

1 DEPARTMENT OF LABOR AND INDUSTRIES  
2 STATE OF WASHINGTON

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ELECTRICAL BOARD MEETING  
TRANSCRIPT OF PROCEEDINGS  
Thursday, January 25, 2007

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13 BE IT REMEMBERED, that a quarterly Electrical Board  
meeting was held at 9:00 a.m. on Thursday, January 25,  
14 2007, at the address of 7273 Linderson Way S.W., Tumwater,  
Washington before CHAIRPERSON GLORIA ASHFORD and BOARD  
15 MEMBERS JIM SIMMONS (Vice Chair), TOM PHILLIPS, PHILIP  
PARKER, DAVID JACOBSEN, DON KOPCZYNSKI, FRED TRICARICO,  
16 VIRGIL HAMILTON, DAVID A. BOWMAN, DAVID S. BOWMAN, BRYAN  
DAVIS, TRACY PREZEAU, GEOFFREY NEWMAN, DON GUILLOT, and  
17 SECRETARY/CHIEF ELECTRICAL INSPECTOR RONALD FULLER. Also  
present were ASSISTANT ATTORNEYS GENERAL DONNA EMMINGHAM  
18 representing the Board and SHELLEY MORTINSON representing  
the Department.

19 WHEREUPON, the following proceedings were held, to  
20 wit:

21  
22 Reported by:  
H. Milton Vance, CCR, CSR  
(License #2219)

23 EXCEL COURT REPORTING  
24 16022-17th Avenue Court East  
Tacoma, WA 98445-3310  
25 (253) 536-5824

1 Thursday, January 25, 2007  
Tumwater, Washington

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1 PROCEEDINGS

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3 CHAIRWOMAN ASHFORD: The hour is 9:05. The date is

4 January 25, 2007. The Electrical Board meeting will

5 convene. A revised agenda is being passed around. Cell

6 phones off please.

7

8 Item 1. Approve Transcript of October 26, 2006

9 Electrical Board Meeting

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11 CHAIRWOMAN ASHFORD: The first agenda item is the

12 approval of the transcripts of the October 26th meeting.

13

14 Motion

15

16 BOARD MEMBER TRICARICO: Madam Chair, I move that we

17 accept the transcripts as written.

18 BOARD MEMBER (D.S.) BOWMAN: Second.

19 CHAIRWOMAN ASHFORD: We have a motion and a second to

20 accept. All those in favor?

21 THE BOARD: Aye.

22 CHAIRWOMAN ASHFORD: Opposed? So approved.

23

24 Motion Carried

25 ///

1 Item 2. Departmental/Legislative Update

2

3 CHAIRWOMAN ASHFORD: Did Patrick make it back? Oh.

4 MR. WOODS: Madam Chair, members of the Board, it's a  
5 pleasure to be with you this morning.

6 This is one of the encouraging parts of my job. As  
7 you know, in every one of our jobs there's areas that you  
8 have to gird up for and get ready, and it's a challenge.  
9 This is one that I look forward to. It gives me energy.  
10 Because in my mind you reflect thoroughly what is the best  
11 about government and the involvement with our private  
12 sector. It just is great to have folks who understand the  
13 issues as well as you do and can provide us with the  
14 support we need.

15 I've asked Brandi to hand out a little one page -- a  
16 two-pager. And this is just something I wanted to  
17 highlight because I think at times we forget, because of  
18 all the things that we do, the accomplishments that you  
19 and the program have made in the electrical arena. So  
20 many things have been accomplished, but it has not been  
21 done by one entity. It really has been the collaboration  
22 of your industry.

23 In the legislature where I worked for a number of  
24 years you see lots of different stakeholder groups,  
25 interest groups, but the electrical one is unique because

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1 of your expertise and the importance of your industry and  
2 how you impact in our community.

3 Some of the things that we're looking at as you go  
4 through this, and I won't belabor it, it's just a series  
5 of accomplishments that are impacting the public for  
6 public safety. And I just want to thank you for that.

7 One of the areas that I also this morning would like  
8 to bring to your attention and see if this is something  
9 that you would collaborate with us on is the idea of tough  
10 policy issues.

11 I know in the last year you've dealt with some tough  
12 issues that are by their very nature difficult to resolve.  
13 And that's why I do appreciate having the spectrum of  
14 input on the Electrical Board, both from industry and  
15 labor, from technical expertise. And we'd like to build  
16 on that. And we would request that if you feel that  
17 you're able to invest the time in this -- and I know that  
18 being on the Electrical Board is a tremendous investment  
19 of time and energy. But if you would consider as a Board  
20 the establishment of a subcommittee on policy issues. If  
21 there are areas that you identify as something that would  
22 require an in-depth review, support from the Department --  
23 I've talked to Ron about this. He thinks it's a  
24 tremendous idea to have the brains trust that is

25 represented here dedicated on specific issues that are

6

1 requiring the in-depth and collaborative review.

2 As an advisory board, we would welcome that ability  
3 to have your expertise provided to us. And if that could  
4 be done, we will give you every support that we can to  
5 ensure that it's successful and that we take that advice  
6 and use it to the very best of our ability.

7 Madam Chairman, that really is the key.

8 Other than that, there are lots of legislative issues  
9 that are out there at the moment. I think the HVAC issue  
10 may be something that will come up during the session. I  
11 haven't seen -- I've seen a draft of bills, but I haven't  
12 seen any bill introduced. Perhaps we will hear more about  
13 that today.

14 But again, just thank you for all that you're doing.

15 And we appreciate your involvement.

16 Any questions, Madam Chair, members of the Electrical  
17 Board?

18 CHAIRWOMAN ASHFORD: Does anyone have any questions  
19 of Patrick?

20 Carrying on with this thought of a subcommittee for  
21 policy issues, this is something that we've discussed with  
22 Mr. Phillips, and I would ask him to chair such a  
23 committee.

24 Do we have any other volunteers that would like to  
25 serve on this committee?

7

1 (Board Members Kopczynski, Hamilton, Tricarico, D.S.  
2 Bowman, and Prezeau raising hands.)

3 Tom, how many members would you like to see?

4 BOARD MEMBER PHILLIPS: I think maybe five or so.  
5 And I think it's a great suggestion from Mr. Woods because  
6 so many issues that we have to deal with, we don't really  
7 have the time to discuss them when we only meet every  
8 three months. So some of these issues need some more kind  
9 of off-line time to discuss. I think it's a great  
10 suggestion.

11 CHAIRWOMAN ASHFORD: I believe I saw about five  
12 hands. I will ask Tom to select his committee.

13 BOARD MEMBER PHILLIPS: Well, I guess, you know,  
14 everyone who raised their hand would be fine.

15 CHAIRWOMAN ASHFORD: Do we need a motion on that?

16 SECRETARY FULLER: Madam Chair, one thing that you do  
17 need to be careful of is not having a quorum. Because  
18 then you have an official Board meeting.

19 Tom, you just need to be aware of how many you have  
20 on it.

21 CHAIRWOMAN ASHFORD: So including Tom, no more than

22 five then?

23 SECRETARY FULLER: We can go to six. Seven's a  
24 quorum, so six would be the maximum that could ever  
25 attend. Even as a visitor. If you show up as a visitor,

8

1 you're still counted technically.

2 It's just something to be careful of that we don't  
3 violate the Public Meetings Act.

4 MR. WOODS: Thank you, Madam Chair. Thank you, Board  
5 members.

6 CHAIRWOMAN ASHFORD: And happy new year to you.

7 MR. WOODS: The same to you. And a happy session  
8 that we all make it through safely.

9 BOARD MEMBER PHILLIPS: Could I just get those hands  
10 one more time.

11 (Board Members Kopczynski, Hamilton, Tricarico, D.S.  
12 Bowman, and Prezeau raising hands again.)

13 BOARD MEMBER PHILLIPS: Great. Thanks.

14 CHAIRWOMAN ASHFORD: I have a question for Donna on  
15 that issue.

16 Could you have an alternate that could serve and be  
17 prepared to serve if another member could not serve on  
18 that committee?

19 ASSISTANT ATTORNEY GENERAL EMMINGHAM: Certainly. As  
20 long as you don't have seven Board members at one location  
21 at one time discussing business. Essentially you'd have a  
22 quorum. And deliberation is also considered action.

23 Whether you make decisions, make motions, or take a vote,  
24 deliberations would still be considered Board action.

25 CHAIRWOMAN ASHFORD: Thank you.

9

1 Item 3. Budget & Secretary's Report

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3 CHAIRWOMAN ASHFORD: Budget and Secretary's Report.

4 SECRETARY FULLER: Did we do transcripts?

5 CHAIRWOMAN ASHFORD: Pardon?

6 SECRETARY FULLER: Did you do the motion? Or did I  
7 have my head down looking at the budget a while ago?

8 CHAIRWOMAN ASHFORD: Oh, on the transcripts, yes, we  
9 did.

10 SECRETARY FULLER: Okay. I had my head down. I have  
11 a new budget paper in here, so that's what I was looking  
12 at. Sorry.

13 Okay. The budget package that's in your folder is  
14 for October 2006. And obviously it's old. We do have a  
15 December update now.

16 So the variance analysis for the program agency-wide  
17 is actually at 88,358 through December. That's the "To  
18 Date Variance" column on the front page. So we're still

19 in the positive which is where we need to be, but we're  
20 closer to be zero which is where we need to be also. So  
21 things are looking pretty good right now.  
22 We're about down to probably within a minimum percent  
23 of our allotted budget being utilized right now. And  
24 that's the key to it is that we use what they allot us.  
25 Because we're allotted so little in the first place.

10

1 The budget -- it's projected to be, you know,  
2 theoretically at zero at the end of June. So that's where  
3 we want to be is right at zero.  
4 So to be this close when you have six regions plus my  
5 group plus Patrick's group plus IS plus the AG's office  
6 plus the administrative overhead, we've got all those  
7 different groups trying to balance together when they  
8 don't. Because normally to operate together day-to-day is  
9 pretty tricky, and to get us this close is pretty amazing  
10 I think. So kudos to everybody that's doing budget stuff  
11 for us.  
12 With the secretary's report, you've got the -- the  
13 fund balance is still about the same as it was in October.  
14 It's still right at \$13,2-.  
15 We do have the fee decrease that went into effect  
16 January 1st for permits and licenses and certificates.  
17 That's a five-percent decrease again temporarily. It's  
18 set up right now to go one year for the permits and for  
19 whatever the license duration is for a renewal cycle. So  
20 for instance, trainees, it's two years. For electricians,  
21 it's three years. So everybody gets one shot at that  
22 temporary reduction. And that will draw the fund balance  
23 down again. The projection is is that at the end of --  
24 between the second and third year we'll probably be down  
25 to about \$10 million. But that gets that fund down a

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1 little bit more realistically. So that gets us to  
2 probably about five months of operating revenue actually.  
3 That's closer to where the Board has expressed in the past  
4 that they want to be. So right now we're a little bit  
5 high probably.  
6 With reciprocity, we have signed an agreement since  
7 the last Board meeting with Texas. So we have reciprocity  
8 with Texas now.  
9 They have about 40,000 certified electricians --  
10 certified journeymen actually, not just electricians. We  
11 are only reciprocating the ones that have taken the state  
12 test for Texas. They did grandfather some people in like  
13 we did in 1973 from the city jurisdiction. But they have  
14 very similar requirements now to us.  
15 They're actually interested in reciprocating the code

16 and theory portions of our master test because we're very  
17 similar to what -- to their requirements on that too. We  
18 wouldn't be able to reciprocate the state requirement  
19 piece of the exam, but we could do the code and theory  
20 probably. So they're actually working on that.  
21 We'll probably submit something maybe for the next  
22 Board meeting. So that's pretty exciting too.  
23 BOARD MEMBER PREZEAU: Ron, can I interrupt you and  
24 ask a question about reciprocity?  
25 SECRETARY FULLER: Sure, uh-huh.

12

1 BOARD MEMBER PREZEAU: I'm just curious because -- so  
2 in Texas do they not recognize -- they only have one type  
3 of license, an 01 license, a general journeyman license?  
4 They don't have the specialties like we have?  
5 SECRETARY FULLER: I think they have a few  
6 specialties, but they don't have -- in general it's  
7 journeyman.  
8 BOARD MEMBER PREZEAU: Okay. So we're not  
9 reciprocating with any other license?  
10 SECRETARY FULLER: No. We don't reciprocate with  
11 anyone with specialties that I can think of. I don't  
12 think we have any specialties reciprocation right now.  
13 BOARD MEMBER PREZEAU: Okay. And then last month we  
14 talked -- I think you made a comment about Idaho and how  
15 they had thrown their name back in the hat for reciprocity  
16 with the group that Washington is reciprocal with. Is  
17 anything happening with that? Or have you guys met?  
18 SECRETARY FULLER: Well, we only meet once a year.  
19 BOARD MEMBER PREZEAU: Oh, okay.  
20 SECRETARY FULLER: But I have not seen any  
21 documentation to move their process forward yet.  
22 BOARD MEMBER PREZEAU: And they have the same  
23 requirement as Oregon where if you -- they have an  
24 apprenticeship situation, but if you did not, then you --  
25 Washingtonians have to prove 16,000 hours of on-the-job

13

1 training? Is that --  
2 SECRETARY FULLER: Well, they're a little different.  
3 Oregon just want -- from what they've told us is that they  
4 want you to either have graduated from an apprenticeship  
5 program, then it's hour for hour. If you haven't, if  
6 you're a normal trainee, then it's 16,000 hours in Oregon.  
7 No other options.  
8 Idaho's is different. Theirs is much more  
9 complicated because they have the apprenticeship okay. If  
10 you're a JATC here, you can go to Idaho and be qualified.  
11 Or if you're not, you can do 16,000 hours. Or you can  
12 challenge their apprenticeship exams that are administered

13 by the State.

14 But that's really complicated because they first make  
15 you test for year one. If you pass that, they make you  
16 test for year two, and year three, and then your four and  
17 then your five. And then when you're all done with that,  
18 then you get to still take the state exam. So it would be  
19 like a grueling process for anyone.

20 BOARD MEMBER PREZEAU: So is it possible to enter  
21 into reciprocity agreements with Oregon and Idaho for  
22 people in Washington that meet those apprenticeship  
23 requirements or meet their minimum qualifications?

24 SECRETARY FULLER: We have not supported that -- the  
25 Department's not supported that in the past because of the

14

1 inequity between the regular trainee and the  
2 apprenticeship person.

3 In reality, all -- the only difference between  
4 reciprocity and what we have is that they have to test.  
5 So we take an Oregon or an Idaho person, but they have to  
6 test. We take them hour for hour. But they don't do the  
7 same thing for people moving from here to there. So it's  
8 pretty inequitable. And because of that, we just haven't  
9 gone down that path with them I guess.

