECRETARY FULLER: No, no. The New Hampshire chair  
17 is going to set the meeting date. He hasn't done that  
18 yet.

19 CHAIRWOMAN ASHFORD: Rod has a question.

20 BOARD MEMBER BELISLE: Yeah, I guess I'd just like a  
21 little -- maybe just a comment that -- you know, I  
22 appreciate the outline and everything. My thought is --  
23 my experience on the Board has been limited, but some of  
24 the concerns over reciprocity haven't actually come from  
25 this committee, you know. It was the decisions of

1 reciprocity that occurred outside of this organization.  
2 And I guess I would ask that if there's other reciprocity  
3 considerations outside of this committee, the same type of

4 communication would be had and the same amount of insight  
5 and advice from the Board would be expected as well.

6 MR. WOODS: Anything in particular? Is there  
7 anything that's in your mind that -- I want to make sure  
8 and --

9 BOARD MEMBER BELISLE: There was a recent concern  
10 over Texas reciprocity I believe. And that reciprocity  
11 agreement was not made within the joint reciprocity  
12 committee because they're not a member. And I wasn't  
13 involved. That happened before I was on the Board. But I  
14 know the communication that I heard was that maybe that  
15 didn't happen out in the open or what have you. And I  
16 really don't know.

17 I guess my thought is this agreement is great. And I  
18 have complete trust in this organization. I think to  
19 continue that trust, we have to have that same open  
20 dialogue even if there's an individual decision made with  
21 another state that might not be part of that agreement.

22 MR. WOODS: And that's the part of our commitment  
23 that I mentioned that any ones that we're involved in  
24 signing, that we'll bring that to the Board and get your  
25 input. Because we want that. You are our sounding board

1 and our advisory and the people that understand these

2 issues and can give us that insight.

3       SECRETARY FULLER: On that part, we've -- the group  
4 has had the motion for over a year now to bring Texas on  
5 board. And if you remember, I think I told the Board at  
6 the July meeting that the vote was actually all in favor  
7 of Texas except for Minnesota. And Minnesota's reason,  
8 their written documented reason for not approving them was  
9 not about their standards; it was because they allowed the  
10 test to happen in advance of gaining the hours because  
11 they made an administrative decision there to do the  
12 testing up-front like we do for administrators. And that  
13 was the only reason that they gave really.

14       So part of this teleconference meeting is also to  
15 vote again if -- on -- if the bylaws pass, there's going  
16 be a motion made to vote on Texas again. And part of the  
17 reason for this four-fifths decision in the bylaws by the  
18 group is because of the Texas vote to be honest with you.  
19 Because the group wants Texas in. And that's going to be  
20 the second phase of that meeting. If the bylaws pass,  
21 that will be the next piece of that meeting. So those are  
22 the only two agenda items on that February meeting. I was  
23 going to do that later, but --

24       One thing I want to do today, though, is you've all  
25 had a few weeks to read these. If you have any questions

1 today, I'd like to field the questions and then come back  
2 -- if I can't answer them, I'll come back in January and  
3 we can talk and I can give you your answers back I guess.  
4 So I'm wide open to any questions about the whats or the  
5 whys or what this means.

6 BOARD MEMBER SIMMONS: Well, I did read this, Ron.  
7 And I just want to say, you know, I really -- I thought --  
8 I mean, we worked on our bylaws here, and I thought this  
9 turned out very well. I thought you did a very good job  
10 on it. I don't see any real issues with it.

11 I think we're all in the same vein of understanding  
12 that we want reciprocity with other states that have a  
13 standard or similar requirement for training and  
14 supervision and licensing because it helps all of us. And  
15 the big ones to me, even though it doesn't personally  
16 affect me, but the big ones to me is eventually to see  
17 Oregon and Idaho be part of this, and whatever we can do  
18 toward that end I would really really again request that  
19 you continue to look into that, and anything we can do to  
20 get them to at least attend the meeting and listen and see  
21 what's going on and see that this kind of thing is being  
22 drafted and done, that the group is moving forward as a  
23 cohesive group with rules and regulations and standards.  
24 And, you know, it may pacify their issues some day and

25 hopefully get them on board with us because that's a big

42

1 thing.

2 SECRETARY FULLER: That was actually -- of the  
3 discussion -- the other half a day that we didn't talk  
4 about this, that was actually part of what we talked about  
5 in August was Idaho and Oregon again. Because the group  
6 would like to have them back, just like they'd like to be  
7 in. But the group also is very adamant that they can't  
8 come in and pick and choose like they want to do. So if  
9 they're really interested in being a part of a reciprocal  
10 organization, the group's very happy to have them back,  
11 but not when they only pick apprenticeship graduates. The  
12 group nationwide is not happy with that. And many of our  
13 states are apprenticeship states, and even those states  
14 don't support what they're asking for.

15 But this, by having the four-fifths vote again, it  
16 gets away from the blackball. And it probably would allow  
17 them in with a vote. But the bylaws are written in such a  
18 way now that they have to come in as equal players and  
19 they can't put on extra attachments.

20 BOARD MEMBER HAMILTON: We signed a reciprocity  
21 agreement with Texas outside of the group. And it's my  
22 understanding that Idaho and Oregon would definitely be

23 willing to talk with us on signing a reciprocity agreement  
24 for those people who have gone through a state-registered  
25 apprenticeship, which we have several good apprenticeships

43

1 out there. And it would be my recommendation that we talk  
2 to Oregon and Idaho and try to get a reciprocity agreement  
3 for those people that they're willing to accept. It would  
4 be of benefit to the electricians and the electrical  
5 contractors of the state of Washington.

6 And I'd welcome any other comments on that.

7 CHAIRWOMAN ASHFORD: I would not be opposed to that.

8 It's a foot in the door.

9 Both Idaho and Oregon are in favor of an agreement  
10 such as that?

11 BOARD MEMBER HAMILTON: I've heard that secondhand.

12 CHAIRWOMAN ASHFORD: Jim.

13 BOARD MEMBER SIMMONS: I was at the reciprocity last  
14 -- well, I don't know -- it was a meeting of the Oregon  
15 board primarily several months ago, and that was thrown  
16 out as a "You know, we may be willing to look at this."  
17 My concern with that is that what you're doing then is  
18 eliminating -- I'm trying to remember the number -- 60 or  
19 70 percent of the licensed electricians in Washington from  
20 being able to be part of that agreement, and it becomes a

21 very specialized agreement between basically primarily  
22 union and states instead of being a state-to-state  
23 approval. And I just don't think that would be a good  
24 idea. I think if we're going to have a reciprocity  
25 agreement, that it needs to be fair and equitable for all

44

1 the electricians in our state. And I for one would be  
2 very opposed to that kind of agreement.

3 BOARD MEMBER HAMILTON: We have several  
4 state-approved electrical apprenticeships. And the union  
5 apprenticeship is only one of them.

6 BOARD MEMBER SIMMONS: I understand that.

7 BOARD MEMBER BELISLE: I wouldn't mind speaking to  
8 that.

9 Our apprenticeship program has jurisdiction in  
10 Oregon, and the whole state of Oregon is apprenticeship,  
11 both union and nonunion. So it would be no benefit to  
12 Oregon. I believe in the state of Washington the nonunion  
13 apprenticeship program, actual apprenticeship program, is  
14 equivalent to or larger than the union apprenticeship  
15 program. So again, I don't know that there would be some  
16 particular advantage to one apprenticeship program or the  
17 other.

18 BOARD MEMBER SIMMONS: Well, you're right. But there

19 also is a huge amount of electricians that haven't gone  
20 through that that are capable and qualified to work in  
21 this state. They carry journeyman licenses, master  
22 licenses. I carry a master electrician's license  
23 personally, and I have not gone through a quote/unquote  
24 apprenticeship program. I feel I'm qualified to do my  
25 job. I oversee electricians. I have never had a problem

45

1 caused by my crew or staff in 28 years of being in  
2 business. And it just says to me that you're excluding a  
3 group because they didn't have A, B, C, and I just don't  
4 think that's what we want in a reciprocity agreement. I  
5 think that it needs to be fair, equitable and statewide if  
6 we're going to do it.

7 BOARD MEMBER (D.A.) BOWMAN: And I would have to  
8 agree with Jim on this one. If you're an 01 electrician,  
9 you're an 01 electrician. If we get into a reciprocity  
10 agreement that says some of you are 01's that are good  
11 enough to have reciprocal privileges and some of you are  
12 not, we've created two classes of 01 electricians and I  
13 can't support that.

14 BOARD MEMBER NEWMAN: I would agree with Jim also.  
15 As a specialty contractor the state of Oregon has  
16 different apprenticeship requirements than what are

17 required for the state of Washington. And a lot of the  
18 work that's done in the specialty field and communications  
19 stuff is all installer based, trainee based, and I would  
20 not support an apprenticeship of that type.

21 BOARD MEMBER (D.S.) BOWMAN: I also agree with Jim.

22 And it also could be an opportunity to beef up the  
23 nonunion apprenticeship program, just make a state  
24 standard.

25 MR. WOODS: And David, just to kind of build on what

46

1 you're mentioning, it is interesting that Oregon and Idaho  
2 -- because usually Idaho is a state that doesn't have a  
3 lot of regulation and regulatory requirements as opposed  
4 to Washington. Generally we have much stricter standards  
5 than Idaho. So that is kind of a unique aspect to it.

6 The key I think in looking at it is the training.

7 We've begun in the state of Washington to require CEU's  
8 for trainees, CEUs for electricians on a regular basis.

9 So that is an area that may be able to satisfy both sides  
10 of the equation. If you begin to look at what are the  
11 standards you want to see for those electricians coming  
12 through the process.

13 And as mentioned, we have opened up apprenticeship.

14 That's been one of the big issues in the last decade. And

15 we have support from the labor community in doing that and  
16 the Apprenticeship Council. So we do have major nonunion  
17 apprenticeship. CITC, and IEC is another one that is out  
18 there. So there's a lot of activity that's happening in  
19 that arena.

20 But if that is something you look at, then I think  
21 you can begin to build and say, okay, we've got the system  
22 that we require for our apprentices/trainees, however you  
23 want to look at it, then we can approach Oregon and Idaho.

24 The beauty is if this multistate group gets together  
25 and they set up standards, that would be another benefit.

47

1 But we need your advice. I mean, those are the types  
2 of things we need your input into so that we can have  
3 those discussions with Oregon and Idaho. Because at the  
4 moment, Virgil, you're correct, they are looking to allow  
5 reciprocity if there's a certain standard that is attained  
6 here in Washington. And Jim, that would set up a dual  
7 system. You'd have certain folks that would be allowed in  
8 and certain folks that wouldn't. The way to address it is  
9 let's look at that system and see if there is a way to,  
10 you know, have a middle ground. And I think Idaho does  
11 have some degree of that middle ground.

12 And Ron's got better insight into what the Idaho

13 requirements are.

14 SECRETARY FULLER: I think, Doug, why don't you come  
15 up, Doug. Because you remember a lot of these details  
16 better than I do sometimes.

17 I think Idaho is the same as Oregon and it's an  
18 apprenticeship state. I think they have the same  
19 requirements.

20 BOARD MEMBER SIMMONS: Before Doug talks, I was at  
21 the meeting, and Doug and I sat next to each other.

22 But one of the interesting things that came out of  
23 that meeting in Oregon -- and I don't know if this Board  
24 is aware of it -- but Oregon and Idaho do not have a  
25 reciprocal agreement. They are standing alone. They have

48

1 not even got an agreement between those states. So even  
2 though you're right, they have at this point similar  
3 standards and requirements for training and  
4 apprenticeship, they can't come together and have an  
5 agreement that works for them at this point.

6 And Doug can probably elaborate more on that.

7 MR. ERICKSON: Doug Erickson, Labor and Industries'  
8 electrical technical specialist.

9 Idaho differs from Oregon in that they will allow an  
10 individual to test, essentially challenge the

11 apprenticeship requirements. So reciprocity with Idaho  
12 for somebody who has not gone through a formal  
13 apprenticeship program means that you test the first year,  
14 you test the second year, you test the third year, you  
15 test the fourth year. If you complete those tests  
16 successfully, then you're allowed to take their journeyman  
17 test. Hardly reciprocal considering that the other way,  
18 anybody from Oregon can come here, show us a valid  
19 license, and we give them a Washington state license once  
20 they pay for it and fill out the application.

21 So the difference is with Oregon I did not go through  
22 a formal apprenticeship program. I go to Oregon to even  
23 qualify for their examination, I have to show them 16,000  
24 hours of electrical installation experience. Twice the  
25 requirements for their own certification to take their

49

1 examination. So --

2 SECRETARY FULLER: And that's not reciprocity.

3 That's to take the exam.

4 MR. ERICKSON: That's to take the exam.

5 SECRETARY FULLER: One of the other concerns that I  
6 have with Idaho is that besides us not having reciprocity  
7 with them, I believe the Apprenticeship Council has pulled  
8 all reciprocities with all of their apprenticeships

9 because of all their work-first laws.

10 Just for -- Idaho I'm more reluctant than Oregon  
11 actually. Even though when I think back on who comes to  
12 the Board with problems, it's -- I think when it comes to  
13 people that have been -- used fraudulent documents and had  
14 lacking experience and details like that that have come to  
15 the Board where we've pulled their license, they've all  
16 been from Oregon. So I've got some nervousness about that  
17 too. And not because of an IBEW apprenticeship; it's  
18 because of the other ones that they've got down there.

19 We've done a few of those in the last few years. And  
20 I think every one of them has been from Oregon when I  
21 think back on that because they have fraudulent  
22 documentation down there. They've approved people for  
23 01's when they were maintenance people and things like  
24 that.

25 So it's -- I mean, there's always a problem with

50

1 everybody. We have a problem in Washington because we're  
2 not apprenticeship only. Some states look down on us for  
3 that. But guaranteed, we have the strongest program in  
4 the nation and in our group because we have extremely  
5 strong compliance and inspection oversight that none of  
6 the other states even approach.

7 Apprenticeship, nonapprenticeship, irrelevant when it  
8 comes to the other things that we do as a program. We  
9 have a strong strong program here.

10 And some of the other states do too. I mean, they do  
11 it because they do apprenticeship only in Montana with I  
12 think 10 or 15 inspectors in a state that's half again  
13 bigger than ours. I mean, geographically I don't know how  
14 they do that. Well, I know how they do it. They do spot  
15 checks. And that's what they do in a lot of the states.  
16 They don't have the inspection and compliance capabilities  
17 we do.

18 Minnesota's probably the closest on paper to us.  
19 They have privatized inspections. They get their  
20 inspections dispatched from the state to the private  
21 contractor, and the private contractor gets paid when he  
22 finalizes that inspection. So it makes you wonder a  
23 little bit about how motivated are they to write those  
24 corrections. So even they are lacking in some areas.

25 We're all lacking in some areas. And you have to go

51

1 in and make good comments and decisions based on your gut.

2 BOARD MEMBER SIMMONS: On the total program.

3 SECRETARY FULLER: On the total program.

4 BOARD MEMBER SIMMONS: I think, Ron -- to make one

5 more comment here -- I think Ron makes a very good point  
6 in the whole discussion in looking at this as an issue.  
7 Because if we have -- let's say that we had a law like  
8 Oregon's that required apprenticeship, and we said, okay,  
9 well now we can be reciprocal with Oregon, but Oregon  
10 decided that, you know, we're going to eliminate  
11 inspections, everybody's going to self-certify their jobs.  
12 Now what do we do?  
13 You see, I think that we need to look at the whole  
14 program, the whole picture, and you can't say that one  
15 thing is perfect and one program is wonderful. They all  
16 have their issues. And to require apprenticeship, I think  
17 training is good. Believe me. I have weekly meetings  
18 with my own employees. We do training every week. We --  
19 I get tons of CEU's every year. I think training is very  
20 critical to our industry.  
21 But I also think that it's an imperfect picture when  
22 you look at, well, let's train everybody, and then the  
23 standards for inspections or oversight on those trainees  
24 are very lax in some states.  
25 And the other side, you have some states like ours

1 that may look like it's not real strict in the bottom  
2 side, the apprenticeship, but oversight and industry-wide

3 oversight of that with the inspection department is very  
4 good and very strict.

