

1 DEPARTMENT OF LABOR AND INDUSTRIES
2 STATE OF WASHINGTON
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5
6 ELECTRICAL BOARD MEETING
7
8 TRANSCRIPT OF PROCEEDINGS
9

10 Thursday, July 28, 2011
11

12
13 BE IT REMEMBERED, that a quarterly Electrical Board
14 meeting was held at 9:00 a.m. on Thursday, July 28, 2011,
15 at the address of Labor & Industries Headquarters, 7273
16 Linderson Way S.W., Tumwater, Washington, before
17 CHAIRWOMAN TRACY PREZEAU, RODNEY BELISLE, TOM PHILLIPS,
18 JANET LEWIS, CATHLEEN BRIGHT, DAVID CORNWALL, MIKE NORD,
19 BRUCE TURNER, DON BAKER, ROCKY SHARP, LOUIS LaMARCHE, DON
20 GUILLOT, and SECRETARY/CHIEF ELECTRICAL INSPECTOR RONALD
21 FULLER. Also present was ASSISTANT ATTORNEY GENERAL PAM
22 REULAND representing the Board.

23
24 WHEREUPON, the following proceedings were held, to
25 wit:

26
27 Reported by:
28 H. Milton Vance, CCR, CSR
29 (License #2219)

30
31 EXCEL COURT REPORTING
32 16022-17th Avenue Court East
33 Tacoma, WA 98445-3310
34 (253) 536-5824
35

Thursday, July 28, 2011
Tumwater, Washington

I N D E X

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1 PROCEEDINGS

2

3 CHAIRWOMAN PREZEAU: So the hour is 9:03 a.m. and the
4 Washington State -- the July 28th Washington State
5 Electrical Board meeting will come to order.

6

7 Item 1. Approve Transcripts from April 28, 2011,
8 Electrical Board Meeting

9

10 CHAIRWOMAN PREZEAU: Is there a motion to approve the
11 transcripts of the April 28th meeting?

12

13

Motion

14

15 BOARD MEMBER: Motion.

16 BOARD MEMBER BELISLE: Second.

17 CHAIRWOMAN PREZEAU: Any discussion? All those in
18 favor of approving the transcripts of the previous meeting
19 signify by saying "aye."

20 THE BOARD: Aye.

21 CHAIRWOMAN PREZEAU: All those opposed? Motion
22 carries.

23

24

Motion Carried

25 ///

1 Introduction of Board Members

2

3 CHAIRWOMAN PREZEAU: So we have some new Board
4 members with us today. So in light of that, I would very
5 much like it if we could go around the room and do
6 introductions. Let people know what position you hold,
7 i.e., who you represent. So kind of welcome the new Board
8 members.

9 So we'll start with Don Guillot.

10 BOARD MEMBER GUILLOT: Don Guillot. I'm the elected
11 business manager with the IBEW. And I'm representing
12 utility companies.

13 BOARD MEMBER LaMARCHE: Louis LaMarche. I'm new. I
14 work for Townsend Controls and Electric. The contractor
15 position.

16 CHAIRWOMAN PREZEAU: Welcome.

17 SECRETARY FULLER: Louis is our only -- I think he
18 may be the first contractor rep from the east side of the
19 mountains actually. He's from Kennewick area.

20 CHAIRWOMAN PREZEAU: Excellent. Thanks for joining
21 us.

22 BOARD MEMBER SHARP: Rocky Sharp from Madsen
23 Electric, representing contractors.

24 BOARD MEMBER BAKER: Don Baker, Laser Electric.
25 Electrical contractor.

1 BOARD MEMBER TURNER: Bruce Turner, NAC Engineering,
2 electrical engineering seat.

3 BOARD MEMBER NORD: Mike Nord. I'm with the
4 Communication Workers Union.

5 ASSISTANT ATTORNEY GENERAL REULAND: I'm Pam Reuland
6 from the Office of the Attorney General.

7 CHAIRWOMAN PREZEAU: Tracy Prezeau representing
8 electricians and the Chair of the Board.

9 BOARD MEMBER CORNWALL: David Cornwall, Platt
10 Electric Supply. Electric distribution specialist.

11 BOARD MEMBER LEWIS: Janet Lewis, certified
12 electrician. That's the seat I'm holding. And I
13 currently work for IBEW 46.

14 BOARD MEMBER PHILLIPS: Tom Phillips with the City of
15 Kirkland, and I represent cities that have electrical
16 programs. And I'm the only representative who's a
17 non-voting member.

18 BOARD MEMBER BELISLE: Rod Belisle, electrician seat.
19 I work for an apprenticeship program in Southwest
20 Washington.

21 THE COURT REPORTER: I'm Milton Vance. I'm the court
22 reporter, the silent one.

23 SECRETARY FULLER: Ron Fuller, chief electrical
24 inspector.

25 CHAIRWOMAN PREZEAU: Come on, Brandi.

1 SECRETARY FULLER: And this (indicating) is Brandi
2 O'Shurak. She's my administrative assistant.

3 Usually she's not at the Board. It's usually Crystal
4 Forsberg, but she's off taking care of her newborn.

5 CHAIRWOMAN PREZEAU: She had a baby boy, right?

6 SECRETARY FULLER: Right, baby boy.

7 So Crystal will be back at the next meeting.

8 CHAIRWOMAN PREZEAU: Milton has requested that he has
9 an opportunity to lay out some ground rules for his
10 benefit for the new Board members.

11 So Milton, whenever you're ready.

12 THE COURT REPORTER: (Instructional comments given.)

13 CHAIRWOMAN PREZEAU: And again, I want to officially
14 welcome the new Board members. Thank you for stepping up
15 and playing a role in the electrical industry.

16 I do want to, before we have Jose' come up, is I want
17 to address the materials that are in the Board packets, in
18 your guys' bifolds in front of you.

19 We did include not only for the new Board members,
20 but for all of the Board members, a copy of the bylaws of
21 the Washington State Electrical Board and our operating
22 principles, our most current version of those, so
23 everybody has those; transcripts from the previous
24 meeting; the budget discussion; secretary's report which
25 we will get into; and some other materials that will be

1 covered. But I did want to highlight the bylaws and
2 operating principles.

3

4 Item 2. Departmental/Legislative Update

5

6 CHAIRWOMAN PREZEAU: So with that, unless there are
7 any objections, I would like to move to agenda item 2, and
8 that's the Departmental/Legislative Update with Jose
9 Rodriguez.

10 Mr. Rodriguez.

11 MR. RODRIGUEZ: I assume this is where I sit?

12 CHAIRWOMAN PREZEAU: You can sit at any one of those
13 four chairs that you like the best.

14 MR. RODRIGUEZ: All right. Thank you.

15 Well, thank you for the invitation this morning to
16 address the Board.

17 And I think probably I'll start out with a little bit
18 of an introduction. I'll not go through my whole life
19 history. But you're probably wondering who this guy, Jose
20 Rodriguez, is.

21 CHAIRWOMAN PREZEAU: You're reading my mind.

22 MR. RODRIGUEZ: But anyway, I am currently the
23 Assistant Director of Specialty Compliance Services. I
24 assumed that position on July 1st when Steve McLain, my
25 predecessor, vacated the position. Steve went up to

1 become the Assistant Director for the Office of Human
2 Resources here at L & I. I came to the Department in 2002
3 after having completed a 30-year career with the United
4 States Army. I retired at the rank of colonel. I'm very
5 proud of my service.

6 But at that time, the Department was establishing or
7 had just established a position as the Spanish Language
8 Communications Manager, and it was a brand new position.
9 And I was fortunate that I applied for the position, and I
10 got the position.

11 So the first two years here at the agency I was
12 responsible for setting that program up and doing our
13 outreach to the Hispanic communities across the state.

14 After a couple years doing that, I realized that I
15 needed to get some field experience and was able to
16 compete and get the position as the Insurance and
17 Consultation program manager down in Region 4. Region 4,
18 their office is located here in Tumwater, and they serve
19 ten counties in Southwestern Washington. But in that
20 position I had oversight of the audit, collections,
21 investigations and our early return-to-work programs, as
22 well as our DOSH consultation program. I was working for
23 the regional administrator at that time. And when that
24 individual vacated the position, I applied for the
25 regional administrator position, and I was fortunate

1 enough to get that. And so for five years, I served as
2 regional administrator for Region 4, where I picked up all
3 the fraud programs: the audit, collections and
4 investigations, the electrical program, construction
5 compliance, employment standards and prevailing wage in
6 the field. So I feel like I've got a good handle. I know
7 enough just to be dangerous on all of these subjects. But
8 been fortunate enough to surround myself with smart people
9 that make me look smart. And I continue to do that today.

10 So I'm looking forward to working with the Board and,
11 you know, I'm just thrilled about the opportunity and the
12 challenges that lie ahead because we do have some
13 challenges.

14 (Board Member Bright now joining the proceedings.)

15 So in terms of an update, I just wanted to highlight
16 three issues.

17 First of all, I wanted to announce that we are in the
18 process right now of bringing back some of the FTE's that
19 we laid off in our electrical program. Right now, we are
20 bringing back two permanent FTE's, one in our Plan Review
21 section, and a CSS-2 in our Licensing section. We're
22 bringing back six non-permanent electrical inspectors in
23 the field. So each region is going to have one of those
24 non-permanent inspectors. And that will bring our total
25 workforce in the field to 100 funded FTE's, 92 of those

1 being permanent and eight being non-permanent. This is as
2 a result of in the field of slightly increasing inspection
3 workloads. It hasn't been precipitous, you know, a big
4 increase, but it has been pretty steady. But we have seen
5 a significant increase in our plan reviews, predominantly
6 hospitals and schools. A lot of it looks like work
7 coming our way, and it will eventually get its way to the
8 field in those two areas.

9 So that's the rationale for the two FTE's.

10 And I'll mention this one: Although it's not a
11 primary driver, we're also anticipating that we're going
12 to need those FTE's to adjust for the 5.2 hours of
13 temporary salary reduction that we're going to have to
14 take. So in other words, our employees now will be
15 gaining 5.2 hours a month in additional leave that we're
16 going to have to compensate for. So that will be less
17 time for those inspectors to be in the field doing
18 inspections. So we're hoping that with this number --
19 these numbers of FTE's in the field that we'll be able to
20 cover the workloads.

21 The second thing I'd like to present to you all is
22 our status on our lean project. I don't know if you all
23 are familiar with the lean process. But the State is
24 moving towards integrating the lean process to look for
25 ways to eliminate waste in our processes. And L & I has

1 embraced that.

2 And for the electrical program, we've got a
3 consultant from the "Honcha" (phonetic) who is experts
4 that do the Toyota production management system. Lean is
5 based on the Toyota production management system and the
6 theories behind that organization.

7 And so we elected to choose two regions, Region 1 and
8 2, to participate in this, our pilot project, in the
9 electrical program. They've had numerous meetings over
10 the past few months. They've developed a draft flow chart
11 with the objective to look at how we standardize our
12 electrical inspection processes in the field. They
13 launched a pilot to test the procedures that they
14 developed in July, and on August the 8th we'll begin the
15 process of evaluating, doing some problem solving and
16 identify areas where there may be an opportunity to
17 improve our processes in the field. So we're looking to
18 maximize our efficiencies in the field and to provide some
19 consistency in our inspections statewide with the lean
20 process.

21 The last one -- and I'll admit I don't know a whole
22 lot about it yet -- but we have new electrical
23 certificates that are going to be coming out here soon.
24 These will be replacing the paper certificates that
25 electricians in the field currently have. These are

1 plastic, and they are color coded so it's easier to
2 identify the status of the individual that's wearing the
3 certificate. It has a lot of information on it as well.
4 They're plastic. Again, a little easier to handle. And
5 we're looking to -- we were hoping for an August 1st
6 implementation of these, but we've got a few problems with
7 the vendor. So we're working through those right now.
8 But the way these will be issued, my understanding is that
9 if you are applying for a new certificate, you will get
10 one. If you're renewing, then that's when you would get
11 your certificate. No need to come in and replace the
12 current certificate with this one until the time comes
13 when that cycle -- the replacement cycle.

14 So I'll be happy to pass these around so you all can
15 take a look at them.

16 So Madam Chairman, that's my report.

17 CHAIRWOMAN PREZEAU: All right. Any questions for
18 Mr. Rodriguez?

19 BOARD MEMBER TURNER: I have a question. Are we
20 still in a holding pattern as far as the 2011 NEC?

21 SECRETARY FULLER: Yes. And the reason is is because
22 the Governor's moratorium on rule-making is in effect
23 until January 1st. So we're not supposed to even enter
24 into discussions about it until that point.

25 BOARD MEMBER TURNER: So that hasn't changed?

1 SECRETARY FULLER: No.

2 A little bit on the certificates. Basically there's
3 three colors of stripes on these things. The green
4 stripes we're going to be using for journeyman
5 electricians and master journeyman electricians. The
6 yellow stripes will be for specialty electricians and
7 unsupervised trainees. And the red stripe will be for
8 supervised trainees. So that people on the job site will
9 be able to easily identify what your category is
10 basically.

11 It's kind of a prelude to legislation that was passed
12 a couple years ago that would allow us in rule to require
13 that the certificates be worn on the outside of the
14 clothing.

15 So that will probably be one of the things that we
16 move forward to when we start the next rule process is to
17 require those to be visible on the outside. Probably not
18 for foul weather gear and -- there will be some situations
19 when you won't. When you've got PPE on or something like
20 that. So there will be a few exceptions, but in general
21 people will be required to wear them. I think it will be
22 a really good tool for us as inspectors to identify who's
23 doing what when we walk on job sites. But it'll also be
24 really good I think for customers that have somebody come
25 to their door and they can easily identify that they have

1 a certificate or don't have a certificate and what that
2 thing's about. So hopefully it'll raise some questions
3 from consumers when the electrician or supposed
4 electrician shows up to do work. It'll be questionable
5 more about are they really legal or not. Are you really
6 paying for an electrician and you're getting a trainee,
7 those kinds of things.

8 CHAIRWOMAN PREZEAU: Yeah, I applaud the Department
9 for moving forward with the more durable license and the
10 color coding because that's exactly what, Ron, you just
11 shared is exactly what the intent of the legislation was
12 to ensure that if you're paying for a journeyman, you're
13 getting a journeyman.

14 If there aren't any other questions -- Louis.

15 BOARD MEMBER LaMARCHE: Existing licenses, when you
16 put them in your wallet and you open them up, all the
17 black comes off the licenses.

18 SECRETARY FULLER: It doesn't come off of these.
19 We've given them the Ron test.

20 CHAIRWOMAN PREZEAU: We don't have to laminate these
21 in order to preserve them?

22 SECRETARY FULLER: No. These are as durable as a
23 driver's license.

24 And they're actually -- this format is actually being
25 used as part of the same contract with fisheries. They're

1 going to actually start doing -- I think the fishing -- as
2 part of the fishing license is this way. So they've had a
3 lot of scrutiny from a lot of people.

4 And that's one reason that we didn't implement the
5 wearing of licenses before because we knew they wouldn't
6 stand up to it, what we had. So this is a totally
7 different process.

8 We used to print -- we do print the old ones
9 in-house. And these will be printed out externally from a
10 vendor. And they're reasonably cheap. I believe the
11 final cost wound up being 72 cents. So when you look at
12 that, you know, the quality of what you see there, that's
13 a pretty good price I think.

14 CHAIRWOMAN PREZEAU: Don.

15 BOARD MEMBER GUILLOT: I'd like to just say that I'm
16 the recording secretary for the Washington State
17 Electrical Association, which is where we meet with all
18 the business managers in the State of Washington and
19 Oregon. And I want to thank the Department for allowing
20 Ron to come and speak to us because it's a very, very
21 valuable specialty that we have going on, and a new
22 license and he was able to answer a lot of questions that
23 are out there. So once again, I want to thank the
24 Department.