10 BOARD MEMBER PREZEAU: So you don't think the  
11 Department would ever ask them to enter into a reciprocity  
12 agreement with the individuals that have --

13 SECRETARY FULLER: I can't answer that. That's a  
14 decision that's above me.

15 And also, it really actually ties to some of the  
16 apprenticeship issues too. I know that there's been some  
17 rift between Idaho and Washington with the apprenticeship  
18 program also because of -- well, Idaho, first legislation  
19 that's been passed over there. So there are some other  
20 issues beyond the electrical.

21 Plumbing has the same issues that we do. They've got  
22 the same problems and the same concerns.

23 I can't answer your question about what we would or  
24 wouldn't do.

25 BOARD MEMBER PREZEAU: Thank you.

15

1 SECRETARY FULLER: Customer service. The on-line  
2 systems just continue to grow, slowly but surely. Since  
3 July -- this would be through October probably, the  
4 permits sold on-line were 76 percent of all permits sold,  
5 up from the previous report of 70 percent. And we're up  
6 over 50 percent now of all the permits being requested  
7 on-line. So we're saving a lot of clerical time and  
8 getting a lot more accurate inspection requests and permit  
9 purchases being done right now. A huge savings for us on

10 the counter staff.

11 We did do an on-line customer survey in December.  
12 And we got -- it was about 180 responses or so. One of  
13 the dilemmas that we discovered right away with it was  
14 that we had people that were responding -- it was obvious  
15 from the comments that we had people responding from  
16 inside the Department, et cetera, so we stopped it. There  
17 was still some useful insight there I think that we were  
18 able to use, but basically we put that idea back in the  
19 garbage can. And my intent now is that we're still going  
20 to use an on-line survey, and probably in May I'm going to  
21 turn it on again, but this time we're going to send the  
22 link directly to contractors. We're going to try to  
23 collect as many contractor e-mails as we can and have them  
24 do it directly. And since I did this one, the survey tool  
25 we've used has a new function now that I can limit to one

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1 response per customer too. So I think I had a little bit  
2 of that going on too because the same people were  
3 misspelling the same words the same way.

4 CHAIRWOMAN ASHFORD: What kind of responses were you  
5 getting?

6 SECRETARY FULLER: Actually most of the responses  
7 were pretty good.

8 In general what it said was the biggest issue  
9 actually shifted from timeliness of inspections to  
10 customer service, which was consistency and  
11 professionalism from the inspectors. And there was a  
12 specific question about how we are doing in reducing the  
13 impacts of the underground economy. That was clearly the  
14 number one thing this time. Because they still don't  
15 recognize that we're doing a lot of compliance out there.  
16 And we've doubled our compliance in the last two years.  
17 But it's still not being perceived that we're doing  
18 anything positive. So that is good feedback I think. So  
19 we will be working on that perception issue with  
20 compliance especially. Because we are I think doing a  
21 pretty darn good job with the resources we have now.

22 BOARD MEMBER SIMMONS: A quick question, Ron. The  
23 ListServ, approximately how many contractors are not on  
24 that -- do you know -- that are electrical contractors?

25 SECRETARY FULLER: I don't know. The number is right

17

1 at 5,000 now. We're just shy of 5,000 a couple weeks ago  
2 when I asked.

3 One of Dave Myers functions in the next month is to  
4 go through that entire list and -- because we think we can  
5 tell which ones are contractors on there and which aren't.  
6 We have 6,000 contractors total. So even if they were --

7 everyone was a contractor, they wouldn't be all there.  
8 BOARD MEMBER SIMMONS: You're still not hitting a lot  
9 of them.  
10 SECRETARY FULLER: No, no.  
11 BOARD MEMBER SIMMONS: I think that's -- I think  
12 everybody in here probably is on ListServ. But it's such  
13 a great communication medium that -- I mean, you ought to  
14 almost insist when somebody gets their license renewed  
15 that they have an e-mail and sign up on it because it's  
16 that valuable I think.  
17 SECRETARY FULLER: And we do too. That's the best  
18 way to be notified.  
19 And that's what we do when we talk to people. We --  
20 every stakeholder meeting, that's something we emphasize  
21 at every meeting we have privately with a contractor or  
22 anybody else, we try to emphasize that.  
23 We've actually gone from -- well, we had zero when I  
24 started because we didn't have a ListServ. And I  
25 implemented that thing. And I think we started it in

18

1 2001, but we weren't real aggressive with it; we just did  
2 it. But in the last three years we've more than doubled  
3 it. So that's another one that we're moving up fairly  
4 rapidly on. Because it is probably the best quick  
5 communication tool we've got with everyone.  
6 On January 1st all the continuing ed rosters had to  
7 be submitted on-line. That was part of the rule change  
8 that we did. So we have that on-line, and it seems to be  
9 working pretty well now.  
10 Most of the -- we left it open so that we -- for the  
11 people that are dragging their feet, we're still taking  
12 them the old way right now. But at the end of the month,  
13 we're going to turn that off and force them to go on-line.  
14 The ones that are using on-line had very little problems.  
15 We've had just I think two or three people that have made  
16 a wrong entry, and we've had to go in and fix their entry  
17 for some reason, whether they put a wrong license number  
18 in or a date or whatever it is. But it seems to be  
19 working pretty smoothly right now.  
20 So that's -- I think that's going to help us a lot  
21 too. That's really going to be an important tool starting  
22 in June when the trainee classes are mandated. Because  
23 once June -- or July 1st comes, trainees have to show that  
24 education requirement too. So that just doubled the  
25 continuing ed workload for us if we didn't do this

19

1 process.  
2 I put a little table in this time in your packet for  
3 compliance results, January through November of 2006, and

4 broke it down by the inspectors and by audit and by  
5 e-CORE. You can see there in eleven months we wrote 5,572  
6 citations or warnings. When I started I think we were  
7 just barely over 1,000. So again, the whole inspection  
8 force and the e-CORE have dramatically stepped up what  
9 they were doing with the underground economy. And 43  
10 percent of all of those citations were for the targeted  
11 issues: the unlicensed contractor, electrician or failure  
12 to buy permits. So that's a big increase too. Because  
13 when I started, that number was at just barely over 20  
14 percent. Most of the citations we were writing originally  
15 used to be the covered without inspection and installation  
16 issue type things. So now we're much more proactive with  
17 the underground economy. And that's the kind of message I  
18 think that we really have to get out to people, especially  
19 the contractors, so they know we're doing something to try  
20 to help them out.

21 Anybody that's got questions, just interrupt me as  
22 I'm going along here too.

23 CHAIRWOMAN ASHFORD: I have a question. On your  
24 total, the 5,500 citations and warnings, approximately how  
25 many are warnings? Do you issue many of those?

20

1 SECRETARY FULLER: I'm going to take a wild guess and  
2 say 300.

3 CHAIRWOMAN ASHFORD: And what would those --

4 SECRETARY FULLER: It would be -- one for sure is  
5 trainees without supervision, the trainee gets a warning.  
6 That was a decision we made back a couple years ago that  
7 we didn't really want to punish them so much as put them  
8 on notice. If they continue to be -- you know, to have  
9 that problem, then we deal with it. But they are supposed  
10 to always get a warning. The contractor gets a citation  
11 because he made the decision to put them out unsupervised,  
12 and the administrator, but not the trainee. So that would  
13 be an example.

14 It is still up to the discretion of the supervisor on  
15 all issues actually. So theoretically they could issue a  
16 warning for failure to have a contractor license. But  
17 that would never happen. Covering without a -- not buying  
18 a permit. If it's a contractor that buys 1,000 permits a  
19 month and they fail to get one and they get caught,  
20 they're going to probably get the warning. They should.  
21 I hope they make that decision in the field. But that's  
22 -- it's an individual call out there. But because that  
23 one is targeted, the normal mandate is you will get a  
24 citation for that for no permit. But there always can be  
25 an extenuating circumstance.

21

1 CHAIRWOMAN ASHFORD: So the inspectors do have some  
2 leeway.

3 SECRETARY FULLER: Uh-huh.

4 CHAIRWOMAN ASHFORD: Okay. Thank you.

5 SECRETARY FULLER: And they get equal credit. So I  
6 would -- you know, they should tend to lean toward getting  
7 the result, not necessarily the penalty.

8 I don't have the data in here because I didn't have  
9 it actually when we had this, but I checked the last year  
10 to see how much penalties we have assessed and how much  
11 we've collected, and that was an interesting result. But  
12 we assessed about a \$1.2 million in penalties this last  
13 year, and we collected 70 percent. So that's really high  
14 for collections.

15 And there's a backlog there because one of the  
16 reasons that we do as well as we do is because a good  
17 percentage of the people we cite are licensed or have a  
18 certification, and ultimately they won't be able to renew  
19 unless they pay. But I think one of the other things  
20 that's improved our percentage over the years is my  
21 willingness I guess to do settlements with people and do  
22 payment plans with them and those kinds of things.

23 We had one the other day that had \$30,000 worth of  
24 penalties because he didn't buy permits for a long, long  
25 time. And that's a lot of money for anybody to live with.

22

1 But he did agree to pay the whole thing without even  
2 appealing because he knew he was wrong. But he could have  
3 still come through the process and gotten to you and  
4 begged for mercy I suppose. But we gave him a settlement  
5 plan, and he's going to pay the whole thing. And he's  
6 made his first \$5,000 payment already. So we're doing  
7 things like that to try to I guess reduce the impact on  
8 the appeal process and all those costs, plus just getting  
9 people to pay their penalties.

10 CHAIRWOMAN ASHFORD: Now, this was a licensed  
11 contractor?

12 SECRETARY FULLER: Uh-huh, licensed contractor.

13 CHAIRWOMAN ASHFORD: A curious question. If he has  
14 \$30,000 in penalties for not permitting, why wasn't his  
15 license revoked?

16 SECRETARY FULLER: Because it was history. And once  
17 it was brought up, he did get his permits, he did pay his  
18 penalties. And he's on a three-year probation now. If he  
19 has one violation, he loses his license and the penalties  
20 are all immediately due. So there's other things that I  
21 do to help get them where we want them to be.

22 Again, you know, some people may criticize me for  
23 being too lenient, but the result is what I want. I don't  
24 necessarily want to put them out of business if I can get

25 them to comply.

23

1 And he's paying all of his penalties. And he still  
2 has to buy his permits. So he didn't save anything there.  
3 He still has to get his inspections for those jobs and do  
4 everything he had to do. But yeah, he got caught.

5 And that was so far out from what most the average  
6 person is. I think that may be the biggest penalty we've  
7 ever collected from anyone in one pop. But the average  
8 person has one penalty for no permit. And we are trying  
9 to monitor those things as best we can.

10 But their probations are really stringent. Typically  
11 it's one offense in three years and all bets are off. And  
12 people don't --

13 I had a fellow tell me one time that "It feels like  
14 you've put me not on the sidewalk but on the edge of the  
15 curb, and there's a freeway there and you're about to push  
16 me off."

17 And my response was, "That's pretty much how I want  
18 you to feel for the next three years. I want you to be  
19 perfect."

20 And he met his -- that was several years ago. He met  
21 his probation. Went three years without getting any  
22 violations. He had historically been a violator. And I  
23 don't think he's had one since.

24 So that's the kind of result that I want to get with  
25 people is to keep them in business and make them do better

24

1 and have them do it right and stay part of the economy not  
2 put them out of the economy necessarily. So the result is  
3 the key thing I think.

4 CHAIRWOMAN ASHFORD: Thank you.

5 BOARD MEMBER (D.A.) BOWMAN: If I may add a comment  
6 to that?

7 You commented that you try to keep things out of the  
8 appeal process if possible. And I think you should be  
9 commended for that. Because that is a tremendous amount  
10 of time for every person sitting here to have to go  
11 through that packet (indicating), not to mention the work  
12 that Milton (the court reporter) has to do to --

13 CHAIRWOMAN ASHFORD: David doesn't like the  
14 late-night reading.

15 SECRETARY FULLER: It is the time. But there's a lot  
16 of dollar cost too. I mean, I wouldn't be so -- I haven't  
17 figured it out, but it wouldn't surprise me if the average  
18 cost is, by the time you figure the AG's and us and  
19 everybody that's involved, that an appeal probably doesn't  
20 cost \$10,000 for each one.

21 ASSISTANT ATTORNEY GENERAL MORTINSON: Mr. Fuller, if

22 you want a ballpark figure, I did a ballpark figure for  
23 contractor. And for an uncomplicated contractor hearing,  
24 the very least was \$1,500. And they're usually not  
25 multiple citations. So I would guess -- my guesstimate,

25

1 an average appeal in electrical citations would probably  
2 run \$2- to \$3,000, uncomplicated, non-traveling judge.  
3 SECRETARY FULLER: Right.  
4 However, if they're wrong, they're wrong, and they're  
5 not going to get off the hook. You know, we've moved some  
6 forward that are, in my opinion, very precedent setting.  
7 We're getting ready to do one now that Shelley and I  
8 talked long and hard on about what's new construction.  
9 And you may see that one one of these days or in another  
10 year or so. But there's some things that even though they  
11 may seem fairly insignificant and benign and everybody's  
12 begging for settlements that I won't settle for because  
13 there are policy or interpretation issues that are  
14 critical for the ongoing.  
15 We have one with satellite dishes right now that  
16 could have probably been settled, but it's not one that  
17 you want to settle.  
18 So we look long and hard before we do those  
19 settlements and whether we take them forward to appeal or  
20 not.  
21 So we're trying to get better at the whole appeal  
22 process. And one of the ways we're doing that too is  
23 cracking down a little bit harder on the inspectors and  
24 their statements. The requirement is, and has been for  
25 some time, but I'm trying to get it enforced by my

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1 reviewer better is that that statement has to stand on its  
2 own. If the inspector is not able to go to court -- he  
3 should be able to take the evidence package in and win  
4 your case. If the AG can't do that, then we're not going  
5 to move them forward. So that's going to -- that could  
6 impact my numbers because it could drive the numbers down  
7 if people don't want to write or can't write good  
8 statements. But I don't want to take them forward if  
9 they're not good packages -- defensible packages.  
10 Okay. Inspector training. We held an all-staff  
11 training on November 14th. That was the first time we'd  
12 ever actually brought vendors in to a training. So we did  
13 it somewhat like an IAEL seminar or conference. And we  
14 rented two of the buildings over at the fairgrounds, and  
15 we had 22 vendors come in. We actually had more vendors  
16 than some of the IAEL conferences did. And we got really  
17 good feedback on that piece of it, especially from the  
18 inspectors and from the vendors most. So that's probably

19 going to be a reoccurring happening for us, not every  
20 year, but probably every couple years. Because they both  
21 had a good chance to talk to each other about the current  
22 issues and the current products and installation methods  
23 and those kinds of things. It went really well for  
24 everyone I think.

25 CHAIRWOMAN ASHFORD: In their inspector training, do

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1 they have -- do you have a special instructor to teach  
2 them how to write proper documentation so you do have a  
3 document that can stand alone?