5 So you got to weigh it all out. There's just not an  
6 ABC answer. And I think that's what we all need to be  
7 aware of.

8 CHAIRWOMAN ASHFORD: Ron, how long has this  
9 reciprocity committee been in place?

10 SECRETARY FULLER: 1998 I think or '97?

11 MR. ERICKSON: I think it started as a reciprocity of  
12 continuing education, and I think that was 1994.

13 SECRETARY FULLER: Continuing ed was first. Actually  
14 our oldest agreement is with Massachusetts for  
15 reciprocity. But the group became more formalized as for  
16 the certification in I want to say '98.

17 CHAIRWOMAN ASHFORD: Jim brought up a point. Over  
18 the years, if a state has changed their standards, has any  
19 state been eliminated from this committee?

20 SECRETARY FULLER: No. But I don't believe any state  
21 has gone down in their standards.

22 That's one reason that we have that gigantic  
23 spreadsheet because every year we have to update that  
24 spreadsheet. That's the first thing on the agenda every  
25 meeting in August is to update that spreadsheet, make sure

1 it's accurate. So everyone's got that on their radar  
2 screen right away.

3 BOARD MEMBER SIMMONS: So what you're looking at  
4 there, Ron, is really to make sure that somebody hasn't  
5 dropped their standards below what the group feels  
6 comfortable with. Because you could potentially kick  
7 somebody out if they didn't uphold the standards. And as  
8 you say, being part of that group I think is an incentive  
9 for people to, if anything, raise their standards, not  
10 drop them.

11 SECRETARY FULLER: Correct. And actually under the  
12 current rules that we operate under, it takes a full vote  
13 to get in, 100 percent, but it only takes 51 percent to  
14 kick somebody out. That's never been an issue so far.

15 I mean, we've had some tense discussions. We had a  
16 tense discussion this August with North Dakota because  
17 they were -- the finger was pointed at them that they were  
18 admitting some people that they shouldn't be admitting.  
19 Some of the tribal people, some of the mining folks.  
20 There was a very tense discussion for a while over that.

21 So we do -- as a group, we do watch that kind of  
22 stuff. And it's -- nobody's hesitant to bring it up if  
23 they think you're doing something that's bogus basically.  
24 They're not shy.

25 CHAIRWOMAN ASHFORD: Doug, did you have any more

1 comments?

2 MR. ERICKSON: We actually had to substantially  
3 elevate our own standards for journeyman electrician  
4 initially in order to be accepted into the group.

5 The system I came up in to qualify to be a journeyman  
6 electrician was 7,200 hours of supervised installation  
7 experience. And the majority of electricians my age went  
8 through that kind of a system.

9 And we elevated our definition of a year of  
10 experience from 1,800 hours to 2,000 hours in order to be  
11 a participant in that group on an equal plane with the  
12 others.

13 SECRETARY FULLER: And that was a challenge that when  
14 I first started that we had. And that's how we  
15 accommodated them was we did it in rule. We changed the  
16 definition of what a year was. So we did -- that's why  
17 that change was made. It was because of the reciprocity  
18 group. They said, "We want your standards higher than  
19 that. We don't want 7,200; we want 8,000." So that's how  
20 they do things sometimes.

21 MR. WOODS: So what I'm hearing is that the meeting  
22 in February and then the meeting regarding -- the annual  
23 meeting in New Hampshire, if there's a way to get the

24 communication going because we have the reciprocity with  
25 the multi states, then we've got the individual

55

1 reciprocities with Oregon and Idaho we'd like to see  
2 happen and get this back so that the Columbia River  
3 doesn't become a divide with all of the work that's going  
4 across it.

5 So if we can, you know, get a better understanding of  
6 the requirements, then we can look at should we set new  
7 standards for our trainees and move them more towards the  
8 different models of continuing education or in the  
9 apprenticeship arena, the RSI -- the related supplemental  
10 instruction.

11 So that's something that we need your input into  
12 that. Because we just don't want to create this system  
13 where we have a disjoint with the multi states or that we  
14 continue to have problems with Oregon and Idaho that we  
15 may be able to address. So I'm hoping that those meetings  
16 next year will help us through that.

17 Does that make sense to you, Madam Chair?

18 CHAIRWOMAN ASHFORD: It does.

19 Ron, what states have applications in for the  
20 reciprocity?

21 SECRETARY FULLER: Just Texas now.

22 MR. ERICKSON: Texas is the one who's on the verge of  
23 being accepted.

24 Iowa has been there for two years in a row now. And  
25 they have a statewide certification program modeled on the

56

1 reciprocal group requirements, and they will be a state

2 that wants to participate in the group in the near future.

3 So --

4 SECRETARY FULLER: They're already participating in a

5 discussion. But they -- they're fledgling. They're just

6 now starting certification. So I would look -- and they

7 admit that they're not interested in asking to be a member

8 right now. But I think in two years probably --

9 MR. ERICKSON: Yeah.

10 SECRETARY FULLER: -- they'll have their system in

11 place. They're just now hiring -- I think they probably

12 hired their chief electrical inspector by now. But

13 they're just setting up their board. We had a couple of

14 their board members at our last meeting in August. So

15 they're watching us to see what we look like too, whether

16 they want to be a part. But I would look for them to be

17 potential members in a couple of three years.

18 MR. ERICKSON: They actually start doing electrical

19 inspections on January 1, 2009. I think maybe it's 2010.

20 But they just start doing electrical inspections.

21 SECRETARY FULLER: And that's where most states are  
22 at. They have no certification. They have no  
23 inspections. 50 percent of the states have nothing. So  
24 -- I mean, they're making a huge leap in Iowa to do that.  
25 Because every state just pretty much around them has

57

1 nothing. And it's buyer beware there.

2 MR. ERICKSON: The next meeting in New Hampshire is  
3 likely to bring in states that have very similar programs  
4 that New Hampshire reciprocates with currently. Maine,  
5 Vermont, they all have very similar programs, and when we  
6 meet closer to them, we're likely to bring them in as  
7 interested parties too. So this group is likely to grow.  
8 Because I believe all of those New England states meet the  
9 criteria that's common to all of the existing reciprocal  
10 states.

11 SECRETARY FULLER: And there's some on the Atlantic  
12 seaboard that are very similar to us too. They may or may  
13 not show up. I know the New Hampshire chief is going to  
14 make the effort to pretty much invite everybody on that  
15 Eastern seaboard that looks and feels like the group to  
16 that meeting. It could be a very large meeting if they  
17 show up.

18 CHAIRWOMAN ASHFORD: What's the cutoff for submitting  
19 an application prior to the August meeting?

20 SECRETARY FULLER: It depends on if we pass these  
21 bylaws. Then we'll follow the bylaws.

22 CHAIRWOMAN ASHFORD: So there isn't one at this  
23 particular --

24 SECRETARY FULLER: No, no. I mean, they come in and  
25 they make application. There's really not a form or

58

1 anything like that. They express their desires, and if  
2 somebody -- if they gain support of a member, then that  
3 member makes a motion and it gets seconded, and the group  
4 that's at the August meeting, the historical practice is  
5 they vote on it, and if a majority passes, then the  
6 petition is circulated amongst the state for signatures.  
7 I mean, basically it's a vote of the whoever can sign for  
8 the state. In our case, it's Patrick. Patrick is the  
9 signing authority for us.

10 BOARD MEMBER SIMMONS: One quick comment, Ron. The  
11 reciprocal meeting that you're talking about in August,  
12 Gloria did make a comment that she would be more willing  
13 to attend, it was the end of September because it's pretty  
14 back there.

15 SECRETARY FULLER: We've already had that discussion

16 too. But it's also in the middle of hunting season for a  
17 lot of Montana folk.

18 MR. WOODS: That wasn't the strategic planning I was  
19 thinking of.

20 CHAIRWOMAN ASHFORD: It sounds like the reciprocity  
21 has more discussion and more work.

22 At the February teleconference, does the entire board  
23 want to participate?

24 BOARD MEMBER PREZEAU: I do.

25 VARIOUS BOARD MEMBERS: (Nodding affirmatively.)

59

1 SECRETARY FULLER: I'll just get a room that's big  
2 enough for everybody then to be there.

3 So two things then. If you have any -- if any  
4 questions come up, be sure and send them to me so that we  
5 can talk about it at the January meeting. Because I don't  
6 want to walk in there without a recommendation from you on  
7 these bylaws.

8 The same thing on Texas. If the bylaws pass, which I  
9 think they will -- I don't think there's any doubt about  
10 that that they're going to pass -- then it becomes a  
11 decision of what your recommendation is on a reciprocal  
12 group vote for Texas. And we're going to ask you for that  
13 recommendation too before I go to that teleconference in

14 February.

15 And then the last piece that I just handed around was  
16 in September I got a letter from Texas. They surprised me  
17 actually that they sent this letter. But as you know, we  
18 do share our exams with some of the other states already  
19 in the group.

20 When I called them back there, I talked to Jeff Hill  
21 who is actually in charge of their certification program.  
22 And they're a little uncomfortable with their nationwide  
23 testing organization with content and being able to view  
24 it and edit -- they're having the same kind of issues  
25 already that we had when we got rid of Experior back in

60

1 2000. So they're interested it looks like in developing  
2 and doing their own question bank. And their question in  
3 the letter really is not sharing our exams; it's that they  
4 would like to use our questions. So they're asking for  
5 the same thing that I asked for in 2000 from all the other  
6 states, "If you've got questions that I can look at, can I  
7 look at them." So that's what they're asking for here.  
8 And I'm prone to letting them take a look.

9 BOARD MEMBER SIMMONS: Sure.

10 BOARD MEMBER PREZEAU: I don't have any problem with  
11 that, especially -- you know, I was very vocal about my

12 disagreement with the reciprocal agreement with Texas.

13 And if they're having issues with the exam, I certainly  
14 would think we should do everything we can to bring their  
15 standards up.

16 SECRETARY FULLER: Support them.

17 BOARD MEMBER PREZEAU: I also have a couple of  
18 comments about some of the discussion that we're having.

19 You know, I think that we are sophisticated enough to  
20 negotiate with other states a reciprocal agreement that  
21 weights -- and I agree with Jim -- that weighs all of the  
22 aspects. And I think -- that's one of the reasons why I  
23 disagreed so vehemently about Texas is I didn't feel they  
24 aligned with us in any of the components: licensing and  
25 compliance, staff.

61

1 You know, you guys heard what I had to say, so I  
2 don't have to repeat it. But -- and I -- you know, and it  
3 even goes outside of the electrical program in some  
4 instances.

5 I mean, it's my understanding that one of the issues  
6 with Idaho is the privatization of their workers' comp  
7 system and prevailing wage standards. That becomes an  
8 issue when Idaho contractors come over and do work in  
9 Washington and vice versa. And I don't understand all the

10 nuances there, but there's an additional complexity there  
11 that may have, you know, raised some additional concerns.  
12 But I also think, especially in the border areas, you  
13 know, all along the Columbia obviously and our border with  
14 Idaho contractors suffer and electricians suffer trying to  
15 move back and forth. And I think if we have an  
16 opportunity to negotiate a stand-alone reciprocal  
17 agreement that -- you know, much like what Gloria was  
18 talking about earlier where you have a -- you strive for  
19 some sort of weighted average, if you will, or -- you  
20 know, so supervision and ratio may in some people's minds  
21 carry more -- be much more of a concern than inspection,  
22 for sake of discussion.

23 But I think that we're sophisticated enough to come  
24 up with an agreement that looks at and acknowledges the  
25 level of training that you get when you're in a

62

1 state-approved apprenticeship program -- union, nonunion,  
2 I don't care -- and also some of the other things that I  
3 might -- that that individual may have done, including  
4 total hours, types of work, that kind of thing,  
5 supervision obviously, living up to the statute. You  
6 know, I mean, I think that we owe it to those contractors  
7 and electricians that work in those border areas to take a

8 very serious look at trying to accomplish that.

9 And, you know, I certainly share some of Jim's  
10 concerns. I mean, I've worked with graduates of  
11 apprenticeship programs, and I've worked with people that  
12 didn't have opportunity to attend an apprenticeship  
13 program. And I've worked with electricians that weren't  
14 very talented that are graduates of apprenticeship  
15 programs. And I've worked with electricians that were  
16 extremely talented that didn't have that benefit. So I  
17 mean, I certainly -- but I think that there's a way to  
18 negotiate agreement that mitigates that difference and  
19 recognizes that the commitment to training that a  
20 state-approved apprenticeship program has and typically  
21 what that does for that individual skill set but not do so  
22 in such a manner that doesn't strand folks that didn't  
23 have that opportunity. I think we're sophisticated enough  
24 to do that.

25 The last thing that I'd like to say is whenever we're

1 -- I know that Rod made a comment about if we're going to  
2 have a reciprocal discussion with a state that's pending,  
3 we'd like to see some substantive documentation of what  
4 they're standards are. And what I would ask is, you know,  
5 very similar to what Ron put together when we had

6 discussed Texas reciprocity in the last meeting which was  
7 a spreadsheet, you know. Let's see what -- I would like  
8 to know what that state has in terms of level of  
9 supervision, if any, ratio, inspection, compliance, you  
10 know, all of those fundamental components. I'd like to  
11 see those on paper.

12 When we discussed Texas previously, we didn't have  
13 those components, nor did we ask for them, you know. When  
14 you review the minutes, we didn't ask for them either. So  
15 I would like to see on paper what that state, what their  
16 program looks like.

17 And I recognize -- also Ron said, you know, on paper  
18 they might look good. And really that's not the case.  
19 But at least, you know, we can see what it looks like on  
20 paper and then also have remarks from Ron and discussion  
21 as to whether or not what's really on paper is what's  
22 really happening in the world.

23 SECRETARY FULLER: I'd like to comment on what you  
24 just said.

25 We actually have ground our fingernails off to the

1 bone in the past trying to do that kind of an agreement  
2 with Oregon. But the bottom line is if it's not  
3 apprenticeship, they're not interested. We offered

4 alternatives like changing the exam scores up to even an  
5 85. You have to make 85 on my exam and you get to go to  
6 Oregon.

7 "No, we want apprentices."

8 Everything we proposed was just flat out rejected.

9 And we haven't had those discussions in four years  
10 probably.

11 MR. ERICKSON: About four years.

12 SECRETARY FULLER: We made multiple multiple trips  
13 down with their board meetings, talking to their staff and  
14 got nowhere. I mean, they were just flat not interested  
15 unless you were an apprenticeship. And that was the  
16 bottom line.

17 CHAIRWOMAN ASHFORD: But times change. Board members  
18 change. Administrations change.

19 SECRETARY FULLER: We can try it again.

20 BOARD MEMBER PREZEAU: Well, I would like to -- I  
21 think it would be great if we could put together a  
22 delegation which consists of contractors from that area,  
23 you know, Board members.

24 I just think it's in our -- you know, obviously I  
25 wasn't involved in those discussions previously. But I

1 just think it's in our area's best interest to try -- to

2 continue to try to put something together. And I think --  
3 like I said, we've got enough components, you know,  
4 whether it's exam scores or additional continuing  
5 education, whatever. But I think that we should make  
6 every attempt. And I would certainly be willing to help  
7 any way that I can.

8 CHAIRWOMAN ASHFORD: We need to wrap up reciprocity  
9 now or give Milton a break so he can change paper and rest  
10 his fingers.

11 SECRETARY FULLER: I don't have anything else on it.  
12 I mean, I'm just interested if you have questions over the  
13 bylaws, get them to me so that we can talk about it next  
14 time. If you have -- you know, be ready to have the Texas  
15 discussion.

16 I actually talked to them about it because I said,  
17 "We're going to be going to the Board because we're going  
18 to be voting at the February meeting on you. And we're  
19 going to ask for the Board's thoughts on this."