25 CHAIRWOMAN PREZEAU: Tom.

1 BOARD MEMBER PHILLIPS: Just a follow-up to the
2 question about the rule-making.

3 About three months or more ago, the Washington
4 Association of Building Officials wrote a letter to the
5 Governor and to the Director of Labor and Industries
6 addressing and raising some concerns that they had about
7 the suspension of rule-making without any input from the
8 electrical industry and hadn't got a response from that
9 letter. I was wondering if you knew anything about that.

10 MR. RODRIGUEZ; I've not seen that letter, sir, but I
11 will look into it.

12 BOARD MEMBER PHILLIPS: All right. Thank you.

13 CHAIRWOMAN PREZEAU: If there's no other questions
14 from the Board, I would like to ask Jose a couple of
15 questions if you've got a few more minutes.

16 MR. RODRIGUEZ: Yes, ma'am.

17 CHAIRWOMAN PREZEAU: So I'm just curious if you can
18 lay out sort of the time line for hiring of the two
19 permanent FTE's and the six non-permanent FTE's. What's
20 the goal to have these people hired and in the field?
21 What's the time line?

22 MR. RODRIGUEZ: Ron could probably speak to the ones
23 that he's hiring here permanently.

24 But like the ones in the field, I just finished
25 talking to the regional administrators. They have their

1 temporary positions; we had to establish the positions.
2 So those have been established. And they are now going to
3 move forward with the recruitment. I would imagine that
4 the next step then is for them to prepare a position
5 description form, which we've already got good examples of
6 that. We should be able to get to recruiting here pretty
7 quickly.

8 Right now, there is a backlog in recruiting for the
9 agency. But in the field, I think it will move a little
10 bit quicker. So I would hope that by the end of August we
11 should have everyone on board.

12 CHAIRWOMAN PREZEAU: Excellent. That's good.

13 SECRETARY FULLER: And the same with the central
14 office. We're moving forward with getting that position
15 number created. So my goal is to have those two people on
16 September 1st.

17 CHAIRWOMAN PREZEAU: Excellent.

18 I am very excited about having conversations about
19 hiring people rather than having conversations about
20 laying people off. So this is definitely good news.

21 The only other comment that I have is I would -- I'm
22 excited that you reported on the lean initiative. We were
23 introduced to that concept at the last Board meeting. And
24 I just want to go on record that I'm excited as the Chair
25 of the Board, and I'm hopeful that you will find a role

1 for the Board to play; we can support that initiative in
2 any way.

3 Any other questions?

4 Okay, you're off the hot seat. Thank you very much.
5 I appreciate your time this morning.

6 MR. RODRIGUEZ: Thank you.

7

8 Item 3. Appeals

9

10 Item 3.A. Bob Colf

11

12 CHAIRWOMAN PREZEAU: Okay. So next on the agenda is
13 appeals. We have one appeal this morning with Bob Colf.

14 And I was wondering if representatives of Mr. Colf
15 and of the Department are present. Mr. Miller is here.

16 ASSISTANT ATTORNEY GENERAL MILLER: Good morning.

17 CHAIRWOMAN PREZEAU: Is there a representative for
18 Mr. Colf?

19 ASSISTANT ATTORNEY GENERAL MILLER: I know Mr. Colf
20 was coming up from the Vancouver area. And I understand
21 there's quite a traffic jam on I-5 right now. So I'm not
22 sure if that might be ...

23 CHAIRWOMAN PREZEAU: So at this point in time the
24 Chair would be willing to entertain a motion as to whether
25 or not we are going to grant Mr. Colf and his

1 representative any additional time, or if we will proceed
2 with the agenda as written.

3

4

Motion

5

6 BOARD MEMBER GUILLOT: Madam Chairman, I would like
7 to see -- based upon the facts that every one of us were
8 having problems getting in this morning, I would like to
9 see that we extend some time to this person to attend, in
10 all fairness to him.

11 CHAIRWOMAN PREZEAU: I mean, I know that we have been
12 pretty rigid on the agenda items in the past.

13 And so is that -- was that a motion?

14 BOARD MEMBER GUILLOT: Yes.

15 BOARD MEMBER BELISLE: Second.

16 CHAIRWOMAN PREZEAU: We have a motion and second.

17 Any discussion on the motion to delay until a
18 representative of Mr. Colf can be here --

19 SECRETARY FULLER: I think your motion needs to have
20 a time frame in it.

21 CHAIRWOMAN PREZEAU: That's exactly what was going to
22 be my first discussion on it. How long -- how much time
23 would you like to --

24 BOARD MEMBER GUILLOT: One hour.

25 CHAIRWOMAN PREZEAU: An hour from right now or an

1 hour from the --

2 BOARD MEMBER GUILLOT: Yes.

3 CHAIRWOMAN PREZEAU: -- start of the meeting?

4 BOARD MEMBER GUILLOT: From the start of the meeting.

5 BOARD MEMBER BELISLE: (Nodding affirmatively.)

6 CHAIRWOMAN PREZEAU: So we have a motion to grant

7 Mr. Colf until 10:03 to arrive to hear his appeal.

8 SECRETARY FULLER: So I think Rod seconded it. He

9 would need to approve --

10 BOARD MEMBER BELISLE: Second.

11 SECRETARY FULLER: -- the change.

12 CHAIRWOMAN PREZEAU: And Rod said yes; he seconded

13 that.

14 Any further discussion? All right. All those in

15 favor of the motion signify by saying "aye."

16 THE BOARD: Aye.

17 CHAIRWOMAN PREZEAU: Opposed?

18 BOARD MEMBER LEWIS: Opposed.

19 CHAIRWOMAN PREZEAU: All right, motion carries.

20

21 Motion Carried

22

23 CHAIRWOMAN PREZEAU: So we have until three minutes

24 after 10:00.

25 I hope that works for you as well.

1 ASSISTANT ATTORNEY GENERAL MILLER: No problem.

2 Thank you.

3

4 Item 4. Budget Discussion

5

6 CHAIRWOMAN PREZEAU: So we will move to agenda item
7 number 4 and have a conversation on budget.

8 SECRETARY FULLER: In your packet is the Board's
9 budget report for -- through June. This is a preliminary
10 report. So the final figures may vary somewhat. This is
11 the close of the biennium, so there is always last-minute
12 billing that happens. I know there's been some coming
13 through recently to change this number slightly. But I
14 would expect that the final fund balance at the end of
15 June is going to be somewhere probably around \$4,750,000,
16 probably right in there. We're continuing to see a small
17 increase every month in the fund balance. That's one of
18 the things that precipitated us making the decision to
19 bring back some staff from the layoff.

20 Permit revenue has been up at a million dollars plus
21 for several months in a row now. We don't anticipate that
22 to go down until the dead of winter arrives again.

23 And so all in all, we're -- we feel like we're in
24 pretty good shape compared to where we were a year and a
25 half or two years ago in the budget.

1 The legislature didn't take any money from the
2 dedicated fund, so that was good. They left us all alone
3 this time. So that was much appreciated from the program.

4 The plan review workload that Jose mentioned earlier
5 is up really pretty dramatically over last summer. So
6 that's a good indicator normally of work to come in about
7 five to six months. That's, again, one of the reasons we
8 decided to bring the six inspectors back because we
9 believe that that work will come out and we'll need to
10 have more inspectors in the field to do it.

11 They reached a high -- I think they almost got to 90
12 plans in July in-house. That was an all-time record. It
13 was enough to scare them to change their program. Their
14 program could only do 99 plans. So they actually went to
15 the programmer and got that changed so they could do
16 triple digits now. We've never had that high of a rate
17 ever before in the past.

18 So good indicators of some better life in the future
19 for contracting in the state.

20 Any questions on the budget?

21 CHAIRWOMAN PREZEAU: I have one, but I'm pretty sure
22 I know what the answer is, Ron.

23 I would imagine that the decision-making to bring
24 back permanent and non-permanent FTE's, we're looking --
25 recognizing that we've had several months over a million

1 dollars revenue, which is fantastic, and that boost in
2 plans needing reviewing, but understanding that winter is
3 just around the corner, I would imagine that that was
4 taken into consideration that you think that these folks
5 are going to be able to stay on through the winter? Is
6 that -- or is that why they're non-permanent?

7 SECRETARY FULLER: Well, that's one of the reasons
8 that they're non-permanent.

9 The other reason is that we want to maintain all the
10 flexibility we can to be able to move them around if we
11 need -- if King County busts loose compared to Pierce
12 County, we want to be able to move that position into King
13 County as quickly as we can. And if you have permanent
14 people, then you have to do layoffs. And that's -- we
15 don't want to do layoffs. We've done enough of that in
16 the last two years. So our goal before the layoffs
17 started two years ago was that every region would have I
18 believe it was 12 non-permanents actually at that time.
19 So we have eight now. And I think that will give us the
20 flexibility we need to be able to still move people when
21 we need them moved. Lots of seasonal fluctuations in the
22 state. Kennewick, for instance, in the spring every year
23 has a huge rush of irrigation systems that come in. So
24 they're always short-staffed. This would let us
25 potentially not have a position filled in Region 4 and

1 move that position up to Region 5 to take care of that
2 seasonal workload. So non-permanents are -- they're just
3 a needed piece of the pie.

4 CHAIRWOMAN PREZEAU: Rod.

5 BOARD MEMBER BELISLE: I'm just curious if there's a
6 definition of at some point where you have to make a
7 non-permanent a permanent position, or is that -- can that
8 be indefinite?

9 SECRETARY FULLER: Our contract let's you keep a
10 non-permanent up to two years. So if I hire a person
11 non-permanent, they can be there two years. In reality,
12 you can't do that because when you do have to lay them
13 off, you have to pay unemployment. So usually you get
14 about nine months worth of work out of a 12-month funded
15 position.

16 CHAIRWOMAN PREZEAU: Janet.

17 BOARD MEMBER LEWIS: I have a question on a different
18 topic.

19 Going back to the plan review, were you noticing an
20 uptick in plan review in certain regions of the state or
21 is it pretty much statewide?

22 SECRETARY FULLER: Pretty much statewide. There
23 wasn't much -- King County I'd say was up more probably
24 than most. Region 5 over in Kennewick area was up
25 probably -- they're probably the two biggest areas. But

1 there was an upturn everywhere in general. So that's good
2 news.

3 CHAIRWOMAN PREZEAU: Any other questions on the
4 budget?

5

6 Item 5. Secretary's Report

7

8 CHAIRWOMAN PREZEAU: Okay, Secretary's Report.

9 SECRETARY FULLER: Okay, Secretary's Report for July,
10 we talked about the budget. Got the information in your
11 handout here about the new positions. Also we've already
12 discussed that.

13 Customer service, the electrical permit and
14 inspection system's been pretty stable. 83 percent of the
15 permits sold are on-line. It's pretty consistent with
16 previous quarters. The homeowner on-line sales has
17 increased to 44 percent now. So that's really good news.
18 We've really struggled over the years to get the
19 homeowners to use the on-line system. But evidently, the
20 word is getting around out there. It's so difficult to
21 communicate with homeowners that this is really a pleasing
22 number for me.

23 On-line requests for inspection is about 70 percent
24 of the total inspection requests. So that's a good number
25 too. That continues to increase. It probably won't ever

1 get up to the percentage of permits sold because
2 contractors against our better advice still pick up their
3 cell phone on the job site when they're done with the
4 inspection and call it in. That has potential issues.
5 All it takes is one click in reception for that cell
6 phone, and they will drop off of our phone machines
7 internally. And they think they've left a message, and
8 they haven't sometimes. So just problems with that. We
9 really prefer them to use the on-line system for buying
10 their permits and for requesting their inspections because
11 we just do not have issues with that, and it's actually
12 faster.

13 Yes.

14 CHAIRWOMAN PREZEAU: Cathleen.

15 BOARD MEMBER BRIGHT: Have you looked into doing a
16 cell phone application?

17 SECRETARY FULLER: No. Because you have to have --
18 there's a lot involved with the way our system is set up.
19 And it's just not cost effective for us to do that.

20 The WAC rules, nothing to report on that. Don't plan
21 on entertaining anything probably until toward the end of
22 the legislative session we'll probably start talking WAC
23 rules again. There's really no reason to start that
24 process until we get a good feel of what the legislators
25 will do in the next session. Because if they have a bill,

1 then we'd have to react to that. So we don't want to
2 spend the money and the time to do that process twice.

3 Testing Lab Report. We have no new lab applications
4 or new approvals for this quarter.

5 Performance Measures. We're statewide at 94 percent
6 of our inspections being done within 48 hours of the
7 request. 75 percent of the citations that we issue are
8 for the targeted citations and the associated things that
9 go with them. The number of stops per inspector per day
10 is at 10.2. That's up a little bit now actually. That
11 last couple of months have been about 10.5, 10.6. So
12 it's, again, showing a little bit of increase in workload.
13 I wrote 14,111 electrical disconnect corrections. Those
14 are the ones where if they didn't fix that one correction,
15 we would turn the power off to them. So serious
16 corrections. Licensing processing time is 3.3 days. So
17 that's substantially better than the goal of four and a
18 half that we had set for them. And electrical plan review
19 sheets processed per day per reviewer is at 8.2. So that,
20 again, is an indicator of the workload that they have
21 because that's the actual sheets that they're looking at
22 every day. Their goal at the end -- at the beginning of
23 last year, of July last year was six. So you can see the
24 amount of increase that we've got in what they have to do.
25 So a big workload up there right now.

1 Licensing. The new electrician certificates will
2 become available in August. I think they're looking at
3 the middle of the month now to start issuing those. We've
4 talked about it. There's not going to be a photograph on
5 them. We'd like to have photographs, but that again is a
6 really expensive situation for us. So that's not in the
7 near term at all. It talks about the stripes a little
8 bit. So we've talked about that already too.

9 All in all, the program's running pretty smoothly
10 right now.

11 The lean project that we're doing is getting farther
12 and farther along. We're starting -- we meet again
13 actually next -- week after next, Monday and Tuesday on
14 the 8th and 9th with the group again. We're going to be
15 talking at that session with them about actual performance
16 and how to do proposals for change to the standardized
17 work flow, how to make changes in their standard process,
18 problem solving kinds of things. So a little bit more
19 real -- every time we meet, it gets a little bit more real
20 world to them.

21 We haven't really talked about the performance
22 aspects of what are we getting out of this. Are
23 inspections speeding up? Are we doing more compliance?
24 Are we getting more targeted compliance? Those kinds of
25 things. So that's where we're getting to now.

1 The primary team on the lean process will have their
2 final meeting in November. So we will -- they'll really
3 pretty much be done by the time the Board meets next time
4 with that project. So their final meeting is just to wrap
5 up in preparation for the training that will happen at the
6 end of November for all the inspectors. Because that's
7 when we're going to roll out the entire process that
8 they've developed to the entire field.

9 So things are going I think well. It's a very
10 different concept like I said last time.

11 Maybe I'll -- I'll just go over a little bit about
12 what lean is all about because we have three new people
13 today.

14 Lean is Toyota's management practices. Their company
15 called "Hansa" (phonetic) is the contractor that we have
16 to provide consultation for us. So we bring him in when
17 we have team meetings. I talk to him usually once or
18 twice during the month to help me solve concerns and
19 problems that I'm getting as one of the project leads.
20 The lean practice is built around the concept of
21 continuous improvement. Lean is just a word. It's not
22 an acronym. It doesn't really mean anything. It's all
23 about continual process improvement. So it's a very
24 different management concept than what we've had in the
25 past. It's very bottom-top oriented. The workers are

1 actually the ones developing the processes, standardizing
2 them, getting them down in writing, developing the
3 reports out.

4 Before, it more likely was a policy decision at my
5 level after talking to supervisors or other managers or
6 whatever and being directed downhill. So they in general
7 -- but this process brings it the opposite direction.