4 SECRETARY FULLER: We've been -- Faith Jeffrey's been  
5 doing it. She's the audit compliance e-CORE supervisor.  
6 And she's quite excellent at it actually.

7 The dilemma that we have is that it does take quite a  
8 bit of time to do that. We were actually going to have a  
9 session in our upcoming May training for the inspectors on  
10 how to do this, but the field wanted to get more technical  
11 training instead. So our plan is in the fall we're going  
12 to do an entire one-day training for all the inspectors  
13 again from step A to the Board about what the process is  
14 for compliance, how to write a ticket, what kind of  
15 evidence to look for, when to take pictures, when not to,  
16 all the pieces and parts from the start to the finish  
17 including -- we've gotten these folks here (indicating) to  
18 volunteer to be mock judges and attorneys. And I think  
19 Lisa Marsh is even going to volunteer to be the judge from  
20 what I've heard. So it's going to be quite a training  
21 session for them I think so that they can actually see  
22 what goes on when they have to go to court or to an ALJ.  
23 And that ultimately is what gets to you, and some of the  
24 concerns that you've had about the inspector not  
25 documenting well enough for you to be able to accept what

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1 they're saying.

2 So that's our plan is that we're going to be doing  
3 that in the fall.

4 CHAIRWOMAN ASHFORD: And good documentation would  
5 more than likely reduce some of the appeal issues also.

6 SECRETARY FULLER: And good testimony. You know,  
7 what to say and how to say it. I think that's critical  
8 when you go to the law judges.

9 CHAIRWOMAN ASHFORD: It's not going to be easy. I  
10 can't even get good electricians to write down --

11 SECRETARY FULLER: Ah, but we don't have  
12 electricians. We have inspectors. They're a cut above.

13 CHAIRWOMAN ASHFORD: And where did they get their  
14 training?

15 SECRETARY FULLER: We're supposed to take the best

16 electricians and make them inspectors.  
17 Let's see. In January, the 9th through 11th, we had  
18 our first ever supervisors and managers off-site.  
19 In your packet we put out this morning, there's a  
20 little document called "Ron's Review." And one of the  
21 problems that I've been having is getting the involvement  
22 and feedback from the inspectors. Because sometimes the  
23 word doesn't always get down to them that we're looking  
24 for information. Little simple things like what do you  
25 want to be trained on. We ask those kinds of questions,

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1 and then we get sometimes no feedback. So this is going  
2 to be a tool that I'm going to use monthly as an internal  
3 document to have a conversation with them about what's  
4 been going on in the program that month, things that we're  
5 asking the supervisors to be asking them for like what do  
6 you need to be trained on, do you have any needs, whatever  
7 the issue happens to be.

8 And I'm also going to -- I didn't do it this time,  
9 but you're getting it today is that when I e-mail this  
10 out, I'm going to send it to the Board also. Because I  
11 think it'll be a good update for you about the general  
12 things that are going on. Some of it won't pertain to you  
13 at all because it's things that I'm trying to get their  
14 involvement in or whatever.

15 But it's going to be an internal newsletter. I think  
16 it'll have some good stuff.

17 And this one I think really details what went on at  
18 the off-site. It was really well received. I'm doing the  
19 survey right now -- the feedback survey right now. But  
20 the results so far -- I think yesterday we had 20  
21 respondents back. The gist of it is is that everybody  
22 wants to do this every year. It was that well received.  
23 I think it really made the communications between the  
24 supervisors and the regional administrators and the  
25 central office people a lot stronger than we had before.

30

1 There's going to be probably four action work groups  
2 that come out of the results of this meeting. Talk about  
3 different things like the training and succession, the  
4 hiring, recruitment, performance expectations and those  
5 kinds of things.

6 So the ultimate outcome is to develop some action  
7 plans for the next two years to help us keep on track with  
8 recruiting, for instance.

9 We've got a big recruiting problem looming in front  
10 of us. In the next five years we're going to lose about  
11 20 percent of the inspectors and about 40 percent of the  
12 supervisors and techs. And the first one left December

13 31st -- the first supervisor. And we had a lead retire  
14 this month. He retires next week actually. So there's  
15 some pretty rapid turnover in the next few years, and we  
16 need to get ready for that, especially with succession  
17 planning and who's going to be the next supervisor and  
18 who's going to be the next lead, those kinds of things.

19 But anyway, this will be something that you'll be  
20 getting in your e-mails every month, sometime toward the  
21 middle of the month probably. Likely the third week  
22 probably is about when I'll send it out after the  
23 supervisors' meeting. So that you will get.

24 The May training, like I said before, will be  
25 technical. We've got two days scheduled. I think Warren

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1 Shield's going to do some of them. We've got you all  
2 doing about four hours on the first day. I can't remember  
3 what yours were. Hazardous locations was one. On listing  
4 and how to do -- how to evaluate products, those kinds of  
5 things, what to look for on that.

6 And one of the other things that I wanted them to do  
7 is to talk about the counterfeit products and how to  
8 identify them and things like that. That's pretty much  
9 what their session's going to deal with.

10 This session will actually take everything off the  
11 list that the inspectors have given us for technical  
12 training. So they will be starting fresh after this May  
13 training.

14 So the next one in the fall will be on compliance.  
15 And then the next year we'll start with whatever comes up  
16 next out of the action groups.

17 This one we're doing a little different also because  
18 we're doing two-day sessions, trying to get more into it  
19 so that when they travel we get a better outcome.

20 And we're also going to break it up into three  
21 two-week sessions so that only one-third of the force will  
22 be out in the field on any one day. So it still lets them  
23 man the office at two-thirds capacity. Which before when  
24 we do an all-staff training, everybody's gone. And  
25 usually for a day and a half. So it really impacts us

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1 when we go back to do inspections because they have two  
2 days worth of work instead of one. So those first few  
3 days back are typically really crazy for the inspectors  
4 and the contractors. Just being a little more innovative  
5 and trying something new this time.

6 Testing lab report. No approvals for the quarter.

7 As you can see, we don't have ETI back today because  
8 we did come to I think a good agreement with them. But  
9 what the outcome was basically is that they've promised to

10 keep us informed of all of their internal changes and meet  
11 the rules about what they have to keep us informed of and  
12 report on their renewals. And one of the things that  
13 they're going to be doing is sending us a quarterly update  
14 of all the subsidiary companies that are involved with  
15 them. And it's something that they had been doing all  
16 along, but they haven't let us know. They've actually  
17 sent this list out to all their field engineers before  
18 routinely and with the mandate that if you get a request  
19 for a field evaluation from one of these companies you're  
20 to not do it. And so that eliminates the issues of  
21 ethical violations between subsidiary companies. So I  
22 think we're pretty comfortable with that. It's an  
23 internal confidential memo that they've always been  
24 sending out. We've already gotten a couple of them from  
25 them. So I think that'll be a good solution for

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1 everybody.  
2 Performance measures. Through the year so far we're  
3 at 82 percent on our 24 hours response times. Obviously  
4 we want that to be higher. A couple of the regions we've  
5 got some concerns with because we can't figure out why  
6 their numbers are -- in one case are actually going down.  
7 Their workload's going down and their responses are going  
8 down too. And we're not sure what's going on there yet,  
9 but we're trying to stay on top of that and get them back  
10 up to where they appear that they should be. Because our  
11 goal is 90 percent within 24 hours.  
12 Targeted citations for the year at 47 percent. The  
13 goal was 50 percent. That's actually down just a hair  
14 from last year. I think we were actually at 49 last year.  
15 I think we're going to probably move back and forth around  
16 that 50 percent number for a long time. Because our  
17 quantity is going up, I think that affects that percentage  
18 somewhat too. Because people are getting more proactive  
19 about -- because warning count the same as citations now,  
20 they're getting more proactive with the warnings on the  
21 installation kind of issues. As soon as they do that, it  
22 forces that targeted percentage down. So if we can stay  
23 around 50 percent, then I'm going to be happy I think.  
24 Inspector stops per day is 11.3. That is a little  
25 higher than we expected it to be for the first part of

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1 this year. And one of the reasons I think is that when we  
2 got the new eight FTE's in July last year, some of the  
3 regions were slow getting the eight FTE's on board and out  
4 working. And then because winter's come on now and budget  
5 restraints, they had to lay some of them off. So I think  
6 it's moved that number up a little bit higher than it

7 probably should have been. So in the spring I think we'll  
8 see a turnaround on that because they'll be -- they won't  
9 have to wait until July 1st to hire someone. They'll be  
10 bringing those temporaries on in April, May and June, and  
11 they'll get more use out of them I think than we did this  
12 year I think. The eight were pretty ineffective this  
13 first six months. If we would have had them, I think we'd  
14 been down around ten inspections per inspector, which is  
15 where we would have estimated.

16 Work has actually gone up just slightly again this  
17 year, though, in the number of permits sold. It's up  
18 about two percent over last year. So the economy is still  
19 growing, but not as rapidly as it has been in the past few  
20 years. It's smoothed out a little bit.

21 One of the dilemmas that we have, though, is that  
22 we've got several really good large projects going right  
23 now. We've got the largest permit we've ever sold  
24 happening over in Grant County with Microsoft. I can't  
25 remember exactly what it was, but the one permit is

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1 pushing \$150,000 for only that one job. So it's manned up  
2 with 100 plus electricians pretty much seven days a week  
3 since they started. And those kinds of projects really  
4 impact the local offices, especially when they're in Grant  
5 County and we only have two people in an office, or  
6 they're having to come out of Wenatchee to do the  
7 inspection. And there's a couple of other ones over there  
8 that are similar. And some that are coming.

9 For some reason, that area decided to be Silicon  
10 Valley again for Washington. So Yahoo's going in over  
11 there. The regional administrator told me they're getting  
12 ready to build the tallest building in Moses Lake. It's  
13 going to be like 12 stories. The highest thing now is the  
14 tower at the airport. I don't think there's anything over  
15 three stories in Moses Lake. But this is going to be a  
16 pretty big building.

17 BOARD MEMBER: The water tank's pretty high.

18 SECRETARY FULLER: Yeah, the water tank's really high  
19 too.

20 So lots of things happening in localized areas like  
21 that that are pretty significant to us right now --

22 BOARD MEMBER PREZEAU: Ron, sorry to interrupt.

23 SECRETARY FULLER: -- that are hard to respond to.

24 BOARD MEMBER PREZEAU: Since we're on the subject of,  
25 you know, sort of inspector workload, and, you know, I've

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1 noticed that since I've sat on the Board, this number of  
2 stops per inspector per day has sort of hovered around 11.  
3 The highest I think I've seen was 11.7. I think the

4 lowest I've seen it is 11.

5 But I'm just curious what you think -- and I  
6 appreciate your comments about the eight temporary FTE's  
7 and sort of trying to maybe make their time more effective  
8 going forward. You know, a big concern of mine is I find  
9 it hard to believe that -- you know, I know the electrical  
10 inspectors are very well trained, very talented  
11 individuals, but I find it very difficult to believe that  
12 they can conduct a complete and thorough inspection  
13 depending on the project and do over 11 of them in an  
14 eight-hour day plus travel from those inspections, you  
15 know, from one site to another. Certainly in more dense  
16 regions, it's easier to accomplish this. And obviously  
17 more rural ones, it's -- you know, I realize this is an  
18 average.

19 But I agree with you. I very much would like to see  
20 this number go down. And I'm just wondering if you're  
21 planning on working with the different regions in order to  
22 increase the efficiency of this reabsorption of the  
23 temporary full-time employees so that it will have a  
24 positive effect on reducing this number of stops.

25 SECRETARY FULLER: When we asked for the eight FTE's,

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1 based off of previous years' statistics, that should have  
2 gotten them if they were on board and working down to ten  
3 stops per day.

4 The other thing that you have to remember is that  
5 they're not actually going to ten locations because --

6 BOARD MEMBER PREZEAU: Yeah, they could be multiple  
7 permits or --

8 SECRETARY FULLER: Could be multiple, and likely is  
9 in a lot of cases.

10 And that's somewhat changed because of the class B.  
11 It used to be when you -- I mean, we used to see 13 and 14  
12 sometimes. But then we had thermostats and those kinds of  
13 things on there, and almost every house you went to was a  
14 double hit. Now that's not quite so true anymore. But  
15 when you go into pretty much any commercial building now,  
16 it's still a double hit because you'll have a low voltage  
17 of some sort to go with your regular permit or a sign or  
18 something like that. So our best estimates now is that  
19 they're actually -- out of these 11 is they're probably  
20 actually making about seven or eight physical locations.  
21 So they do get quite a few doubles like that.

22 But you have to look at the overall. That's the only  
23 way you can really track it. And ten is the number that  
24 the field says they're comfortable with, that they can  
25 respond at 90 percent if they can get down to ten.

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1 But the 24 hour response will never happen in some  
2 areas. Every time I talk about this I have to reemphasize  
3 that.

4 The islands, a perfect example. We've got -- I don't  
5 know how many there are up there, but there's a lot of  
6 them. And typically they only get an inspection one day a  
7 week. So when we count, we don't count it to our benefit;  
8 we count it to what it should be, which is we should be  
9 there every day. So if you only go to Orcas on Friday,  
10 and you call ten inspections in on Monday, and that's all  
11 that get called in, you've just got ten out of ten that  
12 are over 48 hours. We don't play with the numbers. We  
13 don't play with the numbers. We do it actually based off  
14 of when they request the inspections.

15 Some of those areas, the contractors help us because  
16 they know Friday's the day, so on Monday, they call in ten  
17 inspections and they say, "I want the inspection on  
18 Friday." So that's the inspection date. That's what we  
19 work off of. So that's nice when they do that for us  
20 because it helps our statistics look, you know, accurate.

21 But Colville, Okanogan, there's some of those places  
22 that -- Okanogan has two inspectors in that area and I  
23 don't know how many square miles. But that's a huge area.  
24 It's physically impossible for them to go in an area every  
25 day.

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1 So each one of them has -- they go southeast,  
2 southwest, northeast, northwest, four different -- that's  
3 how they do it every other day. So theoretically you  
4 could have a 50 percent response rate at best if everybody  
5 called in on the wrong day because they don't know where  
6 you're going to be at. There's quite a few areas that are  
7 like that: Pullman, Walla Walla, Aberdeen, Port Angeles,  
8 Goldendale, Kelso even. We've got quite a few offices  
9 that are really -- they really drag the numbers down in  
10 reality.

11 But the bigger areas like Tumwater and Everett,  
12 Tukwila -- a ride-along I did in Tukwila, we did -- we had  
13 I think 13 inspections with that inspector that day. And  
14 we had all but two of them done at 1:00, no sweat. We  
15 were just cruising because he was chit-chatting with me  
16 too, slowing him down. And we still had that many done,  
17 and he had time left over to do compliance and that stuff  
18 in the afternoon.

