

DEPARTMENT OF LABOR AND INDUSTRIES

STATE OF WASHINGTON

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ELECTRICAL BOARD MEETING  
TRANSCRIPT OF PROCEEDINGS  
VIA MICROSOFT TEAMS

April 29, 2021

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Taken Before:

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1 BE IT REMEMBERED that and Electrical Board meeting was  
2 held on Thursday, April 28, 2021, via Microsoft Teams,  
3 at 9:04 a.m., before CHAIRPERSON JASON JENKINS,  
4 VICE-CHAIR ALICE PHILLIPS, BOARD MEMBERS TRACY PREZEAU,  
5 MIKE NORD, ERICK LEE, IVAN ISAACSON, KERRY COX, BOBBY  
6 GRAY, DYLAN CUNNINGHAM, DOMINIC BURKE; TECHNICAL  
7 SPECIALIST MUTCH, TECHNICAL SPECIALIST VANCE; and  
8 SECRETARY MOLESWORTH. Also present was ASSISTANT  
9 ATTORNEY GENERAL BENJAMIN BLOHOWIAK, representing the  
10 Board, and BETHANY RIVERA, Board assistant;

11 WHEREUPON, the following proceedings were had, to  
12 wit:

13 \* \* \* \* \*

14  
15 CHAIRMAN JENKINS: This is now -- today is  
16 now April 29th. It is approximately 9:04 a.m. And  
17 I'd like to call the meeting to order. Once again,  
18 thank you, everyone, for attending.

19 As a note, I'd like to please all have you mute  
20 your mics unless you're speaking. That is #6.

21 Be aware the chat feature is enabled. And so if  
22 you need to speak to the Board, make sure that you do  
23 that through a verbal.

24 If possible, the Board members please have your  
25 cameras on, especially while you're speaking. Also

1 before you speak, please speak your name and position  
2 before speaking so the court reporter can get a good  
3 record.

4 We're going to start off with roll call.

5 And I'll start off with Alice Phillips. Are you  
6 here today?

7 Okay. Ivan Isaacson.

8 BOARD MEMBER ISAACSON: I'm here.

9 CHAIRMAN JENKINS: Perfect.

10 Erick Lee.

11 BOARD MEMBER LEE: Here.

12 CHAIRMAN JENKINS: Perfect.

13 Kerry Cox.

14 BOARD MEMBER COX: Here.

15 CHAIRMAN JENKINS: Thank you.

16 Mike Nord.

17 BOARD MEMBER NORD: Here.

18 CHAIRMAN JENKINS: Thank you.

19 Dylan Cunningham.

20 BOARD MEMBER CUNNINGHAM: Here.

21 CHAIRMAN JENKINS: Perfect.

22 Bobby Gray.

23 BOARD MEMBER GRAY: Here.

24 CHAIRMAN JENKINS: Thank you. Don Baker.

25 Is Don Baker coming in?

1                   Okay.  Dominic Burke.

2                   BOARD MEMBER BURKE:  Here.

3                   CHAIRMAN JENKINS:  Thank you.

4                   Tracy Prezeau.

5                   BOARD MEMBER PREZEAU:  Present.

6                   CHAIRMAN JENKINS:  Thank you.

7                   Is there any Board members I have not called?

8                   BOARD MEMBER PHILLIPS:  Alice Phillips,  
9                   present.

10                  CHAIRMAN JENKINS:  There we go.  Thank you.

11                  And still no Don Baker, correct?  Don Baker there?

12                  Okay.  Dave Ward has been -- has retired since  
13                  last meeting.  Ryan LaMar has been excused.  And John  
14                  Brickey will be retired.  And we'll hopefully see in  
15                  our next meeting some new faces.  So that's coming up.

16                  On that note, our first item on your agenda is  
17                  going to be our safety message.  Is there anything the  
18                  Department wants to share?

19                  UNIDENTIFIED SPEAKER:  Get vaccinated.

20                  CHAIRMAN JENKINS:  Oh, there we go.  That  
21                  will work for me.

22                  Considering, I believe, the safety message is  
23                  usually contained due to building and exit strategies,  
24                  we'll move on to the next item.

25                  But before we get there, I'd like to introduce our

1 new AAG, Ben Blohowiak. And I always mess up the name  
2 Blohowiak. He's a new counsel for the Electrical Board  
3 I'd like to welcome him to his first meeting.

4 And, Ben, would you like to take a moment to  
5 introduce yourself.

6 AAG BLOHOWIAK: Good morning. Thank you,  
7 Jason.

8 My name is Ben. It's Blohowiak. I know it's  
9 complicated. It's been causing me trouble since I was  
10 a child, so that's not a problem.

11 So I'm -- you know, I'm here to -- I'm Pam's  
12 replacement since she's retired. I'm delighted to be  
13 here, and I look forward to working with Jason and the  
14 rest of you to continue the good work that the Board  
15 and Pam have done over the last, you know, eight or so  
16 years while she was here.