8 The same with reporting. One of the biggest
9 advantages I can see of this system is actually that the
10 individual that's doing the work will absolutely know
11 whether they're succeeding or not. And if they take
12 responsibility for their own actions, they will improve
13 themselves inherently. Because that reporting out starts
14 with them and comes up the hill rather than down the hill.
15 It's a very different process. So it's a lot of change
16 for people. It's very difficult.

17 One of the things you learn in the lean is not to
18 come up with solutions too quick. So it's really hard to
19 sit at a meeting and say in your mind, I'm thinking, I've
20 got an idea, I've got an idea, I've got a solution. But
21 you have to hold onto it. Because the lean process
22 identifies the problem, studies the problem, develops
23 countermeasures, implements them, tracks and monitors, and
24 just makes a decision of whether to continue or not. So
25 it's a very different -- you don't just leap to the

1 solution. That's been one of the hardest things for
2 everybody in the room. Inspectors too. They all think
3 they have great ideas. But you have to kind of hold back
4 and go through that process.

5 And what happens is is that you really find out what
6 your real problem is. They had a great example -- and I'm
7 probably not going to get this exactly right -- but the
8 story was the Washington Monument is really dirty. It has
9 a lot of bird poo on it. That's the problem. Well, no,
10 the problem really was that there were a lot of pigeons.
11 No, that wasn't really the problem either. The problem
12 was that the tourists were feeding the pigeons. And it
13 kind of goes backwards until you actually find out what
14 the real problem is. I wish I could remember that whole
15 story because it's hilarious. But the problem really
16 wasn't the poo on the towers; it was something way down
17 deeper than that. So you keep asking why, why, why.

18 BOARD MEMBER: It was the fact they were turning the
19 lights on.

20 SECRETARY FULLER: On. The timing. That was the
21 real problem. Don't turn the lights on at night because
22 the pigeons came out. That was the real problem. It
23 wasn't the pigeons. It wasn't the corrosive acids they
24 were using to clean the tower off. It wasn't any of that
25 stuff. They kept asking why until they got to the

1 solution.

2 So a very different concept, though. It was very
3 intriguing. And being very well accepted by the
4 inspectors I believe too. And that's really positive.
5 It's real easy to dictate a policy, but it's very
6 difficult to implement that sometimes. But if they're
7 coming up with more the policy themselves, they're much
8 more likely to implement.

9 CHAIRWOMAN PREZEAU: And you get a greater buy-in if
10 the folks that are the ones that are actually instrumental
11 in making it happen are not making it happen.

12 SECRETARY FULLER: Right, right.

13 CHAIRWOMAN PREZEAU: I really am excited about this
14 initiative. I have been involved in similar types of
15 processes in the world I come from. And I share your
16 frustration. And usually immediately you want to come up
17 and say here's the solution which has a tendency to guide
18 us in a direction that may or may not be the most
19 appropriate. So I think it's fantastic.

20 SECRETARY FULLER: Okay. So for -- that's all I have
21 for the Secretary's Report.

22 CHAIRWOMAN PREZEAU: Any questions? Bruce.

23 BOARD MEMBER TURNER: You mentioned that the quantity
24 of plans is at an all-time high. Are they as big as they
25 have been in the past? Are the projects as large or are

1 they much smaller projects?

2 SECRETARY FULLER: There's some fairly large ones.
3 From what I see, it's still about the same mix that we've
4 always had; it's just more of them.

5 CHAIRWOMAN PREZEAU: Tom.

6 BOARD MEMBER PHILLIPS: I had a couple of questions/
7 comments about the on-line permitting program.

8 I've been involved with the development of two
9 recently. And so I've been looking at L & I's and getting
10 some ideas and trying to find out what works and what
11 doesn't work. But one of the complaints that the cities
12 have is that still you can go on-line and get a permit for
13 inside a city that has their own electrical program. The
14 one that we use with MyBuildingPermit.com, which has like
15 14 jurisdictions. So it's fairly large. But all the
16 parcels are in this big parcel. So you can't get a permit
17 outside inside the state jurisdiction. You can't pick
18 that address. So I was wondering if that's something that
19 you thought about. I know you have a lot more parcels to
20 deal with. But it's kind of -- look at all the state
21 parcels, subtract the parcels that the cities have
22 electrical programs, then that's what's left, and it's a
23 pool you have to choose from. That was the first question
24 is if you thought about maybe trying to regulate it that
25 way.

1 And then the second one is when I was going through
2 looking at it to get a permit, and I had like a school
3 that would require a plan review, it seemed to let me go
4 ahead and get the permit, so -- but there was I think a
5 warning page saying, you know, here's the kind of project
6 that needs plan review. So do you have a problem with
7 people getting permits where they should have had a plan
8 review first? Or how does that work?

9 SECRETARY FULLER: We've had no problems with that.
10 We allow them to buy the plan review -- or to buy the
11 permit at any time. We won't do inspections until the
12 plan review has been -- had the preliminary review. We
13 won't do a final on that job until we finish the plan
14 review. So people that start that work are on their own
15 because they may have to change significantly if we find
16 problems with the plans.

17 And regarding the city -- the outlines of the cities,
18 we've looked at it, and to be quite honest with you, the
19 cities change their boundary lines too often to keep up
20 with, and we've just put that aside.

21 If they -- the system is set up so that a person's
22 supposed to know where they're at. If they're in the city
23 of Lacey and they buy a permit, and they click in the city
24 of Lacey, they can't buy that permit.

25 BOARD MEMBER PHILLIPS: Well, I tried that with

1 Kirkland, and it allowed it to go through. It just was a
2 warning saying that some cities have their own program and
3 you should check with them. Are you sure you want to
4 continue?

5 SECRETARY FULLER: It's just an overwhelming process
6 from our end because there's too big a geographic area to
7 do that. I mean, the city knows when they do an
8 annexation; we don't. That's a good example of why we
9 wouldn't want to do that. It's very costly to do that for
10 us.

11 BOARD MEMBER PHILLIPS: Yeah, I would think it would
12 be a -- take a monthly data run of all the parcels just to
13 keep it current.

14 SECRETARY FULLER: We really don't have that happen
15 very often. It happens, but it's not regular by any
16 stretch of the imagination. Most people realize where
17 they're at and buy the permit in the right area.

18 The one that overlaps which is the worst actually
19 that we have the most issues with is Tacoma Power because
20 they operate outside Tacoma. And they are in some really
21 strange places. There's little pockets for them, and they
22 overlap with cities that don't do their own inspection.
23 And so there's some conflict there once in a while. But
24 they're really the only ones that we ever have any kind of
25 significant issue with.

1 CHAIRWOMAN PREZEAU: Which, you know, I would imagine
2 that coming from that service area, the largest challenge
3 on those permits is most likely going to be coming from
4 homeowners rather than contractors who have some greater
5 degree of familiarity with the process. So I guess in
6 some regards maybe it's not necessarily a hugely bad thing
7 that homeowners are calling to get their permits or coming
8 across the counter. I know from an efficiency standpoint
9 or from the Department's standpoint that's not -- I mean,
10 you prefer for everybody to do it on-line. But for those
11 homeowners, that might allow them that additional
12 interaction to ensure that they're buying the -- and not
13 spending twice the money that they're supposed to.

14 SECRETARY FULLER: Well, if they buy a permit from us
15 and it's not our permit, normally they get a refund, and
16 we tell them to go buy their permit from Tom.

17 BOARD MEMBER PHILLIPS: Thank you.

18 CHAIRWOMAN PREZEAU: Don.

19 BOARD MEMBER BAKER: Ron, in regards to the WAC
20 rules, I'm just wondering, do you have any issues with
21 electric vehicles and charging stations? Is the State
22 having any issues with that or have had any issues with --

23 SECRETARY FULLER: No. We're actually on a task
24 force with the Governor's office on electrical vehicles.
25 Some of the city folks are on there too.

1 In May, we approved about I want to say about 70 or
2 80 vehicle charging stations. We were actually tracking
3 those for that group because they're out to get grants and
4 funding from outside sources. So that's one of the things
5 that we're doing for them is tracking how many we approve
6 and where they're at.

7 The only concerns that have come from the electrical
8 car industry are that they would like to do really cheap
9 up-front installations. So there's a push from some
10 people in the car industry to do derating of system
11 circuits and derating of services. I'm personally opposed
12 to that. I believe the code fully takes into account now
13 that if they're really successful and they have a lot of
14 cars being charged, they're not going to derate. If they
15 think they're going to fail, then probably we could derate
16 them.

17 Oregon did go down the derating route. I'm not in
18 support of that. I think that's problematic long term.
19 So I think they need to put the systems in that will take
20 care of -- most of the car chargers now are 30 amp, 240
21 volt, smart charger type things. So they're communicating
22 electronically with other places too. And their plan is
23 to use that information to help the utilities do load
24 diversity and things like that. But really no problems
25 with it. The code's very clear. We're not anticipating

1 having to change any rules or anything to take anything
2 into account that's different. Pretty simple systems.
3 It's just a branch circuit for us to go inspect. So
4 they're really fast inspections. We get them done really
5 quickly.

6 CHAIRWOMAN PREZEAU: Any other questions for Ron? I
7 have a few which I'm sure is not a surprise.

8 In reading the -- in reviewing the transcripts from
9 the last meeting, if my recollection is correct, that
10 under the Secretary's Report, you had indicated that
11 beginning July 1st that the targeted citation piece was
12 going to look a little bit different maybe, that there was
13 -- and maybe I misunderstood, but I thought the report was
14 going to look a little bit different? Or is that -- am I
15 wrong in that thought? Or could you --

16 SECRETARY FULLER: The report that's in the
17 Secretary's Report now is through June. So that ended the
18 fiscal year.

19 The next time that we come together, the title will
20 be a little bit different. Because what we've tracked
21 before is that percentage number. You write 1,000
22 citations, 760 of them are for the underground economy.
23 That's kind of a broad statement. Because that included
24 unlicensed contractors, uncertified electricians, no
25 permit, and anything that we happen to write while we were

1 writing one of those three. So that's about -- it's
2 actually about 35 percent for those three target issues,
3 35 percent associated more or less.

4 The new goal will only be -- and it's a number; it's
5 not a percentage; it's a number -- uncertified
6 electricians, unlicensed contractors and no permit, no
7 associated will be going with that. And that's the same
8 target measure that was in the agency's strategic plan for
9 the contractors division also. So we have -- in the
10 agency plan, our numbers are all together. And it's six
11 thousand and something for a year I think?

12 MR. RODRIGUEZ: Yes.

13 SECRETARY FULLER: Six thousand and something just
14 for those three issues.

15 Most of those will come from the contractors group.
16 Because they've -- I don't know if you all know or not,
17 but they've recently reorganized. So they're a central
18 office program now instead of a regional program. So they
19 have a dedicated compliance force that's grown very much.
20 They used to have a force that was similar to our ECORE
21 team with five people and now they're --

22 Do you know how many there are now, Jose?

23 MR. RODRIGUEZ: Inspectors in the field for --

24 SECRETARY FULLER: For -- right.

25 MR. RODRIGUEZ: 22.

1 SECRETARY FULLER: 22. So they obviously shouldn't
2 get a lot more citations than we do for those things.

3 So the agency, again, is really moving toward doing
4 as much as we can to stop the underground economy as well
5 as we can in its tracks.

6 I think out of those 6,000, I think our number is
7 about 2,000 as I remember. So it's a lot.

8 CHAIRWOMAN PREZEAU: Rod, do you have a question?

9 BOARD MEMBER BELISLE: Well, I didn't mean to
10 interrupt. I read the transcript. And I noticed that you
11 said that last year there was 7,000 violations. I guess
12 that's all encompassing what you're speaking to, your
13 contractor board, et cetera. You mention one --

14 CHAIRWOMAN PREZEAU: 7,000 E CORE violations.

15 BOARD MEMBER BELISLE: E CORE violations.

16 SECRETARY FULLER: No. 7,200 I think from everybody,
17 all the inspectors and E CORE.

18 BOARD MEMBER BELISLE: Yeah, that's overall.

19 SECRETARY FULLER: E CORE team wrote about 2,500 or
20 so, those three people.

21 BOARD MEMBER BELISLE: And those are targeted to
22 license -- or certifications?

23 SECRETARY FULLER: No. That's all citations and
24 warnings. That's what our program issued: citations and
25 warnings.

1 So about 20 percent of that 7,000 was warnings. 76
2 percent of the whole total were those three things and
3 something that went with them like no supervision or
4 covering without inspection or whatever went with that
5 no-license thing.

6 BOARD MEMBER BELISLE: Well, I guess I'm shocked at
7 that. That seems like a huge number to me. I went
8 on-line to see if I could find a summary of citations for
9 the month or something like that. And you can't do that.
10 You can look up a specific contractor it looks like.

11 I wondered if there was a way we could get a report
12 of, you know, for each quarter how many citations were
13 written for not having a certified electrician, how many
14 for no permit.

15 I mean, this is a big -- a much bigger issue I guess
16 than I ever anticipated it being.

17 SECRETARY FULLER: The underground economy is huge in
18 this state. Huge. Even with all the regulations we have.

19 And that's why we changed the ScoreCard measurement
20 because that will absolutely reflect just those three
21 issues and none of the associated pieces that might go
22 with it.

23 And I fully expect that we're going to exceed that
24 goal of 2,000 in the program.

25 BOARD MEMBER BELISLE: I guess I'm asking if we could

1 get a report of the numbers of citations towards those
2 three items that are written each quarter each month.

3 SECRETARY FULLER: Sure.

4 BOARD MEMBER BELISLE: I think -- personally I think
5 the public needs to know that. I mean, as an electrician
6 I was not aware of that level of noncompliance.

7 I know an electrician will go out and make a mistake
8 and miss a support here or there and get a correction.
9 But that's not what we're talking about here. This is
10 pure noncompliance.

11 SECRETARY FULLER: When I do the Secretary's Report
12 for October I'll just break it up into those three things
13 and get the total. That would be easy.

14 BOARD MEMBER BELISLE: That would be great.

15 The only other question I had was: Each quarter we
16 have an appeal. And just like today, sometimes those
17 appeal packets, we get them, and then for whatever reason,
18 they don't present at the Board. And I'm wondering if we
19 can get some kind of report back for those appeals that
20 end up going to a settlement, at the Board each quarter
21 how many might get settled or how those result. You know,
22 I'm curious. I read the appeal packet. I have in my mind
23 some expectation of what I might see, and then it doesn't
24 end up getting here. And I'm just curious what happens.

25 SECRETARY FULLER: If they don't show, I don't think

1 -- I think we've only had one that I've actually settled
2 ahead of time. And that was a commitment that I made
3 before to the Board was that if we do settle one that
4 you've got the packet for, that we will report on that.
5 But we haven't had one to do that on. They just don't
6 show. And then they're in default.

7 CHAIRWOMAN PREZEAU: And the other question that I
8 have was about a comment made in the transcript about the
9 quality of compliance. And I thought, if my notes are
10 correct, that you had indicated that the Department maybe
11 has about a 25 percent loss rate on some of the citations
12 I think, and that your goal was to try to reduce that to
13 10 percent? Can you elaborate on that?

14 SECRETARY FULLER: That's one of the new ScoreCard
15 measures for the program. And right now it's about --
16 what those are are the citations that go to appeal.

17 So the first thing that happens in the process when
18 we receive an appeal is that I have Faith Jeffrey review
19 that package for validity. Do we have all the evidence we
20 need? Theoretically the supervisors have already done
21 that before they send that citation on every time. And
22 they do; they look at them. But we look at them with a
23 fine-tooth comb to make sure that we've got all the
24 evidence there that we need in the paperwork to make that
25 citation valid.