19 So if you get in the urban areas you really can do  
20 quite a few, depending on the job. If you get the guy  
21 that goes to SeaTac Airport, he may have one inspection  
22 request and he's there all day. But he only does one, but  
23 he's there all day long. So it's very -- it just depends.  
24 And that's why you have to look at the big picture of

25 things to evaluate.

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1 Disconnect corrections are hovering about the same  
2 level as they have been. We've got 15,380 through those  
3 first five months. So let's say 17,000. And that's about  
4 what we issued last year. About the same number.

5 Licensing processing turnaround time is at 4.9 days  
6 for the year. They're actually improving a little bit,  
7 but that's the average for the five-month period. They're  
8 down to about four days right now I think to turn a  
9 license around, with the exception of the pumping industry  
10 people. We're having to hand-process all of those, so  
11 that's really hurting us right now in licensing. Because  
12 every one of those has to be reviewed and input, and  
13 everything is done by hand. So they're taking a lot of  
14 time.

15 And the plan review sheets processed per day is 6.2.  
16 And that's the highest as it's ever been for plan review.  
17 So they're moving the plans through as rapidly as they can  
18 with their resources too.

19 One of the things that we've been doing too -- and we  
20 talked about it a little bit after that table -- is the  
21 correction reduction initiative. We have targeted the  
22 five percent of people who get the most corrections and  
23 the five percent who get the most per inspection. And  
24 I've really been doing nothing but outreaching with them  
25 so far this year. But as you can see there with the

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1 numbers that we've got, that initiative has been very  
2 successful I think. Without that, we would be having a  
3 lot more inspections and a lot more corrections to check  
4 and review. So far, if they just maintain the level that  
5 they're at right now, we will have saved two FTE's worth  
6 of work because of reinspections. So they've taken it  
7 upon themselves to improve their own electricians and get  
8 their corrections reduced.

9 The number one correction still for that group and  
10 for everyone else in contractor ranks, though, is either  
11 tied to no access or it's not ready or it's covered prior  
12 to inspection. Basically corrections that should never  
13 ever be issued. That's the number one thing we have right  
14 now. And it costs this group in December \$10,000 at least  
15 in trip fees plus the time that it took them to request  
16 that inspection again and get it scheduled and talk to the  
17 homeowner and do all the things that they did. So it cost  
18 them that much money just in December. And that's just a  
19 small group of our contractors.

20 Jim.

21 BOARD MEMBER SIMMONS: Ron, on that issue, I know

22 that we buy a lot of permits that are for homeowners  
23 because that's where the majority of our work is in  
24 existing homes.  
25 One of the problems that we're having and your

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1 inspectors are having is how to coordinate that  
2 inspection. When we call in and we've done a transfer  
3 switch as an example -- just a manual transfer switch for  
4 a portable generator -- we call in, we've done this job,  
5 it's ready to be inspected. We kind of hand it off to the  
6 inspector, which we do. The inspector runs out to the  
7 house. The lady doesn't happen to be home because she  
8 works and the husband works.

9 And I'm not sure of any good way to handle that. And  
10 it ends up being that we get called back and say, "Hey, we  
11 had no access." And then we have to deal with it and try  
12 to coordinate it between the homeowner and the inspector,  
13 and "When can you get out?" and "What can you do?"

14 I don't know if there's a solution for that. But it  
15 is a challenge for us and for our homeowners. And we get  
16 feedback from the homeowner, saying, "Hey, this is a pain  
17 in the butt. Why do you even buy a permit for this? This  
18 is ridiculous. I'm having to stay home. I'm having to  
19 take other time off. I got to do 'this.' I got to do  
20 'that.'"

21 And I don't know if there's a good solution. But  
22 just a question for you.

23 SECRETARY FULLER: And we've thought -- really, the  
24 only solution is that the inspector goes to every area  
25 every day. And then we know. If you call it in, you know

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1 it's going to pop up the next day and that's when --

2 BOARD MEMBER SIMMONS: That's the problem.

3 SECRETARY FULLER: In reality of the different kind  
4 of categories that I talked about, only about half of them  
5 are actually that issue. The rest are covered prior to or  
6 they're not ready. And that's your problem, and you can  
7 deal with that one as a contractor because you weren't  
8 ready or you covered. The homeowner ones are difficult.

9 We've had conversations with the supervisors about  
10 having more fluid boundary lines for the inspectors and  
11 doing those kinds of things where they can maybe cover  
12 every place, especially in the larger offices every day.  
13 That can't happen in the small ones obviously. But in the  
14 larger office I think it could happen. And it does in  
15 some areas.

16 But that's part of what these action groups are going  
17 to be talking about is how to address those kinds of  
18 issues better. Because it is a big problem. It is hard

19 to resolve.

20 The target group has actually cut those types of  
21 correction almost in half in just the five months. So it  
22 can be done. They can be reduced. Because they -- in  
23 September they were pretty much double where they're at  
24 now. They had seven hundred and eighty something I  
25 believe of those kinds of corrections, and this month they

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1 only had three hundred and eighty something. So they have  
2 reduced them. And I think mostly it's education of the  
3 electricians. Because electricians in a lot of cases call  
4 the inspections in for the contractors in the state.  
5 That's what we're finding anyway. So it's like cutting  
6 off ground rods; they're the one making the decision. Or  
7 forgetting to call because they didn't quite finish, and  
8 the inspector shows up at 8:30 the next morning.

9 CHAIRWOMAN ASHFORD: Just throwing it out, food for  
10 thought. You know, in his case, a lot of occupied  
11 single-family residences. Could you run a Saturday shift  
12 or an evening shift so more than likely the homeowner  
13 would be home to let the inspector in?

14 SECRETARY FULLER: We haven't done it, but we've  
15 talked -- I mean, the supervisors have talked about those  
16 kinds of things whether we should or shouldn't. The issue  
17 gets tough because of labor management contracts and those  
18 kinds of things. That's where we -- you know, you  
19 struggle with those kinds of things because then you're  
20 changing schedules, and who do you get to do it, and do  
21 you pay them straight time or do you pay them overtime.  
22 There's just all those issues to deal with.

23 The consensus so far I think has been that we're  
24 government employees, and pretty much we're expected to be  
25 there Monday through Friday. And that's the way it is.

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1 CHAIRWOMAN ASHFORD: But it appears that a lot of  
2 your underground economy is in the private sector, the  
3 single-family residences, the duplexes, et cetera.

4 So where do we have to go to get this done?

5 SECRETARY FULLER: I am sure that when the -- there  
6 is an action group to talk about this. And it's the  
7 managers actually that are -- me and the RA's that are  
8 going to be heading that one up. Because this ties to the  
9 performance and accountability issues. And I'll just say  
10 that I'll make sure that that's a topic of conversation.  
11 Whether it happens or not, I don't know.

12 CHAIRWOMAN ASHFORD: A four ten shift?

13 SECRETARY FULLER: We do that in some offices  
14 already. Quite a few of them do that already. Bellevue  
15 is an example. They all work four tens there. Every one

16 of them. So it does let them get out and -- I personally  
17 think four tens is more efficient in most cases. As long  
18 as you can man the office enough every day. But then you  
19 have you roll areas. You can't have an inspector in one  
20 area, period. Because one day he will not be there if  
21 people expect him. So people have to -- the inspectors  
22 have to be willing to share areas to do that to make it  
23 happen. And that's something you have to overcome because  
24 they like to have their area.  
25 BOARD MEMBER PHILLIPS: Ron, one question kind of

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1 related to that. A lot of the -- I know the cities have  
2 the problem of -- particularly with the homeowners maybe,  
3 they've taken out a permit to do some wiring, add a couple  
4 receptacles. And then they don't call in the inspection.  
5 They got the permit, but they just don't want to go  
6 through the hassle of making the request. So then the  
7 permit ends up expiring. So I was wondering how you guys  
8 handle that when they just don't call in for an  
9 inspection.

10 SECRETARY FULLER: The supervisors monitor them. And  
11 they have a report that they can run at any time and see  
12 if there's a permit that has no action on it. And they're  
13 supposed to do that every three months. Because the  
14 permit's good technically for a year. And they're  
15 supposed to be monitoring every three months to find out  
16 what inspections -- what permits don't have an inspection.  
17 And they can actually tell which ones are still open and  
18 haven't had an inspection for three months too. So  
19 something that's ongoing, like a lot of homeowners -- I  
20 remember my classic case in White Salmon with a fellow who  
21 built a castle, but it took him five years. But every  
22 year he'd call for an -- he knew exactly the rules, and at  
23 11 months and 29 days he'd call for an inspection and keep  
24 that permit active. So we had that thing open for almost  
25 five years before he finished. But he did finish, and he

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1 paid a lot of trip fees, but it was all off of one permit.  
2 Because he knew the rules and did it that way. But they  
3 monitor. So there's some that slip by, but not a lot.  
4 BOARD MEMBER PHILLIPS: So do you call them or go out  
5 there or --  
6 SECRETARY FULLER: The supervisor makes the call.  
7 They call. Either call or visit. It depends on the job.  
8 If it looks significant, then they go visit and see what's  
9 going on.  
10 CHAIRWOMAN ASHFORD: Or you get a letter.  
11 SECRETARY FULLER: And it's not just homeowners.  
12 It's contractors too. Contractors buy permits, do the

13 job, forget to call it in. And then it pops up on  
14 someone's screen, and they go harass Jim or whoever it is  
15 that forgot to call. And sometimes they get a ticket or a  
16 warning for that, especially the contractors because they  
17 know. That's one of the violations that we write is not  
18 calling your inspection request in within 24 hours of  
19 powering it up.

20 Class B's. Got the data there for January through  
21 November also. We had used 32,255 labels. So that's the  
22 ones that were actually returned as jobs. And got the  
23 breakdown there for you for the low voltage/high voltage  
24 inspections that were done. So far we've -- we're still  
25 sticking right at the 25 percent rate I think. It's

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1 actually not possible to track the total number of  
2 inspections that are done because since we've made a few  
3 revisions on our computer system to automate the entry of  
4 the class B book that's sold, we've put the mandate on the  
5 inspectors to inspect one out of every five that they see.  
6 So if they see five labels, they're supposed to inspect at  
7 least one of them. So that's 20 percent right off the  
8 bat.

9 In addition to that, at central office we're looking  
10 at every label that comes through. So we're picking out  
11 the ones that appear to be more critical. The line  
12 voltage type installations, hospital institutions, those  
13 things and pulling those too. So we have pulled 13  
14 percent of them that way. So between that and what the  
15 inspectors are supposed to be doing, we think we're still  
16 inspecting at least 25 percent. And out of all those  
17 32,000, we've only written 105 corrections of any type.  
18 And about half of those look to be for no access because  
19 the inspectors called up, made the arrangements, then the  
20 homeowner isn't there. So we really in reality probably  
21 only written about 50 technical violations out of 32,000  
22 inspections. So it's pretty low-risk stuff we're talking  
23 about here. And interesting too, I just did a calculation  
24 and added it on there. That's .02 corrections per  
25 inspection on the class B's. And that compares to 1.61 on

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1 the regular inspections. So it's 80 times more  
2 corrections on a regular permit than we get on a class B.  
3 So much different jobs. Very different types of work.

4 BOARD MEMBER PREZEAU: Ron?

5 SECRETARY FULLER: Yes.

6 BOARD MEMBER PREZEAU: I just remembered, at the last  
7 meeting you reported on a contractor that you honestly  
8 felt was fraudulently using the class B permits and that  
9 you were going to sort of keep your eye on that individual

10 or that contractor and maybe there was going to be some  
11 additional action. Did you take -- did the Department  
12 take any additional action? Or do you remember what I'm  
13 referring to?

14 SECRETARY FULLER: And I can't remember who it was.  
15 It was over in Spokane; I remember that. And they did get  
16 some citations off of it. But it haven't -- it hasn't  
17 been brought back to me again. And they are -- the flag  
18 is raised in their file. So I don't believe that they've  
19 had any further issues at this point.

20 Okay. The plan review workload is starting to pick  
21 -- actually I said "steady" here, but it's starting to  
22 pick up again. And we're getting word that there's going  
23 to be an extra influx of schools this year over what we  
24 normally have. So that's not good for us because we have  
25 limited staff. There's only three reviewers plus the

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1 supervisors. But I don't know how -- if we get more than  
2 we did last year, I don't know how we're going to do that  
3 exactly. We may have to pull someone from the field to  
4 help with plan review. Because when they come in, they  
5 have to be processed by June 30th or their funding gets  
6 slowed down by the superintendent of public instruction.

7 One of the things that I intend to do this next year  
8 is to go before the Director and the leadership team here,  
9 and for sure two specific areas I'm going to be asking for  
10 FTE's. And one of them is going to be for plan review,  
11 and the other is going to be to bolster the e-CORE team.  
12 Because I've clearly got the documentation for that, for  
13 those two requests.

14 I'm struggling with the inspectors because we didn't  
15 do a good enough job getting the first eight people on.  
16 And kind of getting back to where you were at earlier is  
17 getting those numbers down for inspectors also and  
18 bringing up some of their time to do better compliance and  
19 those kinds of things.

20 The supervisors, I've asked them to start documenting  
21 their process improvements and what they've been doing and  
22 make sure they're staffed up to where their maximum can be  
23 for the budget and those kinds of things. But that  
24 conversation usually starts about April every year. But  
25 for sure, plan review and e-CORE team are going to be on

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1 the top of my priorities because I do have the  
2 documentation for those to justify some more people.

3 So that is the secretary's report.

4 In your packet we also had the final letter from  
5 Gloria to Patrick on the HVAC and the Plumbers Board  
6 letter that came out.

7 As Patrick said, there was a draft that came out  
8 yesterday, draft 8 I think it was, for one HVAC bill that  
9 could be dropped pretty much anytime at this point.  
10 Another group I know has a bill waiting to be dropped as  
11 soon as that one gets dropped. And so we're probably  
12 looking at two pieces of HVAC legislation this year at  
13 least.  
14 We've also got a couple of licensing bills that  
15 require photo ID's, and they're a little bit different  
16 from each other, but they're pretty significant fiscal  
17 impacts. They're up around over \$400,000 to put a photo  
18 ID out there the way the bill is asking to be done. So I  
19 don't know where they will go.  
20 We had one that we were involved in with Social  
21 Security numbers. And it could have prohibited us from  
22 collecting Social Security numbers. But it got revised as  
23 of this morning to give us exemption so that we can  
24 collect Social Security numbers for people. For a couple  
25 reasons. One is we have to be able to identify people.