20 And they actually volunteered to either come to our  
21 January Board meeting or attend teleconference. So, you  
22 know, I would like to hold them to that and let you guys  
23 have a chance to ask them some questions. If not face to  
24 face, at least voice to voice.

25 CHAIRWOMAN ASHFORD: I think in person would be

1 better.

2 SECRETARY FULLER: Yeah, but that's difficult because  
3 it's across the country. But --

4 CHAIRWOMAN ASHFORD: Jim just brought up a question.  
5 We own the questions for the test. Do we need Board  
6 approval for you to pass them on to Texas?

7 SECRETARY FULLER: Well, you haven't ever given it to  
8 me before on Montana and the other states that I've asked  
9 for it. You've just basically said, you know, does  
10 anybody have a problem with it, and if nobody put their  
11 hand up, we loaned them the questions.

12 So does anybody have a problem with loaning Texas our  
13 questions?

14 CHAIRWOMAN ASHFORD: I think that's the best idea.

15 BOARD MEMBER SIMMONS: I agree with Tracy's comments  
16 on it. I think that, you know, if we can submit and help  
17 them to raise their program by utilizing our questions and  
18 all the hard work that you guys have already put in, I say  
19 go for it.

20 SECRETARY FULLER: And when I do that, I always get  
21 them to commit in writing that they're going to safeguard  
22 our questions. I am that cautious.

23 CHAIRWOMAN ASHFORD: Any one last little comment on  
24 this?

25 MR. WOODS: Just to wrap it up, Madam Chair, what I'm

67

1 hearing is that you -- we talked about the meeting with  
2 the reciprocity group, but Tracy brought up the  
3 opportunity to get a delegation from the Board with  
4 contractors to meet with our folks from Oregon. We didn't  
5 do that last time. We tried to just do it internally.  
6 That may be a different dynamic because I know there are  
7 board members down in Oregon that are very active and  
8 would appreciate our Board wanting to get involved. So  
9 we'll follow up on that and try and set up a meeting. And  
10 if you want to designate your delegates or who is willing  
11 and able to go, that would be tremendous. So we will  
12 follow up on that one.

13 CHAIRWOMAN ASHFORD: So you're going to bring  
14 something back to us in January?

15 MR. WOODS: Well, what I'd like to do is meet, yes.  
16 I actually think that we'd meet before January with them.

17 BOARD MEMBER SIMMONS: So you want to know right now?

18 CHAIRWOMAN ASHFORD: Right now?

19 MR. WOODS: Well --

20 (Board Members Belisle, Simmons, Ashford and Prezeau  
21 raising hands.)

22 MR. WOODS: Wonderful, we've got three. We will --

23 or four. We'll work on that.

24 But we had, as Ron mentioned, met multiple times. So

25 this might be a different dynamic that would help. Thank

68

1 you.

2 CHAIRWOMAN ASHFORD: A ten-minute recess.

3 (Recess taken.)

4 CHAIRWOMAN ASHFORD: Okay, if we have anyone new in

5 the audience, I'll remind you to please turn off your cell

6 phones or put them on your vibrate mode please. Thank you.

7

8 Item 5. Secretary's Report

9

10 CHAIRWOMAN ASHFORD: Okay, Secretary's Report.

11 SECRETARY FULLER: Okay. The Secretary's Report, the

12 fund balance is at 8.2 instead of the 8.4 that we have in

13 the report through last month.

14 The customer service, like Patrick said, we've been

15 doing really well on getting our inspections done on time.

16 We're up to 90 percent because the inspection workload has

17 dropped down, so that's helped the inspectors an awful

18 lot. And they've been continuing to implement a lot of

19 little process improvements that seem small, but when you

20 add them all together I think they're really significantly

21 helping the offices. We've got a lot more people working  
22 off air cards with their computers now working from home.  
23 Even just two years ago, that was almost nonexistent. So  
24 we're up to a pretty significant part of the workforce  
25 that never basically comes to the office except for their

69

1 weekly staff meeting. So that's really helping out too I  
2 think.

3 WAC Rules. We've finished the public hearings. Had  
4 one negative comment at one of the hearings from -- maybe  
5 it was not at the hearing; maybe it was a written comment  
6 from PSE on some of the linemen utility exemption notes.  
7 They had some concerns over the parking -- or the lighting  
8 issues and everything. We're a little more restrictive  
9 than we were.

10 Don, you testified over in Spokane in support of them  
11 for those rules I think. And Dave Hanson testified in  
12 support for the PUD's. And then the only other comments  
13 really that we had that were very substantive came after  
14 the fact. We had some negative comments on the lighting  
15 issue with utilities and Tacoma Power. But it was after  
16 the public comment period was over.

17 So basically nothing got changed. We did find a  
18 couple of small typos. I think we found one more

19 reference change in one word that was misspelled. Some  
20 very minor things.

21 So it's moving forward now for signatures. I think  
22 Patrick will probably have it for his buy-off today. So  
23 it'll probably be to Judy next week for signature. So  
24 we're still looking at December 31st for effective date.

25 Tied with that, next week we have inspector

70

1 trainings. We're going to be doing it here in Olympia  
2 downtown. We've got 225 or 30 inspectors coming in. So  
3 we're getting a lot of city participation this time that  
4 we haven't had before. All of our inspectors will be  
5 there. So we have two days scheduled.

6 The first day I'm going to be drinking a lot of water  
7 because the whole morning is me yakking at them about  
8 alternative energy system inspections. So that's what I'm  
9 going to spend the morning on is all the interconnected  
10 power production sources and that kind of thing.

11 And then the afternoon, the techs are going to do --  
12 give them some highlights of the WAC rule changes.

13 And on Thursday, Jeff Sergeant's coming from the NFPA  
14 to give us a presentation on the code update changes. And  
15 they're providing free code books to all the inspectors  
16 that show up. So again, 225 free code books. So that's a

17 pretty good deal for us to have him in because he's one of  
18 the book writers. And he's a pretty entertaining guy I  
19 think. I've seen him once quite a few years ago, but I  
20 remember he's a pretty good speaker.

21 I got a really good facility this time. Because of  
22 the quantity, we couldn't find anyplace that was actually  
23 big enough except in Seattle. So we rented the Performing  
24 Arts Center down here in Olympia. It'll actually hold 700  
25 people. But it was reasonable for the size. It was much

71

1 cheaper than going up to Seattle area and renting a  
2 smaller hotel room. So a great facility because of the  
3 stage and the -- the screen is like -- it's half a big as  
4 the floor print of this room almost. So people will be  
5 able to see from the back row. I'm looking forward to  
6 that.

7 In the supervisors meeting I actually said I was  
8 going to get information on them next week, but it's the  
9 week after that is the supervisors meeting, and they're  
10 going to be putting their recommendations forward on any  
11 potential staffing relocations or changes.

12

13 Item 2. Departmental/Legislative Update

14

15 SECRETARY FULLER: Patrick kind of forgot the "leg"  
16 this morning. But the "leg" does start up in January  
17 again. And it is a long session because it's the first  
18 one of the biennium. So they'll be doing the main budget  
19 approval.

20 I have not heard of any legislative proposal yet that  
21 will affect us. There probably will be some. The thing  
22 that I want the Board to keep on their radar screen that  
23 we may be wanting your support for is the budget. Even  
24 though our budget is taking big hits right now, we're  
25 still at \$8 million. And that's where we were at when

72

1 they appropriated \$4 million of our funds the last time.  
2 So I think we really need to watch that again and see what  
3 happens with the different budget proposals from the two  
4 houses and the Governor's office and just be watchful of  
5 that. Because to take a hit like that now could  
6 potentially drive us to the zero mark really quickly. And  
7 that's not where you want to be I think. So if we call,  
8 we really need you to show up and support us at hearings  
9 or whatever it takes if that happens.

10

11 Item 5. Secretary's Report (Continued)

12

13 SECRETARY FULLER: The stops per day, like Patrick  
14 said, is 91 percent July through September. So really  
15 good on that.

16 Targeted citations were right up there at 70 percent  
17 of all of our tickets are for the underground economy  
18 issues. So that's right where we want to be.

19 Licensing to turn-around processing time was at 6.1.  
20 We're working that down. I've actually got a couple of  
21 nonpermanents on staff right now. We've got the hiring  
22 freeze, so I still haven't been able to hire the  
23 supervisor for that group. So I'm having to use my IS  
24 support person to supervise the group. We got rejected at  
25 the L & I level the first request I made. And then I made

73

1 another request. It's just straining us pretty hard not  
2 to have that real supervisor there. And it got out of  
3 L & I, went over to OFM and got rejected over there. So  
4 we're still in a freeze mode on that supervisor position  
5 until the hiring freeze is moved off. So hopefully we  
6 won't lose any more staff, especially in central office  
7 because we are just too lien in there to absorb anything.

8 We're spending a lot of time on public information  
9 requests right now. I've got one huge one that's -- we're  
10 dedicating about four to five staff hours per day on. And

11 it's probably going to be that way for months before we  
12 can resolve that one information request. So things like  
13 that really damage us from an effectiveness perspective.  
14 Plan reviewers. We do have the new plan reviewer on  
15 now. And he's moving along really well in his training.  
16 He's doing some good reviews and really helping that group  
17 out. So the reviews are getting out of the office a lot  
18 faster than they were before. So good news for that too.  
19 So that is really about all I had to say on the  
20 Secretary's Report, unless you have questions about what  
21 we're doing.

22 BOARD MEMBER (D.A.) BOWMAN: On that electrical plan  
23 review, normally you give us an idea of what the turn  
24 around -- or not the turn-around time but I guess the  
25 backlog would be on electrical plan reviews. And

74

1 previously that's been at least two weeks or longer. And  
2 I assume it's getting shorter at this point in time.  
3 We're past the big June backlog with all the schools and  
4 everything. Do you know where that stands right now?

5 SECRETARY FULLER: I haven't asked since I've been  
6 back from vacation. I haven't asked that question. So I  
7 don't know. What I've been told is that they're getting  
8 the plans out faster. So that's all I can say.

9 Do you have any idea, Doug?

10 MR. ERICKSON: I do not.

11 SECRETARY FULLER: I was off having a vacation in  
12 October, so I haven't asked some of the questions that I  
13 normally ask people.

14 BOARD MEMBER BELISLE: Ron, I have a question.

15 With the upcoming WAC rules and the code change  
16 adoption, I know there's code change classes going on  
17 already. How does the State feel about teaching the new  
18 WAC now that they're essentially complete? I realize  
19 they're not in effect yet. But there's always this  
20 concern that they go into effect December 31st, so on the  
21 next day everyone should know, and yet there's never been  
22 any education. Would there be a period from now on that  
23 maybe that would be acceptable to teach off the new rules  
24 or is that not a good idea?

25 SECRETARY FULLER: I think we've already said that

75

1 that is okay.

2 BOARD MEMBER BELISLE: It is, okay.

3 SECRETARY FULLER: Yeah.

4 And that's part of -- that's very clear in the new

5 rules actually. That was a change that we made this time

6 so that we didn't have to make that accommodation every

7 time.

8 So we're going to train off the new rules next week.

9 So if I can do it, somebody else can too.

10 BOARD MEMBER BELISLE: Well, that was what triggered

11 my thought. It seems to make sense, you know.

12 CHAIRWOMAN ASHFORD: Any other questions on the

13 Secretary's Report?

14 Thank you.

15 CHAIRWOMAN ASHFORD: Now we move into the appeal

16 portion of our meeting.

17

18 Item 6. Certification Quarterly Report

19 & Examination Development

20

21 SECRETARY FULLER: No. Testing certification, I've

22 just got a couple words to say I think.

23 CHAIRWOMAN ASHFORD: It's always lumped together.

24 Sorry, Doug.

25 MR. ERICKSON: No problem.

76

1 The report that you have that wasn't a part of your

2 exam -- or your package that was mailed was due once again

3 late because of the time we get our reports from

4 LaserGrade (sic). But we had a rolling year, so the

5 report you're looking at is the last four quarters of exam  
6 results that gives us a big enough of a slice of data so  
7 that we can see what kind of changes are there. And I'm  
8 happy to reports that there's a one or two percent  
9 variation between the pass rates overall across the board.

10 So to me, that's a good thing. It means that we're  
11 not having any problems. If the pass rate started  
12 dramatically going up or dramatically going down, I would  
13 be worried about either somebody compromising the exam  
14 questions for the testing contractor delivering something  
15 inappropriate. So we like stability in these numbers.

16 I think when you look at the pass rates here, if  
17 you're comfortable with where they are, we're comfortable.  
18 I mean, ultimately it's a political decision about exam  
19 scores and pass rates.

20 With the states that we reciprocate with, all of them  
21 that exam, their pass rates are very similar on the major  
22 specialties like maintenance, journey electrician,  
23 residential. When we swap data verbally, we find out that  
24 we're not out of line with anybody, that our pass rates  
25 are very much similar to what happens across the nation.

1 So if you're comfortable with the reporting method,  
2 and we now have enough data to keep that rolling four

3 quarters going, we'll keep giving it to you that way. And  
4 I hope there's enough information there to let you know  
5 what the breakdown is on specialties.

6 And I think with a quick glance through here, you can  
7 see that not many people take the master electrician test.  
8 A few more take the administrator's exam. And we actually  
9 consistently within 100 or so applicants have a pretty  
10 steady electrician exam rate for all the different  
11 specialties. There's about 1,600 people -- 1,600 or so  
12 take it for the first time, all of the specialties exams.  
13 And 2,200 or so take it an additional time or more. So  
14 very consistent numbers.

15 Anything else on exams? Any questions about --

16 I will tell you -- I'll answer the question that we  
17 get answered at this time of the year when we start  
18 changing to a new code book. When are the exams going to  
19 adjust to the new code? We hardly ever adjust the exams  
20 to the new code.

21 One of my tasks will be to go through the existing  
22 questions to make sure that we're not asking something  
23 that has changed. I hope we aren't. We try to avoid  
24 those types of code-sensitive issues that are one issue  
25 behind.

1     So if there are any questions for the answers that  
2 change, we'll revise it and get them onto the new exams or  
3 remove them from the exams. Because we try to ask the  
4 type of general questions for -- and I keep saying this --  
5 for an entry-level worker who can work without  
6 supervision. That's what a journeyman who passes the test  
7 is. He's not an expert. He's an entry-level worker that  
8 now can work unsupervised. And we try to keep the  
9 questions at that basic level, not asking things that  
10 require years of experience to encounter that type of  
11 thing. It's a philosophy that all of the jurisdictions  
12 that we reciprocate with are very comfortable with too.  
13 It's kind of a standard for professional certification  
14 exams. You have to keep reminding yourself that a  
15 journeyman just turned out is an entry-level worker  
16 without supervision. And you have to adjust your test  
17 scores -- your test questions to that level.

18     The answer I give is that we will sometime in three  
19 to six months after the effective date, we will have  
20 adjusted the database. That means that I'm going to go  
21 through and put the new code references in and the new  
22 numbers. And I honestly believe you could have no problem  
23 passing our journeyman's test with a 1999 code book today.  
24 It's really not code-book sensitive. I don't like to tell  
25 people that because I want them to buy the latest version

1 of the code book and have it with them as they do their  
2 work. But, in fact, our exam questions don't really  
3 change. So three to six months is when we make those  
4 adjustments to the database is the answer to that.

5 CHAIRWOMAN ASHFORD: So the WAC rules would be the  
6 same?

7 MR. ERICKSON: The WAC rules are the same. We will  
8 leave WAC changes in. But again three to six months. And  
9 we actually have to change all of our web site exam  
10 criteria, telling people what they need to bring to the  
11 exam. So we do that all at once, but it's three to six  
12 months later after we've worked out all the potential bugs  
13 that we might have.

14 SECRETARY FULLER: One of the things that has  
15 happened when I was on vacation there was that we did get  
16 this contract renewed with -- it's not LaserGrade anymore;  
17 I'm going to have to retrain Doug -- it's PSI now. So  
18 that's good.