1 If we're missing something that we think is necessary
2 to prove the case, then we void the ticket right then.
3 And so we count that as a loss. And we may have actually
4 a violator, but we just are missing that one thing that we
5 think we need. Because I don't want to move anything on
6 to appeal that I don't think I'm going to win.

7 And then -- so that's actually about 15 percent of
8 the ones that get appealed.

9 Then when we go to the law judge or to the Board or
10 superior court or wherever, if we lose one at that level,
11 then we mark those off as a loss too. We don't -- if we
12 settle -- a lot of citations get settled at the AAG level.
13 The appeal goes forward, we think we've got a case, the AG
14 presents the evidence to the appellant, and they say,
15 "Whoa, we really don't want to lose our extra \$200 too, so
16 we're just going to pay up." Or "Can we have a settlement
17 plan" or "Can we do a payment plan" or whatever. I think
18 I've had about four or five of those this week where the
19 appellant knows they're guilty, they think that they're
20 going to get something out of appeal that they're not
21 going to get. So once they learn what the appeal process
22 really is, they usually drop.

23 CHAIRWOMAN PREZEAU: I think Janet had a question.

24 BOARD MEMBER LEWIS: Going back to Rod's suggestion
25 on a spreadsheet/report/summary of the citations, maybe

1 a column saying the outcome whether they were paid,
2 appealed, voided, settled. Would that be too much work
3 or --

4 SECRETARY FULLER: It's a lot of work.

5 BOARD MEMBER LEWIS: Would it?

6 SECRETARY FULLER: I'm down to -- I'm down to one
7 tech spec right now. And I really don't want any more
8 work right now. So if it's not really important, I would
9 prefer not to do it right now. I'm just being honest with
10 you. I just don't have the time right now.

11 BOARD MEMBER LEWIS: But you do track them?

12 SECRETARY FULLER: Oh, yeah. I can. But it's -- you
13 know, you have to run the reports. You have to ferret
14 that information out. That's something new that I would
15 have to deal with. Unless you really want it, I'd prefer
16 not to do it.

17 CHAIRWOMAN PREZEAU: Well, I was wondering -- I would
18 ask the Board for their thoughts on the question. I'll go
19 with Cathy, and then I'll go with Rod.

20 BOARD MEMBER BRIGHT: I just have a question. How
21 much more work would that create than what you're either
22 doing now or planning to do now with the changes in how
23 you're tracking that?

24 SECRETARY FULLER: Another day's worth of work
25 probably for somebody. And that's significant to me,

1 especially right now. At least another day.

2 CHAIRWOMAN PREZEAU: I mean, I have a tendency to
3 agree with you. It's a full day's work.

4 Rod.

5 BOARD MEMBER BELISLE: Well, I guess you kind of
6 answered my question maybe. When you said just now that
7 when they show up at the appeal and they learn the process
8 or they realize where they sit, then they decide to
9 settle, does "settle" mean they decide to pay the fine in
10 full and walk away guilty? I mean, I guess that was my
11 question is -- or do you negotiate and say, "If you pay 50
12 percent, we won't go to court"? I mean, what does
13 "settle" mean?

14 SECRETARY FULLER: We do both. The ones this week,
15 we haven't settled on any of them. They've just said,
16 "We're going to pay." Usually that's the case. Once in a
17 while, the Attorney General will settle. I'd say there's
18 about five a month that have a settlement plan where we
19 reduce the penalties or do something, put them on
20 probation. So that's pretty rare actually. I do more
21 settlements in-house before an appeal ever happens.

22 CHAIRWOMAN PREZEAU: So Ron, just to give Janet some
23 satisfaction, in the spirit of sharing information, is it
24 possible you think that after the FTE's come on Board that
25 you'd be more amenable to entertaining this request?

1 SECRETARY FULLER: I don't know yet. I mean, that
2 takes a lot of effort to do that because of the different
3 types of coding. And I'm not sure how accurate it would
4 actually -- what validity it would actually have for you.
5 Because we've got close to ten different categories of
6 "void," for instance. I mean, there's a lot of categories
7 there. I'm just not sure what the usefulness would be.

8 CHAIRWOMAN PREZEAU: Well, I would caution you not to
9 find the solution before we see what the real problem is.

10 Cathy.

11 BOARD MEMBER BRIGHT: I'd like to propose that we see
12 the next report and the changes that happens, and then
13 maybe come back and revisit this. But I think that
14 there's two important aspects of doing a comprehensive
15 analysis of, you know, where these types of issues are,
16 and they're really significant. One is to identify
17 problems with the RCW language itself, if there's some
18 changes -- the electrical language in the RCW's is in my
19 opinion probably superior to a lot of other agency's work
20 that's done, and the translation in the WAC is also in
21 terms of comparing agencies pretty high up in my opinion,
22 having gone through a lot of these things.

23 But another thing that might be really beneficial to
24 the Department is to identify training issues. If you've
25 got a significant number of citations that are being

1 voided under a specific RCW and/or WAC and they're coming
2 from all over the state, then you know that you've got a
3 training problem either in the way that they're being
4 written or the way that the evidence is being collected or
5 whatever, and then you can address that and thereby
6 improve your process down the road.

7 So I think it's certainly worth examining in terms of
8 do we want to do this in the future. But I understand the
9 limitations on your resources right now. So I propose
10 that we revisit it after we at least get to see the
11 preliminary report under the new system.

12 SECRETARY FULLER: I mean, when you really look at
13 things at I guess a higher level actually, but I believe
14 it tells the story is collections. Most of our
15 collections, probably 95 percent plus, are from
16 compliance. We collect routinely 82 percent of the
17 initial penalty. That tells me that we're collecting the
18 money. People know they're guilty when we write the
19 ticket. And everything is really not all that bad.

20 But, again, I don't want to write bad citations. I
21 don't want the inspectors to write bad ones. So that's
22 part of what we're looking at in that lean process to
23 improve that so that Faith doesn't have to reject
24 citations because they're missing -- she doesn't have to
25 ask the supervisor to go get another witness statement or

1 do whatever it takes to get that package together. So
2 that's really what we're looking at there.

3 We're actually tracking now the win-loss rate of
4 appeals. And it's a pretty high number. We rarely lose
5 one actually that goes to appeal. Mostly we're calling
6 them out at our level here before we send them on. But we
7 shouldn't have to do that. So that's part of that lean
8 process, again, to get that cleaned up, get the statements
9 -- it's usually not about the evidence; it's usually about
10 the statement. The inspector just didn't put in what he
11 saw.

12 And we've had cases here before. I remember one
13 several years ago now that the Board heard that was -- the
14 owner of the company was in the crawl space, as I
15 remember, and our inspector was up on the floor watching
16 two guys pulling wire, but he didn't record and testify to
17 what kind of wire it was. And the guy in the crawl space
18 testified, "Well, I know what kind of wire it was found,"
19 and the Board found him innocent because the inspector
20 didn't write down that it was Class II cabling or whatever
21 it was. He wasn't specific enough for the judge, and he
22 wasn't specific enough for the Board.

23 So it's those kind of little almost kind of nitpicky
24 kind of details that we're looking for when we review them
25 here at our level. And it may make the case win or lose

1 ultimately.

2 So now that it's five minutes past 10:00, the -- I
3 mean, you've kind of got that issue here where we let one
4 slip by. We obviously wrote the wrong citation. The
5 inspector wrote "telecommunications," and he shouldn't
6 have. He should have written him for electrical --
7 electrical contracting. And we would have won that one I
8 believe at the ALJ level. But it was one of those things
9 that's kind of the same but is not the same. So it
10 slipped by everybody except the judge.

11 CHAIRWOMAN PREZEAU: Any other questions for Ron on
12 the Secretary's Report?

13 Milton, how are we doing?

14 THE COURT REPORTER: I'm fine.

15 CHAIRWOMAN PREZEAU: Fine? All right.

16

17 Item 3.A. Bob Colf (Revisited)

18

19 CHAIRWOMAN PREZEAU: Seeing that we have -- it's
20 definitely past three minutes after 10:00. We've
21 satisfied the conditions of the motion that was seconded
22 and carried earlier.

23 So let's go back to agenda item number 3 and, again,
24 Mr. Miller from the Department is here as their
25 representative for Mr. Bob Colf.

1 Understanding that it is Mr. Colf's appeal, the Chair
2 would entertain discussion about whether or not the Board
3 wants to move forward with formal -- going through the
4 formal appeal process.

5 ASSISTANT ATTORNEY GENERAL REULAND: Before you -- I
6 just wanted to point out to the Board that WAC
7 296-46B-995, subsection 19, this is the provision that
8 provides that if an appeal is taken regarding the proposed
9 decision and order which is issued by the Office of
10 Administrative Hearings, which is the case in this matter,
11 is not filed, then the proposed decision of action
12 becomes final with no further action on the part of the
13 Department or the Board. In this particular case, a
14 timely appeal was filed. So the proposed decision and
15 order in my opinion is before the Board for review.
16 However, Mr. Colf as the appealing party is not here to
17 further his appeal.

18 I don't know if you have any questions on that. I'm
19 going to be speaking later about the fact that OAH does
20 prepare a proposed decision and order for the Board to
21 review. You are ultimately the reviewing body to
22 determine whether or not that proposed decision should be
23 adopted or not.

24 CHAIRWOMAN PREZEAU: Janet.

25 BOARD MEMBER LEWIS: So you're saying there's no

1 automatic default that the ALJ decision will stand unless
2 the Board takes action?

3 ASSISTANT ATTORNEY GENERAL REULAND: Correct. In my
4 opinion, it has been timely appealed. Therefore, it's
5 before the Board. And you can move to adopt the proposed
6 decision that there is no further argument. You've read
7 the briefs. You can handle it pretty much -- unless you'd
8 like to open it for further argument. You just need to
9 make a decision about how you as the Board would like to
10 go forward under these circumstances. Does that make
11 sense?

12 CHAIRWOMAN PREZEAU: Any comments? Rod.

13

14 Motion

15

16 BOARD MEMBER BELISLE: I'd make a motion that we
17 adopt the proposed decision by the ALJ.

18 CHAIRWOMAN PREZEAU: Is there a second?

19 BOARD MEMBER LaMARCHE: Second.

20 BOARD MEMBER LEWIS: Second.

21 CHAIRWOMAN PREZEAU: All right. So it has been moved
22 and seconded to adopt the decision by the ALJ. Any
23 discussion on the motion?

24 And the decision would include -- the motion would
25 include all findings and decisions made by the ALJ; is

1 that correct?

2 BOARD MEMBER BELISLE: That is correct.

3 CHAIRWOMAN PREZEAU: Any discussion on the motion?

4 All those in favor signify by saying "aye."

5 THE BOARD: Aye.

6 CHAIRWOMAN PREZEAU: All those opposed? Motion

7 carries.

8

9 Motion Carried

10

11 CHAIRWOMAN PREZEAU: Thank you.

12 ASSISTANT ATTORNEY GENERAL MILLER: Thank you.

13 CHAIRWOMAN PREZEAU: So final orders?

14 ASSISTANT ATTORNEY GENERAL REULAND: Have you

15 prepared a proposed order?

16 ASSISTANT ATTORNEY GENERAL MILLER: I do have a
17 proposed order. I have a line for Mr. Shafton, the
18 attorney, to sign, but I don't know if I need to send it
19 to him first and then possibly forward it to you to sign.

20 ASSISTANT ATTORNEY GENERAL REULAND: I think if you
21 let me review that order and Mr. Shafton did not appear,
22 we can -- (inaudible)

23 ASSISTANT ATTORNEY GENERAL MILLER: Okay. Thank you.

24 CHAIRWOMAN PREZEAU: I didn't get to read my script I
25 prepared. Tragic.

1 BOARD MEMBER BELISLE: A tragedy.

2 CHAIRWOMAN PREZEAU: All right. We have two agenda
3 items left. And if Milton if you --

4 THE COURT REPORTER: We're good.

5 CHAIRWOMAN PREZEAU: We're good?

6

7 Item 6. Certification/CEU Quarterly Report

8

9 CHAIRWOMAN PREZEAU: Then if Larry Vance -- he is
10 here. Want to come up and give us the certification/CEU
11 quarterly report?

12 MR. VANCE: Madam Chair, members of the Board, you
13 will find in your Board packet a statistical summary of
14 the test examination results for the previous year. No
15 real changes in the pass rates. No huge downturns in the
16 number of applicants.

17 As Ron Fuller said, licensing workload has been on
18 the uptick. A lot of people wanting to come to our state
19 and work in our state, be certified/licensed to do so.

20 You'll see that the -- for some of the newer Board
21 members, you'll see that there is a pattern with the 01
22 administrators and 01 electricians. The electricians
23 start on page 5. You will see that it seems as though the
24 higher the certification level, the higher the pass rate.
25 Specialties seem to struggle somewhat, possibly a lack of

1 training. There's many factors.

2 But this report's generated out of the PSI database,
3 and it's interesting. A lot of -- some people sail right
4 through; others don't, retake section after section.

5 Do you have any questions on the exam report?

6 CHAIRWOMAN PREZEAU: Any questions on the report?

7 I remember when Doug Griffith was before us the last
8 meeting, he said right around 50 percent of all of the
9 exam takers have to do with the 01 license. Are you
10 seeing that consistently?

11 MR. VANCE: Yes. I think there's 1,200 and -- it's
12 on page 5. Starting on page 5 of the 01 electricians,
13 there was 1,219 examinations offered. If you go down to
14 the 02's, there was 375. So the residential was just a
15 fraction of the 01's. The further you move down the
16 specialties, the smaller the numbers get. Everyone still
17 understands that 01 certification is what you need to be
18 the most successful in the industry.

19 CHAIRWOMAN PREZEAU: Are there any other questions
20 for Larry on examination certification?

21 Are you going to give us a report also on CEU's?

22 MR. VANCE: Yes, yes.

23 The last meeting the Board made some recommendations
24 as far as correspondence courses and distance learning
25 courses, some criteria for randomizing the questions and

1 the answers on the distance-delivered methods, also that
2 the question bank be twice the number of questions
3 delivered at 100 questions; it comes from a 200 question
4 bank so that we eliminate the issue of the correspondence
5 course that gets passed around the dry shack and gets
6 answered from a -- this is a worst-case scenario, but
7 answered from an answer key that was purchased on the
8 Internet, for instance.

9 This makes it so that the test providers have a
10 little bit more work to do. But we get a set of questions
11 for the student that has -- that's unique.

12 The other thing that -- we've implemented those
13 changes. And the CEU providers are -- most of them are
14 right on board with it. They understand that the
15 software's available. Some of the smaller providers are
16 struggling somewhat with it. They're used to just
17 essentially mailing somebody a document and getting it
18 back in the mail, reading their answer and correcting it,
19 and that's how they've been operating for years. And
20 they're somewhat taken aback by the changes. But we'll
21 see where they come out.

22 The other thing that is -- that we're finding is --
23 and I'd like to get some direction from the Board on this
24 is we do have some CEU providers that are using a high
25 percentage of true-false questions. In other words,

1 here's a correspondence course, it's 100 questions, 75
2 percent of them are true-false. Or maybe all of them are
3 true-false. They really don't have a quality distracter.
4 The question's posed in such a way that if you're somewhat
5 familiar with the electrical industry, you would probably
6 pick the right answer.

7 So what I'm asking the Board is: Is there some sort
8 of a limit on the percentage of true-false questions?
9 Whether you want to pick a number of 20 percent or 10
10 percent or what do you think would be -- there are some
11 questions that can only be answered true-false. We have
12 some on the examination but very few on the electricians
13 examinations.

14 But I just have a feeling that maybe some course
15 providers are taking a lower road possibly by using a
16 true-false format.

17 So I'd ask the Board to --

18 CHAIRWOMAN PREZEAU: So my question -- my first
19 question to you is: Do you have any idea -- because
20 there's very few on the certification examinations, but
21 the state issues, do you have any idea what that
22 percentage is?