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1 And the other is for deadbeat dad collection. There's  
2 legislation on that that if somebody's a deadbeat, then we  
3 pull their license or certificate. And that's the only  
4 way we have to identify people.  
5 Electricians, even it's complicated. I'm the perfect  
6 example. There is another Ronald Eugene Fuller that's an  
7 01 electrician in Washington. And we used to live in the  
8 same town even.  
9 So it's -- you can get really interesting when you're  
10 trying to identify people like that because there are  
11 multiple people with exactly the same names that are  
12 electricians. So that's one of the reasons why we ask for  
13 that.  
14 Another thing that's in your folder is this document  
15 (indicating). It's a report off of our web site usage  
16 that I asked Dave Myers to pull for me last week. And  
17 it's -- the time line for this is October 1st through  
18 December 31st. So it's the last quarter of '06. But it's  
19 -- I think it's just got -- I won't dwell on it, but it's  
20 got some really interesting information in it I think for  
21 you to see how used our web site is.  
22 The hit summary down on page 2 on the bottom is  
23 really good I think. We've had 540,000 hits in a  
24 three-month period. And just to the left and above where  
25 it says "Visit Summary, Visits," 106,856. So that means

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1 there were actually 100,000 people that went onto the web  
2 site looking for something, and they actually went out and  
3 hit 500,000 sites.

4 On page 3 there's a chart there that's got 1 through  
5 20 on it. The 1 through 20 relates to the table that's  
6 right below that. So, for instance, the big green bar  
7 that says, oh, about 70,000, what that is is people that  
8 have downloaded the Electrical Currents newsletter in a  
9 three-month period. And that's nationwide -- or  
10 worldwide. So 67,200 times people downloaded the  
11 newsletter.

12 So just some interesting information I think for you  
13 to see about what people look for on the web and how they  
14 use it.

15 Our web site is -- I believe it has more hits and  
16 usage than all of SCS combined. So people do use the darn  
17 thing. So it's a good tool for us. A very good tool.

18 That's it for the secretary's report, unless anyone  
19 has questions.

20 BOARD MEMBER PREZEAU: Ron, can we go back to the  
21 budget just real quick?

22 SECRETARY FULLER: Sure.

23 BOARD MEMBER PREZEAU: There's a few things in here  
24 that I just don't quite understand, if you could just  
25 clarify for me.

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1 One of them is, there's a number of regions in here  
2 where there's deficit spending on salaries and benefits,  
3 and I'm assuming that's coming from the eight full-time  
4 employees that may or may not have been budgeted. I mean,  
5 I certainly -- you know, I understand that. But what I  
6 don't -- is that the case?

7 SECRETARY FULLER: No.

8 BOARD MEMBER PREZEAU: Okay.

9 So here's my question. If you would explain why  
10 there's deficits on specific regions for salaries and  
11 benefits. And then also if you would explain how the  
12 staff month numbers are generated.

13 Because in my mind, in these regions where you have  
14 deficit spending, to me it doesn't necessarily correlate  
15 to the number of staff months that are also exceeded.  
16 Does that make sense?

17 Like specifically I'm looking at region 4, which is  
18 on page 66 and numbered in the book, where you have a  
19 deficit spending, if you will, of \$27,212 in salaries with  
20 a overexpenditure of staff months of .11.

21 And then if you look at region 5, you have again a  
22 deficit spending in salaries or an overexpenditure of  
23 \$27,934. But you have a, you know, a variance of staff  
24 months of .70 but you have the same number of salaries.

25 SECRETARY FULLER: It gets really complicated. I

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1 actually don't like the "Staff Months" row because it  
2 doesn't really mean anything. The dollars are all that  
3 counts.

4 Region 3, 4 and 5, primarily you will see deficits  
5 in. And the reason that you'll see deficits there is  
6 because they were allowed to overfill positions last year.

7 Region 5, for instance, had -- when we got Wenatchee  
8 back, if you remember last year, we had to staff up over  
9 there. And they hired an extra inspector.

10 Kennewick had a bunch of extra big projects going on,  
11 so they got permission to overstaff. So Kennewick was  
12 overstaffed by two people for six months or so.

13 Fortunately for the program, I was understaffed. So  
14 if you look at my variance, I'm up around \$200,000 I  
15 think. \$211-. But in reality what's happened is that  
16 I've given the regions about \$150,000 to hire staff with.  
17 And fortunately I was hiring techs. We had some vacancies  
18 in central office because we had some clerks that  
19 promoted. And they're vacant for usually two months when  
20 somebody gets a promotion. So I had some ability there to  
21 fund them basically.

22 So the regions are going to be overspent; I'm going  
23 to be underspent at the end of the biennium. So it  
24 balances out. And that's the way it works.

25 And when you see -- really, the key thing that you

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1 can tell is that when you see somebody overspent on  
2 salaries, it means one of two things. Either they had no  
3 vacancies or they overfilled.

4 So region 4, for instance, is over \$27,000 in  
5 salaries. And they had -- I think I gave them four or  
6 five months. So that would match that almost perfectly.  
7 You do 27 plus 7 plus the goods and services, and that's a  
8 staff member for a half a year basically. That's kind of  
9 the way it works. It's not as clear-cut as it seems  
10 because there's some giving and sharing going on behind  
11 the scenes somewhat and commitments there to do things.

12 I've got a clerical staff right now that's being paid  
13 by region 2 because I have no funding for it. The  
14 position used to be funded by industrial insurance. They  
15 cut the funding off in July. So region 2 picked it up  
16 because they had a vacant clerk. And they're going to  
17 fund it through February, and then we'll have to decide  
18 what to do with that position at that point.

19 These things are monitored. And especially when I  
20 start giving away my money -- I'm like everyone else.  
21 It's coming out of my pocket. So actually every month  
22 until -- until about two months ago actually -- every  
23 month I got this report. I had what I had given up and  
24 shared with them deducted. So it actually gave them a

25 real total of where they were actually at. And everybody

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1 was pretty much right on the button. They hadn't abused  
2 me and spent their money plus mine. They had just spent  
3 it to where they needed to be. But I think everyone's  
4 doing pretty good.

5 But it is complicated when you start getting all  
6 these sheets together.

7 Another good thing to just bring up again I think,  
8 and I have before at some meetings, is when you get back  
9 to page 72 for "Information Services," and then the next  
10 page on 73 is the "Legal, Director's, and Admin Services,"  
11 you see a variance -- a positive variance of \$50,000 there  
12 for IS. But I guarantee they will be at zero June 30th.  
13 They will be there. They're always there. Because they  
14 have contractors, and sometimes their billings aren't  
15 up-to-date and those kinds of things. But we  
16 automatically assume that that number will be zero.

17 Likewise, when it gets to -- page 73 -- they're  
18 showing a \$43,000 negative. And in reality, they will be  
19 at zero too. I know that.

20 BOARD MEMBER PREZEAU: I was going to ask you about  
21 that too. So you've answered my question.

22 SECRETARY FULLER: I know that they will be at zero  
23 because they have committed funding to pick up --  
24 especially in the legal area there's -- legal costs are  
25 really shared throughout the agency in a lot of cases.

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1 And they make last-minute journal vouchers and balance  
2 those two items out.

3 So in reality we've probably got almost \$8,000 more  
4 than it appears in October because of those two.

5 Page 71 is -- just so you know what it is, that's  
6 Patrick's working group. SCS Operations. So he's  
7 overspending a little bit this year, and I nag him every  
8 once in a while about why is he \$32,000 over.

9 Because we pay 48 percent of all of operations  
10 expenditures. So in reality, he's \$32- over with us, so  
11 that means he's \$30,000 over with everyone else too. So  
12 he's spending money for something there that's abnormal  
13 that's not allotted to him. So somebody has to cover  
14 that.

15 BOARD MEMBER PREZEAU: Maybe we'll ask him about that  
16 next time he's here.

17 SECRETARY FULLER: But again, it's just -- all the  
18 regions, central office, everybody works together on this  
19 thing to make that first page come out zero. That's the  
20 goal. No matter how it happens.

21 Some years -- allotments are really strange

22 sometimes. Because every year I have the same number for  
23 printing, for instance. And some years I print WAC rules.  
24 Some years I don't. Some years I need to buy 80,000  
25 approval stickers. Some years I don't. But it can really

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1 fluctuate. And money can be had there sometimes at off  
2 cycles when it wouldn't be expected.

3 So it all balances. We've always been really close.  
4 I think the farthest we've been off since I've been chief  
5 is about two percent on our variance at the end of the  
6 year.

7 We could be in even better shape this year because  
8 there is a supplemental budget package that got approved  
9 by the Governor's office and OFM. And it's moving forward  
10 for a little over \$300,000 to repay us for credit card  
11 costs that we've had to pay this last year. I've been  
12 absorbing that money too in my budget, and nobody else  
13 has. I've been charged with that primarily. And because  
14 it's supplemental, though, we won't know until they pass  
15 the budget when we get that money. So we could have a  
16 real opportunity in April, May and June to bring on  
17 inspections early, make some equipment purchases that  
18 we've been putting off and do those kinds of things.

19 The key is on that one is that you have to have it  
20 spent and the item in your hand by June 30th. So it gets  
21 really tricky to do that sometimes. But I can't bet that  
22 I'm going to get it and bring on inspectors because I  
23 might not. Then I'd be \$300,000 overspent. It puts you  
24 in a real dilemma when you have something that's large and  
25 unexpected like that. And it's happened to us because our

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1 on-line e-Commerce stuff has boomed so much. We're just  
2 selling so much on-line that we never anticipated that --  
3 it's hurting.

4 One of the things that we're lined up to do as soon  
5 as they pass that supplemental is to spend about \$90,000  
6 and retrofit all of the inspectors with new printers and  
7 paraphernalia that goes with that. So that's the kind of  
8 thing that we do in advance is to be able to say as soon  
9 as that passes we say, "Buy." And we also say, "Hire  
10 inspectors." So we'll hopefully be in that position the  
11 end of March or April, whenever they pass the budget.

12 CHAIRWOMAN ASHFORD: Before we go on to item 4, Ron,  
13 and you have to do more talking, Milton, how are your  
14 fingers doing?

15 THE REPORTER: I could use a break.

16 CHAIRWOMAN ASHFORD: A ten-minute break?

17 THE REPORTER: Sure.

18 CHAIRWOMAN ASHFORD: Okay. We'll reconvene at 10:35.

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(Recess taken.)

Item 4. Certification Quarterly Report  
& Examination Development

CHAIRWOMAN ASHFORD: Okay, we're ready to reconvene.  
Ron, you're still up with item number 4.

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1 SECRETARY FULLER: Okay. Item 4 is the certification  
2 and exam report.  
3 In your package you've got three loose sheets of the  
4 exam results for the last quarter. And I actually  
5 discovered something since the last Board meeting that  
6 bothers me about the reports that we're getting. So I've  
7 got Doug working with LaserGrade right now to try to  
8 resolve it.  
9 But one of the things that I wasn't aware of before  
10 was that they're reporting the -- the master is a perfect  
11 example at this time because it shows three tests taken,  
12 three tests passed, but what that really means is that's  
13 only one person, and that's the three parts. It's the  
14 code theory, it's the RCW, and it's the calculations.  
15 They're glumping those together on me in the report and  
16 always have, but I didn't know it. So that's really only  
17 one individual with three parts of one exam.  
18 The dilemma that I've got with that is not so much  
19 that as it is with the scores and the pass rates. Because  
20 we've got an average score of 85 there for that fellow,  
21 and if you go back to administrators, we've got 49 taken,  
22 42 passed, which again includes code theory, RCW's and  
23 calculations, and we've got an average score of 77 which  
24 is pretty high when you're throwing in the calculations.  
25 Because calculations historically have always been a

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1 problem for most applicants.  
2 And the same thing with electricians. We've got an  
3 average score of 68, and that's everybody that's taken it,  
4 and a 51 percent pass -- well, let's see here. It's not  
5 that much. 65 percent rate. So it gets us back to that  
6 discussion that we've had before with you, Gloria, between  
7 you and I pretty much, is what should the score be to be a  
8 pass. So it appears that we've probably got more people  
9 than we thought doing quite well on the more difficult  
10 sections.  
11 CHAIRWOMAN ASHFORD: Then that also has a bearing on  
12 the results of other attempts. Because Jim and I were  
13 noticing other attempts, the average score actually goes  
14 down, the average time goes up, and the percentage for  
15 passing also goes down.

16 SECRETARY FULLER: So my intent is is that at the  
17 next Board meeting we'll have a report that's going to be  
18 much bigger than this that looks at the specialty and at  
19 the individual parts of the exam. So for 01 electricians  
20 we'll have two scores, one for the code theory and one for  
21 the state law. And I think the discussion could be taken  
22 up again about what the Board wants to do with passing  
23 scores.  
24 CHAIRWOMAN ASHFORD: Raise it to 75 percent.  
25 SECRETARY FULLER: Could be.

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1 BOARD MEMBER PREZEAU: Here, here.  
2 CHAIRWOMAN ASHFORD: 80.  
3 SECRETARY FULLER: So anyway, I should be able to  
4 have us a better report by then and break those things  
5 out.  
6 Because that again will put us on par with -- if we  
7 did raise it, it would put us on par with more of the  
8 reciprocal states. And that's always a good thing to be  
9 closer with what they have.  
10 CHAIRWOMAN ASHFORD: And we might have less  
11 correction notices also.  
12 SECRETARY FULLER: That's true. That's true.  
13 So anyway, we're looking at it because we did find  
14 that problem. It's not that it's a bad report, but it's  
15 not a clear one by any stretch of the imagination. It's  
16 not giving us the detail we really need.  
17 Another item that I wanted to talk about, and it's  
18 not so much exam development as it is with training.  
19 One of the things that, if you remember, we did in  
20 the rule with the basic training classes that are required  
21 for trainees is that they do require an examination. We  
22 did that in the rules, but we didn't say what that exam  
23 has to look like. And I really would like some guidance  
24 from the Board on what you want that exam to look like.  
25 And I'm thinking it's the number of questions versus the

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1 number of hours.  
2 If you remember, we have -- I think it's 25 -- let me  
3 make sure. Right now we're at 25 questions per hour for a  
4 normal CEU class. What I'm thinking because this is  
5 classroom only, and it's face to face, is that a nice  
6 number might be five questions per two hours. So that  
7 would be like a 20-question exam at the end of an  
8 eight-hour day. I don't feel like I would want the exam  
9 to take up a lot of the classroom time, but a 20-question  
10 exam could take 40 minutes out of their eight-hour day.  
11 It's as important to train as it is to see if they got  
12 trained. But that sounds like a good number to me, and

13 I'm just wanting feedback from you I guess.  
14 Because ultimately you're -- these are your CEU  
15 classes to approve or not. We don't have anything in  
16 rule, but clearly we can put that word out to the course  
17 providers and do it, you know, do what we want to do on  
18 that because you're in reality the approving authority of  
19 the classes. So I'm looking for input.  
20 CHAIRWOMAN ASHFORD: It would probably help to get  
21 some input from the apprenticeship schools because  
22 obviously they're going to be the first line of conducting  
23 these tests.  
24 SECRETARY FULLER: Well, they're actually not  
25 probably. Because the JATC's, anybody that's in

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1 apprenticeship automatically gets credit. So they're not  
2 going to have special classes.  
3 CHAIRWOMAN ASHFORD: But they're going to have to go  
4 to a school that would offer this classroom instruction.  
5 SECRETARY FULLER: Well, I hesitate to call it a  
6 school. Because anyone can create the class.  
7 BOARD MEMBER PREZEAU: But none of this is happening  
8 on-line; is that correct? This is all --  
9 SECRETARY FULLER: That's correct. It's all face to  
10 face.  
11 An example is the well driller industry. They have  
12 already indicated that -- especially some of the larger  
13 contractors are going to hold their own classes. They're  
14 going to get approval to do that. They're going to do it  
15 on a Saturday and bring their trainees in to sit down and  
16 do a classroom. So it's not -- you know, there will be  
17 people that are not at first glance what would look like a  
18 school. There's nothing that sets a requirement for what  
19 a provider has to look like other than what we have in WAC  
20 rule.  
21 BOARD MEMBER PREZEAU: Ron, have you received any  
22 proposals of people that have put together some curriculum  
23 and its structure, what it looks like? Have you gotten  
24 any of that?  
25 SECRETARY FULLER: We've gotten a few. Not very

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1 many. Because it's just started. You know, the approval  
2 process just started this month.  
3 BOARD MEMBER PREZEAU: And what types of topics are  
4 they? The ones that you have, if you're familiar with  
5 them, what type of topics are they covering? Do you know?  
6 SECRETARY FULLER: We're restricting them to code and  
7 theory. So that's what we're looking at is that it's the  
8 technical type of training. And that's how we're doing  
9 the approval process right now. We're not letting them do

10 safety or RCW's or anything like that. It has to be  
11 technically oriented. It's like electrician 101  
12 basically.