19 And we did revise the contract a little bit on the --  
20 I think I talked to the Board about it -- with the testing  
21 sites. We have I think 18 now in Washington with  
22 LaserGrade facilities. So we did give them the ability to  
23 use the PSI sites, which are much better sites for testing

24 because they don't have the airplane noise and -- a lot  
25 nicer places. More like a Sylvan learning type center

80

1 facility. But we do have in the contract that they give  
2 us enough sites that we can easily accommodate the people.  
3 So I don't think we're going to have any issues with where  
4 the locations are. They actually added a couple for us.  
5 Just like when we started with them, they added a few then  
6 too with LaserGrade that they didn't have with their  
7 previous customer. So they're still interested in giving  
8 us that kind of service.

9 BOARD MEMBER HAMILTON: So we're not with LaserGrade  
10 anymore, meaning that we can't test at any airport in the  
11 United States?

12 SECRETARY FULLER: It's -- no, you can still do that.  
13 They're actually going to shift us -- they're going to  
14 shift us to the I think the nationwide PSI sites within  
15 probably a year or two. They actually have an  
16 exam-development tool internally that LaserGrade didn't  
17 have. We've been using Benchmark as our exam-development  
18 tool. It's an Internet-based tool to build questions and  
19 exams. And the one that PSI has that they're going to  
20 roll out the next version -- and that's when we're going  
21 to get on it -- is sometime in early to late spring. It

22 has the ability to actually randomize questions, which is  
23 huge from a development point of view. That means that I  
24 can have a database and assign questions to a particular  
25 exam, journeyman, and every time somebody gets it, they'll

81

1 get a different exam. There won't be ten versions like we  
2 have now, or five versions. It will be random every time.  
3 And that's one of the things that the reciprocal  
4 groups are looking at too is to have randomized exams like  
5 that so that they don't have worries of -- so many worries  
6 about questions getting leaked and those kind of things.

7 I've said it before to the Board. If they want to  
8 memorize all 3,000 questions, let them have at it. We'll  
9 have a good quality entry-level journeyman from a testing  
10 point of view if they can do that.

11 So there's some features that they're able to give us  
12 as PSI that we didn't have with LaserGrade. So it's a  
13 better -- it'll be a better working relationship in the  
14 long term.

15 And this new development tool is also going to be --  
16 have the capabilities of doing the on-line work and  
17 everything too. So it still leaves us with the potential  
18 of working with another state to develop the same database  
19 basically together. So some good benefits out of it I

20 think. But Patrick signed that while I was gone I think

21 too.

22 MR. ERICKSON: The next thing I have is I wanted to

23 report an incident with an Internet continuing education

24 class. I know we've discussed this issue before,

25 especially when we discussed the individual that was

82

1 claiming to sell the answers to the questions, "Why spend

2 eight hours when I can sell them to you and do them in ten

3 minutes." We still haven't heard any negative things

4 about that, but we did get a report that there was a

5 vendor -- an Internet vendor that was directing people to

6 the answers to the questions.

7 And I went -- I called because I didn't get access to

8 the web site. So I called him and said, "Do you do this?"

9 We have a complaint that says you're directing people to

10 the answers. And that is a violation of the rules -- a

11 clear violation of the rules. You cannot direct people

12 to where the reference is."

13 And he was taking it to a point of actually providing

14 an on-line text of the code book. So you could have done

15 that course without a code book.

16 So I called him and I threatened to remove their

17 results from the database, the on-line roster recording

18 system. Probably didn't have the authority to do that,  
19 but that was the threat. And told him that I was going to  
20 report to the Board now, and that I hoped I would be able  
21 to report that he had removed those links to the reference  
22 material that were adjacent to each of the questions. And  
23 he has; he has complied with that.

24 So I just wanted you to know that it's still  
25 happening. We don't have the ability to monitor all of

83

1 the Internet sites. I don't think we ever will. The  
2 passwords that they give us to get in may be directing us  
3 to something that's completely different than what the  
4 credit card customer gets.

5 BOARD MEMBER SIMMONS: Give them your credit card,  
6 Doug.

7 CHAIRWOMAN ASHFORD: Patrick's.

8 SECRETARY FULLER: I'm not sure he has one anymore.

9 MR. ERICKSON: But we have a base of electricians  
10 that say this is vital to them obtaining their continuing  
11 education. We have to respect that. I think that the  
12 Board feels the same.

13 But I wanted you to know that there is some policing  
14 going on. People get offended when they see something  
15 that's in violation of what the rules require, and they

16 contact us. And the system is working, at least in this  
17 case. And we got a very fast response to it.  
18 And maybe the threat was inappropriate. But I would  
19 imagine that if I came here and told you that someone was  
20 violating your rules, you'd probably give us permission to  
21 disapprove that training. And nobody wants to allow a  
22 student to spend money on a product and then find out that  
23 it was garbage and they're not getting anything for it  
24 recorded in our system. So we fortunately didn't have to  
25 put anybody in that position.

84

1 I guess that's it. That's all I have, unless there's  
2 any other questions.

3 CHAIRWOMAN ASHFORD: Any questions from anybody?

4 Just for my own curiosity, is there any way in the  
5 database -- you have percentage of passed. Tracy knows  
6 where I'm going with this. Can you put the average score?

7 MR. ERICKSON: Yes. Yes, we have that information.

8 SECRETARY FULLER: We have everything. More  
9 information than we want.

10 MR. ERICKSON: I can tell you how many minutes they  
11 spend on each question on the average if you really want  
12 to know.

13 BOARD MEMBER SIMMONS: I don't want to know.

14 MR. ERICKSON: But I'll put the average score in.

15 CHAIRWOMAN ASHFORD: I appreciate that. Thank you.

16 Okay, did I forget anything else?

17

18 Item 7. Appeals

19

20 Item 7.a. Ethan Electric & Leonard Spain

21

22 CHAIRWOMAN ASHFORD: Okay, the first appeal on the

23 agenda is Ethan Electric. Mr. Spain, are you here? Would

24 you like to come forward please. And James Hawk.

25 Mr. Spain, you're here to appeal the OAH's decision.

85

1 And I believe Mr. Hawk explained to you some of the

2 process that would be going on this morning?

3 MR. SPAIN: Yes.

4 CHAIRWOMAN ASHFORD: And you can provide no new

5 evidence.

6 Would you state your name and spell it please.

7 MR. SPAIN: Leonard Spain -- L-E-O-N-A-R-D,

8 S-P-A-I-N.

9 CHAIRWOMAN ASHFORD: You're up.

10 MR. SPAIN: Just a brief history that has ties to

11 this.

12 I've been in the business for over 50 years ever  
13 since 16 years old. I know most of the electrical  
14 inspectors in the state of Washington, and not always in a  
15 kind way, because I don't have any gray area in my work.  
16 I do it right or I don't do it. And I've been in a lot of  
17 meetings in Bellevue and Redmond and Seattle and most of  
18 the people at -- (inaudible)

19 THE REPORTER: Excuse me, but could you pull the mic  
20 closer. I just want to make sure -- there we go.

21 MR. SPAIN: So I've done all the work myself. I  
22 don't know if that's going to work out. My prints, my  
23 evaluation, my load calculations. These are things that  
24 I'm finding a challenge of the work is doing these things.

25 Which is to say that I don't allow anything except

86

1 code work. I'm very adamant about doing it to the code  
2 within the boundaries. And sometimes there are gray  
3 areas, and I try to minimize those areas.

4 Which brings us to my reason for coming here. The  
5 first issue I want to approach is the one about  
6 "like-in-kind."

7 I was cited for putting in a breaker inappropriately  
8 under the "like-in-kind" rule. Before I did the work, I  
9 looked at my NEC book. It wasn't in there. I looked at

10 the WAC rules. It was in there. And then I called up  
11 people in the trade that I know, either past inspectors,  
12 current inspectors and other people in the trade. Their  
13 reason on that was "like-in-kind" as it reads in the WAC  
14 rule. And that WAC rule is back under title 296-46B-900.  
15 And it states, "Under certain conditions 'like-in-kind'  
16 may be put in without a permit."

17 During the course of the discussion on that issue,  
18 L & I, Mr. Rand Jones, and the attorney attempted to  
19 qualify my work as not complying by first of all saying  
20 that I had changed a 20 amp breaker and installed a 30 amp  
21 breaker. I had not. Then they went to another reason  
22 that I had had a wire inside the panel, which I had done,  
23 but they couldn't verify where that violates any code.  
24 Then they tried to tell me that since the breaker wasn't  
25 in existence when I got there, that putting a new one in

87

1 of the same brand was a violation. That was thrown out.

2 They finally did it by the words "in the same  
3 location." "Location" is not said anything in the WAC  
4 rule 46B-900. Where the word "location" is in the  
5 definitions in the first part, first chapter where it says  
6 under "like-in-kind," it says pretty much what it does in  
7 the WAC rule 900, but it does add the word "the same

8 location" under a definition. I never saw it. But then  
9 ignorance is no excuse, is it.  
10 But after talking to the people before I did it, I am  
11 still convinced that I did it according to the essence of  
12 the code, and that is in the same location for me is the  
13 panelboard. It was in the same panelboard. True, I did  
14 not put the breaker in the same place that it originally  
15 was installed by the homeowner, but there was one location  
16 available, and that's where I put it in. And I assumed  
17 that the WAC rule 900 "like-in-kind" would be the  
18 prevailing argument for whether I would be in compliance.  
19 It never occurred to me to look under the "like-in-kind"  
20 definition.

21 I would hope that that error in the WAC rule can be  
22 addressed and taken care of. Because talking after this  
23 last session with Mr. Hawk, it became evidence that I  
24 should have known. Or maybe it should have occurred to me  
25 to look in the definitions and see that "like-in-kind" did

88

1 -- did not agree with the WAC rule 900, which is the scope  
2 of work, how you conduct your work. So there's a  
3 discrepancy between definition and how to do the work. I  
4 find that real picky since L & I had tried to nail me on  
5 three other choices before they got to that one.

6 Now, in addition to that, I have never seen the  
7 inspection that was done on the job. It wasn't available.  
8 It wasn't provided. And according to the testimony of  
9 Rand Jones and the testimony of that meeting, they didn't  
10 inspect the electrical panel for compliance; they only  
11 inspected that it wasn't out of compliance as it was. In  
12 other words, when they looked at the panel, the inspector  
13 said it looks okay. And that's the only thing I got in  
14 verbiage from Rand Jones. They did not look to see if a  
15 breaker had been changed from a 20 to 30. They disallowed  
16 that point because testimony by me in writing and verbal  
17 and the testimony of the person that had me doing the job,  
18 Rand Jones, made a decision from that testimony and my  
19 written billings that this is what actually did occur. He  
20 disallowed the 20/30 exchange. He disallowed the other  
21 two points. They finally got the thing "like-in-kind."

22 So I would like to have some at least grace or some  
23 understanding that I did call inspectors who retired  
24 recently from the Everett office and said to them, "What  
25 is your take on this 'like-in-kind'? I want to make damn

1 sure."

2 If it's in the same panel, fine. It didn't cross my  
3 mind at that time about different places in the panel. So

4 I went out there with knowledge not only of my own but  
5 also knowledge or input from past inspectors, federal  
6 contractors.

7 I am one of the original two partners of L & L  
8 Electric. And when I was working for them, we had, oh, 20  
9 to 25 guys working for us. I split and then went on my  
10 own but had maintained a good relationship with Greg  
11 Little and the other partners. And I called Greg Little  
12 in Wenatchee and I asked him about the same thing. So I  
13 never got anything at all about the definition.

14 So I'm asking you for some understanding and think  
15 about that when you make your decision.

16 The second one was about the septic system. The  
17 gentleman in charge of this owned the building. He had it  
18 rented. He called me the week before I did the work, and  
19 I told him I was too busy. He said he'd get somebody else  
20 to do it. He called on Friday night at 8:00 at night and  
21 he says can I please get out there because the renters are  
22 threatening to leave over the weekend if the ditch doesn't  
23 get filled.

24 What he had done is he had dug a ditch 12 inches deep  
25 across the backyard inside of a -- where the kids played.

1 And the renters said, "If you don't fill the ditch, we're

2 moving."

3 He called me at 8:00 at night and says, "Please can  
4 you get out here and fill that ditch."

5 I said, "Under two conditions. One is you meet me  
6 there tomorrow morning and we go through it. And the  
7 second thing is whatever I find, you are going to take  
8 care of. You're going to get a inspection permit on  
9 Monday morning."

10 We met in the field on Saturday morning because I had  
11 read in the code book "Emergency Repairs." You may do  
12 them on the weekend or on a day that L & I is not open,  
13 but you must get the permit on the first working day after  
14 you done the work. And I explained that to Mr. Greenwood.  
15 And I said, "I will put the pipe. No wire."

16 I took the wire out from the controller box from the  
17 house to the septic tank. Removed the wire; it had been  
18 damaged. It was not a continuous pipe from the house to  
19 the septic. So I put in the continuous piece but did not  
20 -- the wire's approved for direct bury. It does not have  
21 to be in the pipe. But the pipe facilitates pulling it  
22 after it's -- I went ahead and put that two pieces of pipe  
23 in there for a total of about eight feet added to the  
24 total length. And I wrote up the corrections that I saw  
25 for August and not within the code. That is included in

1 my billing to Mr. Greenwood, which I handed to him on  
2 Sunday afternoon. I faxed it to him, which is part of the  
3 record here. And it states the five code violations that  
4 I saw were not only code violations, but a threat to the  
5 system, not a threat of danger or of fire or anything, but  
6 a threat to the system.

7 He failed to get the inspect report -- or the permit  
8 issued on Monday. He didn't show up to the electrical  
9 inspector's office until Tuesday morning. I didn't have  
10 knowledge of that until after the fact. But he had my  
11 written documentation of those things -- of what I had  
12 done, what I saw that was not in the code. And from  
13 there, Mr. Jones, the electrical inspector, wrote me a  
14 citation for not having a permit issued on Monday morning.

15 My thought on that was, is I did it to make the -- I  
16 did it without pulling any wire. I pulled a pull wire  
17 through it so that later when the wire was delivered from  
18 the manufacturer, it could be pulled easily through. That  
19 was the bare ground wire through the pipes by use of the  
20 pull wire.

21 Both ends were noncompliance. The house end and the  
22 septic end were both noncompliance. But since there had  
23 been no other permit issued for that residence until this  
24 date, I'm assuming that it still is noncompliance.

25 You've got low-voltage wire in a 240 box with no

92

1 separation. There is no wire in -- he must have used a

2 sledge hammer to get a wire in that box.

3 The ultraviolet light that hangs in the septic tank

4 is hanging by its electrical wires. There is no

5 mechanical device to hold that tube out of the water where

6 it's supposed to be except hanging its own electrical

7 wires. It penetrates an ABS pipe, and it's hanging from

8 the ABS pipe. You cannot penetrate electrical conduit

9 into an ABS pipe, and you certainly can't use an ABS pipe

10 for part of an electrical system.

11 He has a switch that controls the controller. Has

12 got stranded wire in a situation -- you can't use

13 stranded; you have to use either rigid or solid or you

14 have to use a terminal adapter.

15 I found 15 violations of that code. Now, the reason

16 for having Mr. Greenwood go there to the inspector's

17 office on Monday morning is I gave him a bag with the

18 parts and pieces that did not comply to code that I could

19 remove without endangering the system. One of it was a

20 rigid pipe leaving the septic tank, contour bends in it

21 and no bushings on either end. It's a cut rigid pipe.

22 They hadn't even cleaned the ends. It had pieces of metal

23 sticking out endangering the wire.

24 I gave that to Mr. Greenwood to give to the inspector  
25 to emphasize this job was done in such a negligent manner

93

1 it required an inspection. And that was the whole purpose  
2 of having that bill made out on Sunday so Mr. Greenwood  
3 could give that to the inspector and get this thing  
4 inspected and have it corrected. That has never been  
5 done. I wonder why.