23 MR. VANCE: I would say it's 20 percent fewer.

24 Doug Erickson, when he went through the examination,
25 that's one thing that was his goal was to purge it from

1 true or false or the true-false format. There were some
2 questions he found that can only be answered -- asked in
3 that format.

4 SECRETARY FULLER: It's right around 10 percent,
5 Tracy.

6 CHAIRWOMAN PREZEAU: It's 10 percent?

7 SECRETARY FULLER: Right at 10 percent.

8 We used to have a lot more when we first started
9 doing exams in-house because that's the way they were
10 submitted to us from outside sources. But that last time
11 that Doug went through it, we eliminated almost every one
12 we had.

13 CHAIRWOMAN PREZEAU: Yeah. And I -- much of the
14 Board was here with that conversation with Doug, and one
15 of the pieces, the key component when he was rewriting the
16 examination was making sure that you had appropriate
17 detractors so that -- you can write a very good question,
18 and if you have multiple choice answers, you don't have
19 good detractors to how really valuable that question is.

20 And so I very much appreciate this conversation and
21 welcome any comments from Board members.

22 BOARD MEMBER GUILLOT: Isn't the fact that we're
23 having it off site, isn't that to accommodate people out
24 in the field so it makes it easier for them to obtain
25 their license?

1 CHAIRWOMAN PREZEAU: The goal is to create access so
2 that especially in more rural areas that may or may not
3 have the benefit of an in-house training facility or a --
4 that you would not prohibit anybody from being able to
5 renew their license.

6 BOARD MEMBER GUILLOT: Having said that, is it the
7 qualification that that rule requirement is the same as it
8 would be for somebody Downtown Seattle?

9 CHAIRWOMAN PREZEAU: Yes.

10 BOARD MEMBER GUILLOT: Then my next thing is: Why
11 would we lower the standards -- if it's 10 percent, why
12 would we lower it to 50 percent true-false? Hell, I could
13 probably manage that.

14 CHAIRWOMAN PREZEAU: We're aware of that.

15 Well, and that's -- I think you and I are of like
16 minds. And that's why I asked the question: What is our
17 threshold? And I think if that's the standard that we
18 have in place, my thought process how my brain works is
19 that it should be similar in terms of, you know, it should
20 be equal across the board.

21 Janet.

22 BOARD MEMBER LEWIS: Well, I think there are two
23 different subjects we're talking about. The initial test
24 to get your certification, your first, you know,
25 electrician certificate, it's a higher standard in order

1 to pass that test. I thought we were just talking about
2 taking a CEU class on distance learning or correspondence.
3 You can take all kinds of CEU courses for license renewal
4 that has no test involved. But there's a requirement in
5 distance learning and correspondence to take a test. So
6 to me they're two different things. I'm inclined to
7 definitely set a percentage of true-false, but I'm not
8 sure it has to be as low as 10 percent personally.
9 Because it is not your initial exam.

10 CHAIRWOMAN PREZEAU: Rod.

11 BOARD MEMBER BELISLE: I kind of agree. I think
12 maybe a number of 20 or 25 percent is reasonable. There
13 are statistics out there that tells you what a good
14 breakout of a test would be, whether it's for a license or
15 for renewal, and I think it's around the 20 percent mark.

16 CHAIRWOMAN PREZEAU: Cathy.

17 BOARD MEMBER BRIGHT: I'm just wondering if there's
18 any study been done in terms of are people passing these
19 true-false -- these tests that have a higher percentage of
20 true-false questions with 100 -- everybody's getting 100
21 percent where they don't necessarily on say multiple
22 choice. Have we looked at -- I think the point is to have
23 the test be effective. And the method in which the
24 question is delivered may or may not be significant in
25 that. But it depends on where we are trying to go, what's

1 our goal as opposed to how are we going to get there.

2 MR. VANCE: It's somewhat interesting in that there
3 are CEU providers who are -- just like with all
4 instructors, there's instructors that really want to cover
5 some subject matter and really want to deliver product.
6 There's others that want to be the go-to provider when you
7 need CEU's in a hurry.

8 And what I'm trying to address with this question is
9 that a correspondence course CEU provider that's in the
10 market of the "go to" or CEU's in a hurry, just to address
11 -- there is -- we don't have any guidance on true-false,
12 but what I'm doing is I'm coming across some courses that
13 are in that format, and I'd like to be able to have some
14 direction to address that.

15 BOARD MEMBER BRIGHT: I think -- just to follow up, I
16 mean, I think that we would have a process in terms of
17 determining whether or not a particular vendor's product
18 meets the quality standards that we expect from, you know,
19 whatever service or product that we're purchasing. So
20 perhaps this could be part of the evaluative criteria when
21 you're determining whether or not to renew a contract for
22 any particular vendor.

23 I'm just -- I'm hesitant to say, well, we need to
24 have 80 percent of the questions have to be multiple
25 choice or 20 percent. It seems kind of arbitrary to me to

1 put a number on it when what we should be looking at is
2 how high is the quality and effectiveness of the product
3 that we're purchasing from this vendor.

4 SECRETARY FULLER: That's very difficult because we
5 don't have test results. We don't know how many times a
6 person has to take their test to actually pass. That's
7 their business. It's not a contract. We approve a class.

8 The dilemma that Larry I think is feeling right now
9 is that he's seen classes that subjectively when he looks
10 at a class he feels uncomfortable approving. I think I
11 would feel uncomfortable approving a class with 100
12 percent true-false because I know from my experience in
13 talking with other testing agencies and testing
14 associations and psychometricians that the best test has
15 no true-false, period. You do not put them in a licensing
16 test for renewal or for initial application, either one.
17 They're not the preferred method. Sometimes they're
18 required, though. So we're just looking for little bit of
19 guidance.

20 These things are all approved subjectively. If we
21 ever have one that somebody doesn't like our decision,
22 you're going to probably hear an appeal on it. And then
23 you'll have another discussion on it.

24 But I think he just wants some comfort in that he's
25 not going to send something forward for appeal that he

1 maybe should have approved. He's just looking for some
2 guidance here. And it may be arbitrary.

3 BOARD MEMBER SHARP: I'd agree with Rod and Janet
4 that it's not the same as -- I do believe if there's two
5 many true-false, you don't really learn anything. It's
6 not the same -- it's not the same studying you have to do
7 for a true or false.

8 BOARD MEMBER SHARP: So I would, if we need to, I'd
9 make a motion that no more than 20 to 25 percent,
10 whichever people would like to think. I think we need to
11 just make that decision today can be true or false.

12 CHAIRWOMAN PREZEAU: I am inclined to agree that the
13 Department -- the Board owns the education piece. We own
14 the testing and education piece.

15 And I think the Department is asking us to give them
16 clear direction. We've had conversations at a number of
17 previous Board meetings that we should give some
18 direction.

19 So I would ask for a specific number, though. And I
20 think the Department would feel more comfortable -- I
21 would feel more comfortable if we could settle on a
22 specific "no more than" percentage.

23 Rod.

24 BOARD MEMBER BELISLE: I would back Rocky up. I
25 would be willing to say I recommend a maximum of 20

1 percent.

2 CHAIRWOMAN PREZEAU: In the spirit of having an open
3 discussion, I know that there are two people that have
4 signed in to give commentary to address the Board, one
5 which is a provider and specifically signed in to speak on
6 the continuing education.

7 I would like to -- if there aren't any objections, I
8 would like to invite Mr. David Burttt up to give comments
9 on continuing education before we engage in this motion.

10 MR. BURTT: Well, thank you for letting me speak. My
11 name's David Burttt.

12 CHAIRWOMAN PREZEAU: Could you spell that -- would
13 you please spell that for our court reporter.

14 MR. BURTT: Burttt -- B-U-R-T-T.

15 And I'm the president of JADE Learning. And JADE
16 Learning has been an approved distance continuing
17 education provider since 2003.

18 And I do have some questions about the new Board
19 rules. And one of the ways that our courses are provided
20 is basically in the learning modules. So that, for
21 instance, if we had a course on industrial wiring, we
22 would have a module on motors and a module on transformers
23 and a module on generators and break it up like that.

24 And my question is: Is it okay for us to randomize
25 within that learning module? In other words, if we had 15

1 questions on motors, can we scramble them or randomize
2 them separately from the ten questions that we have on
3 transformers? Or do we need to abandon that division into
4 learning modules: motors and transformers and so forth
5 and so on? I wasn't sure on how we were supposed to do
6 that.

7 CHAIRWOMAN PREZEAU: Any comments? Tom.

8 BOARD MEMBER PHILLIPS: Well, I remember one of Doug
9 Erickson's comments was that he noticed some of the
10 questions went right in order of code section, and I
11 noticed -- I remember I had to renew my license and take a
12 test about eight years ago, and I remember the same thing,
13 that all the questions were in a row or grouped together.
14 I didn't have to flip very many pages to find the answer.
15 And I thought that was a fault or that made the test too
16 easier than what it should have been. Because you knew --
17 you didn't have to look in a lot of parts of the code; you
18 knew it was right in this area; you just had to flip a few
19 pages. So I would support randomizing.

20 MR. BURTT: We, I mean, definitely can randomize. I
21 guess my question is: If we've got a section on motors,
22 can we randomize those questions on motors, and then if we
23 had another section on transformers, can we randomize
24 those rather than just throw everything in together and
25 randomize it?

1 BOARD MEMBER PHILLIPS: I would say the more
2 randomizing, the better, but ...

3 CHAIRWOMAN PREZEAU: Rod.

4 BOARD MEMBER BELISLE: I think that's a tough
5 question to answer. I've taken some of these courses, and
6 some of these modules that you speak of in various
7 environments might only have three questions to that
8 module which means that portion of your database would
9 only be required to be six questions which kind of takes
10 out the whole intent of what we're trying to achieve here.

11 So without having, you know, a lot of criteria, I
12 think that's why we asked the Board to follow through with
13 the idea of two times the number and total randomization.
14 Because if you're only going to ask two questions about a
15 module on power quality, what's the point? I don't -- we
16 can't answer that without seeing it.

17 MR. BURTT: Well, two questions wouldn't make up a
18 module. It would be more than that. But it could be six
19 or seven. I mean -- but that's a good way to organize the
20 material.

21 I mean, we have to present the material in such a way
22 that it's -- that people can learn it from. And dividing
23 it into modules, separate chapters or modules, it's a
24 good way to do that.

25 But I mean, if I have to randomize everything, then I

1 really can't maintain that module or structure. You know,
2 there wouldn't anything -- okay, well, I'm going to learn
3 about motors, and then I'm going to learn about
4 transformers. I think that's good design. But if I have
5 to randomize all 100 questions if there's 100 questions,
6 then I'd have to abandon it.

7 SECRETARY FULLER: Are you talking about
8 correspondence courses or on-line?

9 MR. BURTT: On-line.

10 SECRETARY FULLER: On-line we really don't require a
11 test. We require that the time be verified.

12 MR. BURTT: Right.

13 SECRETARY FULLER: So I don't -- I believe Larry
14 would approve your class if you randomized your modules as
15 long as you showed a way of monitoring the total time
16 spent in the class because that's what we're looking for
17 on-line.

18 MR. BURTT: We can definitely do that.

19 SECRETARY FULLER: They're very different.

20 Correspondence is about --

21 CHAIRWOMAN PREZEAU: The correspondence course is the
22 only one from my recollection that requires a quiz, an
23 exam, a certain number of questions. The on-line fees is
24 a separate -- handled separately in terms of equivalent --

25 SECRETARY FULLER: So you're having -- the way you

1 guys do it, your having an exam is actually a bonus for
2 us. No matter how you present your exam, that's a bonus.

3 MR. BURTT: I thought it did apply to on-line also.

4 SECRETARY FULLER: No. Only correspondence.

5 MR. BURTT: So if on the pooling thing, if I had a
6 module with 15 questions, then -- or 15 sections, and a
7 section would be where we would explain commentary, then
8 as long as I had 30 questions, if I pull the 15 questions
9 on motors from a pool of 30, that would be okay?

10 SECRETARY FULLER: Again, on-line classes require no
11 exam. So you can administer them however you wish.

12 CHAIRWOMAN PREZEAU: What I would like to suggest --
13 if all of your commentary was basically specific to your
14 program, and you're here today, I'm not -- you know, I'm
15 interested in hearing what challenges you have, but if you
16 have specific questions regarding your specific CEU
17 on-line CEU material, I would request that after the
18 meeting that you can sit with Larry and get those specific
19 questions answered, unless the Board -- again, I'm not
20 interested in cutting you off, but I'm also interested in
21 ensuring that we -- I don't necessarily think the entire
22 Board needs to hear your specific questions when Larry is
23 really our "go to" guy for the -- to answer these.

24 Are you all right with that?

25 MR. BURTT: Well, I had one more thing on timers and

1 one comment. But we'll talk about the timers later.

2 But we recently submitted a course on the RCW/WAC
3 that was rejected. And the reason that it was rejected
4 was that after we asked the question and after the student
5 answered the question, we gave them the right answer. And
6 I think that's good teaching in that in any instructor-led
7 class, if a student has a question, the instructor gives
8 them the right answer. You know, you don't just say, yes,
9 you're right, or no, you're wrong. If you have a specific
10 question about a specific thing and it's the instructor's
11 job to tell the student or the user no, you're wrong; this
12 is what the answer is, or here is the section in the WAC
13 where we found this answer. And so in our second round of
14 trying to get reapproved, we removed all that. And I
15 think that that is not fair. I mean, an instructor-led
16 class, the job of the instructor is to give the right
17 answer. And we're not allowed to do that on a on-line
18 class.

19 CHAIRWOMAN PREZEAU: Larry.

20 MR. VANCE: I took that course. I didn't try to
21 hurry. I completed the eight hours of continuing
22 education in 38 minutes.

23 MR. BURTT: The timer wasn't going, so you weren't --

24 MR. VANCE: Right. But what I'm saying is is that I
25 didn't have to look anything up. It gave me the answer.

1 And we've had it in our rules that the student shall not
2 be directed to the answer.

3 CHAIRWOMAN PREZEAU: At this point, I have to say the
4 Chair's really uncomfortable because if your course was
5 rejected, you have the ability to appeal that decision to
6 the Board. I do not want in any way to prejudice the
7 Board at this point in time for either party.

8 And so my specific question to you, Mr. Burtt, is:
9 Do you have a specific request you would like to make of
10 the Board?

11 MR. BURTT: Well, I mean, if I don't have to -- if
12 on-line courses don't have to have answers and graded
13 scores, I mean, I thought that we had to do -- that you
14 had to make a 75, and that we had to present at least, you
15 know, five -- not have more than five minutes, you know,
16 per question. So, I mean, we're --

17 CHAIRWOMAN PREZEAU: Again, I would like to remind
18 you that on-line courses -- again, I feel like we're
19 getting off the reservation -- but there is no requirement
20 for an on-line CEU training course to -- there is no
21 requirement to provide an exam.

22 That is a correct statement, right?

23 SECRETARY FULLER: That's correct. We changed that I
24 think either the last WAC or the time before and we went
25 to the time based rather than questions for Internet.

1 CHAIRWOMAN PREZEAU: I'm going to go to Larry, and
2 then Ron.

3 MR. VANCE: We still have -- because of technology
4 and the ease of delivery and the ability to randomize, we
5 have a lot of providers going toward a correspondence
6 Internet delivered format, a straight list of questions
7 and five minutes per question, as the Board has indicated.
8 So in that course -- just like any -- whether you get a
9 piece of paper or you get it over the Internet, I mean,
10 you still have to look every question up, find the answer
11 in the code book, find it in the RCW/WAC, then select the
12 correct answer. And the issue at hand here is is that an
13 Internet provider can go ahead and provide you the answer
14 as well as somebody could do in a written format. But
15 what is the student -- what is the student gaining? I
16 mean, there's the question, there's the answer. So the
17 method of delivery, whether it be an Internet-delivered
18 correspondence course or a paper-copy correspondence
19 course, the requirements are still essentially the same,
20 still the same.