13 And the ones that have been doing exams, they've been  
14 doing anywhere from 20- to 40-question exams. And that's,  
15 again, why I'm thinking five is 20 questions. And at a  
16 minimum that's -- you should be allowing 40 minutes to do  
17 a 20-question exam. At the very minimum.

18 BOARD MEMBER NEWMAN: I would think that that sounds  
19 appropriate. Five questions per hour of training kind of  
20 thing.

21 CHAIRWOMAN ASHFORD: I would think so.

22 Do you want a motion on that, Ron? Or just --

23 SECRETARY FULLER: If anybody's got an objection, I  
24 think -- I don't need a motion necessarily.

25 CHAIRWOMAN ASHFORD: I think at this point, you know,

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1 that is the bare minimum. And then see what kind of  
2 results you're getting.

3 SECRETARY FULLER: Okay. And we will just continue  
4 to monitor what we're receiving. And if I see significant  
5 concerns, obviously then we may have to do something in  
6 WAC. And that's what we put out to the providers  
7 originally was that we're going to leave the WAC fairly  
8 open, and you need to do what you need to do to make it  
9 look right, and see how they do. And if they don't step  
10 up to the plate and put forward a good class, then we  
11 won't approve your class.

12 BOARD MEMBER PREZEAU: And I sort of think that --  
13 and I don't know if this is possible to do. It's probably  
14 not. But especially trainees that are going towards  
15 ultimately getting an 01 license, I would hope that their  
16 proficiency to answer technical questions over the period  
17 of their on-the-job training, obviously getting that 8,000  
18 requirement gets better as time goes along. So I would --  
19 again, I don't know if you can do this, but I would like  
20 to see the number of questions per hour increase as that  
21 individual gets closer towards completion of their  
22 on-the-job hours showing a increased ability to use the  
23 code book as a reference and an increased ability to  
24 answer questions that they don't understand in the field  
25 if they're presented with an installation requirement that

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1 they don't -- that they may or may not have been faced  
2 with before, but they know how to use code book and are  
3 proficient in its usage. And I don't think you can expect  
4 the first -- the trainee that has 800 hours of on-the-job  
5 training to be able to understand everything that's in the  
6 code book, but I think it's reasonable to assume that

7 somebody that's gotten closer to that 8,000 hour  
8 requirement has a much better understanding of the usage  
9 of that code book, and I think you can require more from  
10 them in my opinion.

11 SECRETARY FULLER: That actually might be a good  
12 proposal for the rules because you've got the ability to  
13 do something like that at the next rule cycle to make a  
14 year one class level, a year two class level. That's what  
15 you're saying I think.

16 BOARD MEMBER PREZEAU: Correct.

17 SECRETARY FULLER: And make them different. There's  
18 nothing to prevent that from happening other than it needs  
19 to be set down in rule.

20 CHAIRWOMAN ASHFORD: And then expand beyond the code  
21 and theory --

22 BOARD MEMBER PREZEAU: To the RCW and WAC.

23 SECRETARY FULLER: I think it's going to be really  
24 interesting to watch the next year and see what kind of  
25 classes come forward and whether they are really stepping

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1 up and giving the people some good training they need to  
2 succeed or not. It's just going to be something --  
3 that'll be something I think that the subcommittee that  
4 Tom's going to lead could look at I think. And that would  
5 be a perfect example of an issue that's really related to  
6 you as a board to deal with and to monitor. So I think  
7 that's a good example of how that process can really  
8 succeed too.

9 The other thing that we've been talking about  
10 internally too with the Board is -- and it relates to the  
11 rules -- the subcommittee that we talked about this  
12 morning, in my eyes at least, that's more related to  
13 policy calls, talking about issues like the utility  
14 exemption that came to the Board and those heavier detail  
15 things that are really complicated for everybody and  
16 working through those.

17 But the other thing that I'm interested in getting  
18 from the Board is -- and it relates somewhat to exams and  
19 those kinds of things too, but is more involvement from  
20 Board members on the Technical Advisory Committee.  
21 Because right now we -- I think we had 47 members last  
22 year, but there were no real positions for Board members.  
23 And I would personally like to see positions -- specific  
24 voting positions for three or four of the Board members to  
25 be on that TAC committee every year in addition to the

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1 electricians and contractors and engineers and citizens  
2 and all those other ones. I think that could almost act  
3 like a subcommittee for the Board to give you a much

4 better feel of what the discussion was about and what the  
5 issues were and what rules come to you for recommending  
6 approval or not. So that's something that I would like to  
7 see the Board do too.

8 And that, again, is an easy one because if you just  
9 say you're willing, then I will add some positions onto  
10 the TAC when we do the rules the next time. And I would  
11 really like to see that happen.

12 BOARD MEMBER PREZEAU: I agree with Ron. I  
13 participated in the TAC this last year. So when the  
14 proposals come to the Board, you already have a  
15 background. And I think that it was very valuable for me  
16 to have that experience, and I would certainly encourage  
17 any Board member to participate in that process.

18 SECRETARY FULLER: Well, I think, barring anybody  
19 saying "I don't want to do it," I'm going to put the  
20 positions on and then try to recruit some of you.

21 BOARD MEMBER PREZEAU: I'm in.

22 CHAIRWOMAN ASHFORD: I was going to say I'm sure you  
23 have a couple volunteers already.

24 SECRETARY FULLER: It's a tough -- that's a tough  
25 day, though. I mean, it can be a really grueling day. So

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1 people that have been through that know it can be -- last  
2 time I think it was fairly short, but it can be a really  
3 rough day. But I think it's time well spent for Board  
4 members. And rather than me just sitting here and going  
5 through what -- you know, presenting it, it gives you some  
6 voices at the Board when you start discussing what the  
7 issues were too.

8 BOARD MEMBER (D.A.) BOWMAN: Ron, I was on the TAC  
9 committee several years ago, and I'd be willing to do  
10 that.

11 SECRETARY FULLER: Okay. Any more questions about  
12 item number 4?

13

14 Item 5. Texas-Reciprocity

15 Item 6. eti Conformity Services

16

17 SECRETARY FULLER: We've talked about 5, and we've  
18 talked about 6 through the other reports.

19

20 Item 7. Discuss Location of April/October  
21 Board Meetings

22

23 SECRETARY FULLER: The April Board meeting is  
24 scheduled to not be here. It's going to be across the  
25 street at the Comfort Inn.

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1 And then in October we also got kicked out of the  
2 auditorium here, and we're looking at the Comfort Inn up  
3 in Renton rather --  
4 You like that, Gloria?  
5 CHAIRWOMAN ASHFORD: I'm in.  
6 SECRETARY FULLER: So unless you have objections,  
7 that's -- we've got the room reserved up there in -- in  
8 Renton, right?  
9 MS. O'SHURAK: Yeah, I think it's the -- it's the  
10 Comfort Inn in Kent.  
11 SECRETARY FULLER: In Kent. We'll put the  
12 notification out and everything.  
13 That'll be a different change for people too. Maybe  
14 we'll get some audience members from the Seattle area.  
15 CHAIRWOMAN ASHFORD: That's too close for Tom.  
16 BOARD MEMBER PHILLIPS: Yeah, I like it.  
17 SECRETARY FULLER: It'll save a little mileage on  
18 some of you. And pay Jim some more mileage.  
19 CHAIRWOMAN ASHFORD: Yeah, you get to get up early.  
20 SECRETARY FULLER: So anyway, it'll be good I think  
21 to meet up there. We've talked about that in the past  
22 having a meeting every year up in the Seattle area. So  
23 this'll give us a good chance to do that.  
24 CHAIRWOMAN ASHFORD: The L & I office in Tacoma is  
25 not available? I know we had a meeting with the Plumbers

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1 Board there.  
2 SECRETARY FULLER: We toyed with that one, but it's  
3 actually quite expensive, especially if we bring water and  
4 coffee in for you. The facilities there, it's like \$500  
5 to get coffee and water in that room. It's crazy. So we  
6 cancelled that one off. And even though the room's a  
7 little more up in Kent, overall it'll cost us about the  
8 same.  
9  
10 Item 8. Local Dispute Resolution  
11  
12 SECRETARY FULLER: Okay. Move on to item 8. We have  
13 Donna's and my name both on this one.  
14 I just wanted to let the Board know, because I think  
15 some of you, especially the new Board members, may not be  
16 aware that there is a process for telecom and for  
17 electrical to resolve disputes when it revolves around  
18 local jurisdictions. And when I say local jurisdictions,  
19 it's the cities that do inspections. If there's issues,  
20 there's -- in the RCW there's actually a section in  
21 19.28.021 for the electrical, and it's in --  
22 ASSISTANT ATTORNEY GENERAL EMMINGHAM: 460.  
23 SECRETARY FULLER: -- 460 for telecom. It's the same  
24 language.

25 But what those two sections do basically is set -- it

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1 gives someone that's got an issue with a city installation  
2 standard or a permitting or inspection type issue a way to  
3 appeal to an arbitration board.

4 So in my mind -- and Tom, you could probably tell me  
5 here too -- but I'm sure that most of the cities have an  
6 appeal process set up that's formalized. But in addition  
7 to that, a person could have the ability to make an appeal  
8 through our RCW in addition to that rather than -- most  
9 cities I think go through the courts. They go straight to  
10 superior court in most cases I think.

11 BOARD MEMBER PHILLIPS: Well, most of them -- a lot  
12 of them will use their board of appeals for all their  
13 adopted codes. It's kind of mandatory language when you  
14 adopt your building code, you get this board of appeals.  
15 And then a lot of them just use that for their plumbing  
16 and electrical.

17 SECRETARY FULLER: So what I think this does is -- I  
18 think it's probably good statutory language. But it gets  
19 the electrical issue to people that are electrical more.

20 So a "for instance" would be if someone had an issue  
21 with the city of Olympia that they either were or weren't  
22 enforcing some part of the code properly, they could come  
23 to the Department and ask for this arbitration committee  
24 to be formed. And then the Department would pick two  
25 Board members from the Electrical Board, and the city

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1 involved would pick two people, then those four would pick  
2 a fifth person to be on the arbitration committee  
3 basically, and then make a decision that's binding on  
4 everyone. So it's really a pretty clear simple process.

5 As far as I know, it's never been used. I think it's  
6 a very good tool that is available for people if they have  
7 an issue with the cities and jurisdiction for some reason.  
8 Because we would normally not get involved or want to be  
9 involved in an inspection or a permitting issue in a city.  
10 I mean, that's not our jurisdiction, and we don't want to  
11 be there. But it does give the Board a little bit of  
12 purview over this if this path is chosen.

13 The only time we came close was this last year with  
14 Bellingham actually. And I did move something forward,  
15 and we threatened to use the arbitration deal because they  
16 were trying to hire a residential electrician to be an  
17 inspector, and the statute does not allow that; they have  
18 to be a journeyman. And they finally did back off. But  
19 we had actually sent them formal letters with -- we named  
20 Gloria and Jim to be our representatives from the Board on  
21 that. And we were going to be the complainant basically

22 at L & I. But that's the only time I know of that we've  
23 actually had to go that far. Usually from the  
24 Department's point of view the only thing that we've ever  
25 had issue with that I know of is the hiring of inspectors.

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1 And there's been a couple of cities over the last 15 years  
2 that have tried to hire a specialty electrician to be an  
3 inspector. And usually just the -- I guess the oversight  
4 -- usually one phone call takes care of the problem, and  
5 they hire the right person, a qualified person, and it's  
6 done.

7 So it's not used very often but a very good tool to  
8 have available I think. And nothing to prevent a city  
9 from using it if they wanted to also. Anybody could be  
10 the appellant in a case like this. So it could be a very  
11 good tool for everybody I think. It probably would be a  
12 good thing maybe for the cities to be aware of. Because I  
13 think a lot of them probably aren't aware this is here  
14 either. And it's a good avenue and maybe better for the  
15 building official to use than going through some of the  
16 local appeal processes that you would normally use because  
17 of the ease of it.

18 BOARD MEMBER PHILLIPS: Well, one of the problems  
19 with the appeal process of any of codes is that  
20 construction has a set schedule, and appeals screw up the  
21 construction schedule. And unfortunately it disrupts the  
22 whole appeal process. You just don't have time to go  
23 through an official appeal. The construction's scheduled  
24 -- because on that you lose too much money. So they  
25 usually -- you know, you go to the building official or

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1 maybe you appeal to the supervisor or to Ron. And then  
2 after that you go to the political powers. And that's  
3 often the way they're resolved. It would be better to  
4 resolve, like Ron says, in a way that you have the people  
5 who are more knowledgeable in the situation to help  
6 resolve it. So built in unfortunately is a delay that  
7 doesn't work. So maybe we need -- if we can look at a way  
8 of expediting it to get people to respond quickly so  
9 people know that if they do go through a formal appeal,  
10 they can get to it in a timely manner.

11 SECRETARY FULLER: That's why I think it could be  
12 very advantageous for the cities.

13 And in reality, it could be good for us. But we  
14 don't have the statutory language.

15 A "for instance" is the dock variance. Remember the  
16 dock? That took us a while to deal with the dock. But if  
17 that would have been in the middle of construction, that  
18 would have been catastrophic. Because it took us almost a

19 year to get through that process I think. And that would  
20 have been devastating to a contractor or to a builder. It  
21 would have brought the thing to a screeching halt. It  
22 just so happened that all occurred after the fact. But,  
23 you know, we don't have that kind of statutory ability.  
24 But something like that might not be bad for us to  
25 consider actually for legislation too. In reality it's a

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1 different appeal process than to appeal to me who -- you  
2 know, I'm technically the final authority, and then they  
3 have to go to superior court if they don't agree. That's  
4 -- that could be really tough. I turn decisions around  
5 quickly. So that is a quick mechanism. But if they don't  
6 get the result they need, then they really do need to move  
7 forward, and maybe that's not the best method.