6 Now, they cited me for not getting the inspection on  
7 Monday morning. I understand that it is my responsibility  
8 as a electrical contractor to make sure that that permit  
9 was done in a timely fashion. If I had taken the  
10 responsibility totally on myself, I would have been there  
11 Monday morning and had that inspection -- had that permit  
12 issued. I gave that responsibility to Mr. Greenwood. But  
13 I can't absolve my own direct responsibility.  
14 Mr. Greenwood didn't do it till Tuesday morning for  
15 whatever his reasons are. I should have had myself or Kim  
16 take the money up there and pay for the permit.

17 But there was no -- on either one of these issues,  
18 there was no way that I was trying to sidestep buying a  
19 permit. In both cases of time and material, the owner  
20 pays for the permit. I gave the billings and the bag of

21 materials to Mr. Greenwood to take it to the L & I office.  
22 Obviously if I was trying to get away with something, I  
23 wouldn't have done that.  
24 I could have done this whole thing without ever  
25 telling L & I nothing. That is not the way I do my

94

1 business. I make damn sure that what I do is compliance  
2 with the code as I know it. And I've done a lot of work  
3 for a lot of large companies out here. And I've had some  
4 times when my mouth went faster than my brain, but the  
5 errors I made were political, not trade. I have always  
6 done these things the most I can to the code by all these  
7 WAC rules and RCW's and NEC.

8 So please when you make your decision, understand --  
9 I've enjoyed listening to you people this morning talking  
10 about apprenticeship, apprenticeship programs and  
11 reciprocity. I'm glad to hear the good news. But by the  
12 same token, understand I'm trying to do as well as you  
13 are. And if there's any room there for understanding  
14 leniency, I would appreciate it.

15 Thank you.

16 CHAIRWOMAN ASHFORD: Thank you, Mr. Spain.

17 Mr. Hawk.

18 ASSISTANT ATTORNEY GENERAL HAWK: Thanks, Madam

19 Chair.

20 Madam Chair, members of the Board, Mr. Secretary,  
21 the Department is here with the task to respond to a  
22 particular appeal. And necessarily as you sit in a  
23 quasi-jurist type of position much like a superior court  
24 judge, you are confined to look at this record and look  
25 at the findings of fact and conclusions of law and also

95

1 apply the various rules that are handed down from the  
2 legislature and then some of them created by the Board as  
3 well having to do with administrative procedure review.  
4 And as you look at the judge's decision, this judge's  
5 decision is well reasoned. It's thoughtful. It has the  
6 correct components under the Administrative Procedure Act.  
7 And as well it contains I think an essential portion at  
8 the end, it's called appeal rights. And as you perhaps  
9 read that in your packet, it gave specific instruction to  
10 either party of how to appeal to the Electrical Board.  
11 And those instructions included reference to the  
12 Department's WAC requiring the specific contentions of the  
13 appellant and to specify in this case which findings of  
14 fact or conclusions of law someone appealing was  
15 contesting. And when you read the appellant's appeal to  
16 this Board that was filed, there is no reference to any of

17 the findings of fact. There's reference to two  
18 conclusions of law. And perhaps that's where maybe you  
19 begin your inquiry in reviewing this packet and looking at  
20 the record.

21 What did the appellants specifically appeal from the  
22 judge's decision? And the order that the Department will  
23 ask be signed includes that finding that no findings of  
24 fact were explicitly appealed and only two conclusions of  
25 law were appealed.

96

1 The Department does not find this is a case for  
2 leniency. The Department finds this is a case for  
3 application of well-reasoned and well-established law.  
4 It's been around for a long time. The combined experience  
5 of the inspector and Mr. Spain is decades.

6 And also the Department would invite the Board to  
7 look at the context of this issue. You saw from the  
8 inspector's statement and testimony, he knows Mr. Spain  
9 from prior conduct. They have had numerous dealings  
10 together. And we would perhaps assume they speak the same  
11 language. So when Mr. Spain is answering questions posed  
12 by the inspector, they are speaking the same language.  
13 When the inspector is writing down into his inspector  
14 statement things told to him by Mr. Spain because of their

15 decades of experience in the same industry, the Department  
16 expects that this lead inspector and seasoned compliance  
17 person would get it right.

18 So what did the inspector write into his inspector  
19 statement?

20 The first exhibit put to the administrative law judge  
21 and the Electrical Board by the Department, that's the  
22 Exhibit 1 document. I will not read the whole thing, of  
23 course. And just focusing on the panel work which is on a  
24 specific date.

25 "I had a phone conversation with someone who

97

1 identified himself as Leonard Spain representing Ethan  
2 Electric who confirmed that on April 24th, 2007 he had  
3 disconnected and removed a 20 amp 240 volt air compressor  
4 circuit, and installed a 30 amp 2 pole circuit breaker and  
5 18 (inches) of NM-B cable to connect an existing dryer  
6 circuit inside the electrical panel."

7 Well, that's all foreign language to this particular  
8 attorney representing the Department of Labor and  
9 Industries until I speak with the inspector and the  
10 Department who's knowledgeable about these things. But  
11 all of those words had significance to Mr. Jones, the  
12 inspector. He wrote them right into his inspector

13 statement at the time. And the Department submits that's  
14 reliable information.

15 Perhaps the most important starting point in a case  
16 like this is to look at what the judge wrote, the judge  
17 having sat through a hearing for some hours. And finding  
18 of fact number 10 which is an unchallenged finding of  
19 fact, the Department submits importantly, the judge  
20 writes, "Mr. Jones' testimony was credible." And that  
21 particular statement should apply in context here to the  
22 totality of Mr. Jones' presentation at the hearing. His  
23 testimony is not only credible, but the Department submits  
24 it was well informed and grounded on years of experience  
25 and also demonstrated a significant understanding of what

98

1 the Department's rules are and what is required in the  
2 field for electrical contractors.

3 The judge writes in unchallenged findings of fact and  
4 conclusion 5 basically what the inspector was told first  
5 by the individual who came into the Everett office, and  
6 the Board may inquire why Mr. Greenwood came into the  
7 Everett office in the first place. Mr. Spain submits it's  
8 upon his urging. But at any rate, he shows up at the  
9 Labor and Industries Everett office and talks to Mr. Jones  
10 about particular work that was done on these two different

11 dates and information learned by Mr. Greenwood and then  
12 combined with the inspector's information learned from  
13 Mr. Spain these citations were written.

14 These are the type of citations that this inspector  
15 has written hundreds of times by his own testimony. I  
16 believe that's found in the record as well.

17 But finding of fact 5 is very clear. And it  
18 indicates on April 24, 2007, 20 amp 240 volt air  
19 compressor circuit -- let's see. "... the appellant  
20 disconnected and removed ... a Siemens 200 amp, single  
21 phase electrical panel, a 20 amp 240 volt air compressor  
22 circuit and installed a 30 amp double-pole circuit breaker  
23 and 18 (inches) of cable to extend the existing wire from  
24 the dryer ..." et cetera.

25 So the judge determined that what the inspector wrote

99

1 into his statement and then testified to at the hearing  
2 was what was done at the site. And if that finding of  
3 fact were objectionable, it should have been specifically  
4 brought to the Board's attention in the written appeal.  
5 But even if that procedural defect still allows the  
6 argument, the Department cannot indulge this being  
7 portrayed as "like-in-kind."

8 And apparently to date by the appellant's own

9 admission, he has found a definition of "like-in-kind,"  
10 which has been defined for some time to the time  
11 applicable here, 46B-100, subsection 43, and I don't need  
12 to read the whole thing, but it has to do with materials  
13 of similar characteristics. And when you find in the 900  
14 section where the phrase is used and it is referred to by  
15 the appellants, it speaks to "like-in-kind" replacement.

16 And what Mr. Jones found was this wasn't a  
17 replacement situation. One of his most peppy pieces of  
18 testimony -- and for those of you who did survive a whole  
19 reading of that record -- it's rather tedious because he  
20 goes back and forth -- and we did indulge a whole lot of  
21 discussion about "like-in-kind."

22 But what Mr. Jones said about that is "replace" is  
23 the key word as long as it is an exact replacement of.  
24 And when a electrical contractor begins adding wires and  
25 doing things in different places, as you've read the

100

1 testimony, you can understand why the Department cannot  
2 accept that as a "like-in-kind" proposition within the  
3 meaning of the standards.

4 And then as to the separate work, which was April 28,  
5 Marysville, the conduit raceway issue, in the record,  
6 Mr. Spain admits to having done the installation. The

7 Department properly terms it an electrical installation.  
8 It's electrical equipment by definition. And we can trace  
9 down the various definitions in the Department's  
10 administrative code and then what the legislature has  
11 defined in these areas, but certainly it's electrical  
12 equipment any conduit raceway listed for electrical use,  
13 et cetera.

14 And so when he did that without a permit, that was  
15 subject to investigation and citation. And in this case,  
16 the Department didn't recognize an emergency exception for  
17 any reason. And Mr. Jones testified as to that.

18 So these are well documented citations. They're well  
19 explained. We have an excellent product from an  
20 administrative law judge who did write the type of  
21 findings of fact, the type of conclusions of law that are  
22 expected. The administrative law judge, again, made an  
23 important determination that Mr. Jones' testimony was  
24 credible. And the Department asks that you accept those  
25 findings of fact as none of those were appealed.

1 So in addition to asking that the citations be  
2 affirmed and the specific RCW's as alleged finding those  
3 to have been approved by the Department as the  
4 administrative law judge did, the Department also seeks

5 with the order from this Board that the civil penalties  
6 that attach to those violations be affirmed. And the  
7 order that the Department has prepared for consideration  
8 does address the specific penalty amounts and those all  
9 correspond and are identical to the finding and  
10 conclusions made by the judge in the order.

11 So the Department respectfully submits this is not a  
12 time for leniency but a time for application of the law.  
13 This citation process was well tested. Due process has so  
14 far run its course. And the claimant/appellant is  
15 entitled to that due process and to make these arguments,  
16 whether or not specifically presented consistent with what  
17 the APA would have an appellant do, but the Department at  
18 this time is now entitled to have these citations affirmed  
19 based on the excellent work done by the inspector and done  
20 by the administrative law judge here.

21 And those are the conclusion of my remarks. I could  
22 answer questions at this time.

23 CHAIRWOMAN ASHFORD: Do the Board members have  
24 questions?

25 BOARD MEMBER NEWMAN: I have a question for

1 Mr. Spain.

2 BOARD MEMBER SIMMONS: Use your mic, Geoff. I'm

3 sorry.

4 BOARD MEMBER NEWMAN: In the citation file, it  
5 references that there was a 30 amp breaker sitting on the  
6 window ledge that was the property owner's that was there  
7 to begin with.

8 MR. SPAIN: Yes, it was.

9 BOARD MEMBER NEWMAN: Well, I looked on your invoice,  
10 and you charged him for a 30 amp breaker.

11 MR. SPAIN: A 30 amp breaker, yes, I did.

12 BOARD MEMBER NEWMAN: Isn't it the same breaker?

13 MR. SPAIN: The one he had in the window sill must  
14 have gone through the deluge when Moses opened the Red  
15 Seas because it was not something I would have put in the  
16 breaker panel again.

17 BOARD MEMBER NEWMAN: Okay, so it was not usable.

18 MR. SPAIN: It was dirty, and it was corroded, and it  
19 sat in the window for I don't know how long.

20 BOARD MEMBER NEWMAN: Okay. Thank you.

21 CHAIRWOMAN ASHFORD: Jim.

22 BOARD MEMBER SIMMONS: Mr. Spain, in your opening  
23 comments, if I heard you correctly, you said that you  
24 asked people before you went out and put this breaker in  
25 whether it was "like-in-kind." Is that what you said?

1 MR. SPAIN: Yes, I did.

2 BOARD MEMBER SIMMONS: I've been an electrical  
3 contractor for a very long time, and I have never asked  
4 anybody before I did an installation whether this was a  
5 "like-in-kind" because I might get a citation if it's not.  
6 I don't understand that, to be honest with you.

7 MR. SPAIN: The Everett office has pursued very  
8 stringent compliance requirements to the permitting and on  
9 the job compliance to the code in general. Over the last  
10 few years I've been very careful when dealing with the  
11 Everett office to make sure that I am exactly where I'm  
12 supposed to be. So I make my phone call to make sure that  
13 the permits are actually posted before I ever get on a job  
14 site. I mean, the first thing I do when I open my door is  
15 I post that permit. That's the first thing I do to make  
16 sure that nobody else is on that job site that is not  
17 supposed to be there. I make sure that whenever I'm in  
18 the Everett area of authority I have my T's crossed and my  
19 I's dotted. Because of all areas in the state of  
20 Washington, that's the toughest one. That is the toughest  
21 one.

22 BOARD MEMBER SIMMONS: Are you saying Hinrichs is  
23 rough to deal with?

24 MR. SPAIN: I've known Jim Hinrichs since he's been  
25 in for -- well, since he came into the office. And I know

1 Hosea and all those guys -- Ray Harper and all those guys.

2 And for whatever particular things that particular  
3 inspectors like to force, Hosea was one for doing nail  
4 plates. Mr. Ben Butters was --

5 BOARD MEMBER SIMMONS: We're getting a little off  
6 topic here, Mr. Spain. Let me ask you --

7 MR. SPAIN: Whenever I'm at the Everett office, I  
8 make dang sure that I'm in compliance in all regards.

9 BOARD MEMBER SIMMONS: Okay. Let me just follow up  
10 with that then.

11 First of all, how do you know exactly what was  
12 entailed before you went to the job site and saw it so  
13 that you could call an inspector and say, "Look, I'm  
14 sticking another breaker in this panel. Is that  
15 'like-in-kind' replacement?" I'm not sure how you could  
16 know that.

17 MR. SPAIN: Good. And thank you for the question.  
18 It never occurred to me to even focus on that.

19 I asked Mr. Greenwood to send me over the fax machine  
20 pictures of the panel, pictures of the garage, pictures of  
21 the dryer, pictures of the close-up of the panel. And he  
22 did that. When I saw those pictures and it was to include  
23 the breaker that was on the window, that it had the name

24 Siemens on it, and I wanted to know what kind of panel it  
25 was. So he got a picture of the inside nomenclature

105

1 plate, the sticker on the inside of the panel, and it  
2 showed that it was a Siemens. Therefore, I knew what  
3 material to take to the job site. And that occurred three  
4 or four days before I did the work.

5 And I asked some people in the trade "like-in-kind,"  
6 but I did have the information before I went to the job.

7 BOARD MEMBER SIMMONS: Well, it is interesting to me  
8 if you thought -- I can understand where if you thought  
9 that everything was there and all you were doing was  
10 pulling out a 20, putting a 30 back in, and reconnecting  
11 existing wires, and that's all you were going to do, I can  
12 understand you thinking that would be a "like-in-kind," if  
13 that's what you thought.

14 MR. SPAIN: I was given one instruction. That was to  
15 reinstall a 30 amp breaker where the existing 30 amp dryer  
16 circuit. I had no instruction about removing any 20 amp  
17 breaker, nor did I even touch the 20 amp breaker.

18 BOARD MEMBER SIMMONS: Okay, and I understand that.  
19 So if you didn't -- what I'm saying is, I can understand  
20 your contention that it was a "like-in-kind" replacement  
21 if according to the owner you were going to pull out a two

22 pole 20 that was there for a compressor, stick in a two  
23 pole 30 for the dryer, and just rehook up some wires that  
24 are already there, they're already -- I can understand how  
25 you would think that would be "like-in-kind." Okay?

106

1 So up-front when you're looking at this and just  
2 looking at some pictures from an owner and trying to  
3 anticipate what the job is, I could understand you getting  
4 that -- as a look, this is a "like-in-kind" replacement.  
5 But once you got to the site and had to extend wires and  
6 add a new breaker to the panel, which is what you did in  
7 your description of the work, now I don't understand how  
8 you can think that is a "like-in-kind" installation.

9 MR. SPAIN: I had one thing to do at that job, and  
10 that was to put the 30 amp breaker in for the dryer. The  
11 homeowner is getting rid of his gas dryer, his gas range,  
12 and he's going to put electrical in.

13 I checked the dryer circuit to make sure it was as it  
14 was, the continuity, checking the wires, never been used.  
15 Fine.