21 CHAIRWOMAN PREZEAU: Rod, you wanted to say
22 something?

23 BOARD MEMBER BELISLE: I was just going to suggest
24 that Mr. Burttt refer to the WAC rules. Because in the WAC
25 rule, it's very clear that you're providing an on-line

1 continued education course. There is a very distinct list
2 of criteria on how to document who's attending the course,
3 validation, time hours, and that is distinctly different
4 from a correspondence course. And those two criteria are
5 separate. So I think we're kind of crossing up details
6 here.

7 CHAIRWOMAN PREZEAU: Ron, did you want to say
8 something?

9 SECRETARY FULLER: Well, that's basically what I was
10 going to say. There's on-line paper there's still
11 correspondence and there's still classes. And classes
12 on-line are based on hours. The correspondence is based
13 off time per question. Then you have to follow the rules
14 for questioning, which Larry's correct, that you can't
15 direct toward the answer. So with what you described
16 initially, a class where there's reading, there's looking
17 up things, there's videos, there's that stuff that go with
18 a timed class, there's no requirement for the questions at
19 all. He can do what he wants with that. But if there's
20 just a list of questions there, then that's correspondence
21 and there's the time -- then it's so many minutes per
22 question allowed. And they can't direct toward the
23 answers. It's very different scenarios.

24 CHAIRWOMAN PREZEAU: So Mr. Burt, is that helpful at
25 all?

1 MR. BURTT: Yes.

2 CHAIRWOMAN PREZEAU: And like I said, I don't want to
3 stifle discussion. I just want to make sure that we don't
4 prejudice the Board in terms of a decision made in the
5 past that may end up coming for review.

6 Is there anything else that you would like to add?

7 MR. BURTT: You know, I think that as instructors, we
8 need to tell if they got it right -- not only whether they
9 got it right, but if they got it wrong and why. That's
10 how they can learn from a continuing education course.
11 But if the Board doesn't want us to do it, we'll just say
12 correct or not correct, and we won't tell them why they
13 were correct or incorrect.

14 CHAIRWOMAN PREZEAU: Well, I would just encourage
15 you, especially since you're here today, to spend some
16 time with Larry. And hopefully Larry will make some time
17 so you guys can resolve whatever issues that you've had in
18 the past and in hopes that you're able to provide what you
19 believe to be a good product because that's what we want
20 you to provide as a training provider. So I would ask
21 that you sit with Larry and try to find resolution.

22 Ron.

23 SECRETARY FULLER: Some of the discussion in days
24 long gone now but that the Board has had on this is that
25 during the test you can't direct to the answer. Once

1 you've scored it electronically, you can tell them where
2 the answer was and what it was. But to pass that test,
3 they'd have to go back and take another different
4 randomized test. So they're not going to get that same
5 question again hopefully. So we have -- I don't believe
6 anybody has objections to the student knowing what they
7 missed and why. But you can do that after the fact, after
8 you've scored the exam. The key is don't tell them the
9 answer before you've scored.

10 CHAIRWOMAN PREZEAU: Very good.

11 MR. BURTT: Thank you.

12 CHAIRWOMAN PREZEAU: So before we invited Mr. Burtt
13 up, we were having a conversation about whether or not the
14 Board wanted to establish minimum or maximum requirements
15 for true-false questions on correspondence course exams.
16 The Chair would certainly entertain a motion at this time
17 regarding that.

18 Rod.

19

20 Motion

21

22 BOARD MEMBER BELISLE: Well, I'll make the motion
23 that a CEU provider not include more than 20 percent if a
24 course be stated in the true-and-false method.

25 CHAIRWOMAN PREZEAU: Do I have a second?

1 BOARD MEMBER SHARP: Second.

2 CHAIRWOMAN PREZEAU: Discussion on the motion?

3 Larry.

4 MR. VANCE: I would recommend the words

5 "correspondence course provider."

6 CHAIRWOMAN PREZEAU: So to clarify, the motion is --

7 BOARD MEMBER BELISLE: The correspondence course

8 provider not utilize more than 20 percent true-and-false

9 questions for their course.

10 CHAIRWOMAN PREZEAU: For correspondence courses.

11 BOARD MEMBER BELISLE: Yeah.

12 CHAIRWOMAN PREZEAU: Louis.

13 BOARD MEMBER LaMARCHE: To clarify that, it's a

14 written course?

15 BOARD MEMBER BELISLE: I don't know that --

16 CHAIRWOMAN PREZEAU: I think correspondence is clear

17 enough.

18 BOARD MEMBER BELISLE: Yeah.

19 SECRETARY FULLER: It can be on-line.

20 CHAIRWOMAN PREZEAU: Oh, yeah. So I think it needs

21 to say "correspondence course."

22 Any discussion on the motion? Do we have --

23 SECRETARY FULLER: Again, whoever seconded a while

24 ago needs to accept that amendment.

25 CHAIRWOMAN PREZEAU: Is the individual that seconded

1 -- Rocky, you're good on that?

2 BOARD MEMBER SHARP: Yes.

3 CHAIRWOMAN PREZEAU: All right. Cathy.

4 BOARD MEMBER BRIGHT: Well, I guess I'm a little
5 confused. We had the -- looking at the minutes from our
6 last meeting where we talked about the randomization --
7 the questions, and on page -- starting on page 91 which is
8 on page 23 of the minutes that we have, it says for
9 on-line distance learning, we set minimum parameters that
10 those Internet-based courses have a software timer, et
11 cetera, et cetera. Then it says, "If the course provider
12 also uses an exam -- corresponding exam, that the
13 questions and answers would be randomly generated from a
14 question bank of at least two times larger than the number
15 of questions required on the individual examination, and
16 that participants would have to pass that examination with
17 a minimum score of 75 percent in order to get credit for
18 the Internet-based training."

19 So we do have a requirement of questions on -- if
20 they are going to have an exam, that there are guidelines
21 on how that exam is composed. Do we want to apply this
22 limitation if the Internet provider does have an exam that
23 the same limitation applies or not? is my question.

24 I address that to the maker of the motion I guess.

25 BOARD MEMBER BELISLE: I guess I wasn't considering

1 that, but it makes sense. If that's a criteria for
2 testing, it should be a standard criteria. So I would
3 accept that.

4 SECRETARY FULLER: That's -- I think that -- I didn't
5 look that up. But who said that? Doug? That's
6 incorrect.

7 The WAC rule says, "Distance learning, correspondence
8 and Internet, will be based on clock hours necessary to
9 complete the class if it was presented in a classroom
10 setting." And there's no requirement there again for --

11 BOARD MEMBER BRIGHT: No, it doesn't say that they
12 have to have an exam. It just says that if they do have
13 an exam.

14 SECRETARY FULLER: That's not in the rules. So if
15 you --

16 BOARD MEMBER BRIGHT: This is what we passed in --

17 SECRETARY FULLER: You passed that in the motion?

18 BOARD MEMBER BELISLE: That was in the --

19 CHAIRWOMAN PREZEAU: That was -- I made two motions
20 at the previous meeting.

21 SECRETARY FULLER: Okay. Then I had forgotten that
22 then.

23 CHAIRWOMAN PREZEAU: Larry.

24 MR. VANCE: The software timer -- this is a
25 conversation that Mr. Burt and I will have -- but when

1 you're looking at a purely question-based Internet course
2 that's going to be a random 100 questions, five minutes
3 per question, 50 minutes per hour as we discussed, there's
4 not a need for a software timer on that delivery method
5 because we're giving -- we're automatically assigning five
6 minutes of value to every question. It's a little bit of
7 a hybrid here with the Internet-delivered correspondence
8 course, a straight question format.

9 The minute you get into a distance-learning course
10 that is -- got some curriculum in it or you're going to
11 maybe work through modules, you're going to learn about
12 motors, for instance, all kinds of information, video and
13 this or that. And what we're asking is is it's a
14 measurement of that, usually a quiz, maybe ten questions,
15 something that shows mastery of that material. And then
16 as you move through the different modules -- and this is a
17 model of what distance learning is. But at the end of it,
18 then have a set of questions or some measurement to get --
19 to measure the student's mastery of all of the material,
20 that is a distance delivered classroom type of an
21 environment. That's what distance providers, what they're
22 delivering in that format to.

23 If you're going to deliver a straight question-based
24 Internet correspondence course, then what we're asking is
25 that every one of those lists of questions and answers be

1 unique so that I can't just buy my answers on the
2 Internet, push the button, answer the questions -- because
3 again, I'm getting five minutes per question value.
4 That's what we're trying to correct with the
5 randomization.

6 Is that accurate?

7 BOARD MEMBER BELISLE: That's right.

8 CHAIRWOMAN PREZEAU: So really what you came here
9 specifically to ask for in that very specific distance
10 learning model where -- whether it's correspondence or it
11 is on-line, if the provider has adopted a model that all
12 they provide is questions, you would like to see a maximum
13 threshold of true-false?

14 MR. VANCE: That is correct.

15 CHAIRWOMAN PREZEAU: So given that, I would ask Rod
16 to clarify whether or not he feels his motion captures
17 that specific question.

18 BOARD MEMBER BELISLE: That was my intent, yes.

19 CHAIRWOMAN PREZEAU: Rocky, was that the intent of
20 your second?

21 BOARD MEMBER SHARP: Yes.

22 CHAIRWOMAN PREZEAU: Any further discussion on the
23 motion? All those in favor signify by saying "aye."

24 THE BOARD: Aye.

25 CHAIRWOMAN PREZEAU: Opposed?

1 Motion Carried

2

3 CHAIRWOMAN PREZEAU: Thank you.

4 If there are no objections, I would like to have a
5 15-minute break. Seeing none, we are recessed for 15
6 minutes.

7 (Recess taken. Board Member
8 Bright not present after
9 recess.)

9 CHAIRWOMAN PREZEAU: I did want to point out a couple
10 of things before we move on to the final agenda item. And
11 that is for the new Board members, there's some forms in
12 your packets that include the travel expense voucher, and
13 then also I think some documents of eligibility of
14 compensation. So definitely, if you do -- the Electrical
15 Board is one that retains the right for reimbursement of
16 expenses: mileage and lodging. And if you incur expenses
17 that you want to be reimbursed for, you definitely need to
18 complete the Board compensation eligibility form and get
19 that to Brandi. And then also on the travel expense
20 voucher, it looks a little bit more intimidating than it
21 really is. Brandi has schooled me that really what she
22 needs is for you to complete obviously your name, your
23 official residence, the date, where the trip -- where you
24 traveled from and where you traveled to. If you have the
25 specific mileage, that would be appreciated, but Brandi

1 does have the ability -- if you give her the city, she has
2 the ability to determine what the mileage is. And if you
3 do incur -- or expect to be reimbursed for lodging costs,
4 you would also have to turn in your receipts. You have to
5 back up the lodging costs.

6 Did I miss anything, Brandi?

7 MS. O'SHURAK: No. That's all.

8 CHAIRWOMAN PREZEAU: Any questions about these forms?

9 I want to make sure the Board members understand that
10 they have that opportunity, and in the spirit of
11 encouraging participation rather than eliminating those
12 folks that -- especially folks like Louis who had
13 significant travel, coming from the Tri Cities.

14 MR. LaMARCHE: It's almost another state.

15 CHAIRWOMAN PREZEAU: Some people view it as being a
16 separate state. The Inland Empire.

17

18 Item 7. Parliamentary Procedure

19

20 CHAIRWOMAN PREZEAU: So we are under the 7th agenda
21 item, which is Parliamentary Procedure, and I'm going to
22 turn it over to Pam.

23 ASSISTANT ATTORNEY GENERAL REULAND: I think Ron
24 asked me to kind of talk on this subject because we had
25 new Board members and we may not always procedurally

1 follow sort of the rules -- Roberts Rules of Order. So
2 what's been included is I believe just a sort of a cheat
3 sheet that we obtained from Don Kopczynski sort of just
4 outlining the general procedural questions.

5 I am not a parliamentary -- parli --

6 CHAIRWOMAN PREZEAU: Parliamentarian.

7 ASSISTANT ATTORNEY GENERAL REULAND: --
8 parliamentarian. Thank you. I'm not an expert in this
9 area. But what I can tell -- what I wanted to focus on is
10 really what I'm concerned about is when you're hearing
11 appeals and we're making a record, how do we do that, and
12 how do we do that within the framework of this Board and
13 making motions. Because what's really important is not
14 only the record that you make and the record of the
15 motions and who seconds and that it's really clear, but
16 when you're hearing matters --

17 Let me sort of back up. You guys probably know this,
18 but most citations or things that are issued by the
19 Department, the statute provides that it's delegated to
20 the Office of Administrative Hearings to conduct the
21 hearing sort of on your behalf. Certain matters like
22 revocations or suspensions, those come directly to the
23 Board. Those are a little bit different.

24 The Office of Administrative Hearing issues a
25 proposed decision and order. That proposed -- it's just

1 what it says. It's a proposed decision. And ultimately
2 you are the reviewing body, and you get to review the
3 record. And you sit in the same shoes as the
4 administrative law judge. So you get to make the same
5 decisions, with a couple of caveats that I can always
6 advise you about, and that's what I'm here for.

7 It's different when you go to superior court. If
8 somebody then appeals that decision to superior court, the
9 superior court conducts an administrative review. And
10 they have to go with the findings made with this Board
11 unless they can find -- there's a whole bunch of rules:
12 it's arbitrary and capricious, it's outside the law. But
13 generally even if the court disagrees with the findings
14 and conclusions, unless they can meet certain criteria,
15 they must uphold them.

16 So what you do here and how we make a finding is
17 really important. And sometimes we need to be real clear
18 of exactly what you're doing and how you're doing it.

19 Now, as you know, before the Board can take any kind
20 of action, there has to be a motion, and there has to be a
21 second.

22 For purposes of the appeal, I would also suggest that
23 when a motion is made -- for instance, you want to make a
24 motion to accept the issues as presented by the ALJ in the
25 proposed decision; they're not in dispute; there doesn't

1 have to be a discussion; that the motion is made; that
2 it's seconded; and that the Chair then clarifies exactly
3 what that motion is. Because technically from my
4 understanding is if that motion needs to be amended, those
5 amendments should occur prior to when there's a discussion
6 on the motion. So if the Chair restates the motion,
7 that's the opportunity for you guys to jump in and say,
8 "Let's clarify this." And then we move forward with a
9 second, and then we move forward with the discussion on
10 that motion.

11 One of the things you asked me in the past is exactly
12 what you can do in terms of affirming, modifying or
13 setting aside. When you're looking at a proposed decision
14 and order, you're looking at each of the findings and each
15 of the conclusions. And your job is to determine whether
16 or not each of those findings is supported by substantial
17 evidence in the record, and whether the conclusions are
18 supported not only by the facts as they have been found,
19 but also by the code, by the regulation. So in my opinion
20 it's much better -- in contentious situations. You know,
21 if there's a dispute among the Board members or dispute --
22 you've got argument of counsel, what's really important is
23 that we arrive -- you arrive at the decision of the Board.
24 So however you want to do that, it can be modified as we
25 go along.

1 So, for instance, let's say Findings of Fact 1
2 through 3, they're really not in dispute. So somebody can
3 say, you know, "I'll move to adopt 1 through 3." They can
4 clarify the motion, it gets -- get it clarified, and if
5 there's no discussion, you move on. But there's -- say
6 there's a particular finding that's in dispute. This
7 process can be very helpful because the motion can be made
8 to, let's say, "I move to modify Finding of Fact Number 4
9 because it should say 3 instead of 4." Then that can be
10 seconded. And then a discussion. Then what's important
11 is that every Board member needs to have an opportunity to
12 comment on that motion. And technically everybody's
13 supposed to have an opportunity to comment before somebody
14 gets to speak twice. But if nobody wants to comment, you
15 don't have to. And then you can call for a vote on that
16 particular finding.