17 So thank you, Jason, for the introduction. I  
18 appreciate that.

19 CHAIRMAN JENKINS: No problem. Thank you  
20 very much for being here. I'm looking forward to  
21 working with you and keeping this Board moving forward  
22 as we can.

23 All right. So the next on our -- like to share  
24 our item here on No. 2, which is the approval of  
25 transcripts from the January 28, 2021, Electrical Board

1 meeting. And the Board would -- the Chair would  
2 entertain a motion, unless there's any comments or  
3 questions about it.

4 BOARD MEMBER PREZEAU: Chair Jenkins, this is  
5 Board Member Prezeau.

6 I move the acceptance of Electrical Board  
7 transcripts from January 28, 2021, as presented.

8 CHAIRMAN JENKINS: Thank you.

9 BOARD MEMBER NORD: Mike Nord, second.

10 CHAIRMAN JENKINS: All right. So we have a  
11 motion, and we have a second.

12 Any discussion?

13 Hearing none, I'd like to have anybody -- everyone  
14 that is in approval please say "aye."

15 (Chorus of ayes.)

16 CHAIRMAN JENKINS: Any opposed?

17 Any opposed? I'm sorry.

18 Motion passes.

19 All right. So that being done, we are already  
20 down to Item No. 3 down here to our appeals.

21 Before we move to appeals, though, there's a  
22 little bit of a housekeeping we need to do. There are  
23 currently five appeals on the agenda, but only two will  
24 be heard today.

25 So some history here, on March 23, 2021, Mr. Sosa

1 Padilla on behalf of the Department filed a request of  
2 continuance for the Ahren Minsch matter. I granted  
3 that request. And so that will be heard on our meeting  
4 in July.

5 On April 19, 2021, Mr. John Barnes on behalf of  
6 the Department filed a motion to stay the proceedings  
7 of the matter of Mr. Electric of Clark County. This  
8 request is made because there's an ongoing litigation  
9 in federal court that will be -- will have some impact  
10 on how the Board handles this matter. This request was  
11 unopposed, so I granted it. The matter will be stayed  
12 until -- pending the outcome of litigation. Parties  
13 will check in via email quarterly to the Board for  
14 updates on the progress of this case.

15 Third item here, on April 26 -- 1st -- sorry --  
16 April 21st Angela Zurlini AAG from the L&I section  
17 chief in Spokane on behalf both parties concerning the  
18 Signode, et al., matter requested a continuance due to  
19 the packet has not -- the packet had not been received  
20 by one of the two parties. I also granted them a  
21 continuance to be held at the July meeting.

22 So we got down to -- once again, I mentioned, we  
23 have two items on our appeals agenda. And so we'll  
24 start off with the Mr. Berst.

25 So just to make sure, is Mr. Berst present today?

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(No audible response.)

CHAIRMAN JENKINS: Okay. How about AAG  
Jessica So? Are you present today?

AAG SO: Yes, I am.

CHAIRMAN JENKINS: So on April 26 Mr. Berst  
informed the secretary, Wayne Molesworth, and the AAG  
Jessica So that he would not be attending this meeting.  
I just wanted to make sure he wasn't here. And he  
asked that this letter -- his letter he sent, which is  
included in Board packet the page No. 5, to be used.  
And that's where he stated there was nothing more to  
add.

So if you all want to open your Board packets to  
that location. And then given all that, we'll move on  
to this actual matter.

So good morning. My name is Jason Jenkins. I am  
the chair of the Electrical Board.

The first matter before us today is a motion for  
reconsideration of matter of William Berst, Citation  
No. EBJO00372. This hearing is being held pursuant due  
to proper notice to all interested parties and is being  
held remotely due to ongoing COVID-19 pandemic on  
April 29, 2021, at approximately 9:00 a.m.

This is a motion for reconsideration of the  
Board's final order issued on October 27, 2020. A

1 motion for reconsideration may be granted for the  
2 following -- one of the following reasons:

3 Irregularity of the proceedings of the Board or  
4 adverse party or any order of the Board or abuse or --  
5 of discretion by which the party was prevented from  
6 having a fair trial;

7 Misconduct of the -- of a prevailing party;

8 Accident or surprise which ordinary prudent  
9 couldn't have been guard against;

10 Newly discovered evidence material to the party  
11 making the application which the party could not  
12 reasonably diligent -- reasonable diligence have  
13 discovered and produced at the hearing;

14 Damage is so excessive or inadequate as  
15 unmistakably to indicate that the verdict must have  
16 been a result of passion or prejudice;

17 There is no evidence or reasonable interference  
18 from -- there's no evidence or reasonable interference  
19 from the evidence to justify the decision that was  
20 contrary to the law;

21 Or error in the law occurring at the trial and  
22 objected to at the time of the party making the  
23 application;

24 Or the substantial justice has not been done.

25 For those reasons they can, once again -- a motion

1 can be -- motion for reconsideration can be granted.