16 I did not get information to change the breaker. I  
17 did not like the idea that that breaker 20 amp was not a  
18 code installation. The breaker was code, but it was  
19 running aluminum conduit around the garage at four foot

20 high off the ground to a large standing air compressor  
21 with NM-B inside the aluminum. And it was stripped out.  
22 When you strip out the jacket on a NM-B, it no longer is a  
23 code-rated assembly. You can't strip off the insulation  
24 on NM-B and put it in aluminum pipe until you got THHN in  
25 it. So I was reluctant, to say the least, about touching

107

1 anything that I had not done. And I had not had any  
2 information from Mr. Greenwood to touch the 20 amp.  
3 BOARD MEMBER SIMMONS: Well, you're going on to a  
4 long story here. And I read this mess.  
5 The judge did a terrible job in controlling the  
6 testimony, in my opinion. And I'm going to control yours  
7 a little bit here because that doesn't have anything to do  
8 with what we're talking about, sir.  
9 What we're talking about is simply the fact that you  
10 installed a new circuit breaker in an existing panel.  
11 That's not a "like-in-kind" replacement. You installed a  
12 new circuit breaker for a dryer circuit. Yes, the dryer  
13 circuit was existing, but you extended the wires and  
14 according to your testimony installed a new breaker in an  
15 existing panelboard. That is not "like-in-kind"  
16 replacement, nor has it ever been.  
17 And the first thing you should have done if you're

18 working in the Everett area is go, "I better get a permit  
19 for this." We sell provisional permits just for that type  
20 thing. It is not an emergency. And you should have had  
21 one of those in your pocket.

22 MR. SPAIN: No, there was no emergency involved in  
23 this.

24 BOARD MEMBER SIMMONS: Right.

25 MR. SPAIN: And I appreciate your point of view.

108

1 You've been in the trade as long as I have.

2 I didn't get to that point. I was reluctant to touch  
3 the 20 amp. It was done. It was finished by somebody  
4 else.

5 BOARD MEMBER SIMMONS: We're not discussing the 20  
6 amp, sir. It has nothing to do with what you did. That's  
7 my point.

8 MR. SPAIN: I understand you say I would have been  
9 better off to have taken the 20 out and put in the  
10 replacement 30 in the original location and tie the wire  
11 to it. Is that what you're --

12 BOARD MEMBER SIMMONS: No, no. I'm just saying that  
13 I can understand the way you looked at it from the  
14 pictures makes sense. Okay? To say, "Look, I'm going to  
15 go there, and I'm going to pop this breaker out, I'm going

16 to put the 30 back where it was." I can see how you could  
17 think that possibly was a "like-in-kind" replacement;  
18 although, you're not replacing the same breaker on the  
19 same wire, which is technically in my opinion what would  
20 have had to be done for it to be a "like-in-kind"  
21 replacement. I can see how you were thinking.

22 But I'm saying that's not what you did. When you got  
23 to the site, sir, you put a new breaker in, extended a  
24 wire. That's not "like-in-kind" replacement. And that's  
25 my point. And I think that's the point of the judge and

109

1 the inspector and why you got a citation.

2 MR. SPAIN: That's -- when I read the conclusion of  
3 laws -- and I've -- I am also a little -- not  
4 understanding every sentence of it. But I thought that  
5 conclusion of law was it does not meet the "like-in-kind."

6 BOARD MEMBER SIMMONS: That's what I just said.

7 MR. SPAIN: Yeah, right. It didn't have to do with  
8 whether or not it was 30 or a 20.

9 BOARD MEMBER SIMMONS: It doesn't matter.

10 MR. SPAIN; It was just "like-in-kind." And it was  
11 also was noted because of location that it didn't meet the  
12 qualification. It says in this thing, it says in the  
13 judge's opinion -- or in the judge's conclusion "Because

14 it was not installed in the same location, it does not  
15 qualify as "like-in-kind."

16 BOARD MEMBER SIMMONS: We're on the same page. I  
17 agree.

18 MR. SPAIN: Okay, that's what my -- that was what I  
19 was saying is I didn't understand. I already admitted, I  
20 said I did not look in the definitions under  
21 "like-in-kind" to see -- to find the location.

22 BOARD MEMBER SIMMONS: And I'm not sure why you're  
23 pointing an issue at that. I don't think it's really a  
24 big deal.

25 The code does say location. And a "like-in-kind"

110

1 replacement is not adding something. It's real simple. A  
2 "like-in-kind" is replacing an existing component. A  
3 circuit breaker, whether it be a main or a secondary or  
4 whatever, all you're doing is popping it out, popping the  
5 same one back in, same size, same ampacity, same brand.  
6 That's what you're doing. That's a "like-in-kind"  
7 replacement. It's replacing a receptacle. It's replacing  
8 a thermostat. There's "like-in-kind" replacements. It's  
9 and existing situation that you're replacing.

10 You clearly added a circuit breaker in this panel.

11 And I just don't see why we keep going around because it's

12 very clear to me that you did that.

13 I want to jump to the pipe one. Why did you not glue  
14 the conduit together? I don't understand that.

15 MR. SPAIN: There was three bins that were in the  
16 pipe one end to the other. I left those bins exposed.  
17 And if they had any problem pulling that wire through  
18 there -- it's a real abrasive coating on the outside of  
19 that direct bury wire, and trying to pull that wire  
20 through that three-quarter pipe, it may have been a little  
21 difficult getting around those corners. So since I left  
22 the corners exposed, they could pop the corners, thread  
23 the pipe through one corner without having to pull through  
24 all three at the same time even with a pull string. So it  
25 was a matter of convenience for whoever did it to allow

111

1 them to have it easily done. They can glue it after the  
2 fact.

3 BOARD MEMBER SIMMONS: It actually is illegal.  
4 You've got to have a continuous raceway before you install  
5 any wiring in it.

6 But aside --

7 MR. SPAIN: Excuse me, I disagree. If that's a  
8 direct buried cable, a factory direct buried cable, triple  
9 rated, it does not need to add any pipe in it at all.

10 BOARD MEMBER SIMMONS: That is correct. But if you  
11 install pipe, then it has to be installed as a complete  
12 assembly.

13 MR. SPAIN: I install pipe only from the building  
14 down to get it 18 inches below ground.

15 BOARD MEMBER SIMMONS: That's correct. But once you  
16 put pipe all the way, sir, it has to be a complete  
17 assembly.

18 MR. SPAIN: It was complete except for the pipe  
19 joints. And that was -- obviously --

20 BOARD MEMBER SIMMONS: Well, we're not getting  
21 anywhere on that either. It really doesn't matter at this  
22 point.

23 You sent the owner down to get the permit.

24 MR. SPAIN: Correct.

25 BOARD MEMBER SIMMONS: Since when in Washington state

112

1 -- and you're an electrician. You've been -- you've told  
2 us you've been around a long time. When have you ever  
3 been able to send a guy down to get a permit for work you  
4 did?

5 MR. SPAIN: Everywhere except the Everett office the  
6 last few years.

7 BOARD MEMBER SIMMONS: Really. Because that's not

8 been legal in Washington state for --

9 MR. SPAIN: CamWest takes their own supervisors to go  
10 down there and buys a permit with their check and goes  
11 down to the L & I office in Bellevue and buys a permit for  
12 Ethan Electric. And if they go -- in fact, in Bellevue  
13 it's included now in the building permit. But before  
14 that, they would take their checks and go down there and  
15 buy their permits. I'd make out the permits, send it to  
16 them, and they go down and buy them.

17 I did that at Everett. They accepted this permit  
18 from Mr. Greenwood on the septic. It was in my name; it  
19 was his check.

20 BOARD MEMBER SIMMONS: Okay. Well, I don't think  
21 that is legal. Any time you've done work, the code -- the  
22 law in Washington state, the WAC, requires you to get the  
23 permit.

24 And I'm just telling you, you had another citation in  
25 2005 for not getting a permit.

113

1 And I'm an electrical contractor too, sir. If I had  
2 gotten a citation and I knew how Hinrichs is up there and  
3 how L & I is in Everett, I'm telling you, I would not  
4 leave that responsibility up to freakin' anybody  
5 except me. And I would make sure that it got bought.

6 And I don't understand why you didn't buy the permit  
7 yourself and go get it. I would not leave that up to a  
8 homeowner. It's your responsibility to get that permit.

9 MR. SPAIN: He's not a homeowner. He's a real estate  
10 agent, number one.

11 BOARD MEMBER SIMMONS: Okay. All right. Well, I  
12 stand corrected.

13 CHAIRWOMAN ASHFORD: Regardless.

14 BOARD MEMBER SIMMONS: I stand corrected.

15 CHAIRWOMAN ASHFORD: As Jim stated, it is your  
16 responsibility.

17 Tracy, you had a question?

18 BOARD MEMBER PREZEAU: Well, I don't really have a  
19 question. I just have --

20 You know, I agree with what Jim's saying. Even  
21 though the circuit existed, the dryer circuit existed, you  
22 know, when the 30 amp two pole breaker, you know, was put  
23 in the panel, it added an additional load to that panel  
24 that didn't exist prior or that wasn't functioning or  
25 wasn't pulling a load off the panel.

1 There is a avenue by which to deal with these types  
2 of installations, and it happens all the time. They're  
3 called provisional work permits or class B work permits,

4 which may or may not be appropriate in every case.

5 The other thing that I find troubling, though, is I  
6 certainly recognize that, you know, having an exposed  
7 ditch in a backyard with children is obviously an issue.  
8 It's not in my definition an emergency situation as the  
9 WAC has provisions for electrical installations. But I am  
10 troubled by the fact whether or not the pipe is glued  
11 together. Obviously, the intention was to put the pipe in  
12 and backfill the ditch so it was not going to be -- you  
13 know, you couldn't inspect it anyway because the concern  
14 was that the renters were going to leave if the ditch  
15 remained open. So the whole purpose was to put the pipe  
16 in the ditch for an installation that didn't really  
17 require it but would have evaded inspection anyway.

18 So those are the only comments that I have.

19 CHAIRWOMAN ASHFORD: Any other questions by Board  
20 members?

21 BOARD MEMBER BELISLE: I guess I'd like to follow up  
22 with Jim's point. It concerned me when I read through the  
23 transcript that you had directed the customer to go take  
24 out a permit. It wasn't clear that the permit was taken  
25 out in your name. In either case, that's not allowed.

1 But it appeared to me almost the intention that the

2 homeowner would take out the permit to be responsible for  
3 work that you had done, which likely could have happened.  
4 I think -- I would be careful to reevaluate the permit  
5 process and be sure that that's being followed accurately.

6 MR. SPAIN: And I -- the only thing I can say with  
7 that is that he bought the permit and had the bag of  
8 materials along with my billing to him to present to the  
9 electrical inspector because I was concerned with the  
10 failures of the code violations.

11 So there was no effort on my part to get away with  
12 anything or to misrepresent. But I understand from  
13 testimony here I made some errors of being objective,  
14 making a good judgment. But there is nothing here of  
15 trying to get away from anything. But according to the  
16 other fellow I should have been aware of "like-in-kind."  
17 It's been a long time that I worked with "like-in-kind."  
18 So those are my -- I'm not trying to give somebody else  
19 responsibility.

20 CHAIRWOMAN ASHFORD: Any other comments? Do we have  
21 a motion?

22

23 Motion

24

25 BOARD MEMBER SIMMONS: I would make a motion. I make

1 a motion to uphold the law judge's findings of facts and  
2 conclusions of law and related penalties therewith.

3 BOARD MEMBER (D.A.) BOWMAN: Second.

4 CHAIRWOMAN ASHFORD: We have a motion and a second to  
5 uphold the OAH decision. Any further comments? All those  
6 in favor?

7 THE BOARD: Aye.

8 CHAIRWOMAN ASHFORD: Opposed? So moved.

9

10 Motion Carried

11

12 ASSISTANT ATTORNEY GENERAL HAWK: Madam Chair, I do  
13 have the final order prepared for signature. I'll hand it  
14 to counsel representing the Board at this time. And we  
15 can be advised of how to proceed from here.

16 Thank you for your time.

17 BOARD MEMBER SIMMONS: Thank you for your time,  
18 Mr. Spain. Good luck.

19 MR. SPAIN: Excuse me?

20 BOARD MEMBER SIMMONS: I said good luck. Thank you  
21 for your time.

22 MR. SPAIN: I enjoyed the meeting here this morning.

23 I came down here partially to see the process.

24 BOARD MEMBER SIMMONS: Hopefully next time you'll

25 just come as an observer, not an attendee.

117

1 Thank you.

2 MR. SPAIN: I thank you.

3 CHAIRWOMAN ASHFORD: And take out your own permits.

4 Okay, Shelley.

5 ASSISTANT ATTORNEY GENERAL MORTINSON: Before we get

6 started, Madam Chair, I would like to introduce the second

7 new building trades advisor. If he would come up please.

8 This is Courtlan Erickson. He will be sharing the duties

9 with Terry. I expect you'll see Terry primarily. But if

10 not, you'll see Courtlan.

11 So Courtlan, the Electrical Board.

12 CHAIRWOMAN ASHFORD: Welcome, Courtlan.

13 ASSISTANT ATTORNEY GENERAL ERICKSON: Thank you.

14 BOARD MEMBER SIMMONS: Nice to meet you.

15 CHAIRWOMAN ASHFORD: Oh, Courtlan, could you please

16 spell your name.

17 ASSISTANT ATTORNEY GENERAL ERICKSON: It's

18 C-O-U-R-T-L-A-N. The last name is E-R-I-C-K-S-O-N.

19 CHAIRWOMAN ASHFORD: Thank you.

20 I understand, Shelley, that Live Wire Electric and

21 the Kory Keezer cases have been settled?

22

23 Item 7.b. Live Wire Electric/Brian McKee

24

25 ASSISTANT ATTORNEY GENERAL MORTINSON: Yes. Madam

118

1 Chair, members of the Electrical Board, they both settled

2 -- Live Wire and Brian McKee settled yesterday. It was

3 off-of-the-courthouse-steps settlement that's not

4 uncommon, and it indeed happened in this case.

5 And in that case, the terms were a year suspension of

6 his residential electrician certificate, a two-year

7 probation for Live Wire with a proviso that they keep an

8 electrical administrator. If -- they have the initial 90

9 days per the law to get a new one, but throughout the rest

10 of the probation period they are to keep an electrical

11 administrator. If they need a new one, they have seven

12 days to get it unless they get written permission from Ron

13 for a longer period. And this was put in the settlement

14 agreement to ensure that there was an administrator on

15 board, that there weren't subsequent administrators every

16 90 days, if you know what I mean.

17 And then the third term was a three year suspension

18 or two year -- I'm sorry, I don't remember -- of his

19 administrator. Two?

20 SECRETARY FULLER: Yeah, two.

21 ASSISTANT ATTORNEY GENERAL MORTINSON: Two-year  
22 suspension of his administrator certificate.  
23 So those are the terms of settlement for Live Wire  
24 and Brian McKee which will be put into an agreement.  
25 ///

119

1 Item 7.c. Kory L. Keezer

2

3 ASSISTANT ATTORNEY GENERAL MORTINSON: And then this  
4 morning Mr. Keezer agreed to a settlement.

5 He did have an attorney whose office neglected to  
6 send a notice of appearance. So I had not spoken with  
7 him. I didn't know he had an attorney. However, he  
8 wished to talk settlement.

9 And Ron agreed to a settlement of a year suspension  
10 of his residential electrician certificate, and three  
11 years probation of his trainee certificate, and any  
12 violation reinstates the trainee certificate suspension.

13 So those are the two agreements that were reached  
14 yesterday and today for those two appeals.

15 And now, we have the Dan -- I'm here for the one  
16 remaining appeal.

17 CHAIRWOMAN ASHFORD: Tracy has a question, Shelley.

18 BOARD MEMBER PREZEAU: I have a quick question, if I

19 may, about the Erwin Electric and -- excuse me -- Kory  
20 Keezer.

21 I just wanted to go on the record that I was -- I'm  
22 glad that it was settled obviously. But I think the  
23 contractor has some culpability in this installation when  
24 you look at the photographs, the fact that Kory Keezer was  
25 not a journeyman, you know, when he made these

120

1 installations.