17 The reason I am recommending that is because that
18 makes it very clear that you have considered the evidence
19 in the record and that you can then identify -- for
20 purpose of your discussion, you can say, "Well, I made
21 this motion because on page 3 of the transcript, the
22 evidence provides that -- here's what 'so and so'
23 testified to," and you make a really good record.

24 So then when it goes up to superior court, it's very
25 clear: Here's what the evidence is, here's what the Board

1 relied upon, and you make solid findings and sold
2 conclusions.

3 So that's sort of where I come from in terms of this
4 whole ...

5 A couple other things I wanted to point out to you
6 guys because there's been questions -- I think one of the
7 other appeals was about what you can rely upon.

8 You all have special expertise in various areas in
9 this field. And while you can rely upon your special
10 expertise in various areas and the expertise of your
11 colleagues, that can be in general expertise, that can be
12 applied to the facts that are in the record. So what's
13 really important is that you have the evidence that's in
14 the record, and that is the evidence that you must rely
15 upon and keep bringing yourselves back to. And when
16 you're listening, people make arguments, the question
17 should be: Where is that in the record? And I'll get to
18 that point next.

19 If there is a time where there is -- this may not be
20 parliamentary procedure -- but there have been times where
21 there's been questions about, well, why isn't that part of
22 the record? How come that piece of evidence isn't here?
23 What do we do with that? What if we want to do something
24 different?

25 Actually, the proper procedure, you can make a motion

1 to remand it back to the administrative law judge to
2 conduct further hearings on a certain point. I don't
3 think we've ever done that or that you want to do that,
4 but there's -- procedurally there's a way to do that. But
5 again, it all has to kind of be in the context of a
6 motion, an amendment, and a second on how to do that.

7 It is my suggestion that it is much cleaner to
8 handle contentious issues one subject at a time. We've
9 done it a couple of times where motions kind of get
10 confusing or need to be clarified. And you want to make
11 sure, as you all know, that what you're voting on and what
12 it says is really clear for purposes of the appeal
13 process.

14 And as you probably all know, that once a motion is
15 made and if there's any modifications and it's seconded,
16 we need to deal with that motion, take a vote on that
17 issue, and then move on.

18 There's procedures, and it's kind of outlined in this
19 sheet. Let's say you get down to something in the
20 conclusion of law and after a discussion on whether to
21 accept it somebody says, "Wow, that changes really how we
22 previously voted on an earlier finding." I would
23 encourage you then to use these procedures to make an
24 amendment to reopen, to go back and kind of correct that.

25 Because we're going to rely on you folks to keep in

1 mind to keep the record straight.

2 The other thing I wanted to point out is that if
3 anybody -- there's a procedure where you can -- make a
4 procedural point -- I wrote it down, but I'm going to
5 forget -- a point of order. If anybody feels that
6 something is not being done procedurally correct, that is
7 what you should do: Raise the point of order, get the
8 Chair's attention, ask to be recognized, and have that
9 clarified.

10 It is my understanding that the Chair makes the
11 initial determination of whether or not that's a good
12 point, whether something should be clarified.

13 This is your record. So if you have any concerns,
14 that's the way you should handle it. And you should bring
15 it up.

16 For instance, if somebody is addressing a prior
17 finding, and it's being talked about later, say, "I'd like
18 to bring a point of order that we've already addressed
19 that issue and there's no motion presently before the
20 Chair." It sounds a little formal. And I don't think it
21 needs to be super formal. But it needs to be really clear
22 what you're doing and how you're doing it, and that the
23 motions are properly made and that everybody has an
24 opportunity to comment on those motions. That's what the
25 whole thing is about.

1 CHAIRWOMAN PREZEAU: If I may, and it's really --
2 from my perspective, it's very important when we're
3 conducting the appeals because there is another avenue
4 beyond this body that the decision that we make can be
5 appealed to superior court as already indicated. So we
6 want to make sure that we -- our record is formal enough
7 that it doesn't create liability, right? But also it's
8 informal enough that it creates an environment that
9 people want to participate in.

10 ASSISTANT ATTORNEY GENERAL REULAND: Well, and from
11 my perspective, we don't -- if you make -- it's sort of
12 like what Ron was saying earlier about you want to write
13 good citations. Because that's how you -- if you prevail
14 most of the time, you keep appeals down. And it saves
15 everybody time and money not to have to go to court. So
16 the better decisions you're making, the more time you're
17 going to be upheld, and the less people are going to say,
18 "Oh, well, I'm just going to test them."

19 There isn't -- other than the appeals, I do think
20 that -- or I would recommend that in terms of making
21 horrible motions, if there's any procedural aspects or
22 legal aspects, that we keep in mind and ask those
23 questions. Can the Board make a motion or rule on a
24 motion regarding amendment of a rule or amendment of CEU,
25 you know, requirements? Is that something that we can and

1 can't do?

2 For instance, there was a motion -- or Cathleen
3 brought it up before she left to the Board's attention a
4 discussion, well -- but it hasn't been incorporated into a
5 rule, so where does that leave us? And so those are sort
6 of points of clarification that I think we need to keep in
7 mind.

8 I didn't have too much other stuff to say about that
9 other than there's lots of resources out there. I would
10 have to rely on motions and cheat sheets, you know, myself
11 on how to do it. But if there's a question, I think just
12 ask it. It's better to ask the question and have a
13 procedural issue clarified now than coming back from a
14 prior Board meeting and bringing it back and having to go
15 back and fix it, you know, stuff like that.

16 I think that's about all I have to say.

17 CHAIRWOMAN PREZEAU: Ron.

18 SECRETARY FULLER: Go ahead, Bruce.

19 BOARD MEMBER TURNER: I just have a question. When
20 you were talking about the facts on appeal, is my
21 understanding correct that we can -- you mentioned that
22 people have special expertise, and that we can't either in
23 our own minds or as a group introduce new evidence into a
24 case that hasn't been documented. So the facts that are
25 there are the facts and then we are to treat them as the

1 facts; we can't try to insert new or we can't interrogate
2 the appellant to try to get new information out, that we
3 have to rely on only the facts that are in the packet we
4 received; is that correct?

5 ASSISTANT ATTORNEY GENERAL REULAND: Let me answer
6 that with two parts. The answer to the question in terms
7 of the exact evidence in the record, you're right. Unless
8 you remand it to get additional facts, you are limited to
9 the facts that are part of the record.

10 Now, what I would suggest is that you -- there's a
11 system here where argument of counsel. And counsel's
12 going to come and they present the arguments to you in an
13 appeal such as the one that was going to be heard today.
14 And the Board obviously has the opportunity to ask
15 questions. That's not the time for you to debate a motion
16 that you're going to be voting on. That's the time for
17 you to ask the questions about the facts. "Where in the
18 record is that information that you're relying upon? You
19 told us this. Where can I find that?" And then you can
20 come back and during your deliberation, for lack of a
21 better word, address that.

22 Now, in terms of your first part of your question was
23 your special expertise, you can use your generalized
24 knowledge and say, "Well, I'm an engineer, and I know that
25 all engineer drawings need to contain X, Y, Z." That's

1 not simply a fact; that's your background and expertise in
2 that area. Or "I know the code requires this." That is
3 what you can as an expert bring to the table.

4 Does that answer your question?

5 BOARD MEMBER TURNER: I think mostly. I guess what
6 I'm getting at is some of these appeals that I've sat on,
7 it sort of seemed like the questions that were being asked
8 was trying to introduce maybe some new evidence or
9 something that somebody suspected might have been part of
10 the situation but wasn't documented; is that acceptable?
11 If they were to say, "Well, there's something -- there's
12 one other thing we should have put in there and 'this and
13 this and that' is why we're appealing;" is that
14 acceptable?

15 ASSISTANT ATTORNEY GENERAL REULAND: The reality is
16 people say that all the time.

17 BOARD MEMBER TURNER: I know.

18 ASSISTANT ATTORNEY GENERAL REULAND: People come up
19 with arguments and they make excuses and things come in.

20 But what your job is is to say, "Well, I appreciate
21 that you feel that way. However, our review is limited to
22 the evidence in the record. Could you direct me in the
23 record where that evidence is?" And if the evidence isn't
24 in the record, that's certainly something that you can
25 consider in your deliberation, "Well, you know, we can't

1 consider it." But legally or technically you cannot
2 consider anything new in terms of evidence that comes --
3 that they try to tell you, "Well, you know, I think I've
4 heard it." "Well, you know, I would have called 'so and
5 so' to testify, but he wasn't available. And if he was
6 here, he would have told you." Well, you can't do that.

7 BOARD MEMBER TURNER: So I guess that answers my
8 question.

9 CHAIRWOMAN PREZEAU: And I know Ron wants to say
10 something. But I kind of what to get at a little bit
11 about what you -- your commentary.

12 Continuing Board members that have seen some other
13 appeals, we've gotten -- sometimes it's gotten a little
14 bit loose. And so Pam and I have had conversations prior
15 to this Board meeting to make sure that we're going to not
16 allow -- we're going to proceed in a different direction.

17 And to that end, you know, Pam is now -- the attorney
18 that's advising the Board is now sitting up here so that
19 she doesn't have to publicly state she's getting nervous
20 now about where the Board is going, right? So we have a
21 little bit -- we can have a little bit more close
22 conversation with Pam, which is certainly a benefit for
23 me.

24 But also, Pam wrote a script like what I'm going to
25 announce before the Board before we do any appeals so to

1 help make that good record, but to also help guide and
2 remind Board members what we can and cannot do. And
3 hopefully that will increase your guys' comfort level and
4 sort of establish that more formalized tone with respect
5 to the appeals, but also just knowing that if we start
6 getting down -- going down a direction that is not
7 appropriate, Pam is going to help keep us out of trouble.

8 ASSISTANT ATTORNEY GENERAL REULAND: Let me use that
9 point of order to, you know, bring that back and use that
10 in appeals. That's -- you know, procedurally that's not
11 something we can consider.

12 So I'd encourage you guys to do that. I think if the
13 Board then just says -- your job is to vote and determine
14 whether the records before us -- (inaudible). And to do
15 that, you have to make a motion, it has to be seconded,
16 and that motion's got to be clear. And then you vote on
17 that, and then you have a discussion, and then you dispose
18 of it.

19 And I think if we developed procedures to make that
20 real clear, that that will just make it better for
21 superior court appeals.

22 This last appeal that I was peripherally involved in
23 -- if you guys remember, Mr. Goodlett was here a couple
24 meetings ago -- he named the Electrical Board as well as
25 the Department -- or he named the Electrical Board as the

1 defendant. So I was involved in getting the Electrical
2 Board out because you're the quasi-judicial body, not the
3 body that took the action. But if you read his appeal, he
4 makes -- he's alleging -- part of his allegations are that
5 there is impropriety in terms of the discussion. And that
6 he quotes sections of the minutes, and there's discussion
7 in terms of how he wasn't given fair treatment. Now, I
8 don't think there's any merit to that personally, but
9 that's how it can be used.

10 CHAIRWOMAN PREZEAU: Ron, did you want to --

11 SECRETARY FULLER: I was going to talk about the same
12 things.

13 It is -- to me when you have an appeal from the ALJ,
14 you're there to really determine did the ALJ make the
15 right decision. You're not there to get more evidence or
16 anything. You're just there to say, Did they do it right
17 or did they do it wrong.

18 An example for me of experience when experience could
19 come into play in the decision-making is defendant makes
20 an argument that gray PVC isn't electric. And we've had
21 people try to do that here before. You know that gray PVC
22 is electrical. White's plumbing. Black's plumbing. Only
23 gray is electrical. So you've got that -- and a law judge
24 may not recognize that. We've had them not recognize that
25 before in the past. And we've brought appeals forward

1 because of that because they'll find for the defendant at
2 the initial hearing because he doesn't think gray PVC is
3 electrical work. So that's kind of when experience comes
4 into play.

5 So keeping it simple is probably the best thing to
6 keep in mind when you're hearing appeals I think.

7 An appeal where these rules don't apply, though, is
8 when you have a direct appeal. All bets are off then.
9 Then you hear all the evidence. You're acting like a law
10 judge would.

11 So when somebody comes in here for a licensing
12 appeal, for instance, then you hear all the evidence. You
13 can ask questions. You can get all they have to say. You
14 have to absorb all that and make a decision yourself. You
15 have to find the facts are there. You have to make a
16 conclusion and finding. So it's a very different process
17 for those kinds of appeals.

18 So what Pam's described so far has just been the
19 second appeal.

20 ASSISTANT ATTORNEY GENERAL REULAND: Right. The
21 original hearing appeals are going to be a little bit
22 different.

23 Your Chair is technically your guiding officer. And
24 she then is designated to make procedural rulings. But
25 again, you're still going to be in a position of taking

1 evidence. I mean, each side is going to be presenting
2 evidence. Who has the burden of proof going forward, and
3 then hearing that and asking questions. But I think
4 that's -- we're going to work on sort of a -- I don't want
5 to say script.

6 CHAIRWOMAN PREZEAU: Structured guidance.

7 ASSISTANT ATTORNEY GENERAL REULAND: -- structured
8 guidance -- that's a good word -- in terms of handling
9 those. We haven't had a lot of those.

10 SECRETARY FULLER: But once in a while we'll have a
11 suspension appeal or something like that. About every
12 year one comes along. But that's a very different process
13 again, much more open, and it's about fact finding than
14 decision making.

15 ASSISTANT ATTORNEY GENERAL REULAND: And you're not
16 attorneys in terms of --

17 CHAIRWOMAN PREZEAU: Janet is.

18 BOARD MEMBER LEWIS: I'm not a practicing ...

19 ASSISTANT ATTORNEY GENERAL REULAND: Sorry. In
20 general.

21 So there's certain things that are going to come up
22 more in original hearings what you can base your findings
23 on.

24 But once the hearing is conducted, and then you're --
25 then doing the discussion and deliberation in terms of

1 "All right, what should we find," you're going to have to
2 make findings and what are the findings of fact, what is
3 supported and have a discussion about that. And then you
4 can certainly ask questions. You know, "Can that support
5 a finding?" And I can advise you, "Well, hearsay is
6 admissible in these hearings but can't be a basis for --
7 the sole basis for a finding in fact, that sort of thing.
8 But that's a little bit different.

9 The main thing I just think -- in terms of the
10 motions and the parliamentary stuff, that's the framework
11 that we're operating in.

12 The Board chose to adopt Roberts Rules of Order.
13 It's in your bylaws. You don't have to -- I mean, no
14 Board has to, but that's what the Board decided to do.
15 And I admit that I have the book, and I will look up any
16 questions if we need to and look at it. But I think that
17 some of this stuff proposed by Don is actually more than
18 we need. There's all sorts of little quirks that you can
19 get into, but I don't think we've come across a lot of
20 that.

21 SECRETARY FULLER: Well, to me too. My experience
22 with Roberts is that you follow them the best you can.
23 There's really not an issue until somebody makes a point
24 of order.

25 MR. VANCE: Correct.

1 SECRETARY FULLER: I mean, you can do what you want
2 until somebody raises a point of order. And then somebody
3 has to decide, Can we do it or can't we. And then you
4 either do or you don't. But they're not absolute ridges.
5 They're not going to capsize the boat if you don't follow
6 it exactly until somebody raises the point and then you
7 ignore that. Once you do that, then you've got a
8 potential issue.

9 ASSISTANT ATTORNEY GENERAL REULAND: And that's why
10 really the only time that would really come up would be
11 the appeal if there was something that was an error that
12 would impact going forward or there would be dissension in
13 the remarks regarding a prior motion and amendment versus
14 a new issue that would come up.