8 CHAIRWOMAN ASHFORD: Let's say the City of Kirkland  
9 did want to bring an issue forward, what kind of time  
10 frame would you be looking at right now if we were to go  
11 this route? Could the issue be resolved within a week?  
12 two weeks? a month?

13 SECRETARY FULLER: I think something could be  
14 resolved in a week because it's really -- there's nothing  
15 in the language that prohibits you from doing it in one  
16 day. If you could get the five people nominated and they  
17 wanted to take action, it's really up to them to move  
18 forward and resolve the issue. So it could be as long or  
19 as quickly as they want to make it happen. And I think  
20 typically a group like this would want to act quickly and  
21 be done, unless there was a need for evidence gathering or  
22 something like that.

23 CHAIRWOMAN ASHFORD: And could this be handled by  
24 teleconference or would it have to be handled in person?

25 SECRETARY FULLER: As far as I know there's no rules.

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1 I think you could do it by teleconference if you could  
2 deal with any evidence issues or something like that. So  
3 it's pretty wide open. So that's why I think it could be  
4 a potentially really nice thing to have for the cities to  
5 use if they knew it was there.

6 ASSISTANT ATTORNEY GENERAL EMMINGHAM: You just want  
7 to make sure that anybody that wanted to participate in  
8 the teleconference was able to do that. They may not  
9 necessarily be able to testify or give evidence in the  
10 arbitration, but they have the opportunity to listen in.

11 CHAIRWOMAN ASHFORD: So there would be a notification  
12 issue.

13 SECRETARY FULLER: Would there be a notification  
14 issue for a public meeting type of --

15 ASSISTANT ATTORNEY GENERAL EMMINGHAM: I'm not sure

16 that this is a public meeting because it's not technically  
17 a meeting of the governing body. It's not a meeting of  
18 this Board. There isn't a quorum of the Board. So I'm  
19 not sure that it would fall under the Open Public Meetings  
20 Act.

21 SECRETARY FULLER: To me it's similar to going to the  
22 administrative law judge. And those aren't publicized.  
23 They're scheduled and they're done. They could be  
24 tomorrow or they could be next year, depending on the law  
25 judge's calendar.

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1 CHAIRWOMAN ASHFORD: So if more than six members of  
2 the Board wanted to not necessarily participate but hear  
3 the testimony, et cetera --

4 ASSISTANT ATTORNEY GENERAL EMMINGHAM: Then you may  
5 fall into something because you have a quorum of Board  
6 members there.

7 But this statute, you know, anticipates two Board  
8 members participating on the arbitration panel.

9 And I just want to correct one thing that was said.  
10 This isn't exactly binding arbitration because there is  
11 the opportunity to appeal the decision of the arbitration  
12 panel to superior court if someone was not happy with the  
13 outcome.

14 BOARD MEMBER TRICARICO: I have a question for Ron or  
15 Donna to answer.

16 What's the process, though? I mean, the arbitration  
17 board is put together, the two, and the two and the one.  
18 And then do they conduct it like you would a hearing? Do  
19 each parties bring on witnesses or evidence in document  
20 form?

21 ASSISTANT ATTORNEY GENERAL EMMINGHAM: Essentially  
22 the arbitration panel -- if Ron doesn't mind me taking  
23 this -- would sit like this Board does when you hear  
24 appeals from the Office of Administrative Hearings. The  
25 Department would appoint two people to be on the panel.

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1 The city or the town appoints two people. Those four  
2 people get together and decide on who would be the fifth  
3 person, which would essentially be the tie-breaking vote  
4 possibly. If they can't agree on who the fifth person  
5 should be, then the superior court judge of the city or  
6 town where this issue is located decides on the fifth  
7 person. That could involve some time if the parties  
8 couldn't agree on the fifth person. Assuming you could  
9 agree on the fifth person, the panel would sit and hear  
10 evidence from the city and town, from the Department, any  
11 other parties that were necessary, then make a ruling.

12 BOARD MEMBER GUILLOT: Excuse me. But you did say

13 it's binding arbitration; it could be appealed? It's more  
14 like a grievance process?  
15 ASSISTANT ATTORNEY GENERAL EMMINGHAM: Exactly.  
16 "Binding arbitration" is sort of a legal term of art,  
17 which means the parties agree to be bound by whatever  
18 decision the arbitration panel makes. And in this case,  
19 the statute envisions an opportunity to appeal to superior  
20 court.  
21 BOARD MEMBER TRICARICO: One more question, though.  
22 With this process, since the Department is picking two  
23 Board members to sit on it, then wouldn't it make sense,  
24 though, that the Department would have to agree that there  
25 is an issue at hand? I mean, otherwise --

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1 SECRETARY FULLER: I don't believe so.  
2 BOARD MEMBER TRICARICO: Because I mean, would it not  
3 then be -- if there's an issue with the city, it's brought  
4 up by a citizen, the Board has two people on the board,  
5 the city has two, well then isn't the Board acting as if  
6 they are one of the litigators? Don't they have to defend  
7 or take on a position? I mean, because if it's moot to  
8 the Board, whatever the issue is, then why would -- I  
9 don't understand the process. I don't understand how the  
10 Board's involved if the Department doesn't have a stance  
11 on it. If the Department sees it as a neutral issue, it  
12 is not a conflict.  
13 SECRETARY FULLER: I'll give you an example of a  
14 possible action by this group.  
15 If a citizen has issue with a city because they  
16 believe that the city does not inspect what they're  
17 supposed to inspect, they could -- the citizen could  
18 request arbitration. The four people -- the five people  
19 would sit and hear the evidence and make a decision on  
20 whether the complainant was correct or whether the city  
21 was correct. And then they have a choice to appeal or not  
22 appeal.  
23 ASSISTANT ATTORNEY GENERAL EMMINGHAM: So regardless  
24 of whether or not the Department feels that there's an  
25 issue, the statute says any dispute. So any party could

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1 bring this request and say, "I want this heard by an  
2 arbitration panel."  
3 BOARD MEMBER PHILLIPS: I guess I don't see it being  
4 used too much. Because it sounds to me like this is more  
5 for not appealing a decision by the jurisdiction but  
6 whether or not that jurisdiction's codes are equal to or  
7 better. And most contractors probably don't care. They'd  
8 probably prefer that they weren't equal.  
9 SECRETARY FULLER: That's true. That's true.

10 But anyway, I just wanted to bring it to everyone's  
11 attention because it's something that's kind of obscure,  
12 but it's there, and it could potentially be a good tool.  
13 CHAIRWOMAN ASHFORD: Are you going to eventually put  
14 something in the Currents about this avenue that's  
15 available?  
16 SECRETARY FULLER: I don't think I want to publicize  
17 it necessarily. I'm going to leave it up to Tom to share  
18 with the building officials. They know it's there if they  
19 want to deal with it that way.  
20 BOARD MEMBER PHILLIPS: Sure.  
21 SECRETARY FULLER: So that's really all I had to talk  
22 about that one was just kind of Training 101 for the Board  
23 here.  
24 CHAIRWOMAN ASHFORD: Donna, do you have any more  
25 comments on that?

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1 ASSISTANT ATTORNEY GENERAL EMMINGHAM: Not unless  
2 anybody has questions for me.  
3  
4 Item 9. Presentation of Final Orders  
5  
6 CHAIRWOMAN ASHFORD: Presentation of final orders.  
7 ASSISTANT ATTORNEY GENERAL EMMINGHAM: Madam Chair,  
8 we have actually several final orders to present. Ms.  
9 Mortinson has one from an appeal that was heard at the  
10 last Board meeting.  
11 ASSISTANT ATTORNEY GENERAL MORTINSON: This is the  
12 matter of John Winston heard at the last Board meeting.  
13 And here's the order that has been --  
14 ASSISTANT ATTORNEY GENERAL EMMINGHAM: And I forget  
15 which Board member made the motion on that. But that was  
16 the one where there were several errors, typographical and  
17 otherwise. And so essentially the ALJ decision is  
18 incorporated in the Board's order with the corrections  
19 that were suggested by the Board and adopted by the Board.  
20 CHAIRWOMAN ASHFORD: David, do you want to --  
21 BOARD MEMBER (D.A.) BOWMAN: That's fine. It's in  
22 the minutes.  
23 ASSISTANT ATTORNEY GENERAL EMMINGHAM: And then I  
24 prepared orders on behalf of the Board for ADT Securities,  
25 John Jolibois. That was a matter in which the Board

85

1 determined that the Department's position was incorrect.  
2 And I also have three orders for the New Image Creative  
3 Sign matter that --  
4 CHAIRWOMAN ASHFORD: Thank you.  
5 ASSISTANT ATTORNEY GENERAL EMMINGHAM: And that's it  
6 for the final orders.

7

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Item 10. Appeals

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10 Item 10.a. Solar Motive/Kirk Doray

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12 CHAIRWOMAN ASHFORD: We have one appeal. Is the  
13 party present?

14

(Pause in proceedings)

15

It appears that he's not, Shelley.

16

ASSISTANT ATTORNEY GENERAL MORTINSON: Yes, Madam  
17 Chair, the Board.

18

This is the appeal of Kirk Doray and Solar Motives.

19

The OAH hearing was handled by Carter Hick, but he has

20

gone to the dark -- no, no, no -- he's left us for private

21

practice. So this is my case to argue.

22

I don't believe Mr. Doray is here. Apparently not.

23

This was a case -- the issue is: Did Mr. Doray

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perform work while not being licensed as a contractor's

25

required, and did his company, Solar Motives, perform

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1 electrical work by not being licensed as required.

2

It was a long transcript to read through, one of the

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more difficult transcripts I have had to read.

4

But I think -- in the Department's position, it boils

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down to a couple of essential elements.

6

The first is: While it's possible that these

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homeowners made this installation with Mr. Doray just

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directing them, it's the Department's position that that

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is unlikely given the complexity of what they installed

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and the fact that they could not answer the questions of

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Mr. Moser about the system. So again, common sense

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dictates that while it's possible, it is not likely in the

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Department's opinion that this is what happened. Because,

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again, of the type of system and the complexity and the

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fact that they could not answer the inspector's questions.

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And I think the second issue it boils down to is the

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credibility call made by the ALJ. And I think rather than

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review that too much, I think his decision was very well

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written in that regard. And I would just like to

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emphasize that I think one of the key questions was when

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he asked the homeowner if he would have any reason to lie

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on the statement, and the homeowner said, "No."

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So the Department's position is that Mr. Doray did

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more than just direct them verbally or help lift into

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place heavy equipment. And the Department requests that

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1 this Board affirm the findings of fact and conclusion of

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law of the ALJ and affirm the citations EMOSR00209 and 210

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and their associated penalties.

4 That's all I have. And I want to know if the Board  
5 has any questions I might be able to answer.  
6 CHAIRWOMAN ASHFORD: Questions for Shelley?  
7 Do we have a motion?

8  
9 Motion

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11 BOARD MEMBER PARKER: Madam Chair, I'd like to place  
12 the motion that we affirm the ruling of the administrative  
13 law hearing and sustain the complaint citations  
14 EMOSR00209, EMOSR00210 and uphold the Department.

15 BOARD MEMBER TRICARICO: Second.

16 CHAIRWOMAN ASHFORD: Any discussion? All those in  
17 favor?

18 THE BOARD: Aye.

19 CHAIRWOMAN ASHFORD: Opposed? So moved.

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21 Motion Carried

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23 ASSISTANT ATTORNEY GENERAL MORTINSON: Thank you,  
24 Madam Chair. I do just happen to have an order prepared  
25 that I'll bring up.

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1 CHAIRWOMAN ASHFORD: This concludes the regular  
2 agenda of today's Board meeting.

3 Is there any other discussion that someone would like  
4 to bring up?

5  
6 Other

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8 BOARD MEMBER (D.A.) BOWMAN: Briefly.  
9 Ron, you and I discussed this briefly before the  
10 meeting today, and that was: I asked whether it would be  
11 possible to look at doing some kind of public service  
12 announcements to educate the public in view of some of the  
13 information Jim has shared with us over the past several  
14 months, and you had indicated that had been looked at  
15 previously and was found to be very expensive but it could  
16 be looked at again.

17 And I'm wondering if the Board would agree that maybe  
18 that's something that should be looked at, or if there's  
19 other avenues of educating the public as to how they  
20 should be aware of what the electrical rules are and  
21 safety issues associated with doing your own work even  
22 though it's permitted by statute that there are safety  
23 issues concerned with that.

24 One possibility being brought up is to consider  
25 putting information on the web site. If we're getting as

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1 many hits as it appears today, maybe we can get some kind  
2 of a safety page or homeowners installation page on the  
3 web site to put that information out there to help educate  
4 them.

5 SECRETARY FULLER: We're actually working on that.  
6 So we are moving forward on that to have a homeowners  
7 section basically. Because primarily the web site  
8 revolves around electricians and contractors right now.  
9 But that's been a goal of mine for quite a while actually.  
10 It's just one of those things that we haven't gotten to.

11 But -- and there's some resistance to that from some  
12 people too because -- you get back to the basic question:  
13 Do you really want them doing the work at all in the first  
14 place? And in most cases, maybe no. But if they're going  
15 to do it, they're going to do it. And then I think we do  
16 have to give them some guidance.

17 The plan right now is to start out with simple fact  
18 sheets about when permits are required and the inspections  
19 are required and how you do those kinds of things, list  
20 some of the top corrections that we write to homeowners.  
21 We can do that now with our new Correction Writer program.  
22 And probably give them the basic warning about if you  
23 don't know what you're doing, maybe you shouldn't.

24 And so that's where we're going with the web piece of  
25 it right now.

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1 But it has been a while since we looked at the public  
2 service announcement method. And what I'll just commit to  
3 is between now and the next Board meeting I'll look into  
4 that again and see how and what we can do and what it  
5 would cost and maybe things have changed and there's some  
6 options that weren't available before that we could look  
7 at.

8 You hear public service all the time. The one that  
9 we were talking about was the lottery commercials and how  
10 neither one really like how they sound, but they're very  
11 effective. They get people to buy lottery tickets. The  
12 Department of Transportation one for the roadside  
13 assistance, you hear that one every hour almost. And how  
14 we could maybe get those kinds of things on the radios and  
15 out to people.

16 Some of us, I know, have seen the -- there's been an  
17 e-mail that's been floating around recently with ugly  
18 pictures from home inspectors that they've actually been  
19 taking.