2 I personally would have loved the chance to talk to  
3 the contractor because I think that -- I think somebody  
4 directed Kory Keezer to make this installation. And I  
5 don't -- you know, somebody had to buy the equipment, the  
6 parts. You know, somebody bid this job and looked at  
7 this. Plus the fact that there was, you know -- the  
8 statements were that the homeowner, this is what the  
9 homeowner wanted. Well, at that point in time I think the  
10 contractor should have walked away from this project.

11 And so I just wanted to go on record as saying that I  
12 think that Erwin Electric -- I would have like the  
13 opportunity to speak to them and ask them some questions.  
14 I had several that I wanted to -- in the hopes that they'd  
15 be here. Because I think that Kory Keezer is somewhat the  
16 smaller fish in this scenario. And I would have liked an

17 opportunity to talk to the contractor.

18 ASSISTANT ATTORNEY GENERAL MORTINSON: I think it's  
19 not likely the contractor would have been here because  
20 they didn't appeal their citations. They didn't pay them.  
21 And there's no other action.

22 However, I think the one point you have, Tracy,  
23 that's good is that Mr. Keezer might have been able to  
24 answer some questions about the contractor.

25 BOARD MEMBER PREZEAU: Absolutely.

121

1 ASSISTANT ATTORNEY GENERAL MORTINSON: But I think  
2 the settlement allows him to keep working. And I think  
3 that was probably the reason his attorney was interested  
4 in that -- I can't speak for why Ron agreed, but I think  
5 it allows him to keep working as a trainee and make a  
6 living during the period of suspension.

7 But certainly by the inspector's statement, the  
8 contractor sent him. And I think I've heard from this  
9 Board before that a trainee -- as he was at the time. He  
10 didn't get his residential certificate until after that  
11 installation -- is in a less powerful position.

12 But unfortunately I don't think we could have  
13 commanded the contractor to be here because they paid  
14 their citations. And --

15 BOARD MEMBER PREZEAU: No, I mean, I understand that.  
16 I was sort of hoping that they would come maybe as a  
17 character witness and we'd get an opportunity to at least  
18 talk to -- you know, ask questions of Kory about exactly,  
19 you know, how did you come to make this -- who designed  
20 this, you know, who designed this installation. Because I  
21 don't really think it was Mr. Keezer. I mean, I think  
22 there's -- and unfortunately, you know, as an employee  
23 sometimes you are asked by an employer to do something  
24 that you know is wrong. But because you need a job,  
25 you're put in that difficult situation.

122

1 But I just would have -- I just would like to say I  
2 think the contractors, even though they paid their fine --  
3 BOARD MEMBER SIMMONS: They did have a citation.  
4 BOARD MEMBER PREZEAU: I know. It just seems that  
5 more could have been done I guess.  
6 ASSISTANT ATTORNEY GENERAL MORTINSON: Well, and I  
7 understand your thinking that. Because I've done  
8 electrical long enough to know that trainees often are in  
9 the position of least power. And that they do do things  
10 on behalf of their employer that they probably don't want  
11 to do.  
12 And again, the disadvantage of not having him here is

13 that we could have asked him questions about the  
14 contractor sending him. But unfortunately we can't do  
15 that.

16 I believe also, though, I think the inspector did  
17 what he's could. And I believe the one to the contractor  
18 was also a gross violation. So for what it's worth.

19 SECRETARY FULLER: And just to kind of follow up on  
20 that, there never was any discussion or evidence coming  
21 forward that that actually happened. I mean, he up until  
22 yesterday, he made no hint whatsoever that anybody told  
23 him what to do.

24 And at this point, I think I would have used that  
25 yesterday in a negotiation tool, especially if I had an

123

1 attorney. But I think he probably made these decisions on  
2 his own this time.

3 BOARD MEMBER SIMMONS: I would think so.

4 CHAIRWOMAN ASHFORD: Thank you.

5 BOARD MEMBER TRICARICO: I have a question for Ron  
6 just for my own understanding.

7 On the Live Wire settlement, the seven-day period,  
8 how does that come about? How did we not avoid violating  
9 the code on that? I didn't know that you had that kind of  
10 authority to change that aspect of getting a new

11 administrator.

12 SECRETARY FULLER: Shelley, tell me if I'm not  
13 correct.

14 But when we do settlements, then the rules kind of  
15 don't apply anymore. Because it's an agreement between  
16 them and me. And so I can make tougher agreements.

17 I've actually done settlements where the penalties  
18 increased, not just came back, but increased. I've done  
19 that once or twice, not very often. But our settlements  
20 are oftentimes more harsh than the RCW.

21 BOARD MEMBER TRICARICO: And then at that point when  
22 you make an increase like that, can you increase a fine  
23 past the limits that are --

24 SECRETARY FULLER: I can only go to the \$10,000.

25 BOARD MEMBER TRICARICO: Okay. Thank you.

124

1 SECRETARY FULLER: We have to break it up into parts  
2 when we have the issues.

3 But settlements, they're interesting. And they're  
4 usually good for people. I mean, in reality they're good  
5 for them and me too because it keeps people on the -- it's  
6 like the one fellow that we had, if you remember, a few  
7 years ago.

8 I think you'll remember him from Vancouver who came

9 in, and he had some spy issues. And he'd come back from  
10 his vacation in Hawaii, and he told me that when we did  
11 his settlement with him that he felt like he was standing  
12 on the curb of a freeway and I was right behind him.

13 And I said, "That's exactly how I want you to feel  
14 for the next three years. I don't want you to step off  
15 the curb."

16 BOARD MEMBER SIMMONS: And he's kept his nose clean.

17 SECRETARY FULLER: And he's kept his nose clean, and  
18 he didn't have another violation. And that's been six  
19 years or so probably.

20 So settlements -- very rarely people bust the  
21 settlement. It's really unusual. And we do about --  
22 we're probably doing -- I wouldn't be surprised if it's  
23 not a settlement every other day.

24 ///

25 ///

125

1 Item 7.d. Daniel R. Walker

2

3 CHAIRWOMAN ASHFORD: Okay. Moving forward, Daniel  
4 Walker.

5 Mr. Walker, you are here to appeal your suspension.

6 Shelley, you have --

7 ASSISTANT ATTORNEY GENERAL MORTINSON: Just that the  
8 Department because they took the action I believe goes  
9 first.

10 CHAIRWOMAN ASHFORD: Pardon?

11 ASSISTANT ATTORNEY GENERAL MORTINSON: I think the  
12 Department presents their case first.

13 CHAIRWOMAN ASHFORD: Yes, yes. Sorry.

14 Do we have to swear Shelley in?

15 THE REPORTER: (Shaking negatively.)

16 ASSISTANT ATTORNEY GENERAL MORTINSON: No. But my  
17 witness will be department inspector John Hosea. So he  
18 should be sworn in.

19

20 \* \* \* \* \*

21

22 Whereupon, JOHN HOSEA, having been first duly sworn  
23 by the court reporter/Notary, testified as follows:

24

25 ASSISTANT ATTORNEY GENERAL MORTINSON: And just a

1 brief introductory statement. The license suspension in  
2 this case came as a result of actions that Mr. Hosea  
3 discovered. So I'm going to present his testimony first.

4

5 EXAMINATION

6 BY MS. MORTINSON:

7 Q And so Mr. Hosea -- have we had you spell your name  
8 for the record? If not, would you please state your  
9 name and spell your last name for the record.

10 A Yes. My name is John Hosea. My last name is spelled  
11 H-O-S-E-A.

12 Q And again, for formality for the record, by whom are  
13 you employed?

14 A State of Washington.

15 Q And what's your position with the state?

16 A I am the lead electrical inspector in the Bellevue  
17 service location.

18 Q And how long have you been a lead electrical  
19 inspector?

20 A I believe a little over two years.

21 Q And were you an electrical inspector before you had  
22 the lead position?

23 A Yes.

24 Q For how long?

25 A For about seven years.

1 Q All right. What is it -- what are the qualifications  
2 to become a Department electrical inspector?

3 A You had to have a journeyman certificate for at least  
4 four years.

5 Q Okay. Now, in our packet I am going to refer to your  
6 inspector's statement which I had marked at one time  
7 during the testimony just so you can refresh your  
8 memory.

9

10 BOARD MEMBER SIMMONS: And Shelley, just let me  
11 interject here.

12 And Mr. Hosea, just so you know, we all have a copy  
13 of this and have read it. So, you know, if you can  
14 highlight your points please. We spend a lot of time  
15 looking at this stuff ahead of time so that we don't have  
16 to recount every word.

17 Thank you.

18 ASSISTANT ATTORNEY GENERAL MORTINSON: And -- thank  
19 you, Mr. Simmons. And I won't. But because this is an  
20 original hearing and it goes to superior court, I do need  
21 to make a record of how I -- I do need to make more of a  
22 record than in perhaps a case that's been heard by an  
23 administrative law judge.

24 BOARD MEMBER SIMMONS: Okay. I understand. Thank  
25 you.

1 ASSISTANT ATTORNEY GENERAL MORTINSON: And my  
2 apologies. I had lost my mark on the inspector's  
3 statement. Does someone have the page number?

4 BOARD MEMBER PREZEAU: 157.

5 ASSISTANT ATTORNEY GENERAL MORTINSON: Sorry?

6 BOARD MEMBER PREZEAU: 157.

7 ASSISTANT ATTORNEY GENERAL MORTINSON: Thank you,  
8 Tracy. That'll teach me to remove my marker. Oh, there  
9 it is.

10

11 EXAMINATION

12 BY MS. MORTINSON: (Continuing)

13 Q All right. So Mr. Hosea, how did you become aware of  
14 the permits in this case that were taken out in the  
15 name of Daniel Longsine Electric but ended up not  
16 being his permits? So how did you become aware of  
17 this situation?

18 A On the day in question, there were inspection  
19 requests for three services at an apartment complex.  
20 And Dan Longsine actually called me that morning to  
21 discuss a code question with me. And I mentioned at  
22 the end of the code question that "By the way I'm  
23 going to go do these inspections for you."

24 And Dan said, "What inspections?"

25 And I said, "The three at your apartment in

1 Kenmore."

2 And he told me at that time he knew nothing  
3 about them.

4 Q All right. So what did you do after that?

5 A Well, he asked me if I had any information. And I  
6 said, "There's a name here. Dan. And there's a  
7 phone number." And I gave him that phone number.

8 And he said, "That's not my phone number." So  
9 then he later -- he actually said, "Can I call you  
10 right back?"

11 I said, "Yes."

12 Then he called me back. And he says, "I think I  
13 know who this is. It's a guy that's worked with me  
14 before. And he mentioned the name Dan Walker.

15 So I said, "All right."

16 Then I went out to the job site. And at the job  
17 site I spoke to the apartment manager because there  
18 was no contractor on site.

19 And I asked the contractor -- or she gave me his  
20 number. And I called him and asked him who was doing  
21 the work.

22 And he said, "Well, Dan Walker."

23 And then he gave me his office number. So I

24 called his office. And they faxed me over an invoice  
25 from Dan Walker.

130

1 Q All right. And for the record, what was the job  
2 site? Would you tell us what it was and the address  
3 please.

4 A Let's see. The address was 17525-80th Avenue  
5 Northeast in Kenmore. And it was the Astoria Place  
6 Apartments -- or Asteria Place Apartments, excuse me.

7 Q All right. So then after you talked to the manager  
8 -- you had mentioned the invoice. Please tell us  
9 about that.

10 A The invoice that I had was dated December the 9th.  
11 It was The D.W. Company. And it was billing to DGC  
12 Incorporated for the Asteria Place Apartments. And  
13 it was -- it said changing out panels and adding  
14 washer and dryer circuits in units 104, 112, 205 and  
15 211 at a cost of \$800 per unit, a total cost of  
16 \$3,200.

17 Q All right. And this was the invoice the apartment  
18 manager had referred to?

19 A Well, actually this is the one that --

20 Q I'm sorry.

21 A -- they had sent me --

22 Q Correct, yes.

23 A -- from DGC Incorporated.

24 Q All right. So after you got this invoice, what did

25 you do next?

131

1 A I called actually Dan to tell him for sure what was

2 going on.

3 Q Which Dan?

4 A Oh, I'm sorry. Dan Longsine.

5 And then I called the Department contractor to

6 let him know that these were invalid permits, and

7 that we were going to have a contractor come and take

8 these over.

9 Q All right. Now, in your statement you refer to four

10 other inspections that had already been done by L & I

11 for Danmire Electric. Can you tell us what you found

12 out about those?

13 A Well, actually this invoice I had was I believe for

14 those four. The one I didn't have was for the three

15 that I was going to look at.

16 Q Thank you. And the three jobs you had, were they

17 each under a separate permit?

18 A Yes, each one was under a separate permit.

19 Q All right. Now, I'd like you to just briefly take a

20 look at -- in the packet there are -- I believe  
21 starting on page 10 of the Electrical Board packet,  
22 I'd like you to take a look at pages 10 through 16  
23 and tell us what you -- what those documents are.  
24 A These look like applications for electrical work  
25 permits. And they name the contractor as Dan

132

1 Longsine. They have the address of the Asteria Place  
2 Apartments with the different units. And it says 125  
3 amp panel change. And it's signed on the bottom by  
4 -- I don't know whose signature that is.

5 Q All right. And after you had been to the apartments  
6 and done an investigation, did you issue citations?

7 A Yes, I did.

8 Q And let's talk specifically about the citations in  
9 relation to these permits. What citations did you  
10 issue? I don't think you -- perhaps a more general  
11 question, Mr. Hosea: What did you issue citations  
12 for in relation to these permits?

13 A For the person who bought these -- that for someone  
14 contracting without a license I believe.

15 Q All right. Let's refer to page 156 in the Electrical  
16 Board -- in the appeal board packet. And this is in  
17 relation to citation EHOSJ00270. Page 156. And can

18 you -- is this a citation you issued?

19 A Yes.

20 Q And to whom did you issue it?

21 A To Dan Walker.

22 Q And what violation code is noted on this citation?

23 A WAC 296-46B-985.

24 Q And there's a description on the citation. Could you

25 tell us what that says please.

133

1 A Knowingly making a false statement or material

2 misrepresentation to the Department.

3 Q Thank you. And did you issue a citation for each of

4 the seven permits for this violation?

5 A Yes.

6 Q All right. I think that's all the -- oh, I think

7 that's all the questions I have of Mr. Hosea on

8 direct.

9

10 CHAIRWOMAN ASHFORD: Thank you.

11 Mr. Walker.

12 ASSISTANT ATTORNEY GENERAL MORTINSON: Ah -- again,

13 it might be a good thing I'm leaving. I'm absent-minded

14 today. I'm sorry. There is one other document I'd like

15 to ask Mr. Hosea about on direct.

16

17 EXAMINATION

18 BY MS. MORTINSON: (Continuing)

19 Q Mr. Hosea, I'd like to refer you to page 17 and ask  
20 you about this document, page 17 in the Electrical  
21 Board packet.

22 A Oh, this is the letter that Dan Longsine -- and I  
23 asked him to send this to me whether or not he had  
24 given Dan Walker permission to use his contractor's  
25 license to do these jobs. And he told me that he did

134

1 not. And he said so in the letter that he sent me.

2 Q Thank you.

3

4 ASSISTANT ATTORNEY GENERAL MORTINSON: Now I am done  
5 on direct, Madam Chair. Thank you.

6 CHAIRWOMAN ASHFORD: Thank you.

7 Mr. Walker, if you're prepared to be sworn in.

8

9 \* \* \* \* \*

10

11 Whereupon, DANIEL R. WALKER, having been first duly

12 sworn by the court reporter/Notary, testified as follows:

13

14 CHAIRWOMAN ASHFORD: Could you please state your name  
15 and spell it for the record.

16 MR. WALKER: Daniel Walker. D-A-N-I-E-L,  
17 W-A-L-K-E-R.

18 CHAIRWOMAN ASHFORD: Thank you.  
19 Are you prepared to address these issues?

20 MR. WALKER: Yes, I am. I don't deny that I didn't  
21 do any of this stuff. I did every bit of it. Okay? I  
22 worked for Dan Longsine Electric.