15 SECRETARY FULLER: The one thing -- and it kind of
16 happened again today because it always does is that -- I
17 really encourage people that are getting ready to make a
18 motion to think about it, probably even write it down
19 before they say something. Because once you've made a
20 motion, then -- somewhere on here I saw it -- there are no
21 friendly amendments. When somebody changes the motion,
22 that's what you're voting on first. Like Pam said
23 earlier, you vote on the amendment, the last amendment
24 first. If Rod's second motion had failed, you have to go
25 back and vote on the first one. You don't have an option

1 to ignore that one either.

2 And the Building Code Council is horrible about this.
3 They have got amendments piled on amendments knee deep.
4 I've seen them have five or six amendments, and they have
5 to back all the way through those things. And it's a
6 nightmare when they start doing that.

7 So I really encourage you not to -- to do your
8 amendments so they're accurate.

9 The real reason to me to do an amendment to a motion
10 is when you think that's the wrong motion. If I think Rod
11 made his motion incorrectly, I say, "I want to amend that
12 motion to say the opposite thing." And then we vote on
13 mine first. So I get the first dibbies at it. And that's
14 kind of in my mind where amendments should be at. It's
15 not to tweak it necessarily. You want to have that first
16 motion right. So it really helps to write them down and
17 then say them out loud. It makes it easier for Milton
18 too because then you can repeat exactly what you said
19 without him having to dig through his papers and find that
20 thing.

21 ASSISTANT ATTORNEY GENERAL REULAND: And some of the
22 research that I did -- and that's why I was suggesting --
23 that once the motion's been made and seconded, if the
24 Chair places the question before the group by restating it
25 -- the motion before the group, then that's the point in

1 time where members can propose modifications to the motion
2 before it is open for debate. And then it can be restated
3 by the Chair. The clarified motion can be restated and
4 then the discussion. And I think that would eliminate
5 some of those problems and stuff like that.

6 CHAIRWOMAN PREZEAU: On the school of parliamentary
7 knocks that I went through to prepare for this, I was
8 instructed that there's a limited number of amendments
9 that can be put on a motion. It's basically the main
10 motion, then you can have an amendment, then you can have
11 an amendment to the amendment, and that's it. And the way
12 it was described to me was this -- and this was very
13 helpful -- "I move we get a beach ball." An appropriate
14 amendment would be, "I move we paint the beach ball
15 purple. I amend the motion to paint the beach ball
16 purple." That would be an amendment that's in order. And
17 if somebody makes another amendment, "I amend that we
18 paint the beach ball light purple," those would be
19 appropriate. If somebody amended the amendment and
20 proposed, "I amend that we paint the beach ball textured
21 purple," that motion -- that amendment is technically out
22 of order because we're talking about just the color,
23 right? We vote on that amendment about purple, and then
24 we can make an amendment to the main motion about whether
25 or not the paint is going to be textured, right? But if

1 somebody in the chorus of this amendment discussion says,
2 "I amend the motion to say that we get a Frisbee," that
3 motion -- that amendment is out of order. That's a
4 separate piece.

5 SECRETARY FULLER: So long as somebody raises a point
6 of order.

7 CHAIRWOMAN PREZEAU: Correct.

8 SECRETARY FULLER: That's the dilemma is that until
9 somebody objects, you can go down your merry road forever.

10 CHAIRWOMAN PREZEAU: Yeah. I mean, you can do
11 whatever you want, right?

12 Rod.

13 BOARD MEMBER BELISLE: I would just ask maybe that
14 because the appeals are kind of the sticky area, every
15 time we make that motion to either adopt or reverse --
16 amend might be a little bit out there -- but if we either
17 choose to adopt the motion or the proposed ruling or if we
18 choose to reverse the proposed ruling, we know what the
19 ruling is because it's on paper. Is there maybe a script
20 we could have that says, "I propose to adopt the proposed
21 ruling" and whatever else you want said, the finding of
22 fact and whatever, so that we can say that entire piece
23 right the first time? Because I think every appeal I've
24 ever been involved with, we always make a motion and I
25 think we in the group know what that means, but then we

1 always have to amend it to all the details, which we never
2 remember to say.

3 CHAIRWOMAN PREZEAU: Especially since David Bowman's
4 not on the Board. He was masterful when it came to moving
5 motions and --

6 BOARD MEMBER BELISLE: Yeah. So if we could get kind
7 of that scripted complete paragraph of details that need
8 to be in that original motion, that might help.

9 ASSISTANT ATTORNEY GENERAL REULAND: I can certainly
10 put together sort of a -- I'll call it a cheat sheet of
11 options. You know, what are the different options in
12 general in terms of appeals.

13 CHAIRWOMAN PREZEAU: And the other piece that you
14 guys will -- my -- I just want to share with you my
15 expectations. If we get into, as Pam already alluded or
16 stated, that you want to make motions as simple as
17 possible, right? So if we have a context of an appeal, we
18 have -- like today's, we had three citations that were
19 originally given, two were upheld by the ALJ. So there's
20 tremendous flexibility if that's -- we have a similar
21 structure going forward -- about whether or not you would
22 want to concur with the proposed orders 1 and 3 and
23 reverse the ALJ in 2. What you're going to see me do is
24 if somebody makes that motion that combines all three
25 together, I'm going to ask to divide the question.

1 Because it might be part of you -- there's part of you
2 agrees with reversing the conclusion on two, but you're
3 really in dispute over here on one, and now you've put it
4 all together. It makes it difficult for you to get a
5 clean decision on each of those actions. So that's what
6 -- just know that going forward. It just makes it easier
7 for us as Board members to understand what exactly it is
8 that everybody's voting on and that we are in agreement or
9 not in agreement on this decision, and this decision, and
10 this decision.

11 Does that make sense? Janet.

12 BOARD MEMBER LEWIS: You mention that the Board has
13 the -- that it's within our purview to modify a finding of
14 fact. Has the Board ever done that before?

15 ASSISTANT ATTORNEY GENERAL REULAND: Not since -- I
16 don't think since I've been doing this. And quite
17 frankly, we haven't had a lot of appeals in the last year
18 that have actually gone to hearing. I don't remember --

19 CHAIRWOMAN PREZEAU: I think actually David Bowman
20 modified a finding of fact because I think it was actually
21 -- but only on a technical piece. I think that the
22 statement in the finding of fact did not support what the
23 ALJ had actually indicated in the conclusion. I think it
24 was supposed to say "did not" and it said "did." He
25 modified that.

1 SECRETARY FULLER: There's been some other ones too
2 about -- mostly it's technical, though. It's like they'll
3 refer to the wrong WAC rule or something like that.

4 ASSISTANT ATTORNEY GENERAL REULAND: But again, you
5 do have the ability to do that. Because as I indicated,
6 you are ultimately the reviewing the body.

7 Now, there is certain caveats in the Administrative
8 Procedure Act that while you can address credibility to a
9 certain extent, you do need to give due regard to the
10 administrative law judge's ability to observe witnesses.
11 Now, that's an interesting question because it's a
12 telephonic hearing or -- and the person testifying
13 telephonically how much due regard you give that. But
14 that's kind of -- you're an interesting body, and you have
15 all of those powers, which is -- you need to use them
16 wisely.

17 CHAIRWOMAN PREZEAU: Any other questions or comments
18 for Pam on the procedural piece?

19 I know it's close to 12:00. And I'm not trying to
20 extend the Board meeting, but there's two things -- yeah,
21 two outstanding pieces.

22 One is before Cathy left, she referenced portions of
23 a motion -- one of two motions that I made at the previous
24 Board meeting regarding expectations for distance learning
25 and what those parameters are. And I just want to make

1 sure -- there was some question about whether or not that
2 motion that I made and that was seconded and approved by
3 this body is in conflict with the current WAC rules.

4 And so I very much want to go on record as having
5 that conversation. I'd like to just hear Ron weigh
6 in on this if possible.

7 SECRETARY FULLER: My opinion is that the WAC -- we
8 used to have no guidelines in the rule. So the Board was
9 having -- and providers were having issues about the
10 subjectivity of our approval process. So they said,
11 "Okay, give us some guidelines." And we did that in WAC.
12 We thought that was an appropriate place to do it.

13 But I believe there's still guidelines. I believe
14 the statute still overrides the WAC rule and let's the
15 Board change the requirements as they wish. Because the
16 statute in my mind prevails. Pam may say otherwise to
17 that. But I think the WAC -- you know, to me the WAC
18 interprets and tries to give clarification to the statute.
19 And I think we've done that. But I think the Board also
20 has the ability because of the way the statute's written
21 to further clarify.

22 ASSISTANT ATTORNEY GENERAL REULAND: Well, when you
23 have a rule that has been implemented by the Department,
24 the rule has gone through the rule-making procedure, it's
25 gone through the public hearing procedure, and that's the

1 Department's rule. Now, the Board has the authority to
2 make recommendations to the Department. So if the
3 recommendation is that certain provisions of that rule
4 should be modified, that's the recommendation to the
5 Department, and then the Department has to go back and
6 change those. If that's a specific change to that rule,
7 you could make that recommendation. But the rule may not
8 encompass everything that the subjective review might.

9 So the rule says you have to do X, Y, and Z, but
10 there's all these other subjective issues that Larry was
11 talking to us today about. And it is part of that
12 subjective area then the Board can certainly make
13 recommendations or messages to the Department about what
14 guidelines about those -- because those are guidelines.
15 But you -- the Department is constrained to follow the
16 rule even if you disagree with the rule unless the rule's
17 modified. And if there's some concern that the rule is
18 inconsistent with the statute, that needs to be brought to
19 the Department's attention and recommendations made that
20 the rule be changed.

21 SECRETARY FULLER: So what I heard there and what I
22 believe too is that if the Board tried to make a motion to
23 eliminate what the rule says, that would be inappropriate.
24 But other subjective information is appropriate.

25 It's things like on a normal sit-down class, for

1 instance, we look at that class and say, Okay, is it
2 really industry related or is it RCW and WAC? We make
3 that subjective decision. Or if it's industry related,
4 does it really have the content necessary to be approved
5 for 10 hours or 12 hours or 8 hours or whatever it is?
6 None of that stuff is in the rule. But you have given us
7 guidance on how to make those kinds of decisions. And I
8 think those two motions were similar to that. They didn't
9 eliminate a requirement of the rule.

10 ASSISTANT ATTORNEY GENERAL REULAND: I would agree.

11 CHAIRWOMAN PREZEAU: So the last piece of business
12 that I am aware of is there was a second person that
13 requested to address the Board today, and his name is
14 Mr. Mel Latham. Is Mr. Mel Latham present and wishes to
15 address the Board? Come forward please.

16 MR. LATHAM: Good morning. My name is Mel Latham.
17 I'm a Washington state journeyman electrician. And I work
18 as an electrical inspector at Fort Lewis.

19 THE COURT REPORTER: Spell your last name please.

20 MR. LATHAM: L-A-T-H-A-M.

21 I'd like to address the Board because one of our
22 young trainees has been through a program and documented
23 his hours. He wishes to take the state test, but he is
24 being denied that opportunity.

25 CHAIRWOMAN PREZEAU: Mr. Latham?

1 MR. LATHAM: Yes.

2 CHAIRWOMAN PREZEAU: What I need to advise you and
3 the rest of the Board members is there is a grievance
4 procedure for which this individual can seek remedy from
5 the decision that has been rendered by the Department to
6 not allow him to sit for the certification examination.
7 This body is not the appropriate body to hear that.

8 MR. LATHAM: Okay.

9 CHAIRWOMAN PREZEAU: So I very much -- I want to have
10 an open meeting and give you a venue to air your
11 grievances, it's just this is not the appropriate place to
12 do that. So if you wanted to make the case and speak on
13 behalf of this individual, there is a process by which you
14 -- he and you are able to seek remedy, and it's through
15 the court system.

16 MR. LATHAM: Where might I find that information?

17 CHAIRWOMAN PREZEAU: I'm going to defer to Ron.

18 SECRETARY FULLER: So if the person has a problem
19 with the decision made by the Department, they should be
20 writing me an appeal letter, and then we'll talk to them
21 about that and give them their appeal rights. Because it
22 differs in all situations.

23 MR. LATHAM: May I talk to you following this meeting
24 then?

25 SECRETARY FULLER: Sure.

1 MR. LATHAM: Thank you very much.

2 CHAIRWOMAN PREZEAU: Is that to your satisfaction,
3 Mr. Latham? It's just the Board can't make a decision on
4 what you're asking for. I'm not trying to cut you off.
5 I'm just basically cutting to the chase. I'm letting you
6 know that if you are hopeful and that this individual is
7 hopeful that the Board help assist in seeking remedy, we
8 do not have that ability.

9 MR. LATHAM: No. It's just that there seems to be a
10 policy to deny Federal workers the opportunity to test.
11 And the letter that he got from Labor and Industries,
12 there are a number of reasons that are cited, and most of
13 them are in error.

14 CHAIRWOMAN PREZEAU: Most of them are what?

15 MR. LATHAM: Most of them are incorrect.

16 CHAIRWOMAN PREZEAU: Oh, in error.

17 MR. LATHAM: In error.

18 CHAIRWOMAN PREZEAU: Again, I would hope that you
19 would seek remedy through the appropriate means. Or he or
20 she regarding ...

21 MR. LATHAM: Thank you for your time then.

22 (Addressing Mr. Fuller) And if I may, following the
23 meeting?

24 SECRETARY FULLER: (Nodding affirmatively.)

25 MR. LATHAM: Thank you.

1 CHAIRWOMAN PREZEAU: And I appreciate you staying to
2 the end of the meeting, which is something --

3 Ron, I would like -- I don't know if I have to do
4 this right now, but normally public comment comes to us as
5 the last agenda item; is that correct?

6 SECRETARY FULLER: It has been, yes.

7 CHAIRWOMAN PREZEAU: Is it possible moving forward to
8 add that as the last agenda bullet just to keep us --

9 SECRETARY FULLER: Sure.

10 CHAIRWOMAN PREZEAU: Thank you, Mr. Latham.

11 Okay. Are there any other comments or questions?

12 BOARD MEMBER GUILLOT: I have a couple. I really
13 appreciate the -- (inaudible). I do have some concerns
14 about all the questions being put into the minutes. But
15 that's something that we can talk about another time.

16 I would like to go back and talk about the situation
17 that Ron was talking about in terms of, my words, peeling
18 the onion down to find out why the birds were pooping on
19 the White House and what the real --

20 CHAIRWOMAN PREZEAU: I think it was the Washington
21 Memorial.

22 BOARD MEMBER GUILLOT: Okay, all right, good. Got
23 that right.

24 Anyway -- and what the real problem was. And the
25 breath of fresh air is the fact that you're the

1 Chairperson now and now we know that Gloria and Ron were
2 the reasons our meetings went so long.

3 CHAIRWOMAN PREZEAU: I generally appreciate you
4 pointing that out. Because I think there would be several
5 folks prior to that statement would have potentially
6 identified me.

7 BOARD MEMBER GUILLOT: Okay.

8 And the other thing just for the minutes, I'd like to
9 bring to everybody's attention is that our new Chairperson
10 had a birthday yesterday.

11 And I know you don't like cake, so I got you some
12 fruit. So now --

13 CHAIRWOMAN PREZEAU: Thank you.

14 All right. Any other questions or comments? If not,
15 I would entertain a motion to adjourn.

16

17 Motion to Adjourn

18

19 BOARD MEMBER: So moved.

20 BOARD MEMBER BELISLE: Second.

21 CHAIRWOMAN PREZEAU: All those in favor?

22 THE BOARD: Aye.

23 CHAIRWOMAN PREZEAU: Opposed?

24

25 Motion Carried

1 CHAIRWOMAN PREZEAU: We are adjourned.
2 (Whereupon, proceedings
3 adjourned at 12:00 p.m.)
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