20 And they actually make your pictures look pretty  
21 benign, Jim.

22 So there are some home inspectors that are probably  
23 doing a pretty good job out there.

24 The classic one for me was the -- and it wasn't

25 electrical, but it was about a 12-inch I-beam it looked

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1 like supporting a floor above, and there was about a  
2 4-inch steel post below this I-beam with a flat plate  
3 welded on the bottom. And normally they're usually welded  
4 together or they're bolted together. Well, this one they  
5 didn't quite make the post long enough, so they put a pipe  
6 wrench up there and a grinder wheel. And that was the  
7 support for the entire floor that was keeping that post  
8 from falling out from underneath of it.

9 So there were some pretty interesting ones that were  
10 on there.

11 Those kinds of things are -- they do make good PSA's  
12 I think -- public service announcements.

13 BOARD MEMBER JACOBSEN: Ron, one thought is the  
14 do-it-yourselfers have to get their material somewhere,  
15 and I'm wondering if the Home Depots, Lowe's, Dunn's of  
16 the world would not be interested in providing space for  
17 public service information for do-it-yourselfers.

18 SECRETARY FULLER: Dave and I talked about that too.

19 We have thought about that. We've approached them.  
20 But they're pretty reluctant in general because in reality  
21 everybody that walks out of there with plumbing or  
22 electrical supplies is a violator, and they don't want to  
23 not sell their product. So they've been very reluctant to  
24 put anything up, even posters.

25 CHAIRWOMAN ASHFORD: Well, they run into a liability

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1 issue also if they're passing out information.

2 BOARD MEMBER JACOBSEN: Well, they're giving advice  
3 today.

4 CHAIRWOMAN ASHFORD: Yes.

5 BOARD MEMBER SIMMONS: Right.

6 BOARD MEMBER JACOBSEN: I can attest to that.

7 BOARD MEMBER SIMMONS: They are.

8 BOARD MEMBER JACOBSEN: But it's often bad advice.

9 CHAIRWOMAN ASHFORD: But that's an individual --  
10 they're not -- there's no publication that they're handing  
11 out.

12 BOARD MEMBER TRICARICO: I wanted to comment on -- I  
13 was thinking along the same lines.

14 I was going to ask Ron if you know -- does everybody  
15 in the history of wanting to include in 19.28 that they  
16 were obligated -- the Home Depots, Lowe's, electrical  
17 supply houses -- of posting information and stating what  
18 the requirements are for permits.

19 SECRETARY FULLER: I haven't ever seen a bill on it.  
20 But I know there has been some really low-level discussion  
21 at some of the committees about how to deal with the

22 homeowners and that kind of problem, but nothing that's of  
23 any significance at all.  
24 It gets kind of -- the one discussion that I remember  
25 was tied to a bill that required the contractor license

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1 number be displayed on every vehicle. And there was major  
2 opposition from contractors especially on that because  
3 individuals use their private vehicles and all kinds of  
4 things, and that was part of that discussion, as I  
5 remember, three or four years ago.

6 It's a difficult one.

7 BOARD MEMBER SIMMONS: A couple things. One, we  
8 actually just became certified recently with Home Depot to  
9 become a preferred provider for the three local stores  
10 here. And I've got a meeting here in about three weeks  
11 with the store managers and their expeditors and the head  
12 district manager for Washington state, and I'm going to  
13 put this to them and see if I can at least get it started  
14 here and explain how important it is to educate these  
15 people that permits -- yes, they can do their work, but  
16 they're still required to get permits. And I'm going to  
17 see if I can get them to do that. They're actually going  
18 to let us put signage with our name and their logo next to  
19 it and stuff in their stores, and I'm going to see if I  
20 can get something -- an agreement with these local stores  
21 to just start something. And who knows where it'll go.  
22 I'm going to approach them with that. So we will see.

23 CHAIRWOMAN ASHFORD: Take some of your pictures.

24 BOARD MEMBER SIMMONS: I'll take some of my pictures.  
25 I'll take the little slide show.

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1 But on the same line, it really is -- and I  
2 appreciate David bringing it up because it really is a  
3 serious problem.

4 And I talked to a gentleman last week on the phone.  
5 And he had hooked up his own hot tub and was having a  
6 problem with it.

7 So he called me and said, "Hey, I'm having a problem  
8 with a hot tub; it keeps tripping the breaker. Can you  
9 help me out? What can I look for?" and stuff.

10 And I said, "Well, okay, let's start the  
11 conversation: I'm sure you got this inspected so that I  
12 know that it was at least hooked up properly. Right?"

13 And he goes, "What?"

14 I said, "Well, you know that you have to get that  
15 inspected?"

16 He says, "Well, I'm the homeowner. I don't have to  
17 do that."

18 And I said, "Now, wait a minute. You're telling me

19 that as a homeowner, an amateur, you don't have to have a  
20 permit, but me as an expert and a licensed professional  
21 does? Does that make sense to you, sir?"  
22 "Well, now that you say it, not really."  
23 "So you haven't had it inspected, and you want me to  
24 troubleshoot it over the phone." I said, "I don't know  
25 that you've got the wires in the right place. Do you have

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1 the light in the right place? Do you have it floated  
2 through the disconnect?" et cetera, et cetera. "Do you  
3 have a parallel path on the grounding? What do you got?  
4 I can't tell from here."  
5 And anyway, the conversation ended abruptly after  
6 that because he hung up. But I mean --  
7 CHAIRWOMAN ASHFORD: Good customer relations, Jim.  
8 BOARD MEMBER SIMMONS: Well, he didn't call me  
9 anyway.  
10 But my point being: There are a tremendous amount of  
11 people out there that really think that. They've heard  
12 somewhere that they can do the work, that people at Home  
13 Depot, Lowe's or wherever will tell them, "Oh, yeah, you  
14 can do the work yourself." They leave that one little  
15 omission out: By the way, you have to get a permit. And  
16 it is a huge problem. It really is.  
17 I mean, I would be happy to see a bill saying that,  
18 you know, five percent of the electrical fund can be used  
19 for this purpose, or something from somewhere to educate  
20 the public because it really is a huge problem.  
21 BOARD MEMBER PREZEAU: I would like to -- you know,  
22 Ron, if you're developing a homeowner sort of safety page,  
23 I wonder if you're considering including content about  
24 homeowners who actually contact contractors and what the  
25 -- you know, who is a real contractor and who is not a

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1 real contractor and who is a real electrician and who is  
2 not a real electrician and what the homeowners' rights are  
3 and that they can ask to see that electrician's license to  
4 make sure that they are truly a licensed electrician and  
5 what questions they should ask those contractors that they  
6 call to verify that they're actually a licensed bonded  
7 electrician -- or contractor registered with the state in  
8 compliance -- you know, to educate those homeowners to  
9 make sure that even in the event that they call a  
10 contractor that it's a legitimate contractor that's not  
11 going to, you know, be a bad actor, that sort of that  
12 underground economy piece.  
13 SECRETARY FULLER: Right. And that's part of it. I  
14 mean, there's going to be a link on there to look up the  
15 contractor page, that sort of stuff. Because you have to

16 have that on there.

17 BOARD MEMBER GUILLOT: Jim, I know what you're saying  
18 because I've been in the Home Depot and I've even seen the  
19 books on how to do it. I'm not an electrician. You can  
20 also buy the book in there on how to do your wiring.

21 We're talking about public safety here. Now, I know  
22 that this is specifically about the rules that we talked  
23 about under here. But something that's come to mind that  
24 keeps bearing up, we just went through one of the worst  
25 storms we've had as far as the outside line industry. And

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1 I see on television whenever it's on or after, people, our  
2 public, are out there picking up these damn wires, and  
3 they have no idea what they're getting into.

4 Now, I need to talk to somebody with the chapter 45  
5 regulations. See, we only got six inspectors statewide  
6 for the outside utilities. But I just think that there's  
7 got to be some sort of budget so we could do public  
8 announcements on the -- you know, to cover the outside as  
9 well.

10 BOARD MEMBER SIMMONS: Well, one thing, Don, that  
11 happens -- that usually is a way to clarify the gene pool.  
12 Because -- I mean, they only do it once.

13 BOARD MEMBER GUILLOT: I think the roundabouts are  
14 doing a good job. Through attrition we're going to get  
15 the numbers down.

16 BOARD MEMBER (D.S.) BOWMAN: Ron, you had mentioned  
17 once before that you've contacted insurance companies and  
18 they weren't interested in doing anything on their  
19 policies?

20 SECRETARY FULLER: I actually haven't, but SCS has  
21 because we've got other issues that they can be involved  
22 in. But primarily it's the contractor registration  
23 collecting on bonds and those kinds of things.

24 BOARD MEMBER (D.S.) BOWMAN: What about the  
25 homeowners' insurance policies? I mean, it seems to be in

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1 their best interest to do a mail or something on that.

2 SECRETARY FULLER: This is a personal opinion, again.  
3 But the appearance from the insurance companies is that  
4 they compensate the loss by raising the premium. And as  
5 long as those two things balance, they don't really have  
6 an interest. Because they can raise the premium to cover  
7 the loss. So that's why they're somewhat reluctant.

8 CHAIRWOMAN ASHFORD: Any further discussion on that?  
9 I have a question for Jim.

10 When we were discussing licensing of home inspectors,  
11 you were going to investigate whether any other state had  
12 licenses in place. Have you had an opportunity to do

13 that?

14 BOARD MEMBER SIMMONS: I have talked to several  
15 people in various states, other home inspectors and  
16 through the home inspector associations. Most states do  
17 require -- or rather, there are a lot of states that do  
18 require home inspectors to be quote/unquote "licensed."  
19 To my knowledge, there are none that currently require any  
20 kind of electrical license. I could not find anybody that  
21 did require an actual electrical license for a home  
22 inspector to do that part.

23 It's just in most cases a very generic license.  
24 Actually Washington state has one of the stricter  
25 licensing laws because they do require them to be test

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1 inspectors if they're going to be a licensed home  
2 inspector. But there is nothing currently for a  
3 requirement for the electrical part of it to my knowledge;  
4 I didn't find anything.

5 CHAIRWOMAN ASHFORD: Thank you.

6 BOARD MEMBER SIMMONS: You're welcome.

7 CHAIRWOMAN ASHFORD: Any other discussion items?

8 BOARD MEMBER SIMMONS: I just got one quick one. It  
9 should just be a very quick one.

10 Ron, one thing that I noticed here recently because  
11 we've been doing a lot of these is -- I just got -- we are  
12 buying permits for homeowner -- or rather, for portable  
13 generators that a homeowner can plug into their system,  
14 and we're doing a lot of manual transfer switches and  
15 cords and everything for those so that they're set up  
16 safely.

17 One of the things I've noticed is that that's kind of  
18 a high permit it seems to me. That's like a \$65 permit.  
19 And a permanently installed one is like \$75 or \$80. I  
20 don't remember the exact numbers. I don't have them with  
21 me; I should have brought it.

22 But I was just wondering if you could take a look at  
23 that. Because people tend to -- you know, we tell them  
24 how much this thing's going to cost, and then they squawk  
25 and little bit, and then they got to let the inspector in,

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1 and we're getting a little resistance from customers. So  
2 I don't know if it could be looked at as a circuit  
3 alteration, you know, a 4810 type price range instead of  
4 that or -- just a question for you to look at.

5 SECRETARY FULLER: I think it -- it depends on how  
6 you do it I think, what type of equipment you're using,  
7 whether it's a feeder or whether it could be a circuit. I  
8 think there's some ways where it could be a circuit. It  
9 just really depends.

10 BOARD MEMBER SIMMONS: A lot of them -- most of them  
11 that we're putting in, Ron, are what we call an interlock.  
12 It's the main breaker, you know, has to be shot off, then  
13 an interlock moved out of the way. The circuit breaker  
14 turned on, which is then fed from the receptacle outside.  
15 And, you know, maybe there's a different way of  
16 interpreting that.  
17 But that's the main one we're doing, and it has a  
18 specific reference on the price list for that permit being  
19 a portable type generator connection. Boom, and there it  
20 is. So if you would look at that, I would appreciate it.  
21 SECRETARY FULLER: Okay.  
22 BOARD MEMBER SIMMONS: Thank you.  
23 (Pause in proceedings.)  
24 CHAIRWOMAN ASHFORD: I understand that Mr. Doray has  
25 joined us.

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1 I do have to let you know that we have concluded the  
2 business set aside on our agenda. You were not here at  
3 the time your appeal came up on our agenda.  
4 MR. DORAY: The last item on the agenda was the  
5 appeal.  
6 CHAIRWOMAN ASHFORD: Yes. But, Mr. Doray, our  
7 meeting began at 9:00 this morning. We have no set time  
8 schedule as to when we will get to agenda items.  
9 MR. DORAY: And could I ask what the --  
10 CHAIRWOMAN ASHFORD: Pardon?  
11 MR. DORAY: Could I ask what the conclusion was?  
12 CHAIRWOMAN ASHFORD: The conclusion was to affirm and  
13 uphold the ALJ's decision.  
14 MR. DORAY: And I find it convenient of the Board to  
15 take the agenda item out of order, and I object to that.  
16 CHAIRWOMAN ASHFORD: Well, I'm sorry, sir.  
17 MR. DORAY: I do reserve the right to appeal.  
18 CHAIRWOMAN ASHFORD: We have concluded the agenda  
19 items. At the time your appeal came up, you were not  
20 present.  
21 MR. DORAY: And I find --  
22 CHAIRWOMAN ASHFORD: They were in order, sir. They  
23 were in order, sir.  
24 MR. DORAY: I find that it may well violate my  
25 rights. I made considerable effort to be here today for

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1 the purpose of speaking about the issues that --  
2 CHAIRWOMAN ASHFORD: Well, Mr. Doray, if you had made  
3 a considerable effort to be here, you would have been here  
4 at 9:00 this morning when our meeting started.  
5 MR. DORAY: Well, I find that that's convenient of  
6 the Board to conclude that if that's the general

7 conclusion of the Board to use that terminology because  
8 the issues involved here are not confined to the citations  
9 themselves.  
10 CHAIRWOMAN ASHFORD: We've made our statement.  
11 The hour is 11:35. Do we have a motion to adjourn?  
12 BOARD MEMBER TRICARICO: So moved.  
13 BOARD MEMBER HAMILTON: Second.  
14 CHAIRWOMAN ASHFORD: All those in favor?  
15 THE BOARD: Aye.  
16 CHAIRWOMAN ASHFORD: Opposed? Meeting adjourned.  
17 (Whereupon, proceedings  
adjourned at 11:35 a.m.)

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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  
8 That the foregoing transcript excerpt taken from the  
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9 excerpt is an accurate transcript excerpt of the  
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10 intelligible; that the proceedings and resultant foregoing  
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13 That I am not a relative, employee, attorney or  
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14 thereof;

15 IN WITNESS WHEREOF, I have hereunto set my hand on  
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16 Washington.

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