23 Did Dan Longsine Electric tell you, John Hosea, that  
24 he was out of town for a month to go get his commercial  
25 pilot's license?

135

1 BOARD MEMBER SIMMONS: Sir, can you refer to us  
2 please and use your microphone.

3 MR. WALKER: Sure.

4 Did Dan Longsine refer to you, John Hosea, that he  
5 was out of town at this particular time and just reentered  
6 town to get his pilot's license and that I did work for  
7 him?

8 CHAIRWOMAN ASHFORD: Mr. Walker, that's not relevant.

9 MR. WALKER: It is relevant because I worked for him  
10 as an employee doing piecework.

11 CHAIRWOMAN ASHFORD: Virgil.

12 BOARD MEMBER HAMILTON: Mr. Walker, did you receive a  
13 paycheck from Dan Longsine?

14 MR. WALKER: No. I received cash.

15 CHAIRWOMAN ASHFORD: Okay. We will allow you to make  
16 your statement.

17 MR. WALKER: Okay. A little history about myself and  
18 how I got in this predicament. Okay?

19 I've been in apprenticeship for nine years. Okay? I  
20 think I have like 1,800 documentable hours. Okay? I've  
21 worked for like three or four different contractors. It's  
22 really really hard to get your hours documented, first of  
23 all, by these contractors because they're all running out  
24 of ratio, if you will.

25 And so the bottom line is I took on this work due to

136

1 the fact that Dan was out of town, the shop was in chaos.  
2 He had given us the ability to get our own permits. I've  
3 paid him cash money in the past for it.

4 I'm not denying the fact that I didn't do this. But  
5 the fact is that the State wants to take my trainee card  
6 and my ability for me to take and earn a living as an  
7 electrical trainee and stay in the industry is what I'm  
8 contesting.

9 CHAIRWOMAN ASHFORD: Are you an electrical

10 contractor?

11 MR. WALKER: I am not an electrical contractor.

12 CHAIRWOMAN ASHFORD: Do you hold --

13 MR. WALKER: I'm going through the school --

14 CHAIRWOMAN ASHFORD: -- your journeyman certificate?

15 MR. WALKER: -- of hard knocks. I'm learning the

16 system. Okay? I'm learning it --

17 CHAIRWOMAN ASHFORD: I asked you a question. Do you

18 hold a journeyman certificate now?

19 MR. WALKER: I do not.

20 CHAIRWOMAN ASHFORD: Do you hold an administrator's

21 license?

22 MR. WALKER: I do not. Right now my trainee card is

23 suspended.

24 CHAIRWOMAN ASHFORD: So you're running electrical

25 work and you do not have a journeyman's license, an

137

1 administrator's license or a contractor's license. And

2 you're billing --

3 MR. WALKER: No. I do have a journeyman on the job,

4 though.

5 CHAIRWOMAN ASHFORD: And you're billing --

6 MR. WALKER: I --

7 CHAIRWOMAN ASHFORD: Excuse me. And you are billing

8 customers for work that you are doing yourself.

9 MR. WALKER: I did, on this particular job, yes.

10 CHAIRWOMAN ASHFORD: Is that not in direct violation  
11 of --

12 MR. WALKER: I said I was guilty of all this. I  
13 didn't deny the fact.

14 CHAIRWOMAN ASHFORD: Virgil.

15 BOARD MEMBER HAMILTON: How long -- before you pulled  
16 these permits, how long had it been since you'd worked for  
17 Mr. Longsine?

18 MR. WALKER: It's been like three to four months  
19 prior to.

20 CHAIRWOMAN ASHFORD: (To Board Member Simmons) You're  
21 just -- you're going to explode if you don't ask a  
22 question.

23 BOARD MEMBER SIMMONS: If I don't ask a question.

24 MR. WALKER: I've since tried to further my  
25 education. I've been going to an "admin" school, paying

1 my own way, paying my fines, trying to learn as much  
2 about the system as I can because I -- I'm going through  
3 this without a whole lot of guidance, if you will, and I'm  
4 learning and learning and learning. Okay? And so now  
5 that I'm going through the administrative course and

6 reading more WAC rules and more code books and more books,  
7 I'm learning more about what it takes to be a contractor,  
8 if you will.

9 CHAIRWOMAN ASHFORD: How many years have you been a  
10 trainee?

11 MR. WALKER: Nine years, ma'am.

12 CHAIRWOMAN ASHFORD: Nine?

13 MR. WALKER: Nine. I think I have like 1,800  
14 documentable hours. Like I said, I've had a hard time  
15 getting my hours documented by contractors.

16 BOARD MEMBER SIMMONS: Mr. Walker, I am a contractor.  
17 You probably heard that earlier.

18 But I don't understand a couple of things about this.  
19 Number one, how you could have 1,800 hours, which is  
20 usually what somebody gets in one year, after nine years.  
21 I have a hard time understanding that. Could you clarify  
22 that one for me?

23 MR. WALKER: Basically these contractors are running  
24 out of compliance, so therefore, they cannot verify your  
25 hours on affidavits. Because if they do, they're in

139

1 trouble. Okay? And I need a job, so I'm not going to  
2 blow the whistle on them because I need a job.

3 BOARD MEMBER SIMMONS: Okay. Well, let me -- you

4 just said you're trying to get your life straightened out  
5 here and get squared away. I don't understand how you  
6 would work for somebody that was paying you under the  
7 table. Because that's basically what they would have to  
8 do to not be able to document your hours. If you are  
9 serious about your trade and wanting to be an electrician,  
10 I do not understand how after the first week that I worked  
11 for somebody and he paid me under the table how you would  
12 continue to work for somebody like that that could not  
13 document your hours and further your training. Can you  
14 explain that?

15 MR. WALKER: Let's put it this way: I've worked for  
16 other shops aboveboard that didn't document my hours  
17 either.

18 BOARD MEMBER SIMMONS: Well, they can't do that.

19 MR. WALKER: Well, they did.

20 CHAIRWOMAN ASHFORD: It's your responsibility to see  
21 that your hours are documented.

22 MR. WALKER: I'm learning -- like I said, I've gone  
23 through the school of hard knocks. I've really learned a  
24 lot here in the last year.

25 BOARD MEMBER SIMMONS: Yeah, I bet. And you're going

2 CHAIRWOMAN ASHFORD: Mr. Hamilton, you had a  
3 question.

4 BOARD MEMBER HAMILTON: Mr. Walker, there are plenty  
5 of legitimate contractors out there that will document  
6 your hours correctly for the time that you work. And  
7 being in the trade for nine years, I can't believe that,  
8 you know, you thought that any of this was even remotely  
9 okay.

10 But the part that really really bothers me is when  
11 you go in and fraudulently take out a permit and you sign  
12 the name Dan Longsine on the bottom of that permit when  
13 that's not your name.

14 MR. WALKER: What do you do when you can't get ahold  
15 of the owner for a month straight and the owner will not  
16 return your call?

17 BOARD MEMBER HAMILTON: You go to another electrical  
18 contractor. Or you legitimately become an electrical  
19 contractor yourself.

20 But there is nowhere in this United States of America  
21 that it's okay to sign somebody else's name to a  
22 document. Period.

23 And furthermore, under most circumstances you go to  
24 jail for that.

25 MR. WALKER: I agree. But in the past he has allowed

1 this to happen. He set a precedence on other jobs and  
2 allowed this to happen. "Go get a permit. Get it on the  
3 way by."

4 BOARD MEMBER SIMMONS: Well, yeah, but weren't those  
5 jobs that he was directly involved in?

6 MR. WALKER: That is correct.

7 BOARD MEMBER SIMMONS: Okay. Well, isn't this  
8 substantially different?

9 MR. WALKER: Yes, it is.

10 BOARD MEMBER SIMMONS: And I was just reading the  
11 bottom of what you signed here. And just for  
12 clarification for everybody, it says: "I hereby certify  
13 that I am a licensed contractor and am making the  
14 electrical installation," et cetera. It says that right  
15 above where you signed.

16 MR. WALKER: What page you on?

17 CHAIRWOMAN ASHFORD: On the permits.

18 BOARD MEMBER SIMMONS: On all the permits. It's page  
19 11, page 10. Right above where you signed fraudulently it  
20 says that.

21 I don't understand how you could think this is okay  
22 in any way, shape or form. Can you explain that one to  
23 me?

24 MR. WALKER: I didn't read the fine print. Sorry.

25 BOARD MEMBER PREZEAU: The other thing that I would

142

1 sort of want to point out is it's clear to me that you  
2 know enough about the rules and laws to know that you're  
3 supposed to be supervised when you have a trainee's  
4 license --

5 MR. WALKER: I was supervised.

6 BOARD MEMBER PREZEAU: If you'd let me finish. My  
7 point here is that you know enough about the electrical  
8 laws and rules to know that you have to be supervised,  
9 that you have to have ratios, you know, that the work has  
10 to be -- the hours have to be documented in order to get  
11 certification. So this clearly shows/demonstrates to me  
12 that you have an awareness of the WAC and the RCW's, the  
13 laws and the rules.

14 MR. WALKER: That's correct.

15 BOARD MEMBER PREZEAU: You just choose to follow the  
16 ones that are convenient for you --

17 MR. WALKER: I just --

18 BOARD MEMBER PREZEAU: -- at the time. Please let me  
19 finish.

20 MR. WALKER: Okay.

21 BOARD MEMBER PREZEAU: So I think it demonstrates a,  
22 you know, like I said a knowledge of the rules and laws.

23 You just choose not to follow the ones that are  
24 inconvenient for you at the time.  
25 And I think the fact that you are signing somebody

143

1 else's name onto a permit or any other document, I cannot  
2 agree more with what Virgil had to say. I'm a little bit  
3 surprised that there's not some sort of civil proceeding  
4 going on.

5 If somebody took my name as a legitimate contractor  
6 and did work under my electrical contractor license, you  
7 know, I would not let that stand. And this is -- we've  
8 seen other cases where this has happened. And I find it  
9 absolutely alarming and really don't have a lot of  
10 sympathy at all for what you have to tell us.

11 You know, I am a journeyman electrician. And I  
12 earned that license. And I got my hours documented. And  
13 I did so in four and a half years.

14 I would expect that -- I think that the electrical  
15 laws and rules are there for a reason. They're there to  
16 try to keep our customers and consumers safe. They're  
17 there to try to make sure that the people that are making  
18 electrical installations are competent.

19 And I just, you know -- I don't even know where to  
20 start. I mean, you're not a journeyman. You're not a

21 contractor. You know, I find this whole matter very  
22 disturbing.

23 MR. WALKER: I just spent \$1,200 to learn about the  
24 rules and regulations.

25 BOARD MEMBER PREZEAU: Perhaps you should have done

144

1 that eight years ago.

2 MR. WALKER: I'm learning a lot fast, real fast.

3 CHAIRWOMAN ASHFORD: Do we have any more questions or  
4 do we have a motion?

5

6 Motion

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8 BOARD MEMBER BELISLE: I make a motion to uphold the  
9 staff's recommendation.

10 BOARD MEMBER TRICARICO: Second.

11 CHAIRWOMAN ASHFORD: All those in favor?

12 THE BOARD: Aye.

13 CHAIRWOMAN ASHFORD: Opposed?

14

15 Motion Carried

16

17 ASSISTANT ATTORNEY GENERAL MORTINSON: Could I have a  
18 clarification, for the record, again, for the staff's

19 recommendation? I think the Department's recommendation

20 is to --

21 BOARD MEMBER SIMMONS: Suspend the license.

22 ASSISTANT ATTORNEY GENERAL MORTINSON: -- suspend the

23 training certificate for a period of three years. Could

24 we have that specifically please for the record.

25 ///

145

1 Motion (Revised)

2

3 BOARD MEMBER BELISLE: Make the motion that we

4 suspend the trainee's license for a period of three years.

5 BOARD MEMBER SIMMONS: And uphold the citations.

6 BOARD MEMBER BELISLE: And uphold the citations.

7 BOARD MEMBER TRICARICO: Second.

8 ASSISTANT ATTORNEY GENERAL MORTINSON: The citations

9 are already final, and so I think that's taken care of.

10 Thanks.

11 CHAIRWOMAN ASHFORD: Thank you, Mr. Walker.

12 Is there any further business? Okay. Since everyone

13 is quiet, we'll accept a motion --

14 SECRETARY FULLER: One other thing. My light bulb

15 just went on.

16 February when we do the reciprocal states meeting, if

17 we have a quorum we have to make it an official meeting.

18 So what are the thoughts on that before we leave today?

19 Because if we're going to do that, then we'll need to be

20 publicizing that meeting before our January meeting.

21 CHAIRWOMAN ASHFORD: How many members do we have that  
22 strongly feel that they can be here in February.

23 (Board Members Prezeau, Hamilton, Ashford, Belisle  
24 raising hands.)

25 BOARD MEMBER BELISLE: How many are allowed without a

146

1 quorum? I guess that would be my question.

2 SECRETARY FULLER: Half of the voting members.

3 CHAIRWOMAN ASHFORD: Simple majority of voting  
4 members.

5 SECRETARY FULLER: So eight is a quorum then. Right?  
6 Because we have 14 voting members. So --

7 BOARD MEMBER SIMMONS: So we can have up to seven  
8 without a quorum?

9 SECRETARY FULLER: Is it seven or six? Let's be safe  
10 and say six for right now.

11 CHAIRWOMAN ASHFORD: And could we raise our hands  
12 again of those that want to participate?

13 (Board Members Belisle, Simmons, Ashford, Hamilton,  
14 D.S. Bowman, Prezeau raising hands.)

15 SECRETARY FULLER: Okay. Rod, Jim, Gloria, Virgil,  
16 David and Tracy. David S.

17 Okay. As soon as I know a date and time for that,  
18 I'll let everyone know that is on that list.

19 CHAIRWOMAN ASHFORD: And along that thought, if  
20 anybody has a date -- because I know in February I'll be  
21 up at Sun Peaks for a period of days. So if anybody has  
22 days that don't work, can we submit them to Ron.

23 SECRETARY FULLER: Well, actually with this  
24 teleconference, you'll be able to call in if you want.

25 BOARD MEMBER PREZEAU: Good. Gloria, you could call

147

1 in if you want.

2 SECRETARY FULLER: We don't want anybody out skiing  
3 when we're not --

4 CHAIRWOMAN ASHFORD: Are we off the record now?

5 THE REPORTER: You want to be off the record?

6 CHAIRWOMAN ASHFORD: Any further business?

7

8 Motion

9

10 BOARD MEMBER PREZEAU: I move that we adjourn.

11 BOARD MEMBER HAMILTON: Second.

12 CHAIRWOMAN ASHFORD: All those in favor?

13 THE BOARD: Aye.

14

15 Motion Carried

16

17 CHAIRWOMAN ASHFORD: We are adjourned.

18 (Whereupon, at 12:30 p.m.,  
proceedings adjourned.)

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148

1 CERTIFICATE

2

3 STATE OF WASHINGTON )

) ss.

4 County of Pierce )

5

6 I, the undersigned, a Certified Court Reporter in and  
for the State of Washington, do hereby certify:

7

That the foregoing transcript of proceedings was  
8 taken stenographically before me and transcribed under my  
direction; that the transcript is an accurate transcript  
9 of the proceedings insofar as proceedings were audible,  
clear and intelligible; that the proceedings and resultant  
10 foregoing transcript were done and completed to the best  
of my abilities for the conditions present at the time of  
11 the proceedings;

12 That I am not a relative, employee, attorney or  
counsel of any party in this matter, and that I am not  
13 financially interested in said matter or the outcome  
thereof;

14

IN WITNESS WHEREOF, I have hereunto set my hand on  
15 this 2nd day of December , 2008, at Tacoma,  
Washington.

16

17

18

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H. Milton Vance, CCR, CSR

Excel Court Reporting

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(CCR License #2219)

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