2 At this time Mr. --

3 BOARD MEMBER PHILLIPS: Mr. Chair?

4 CHAIRMAN JENKINS: Yes. Go ahead.

5 BOARD MEMBER PHILLIPS: Can we just ask  
6 everyone to mute? There's a lot of background noise.

7 CHAIRMAN JENKINS: Thank you.

8 BOARD MEMBER PHILLIPS: Thank you.

9 CHAIRMAN JENKINS: Thank you.

10 So at this time the appellant, Mr. William Berst,  
11 is not present, as was represented by himself via his  
12 letter. So since he's not here currently to speak, I'm  
13 now turning over to the time to Department, which is  
14 represented by Assistant Attorney General Jessica So.

15 Each party will have 15 minutes to argue their  
16 position in the motion. As the moving party Mr. Berst  
17 would go first. But considering he's not present --  
18 I'm assuming we have all reviewed his letter.

19 Assistant Attorney General Jessica So, so if you  
20 would speak and spell your name for the record.

21 AAG SO: Yes. May it please the Board, this  
22 is Jessica So, assistant attorney general, representing  
23 Department of Labor and Industries. J-e-s-s-i-c-a,  
24 last name is spelled S-o.

25 CHAIRMAN JENKINS: Good. And at this point

1 the floor is yours.

2 AAG SO: Thank you. Here Mr. Berst's  
3 motion-to-reconsider letter talks about the -- talks  
4 about the notification, which isn't necessarily an  
5 issue before the Board here. The issue that's before  
6 the Board was whether OAH's initial decision on whether  
7 the RCW 19.28.061 (5)(b) was correct or not.

8 And he has already made the arguments that he has  
9 made in the letter for reconsideration down in the  
10 prior proceeding. He -- and the citation that was  
11 issued to him is regarding -- for the nonconforming  
12 installation of the voltage panel.

13 He's not here to answer questions or anything like  
14 that, so I just ask that the Board affirm its prior  
15 decision.

16 CHAIRMAN JENKINS: Thank you, Jessica So.

17 Before we get started, I would like to turn your  
18 attention there to page 5 of the Electrical Board  
19 packet for Mr. Berst's case.

20 And a couple things I noted in here, on the first  
21 paragraph about the middle of it he mentions, (as read)  
22 "I do not think they even bothered to listen to my  
23 reasons."

24 And going down to the second paragraph, last  
25 sentence, (as read) "This issue was not even addressed

1 by Electrical Board."

2 And, then, going down to the one, two, three,  
3 fourth paragraph down, second sentence, (as read) "Not  
4 one person in attendance at that meeting brought up or  
5 inquired about the issue I brought before the Board."

6 On that note, if you'd all turn to page 34 of your  
7 Board packet, starts off with quoting from Board Member  
8 Don Baker. And it reads, (as read) "You turn the page  
9 to Board packet 153, you can see that the Department of  
10 Labor and Industries, they kick out a response every 15  
11 days if the correction doesn't get reapplied" --  
12 "replied to. This went out October 22nd." And it  
13 once again shows the address of the actual of location,  
14 which is the business address.

15 If you drop down to -- and I'm on page 35 of the  
16 Board packet, No. 10, I guess the listing No. 10 there,  
17 it says, paragraph two, (as read) "You go to the next  
18 page, 154, November 14, almost 15 days later, L&I  
19 computer system sends out another notice."

20 And if you drop down to Item No. 21, which is the  
21 third paragraph, first word -- or first sentence, "Turn  
22 the page. November 29th, almost 15 delays later, the  
23 department sends out another notice."

24 If you then turn to page 26, starts on Line Item  
25 No. 14. (As read) "This is a matter of not responding

1 to the Department and the notice that they sent out and  
2 the failure to respond in a timely" -- "respond to that  
3 timely. And there is plenty of notice given to the  
4 contractor for that."

5 And looking down on Item No. 20 -- or Line Item  
6 No. 22, starts off as, (as read) "So I know the  
7 Department has a policy in sending those out. You just  
8 have to make sure that you have a correct information  
9 listing with Department so they can notify your  
10 property" -- "properly." Sorry.

11 And lastly, on that same subject, if you turn to  
12 page 39 of your Electrical Board packet, Line Item  
13 No. 7, (as read) "They've all done their due diligence  
14 in trying to getting information to the supervising  
15 electrician there." And that was a statement that I  
16 made as a Board member.

17 So the argument that it was not listened to, that  
18 our board members were not paying attention to what he  
19 was saying was incorrect. We were quite aware what  
20 have he was talking about.

21 I am going to side on the idea that, yeah, I think  
22 the Board should uphold the actual final order given.

23 Any board members' opinions or any discussion?

24 BOARD MEMBER PREZEAU: Chair Jenkins, this is  
25 Board Member Prezeau.

1           In addition to your comments, which concur with, I  
2 would like to call board members' attention to  
3 Electrical Board packet page 29, or page 19 of the  
4 transcript itself. And I would like to read beginning  
5 from Line No. 16. And for the record, this is  
6 Mr. Berst's comments.

7           So line 16 from Board packet page 29, "I did  
8 mention in my deposition, or whatever it's called, when  
9 I went before the administrative judge that I failed to  
10 call Joe Benson back and tell him that we had ordered  
11 the part. And that's probably my mistake there -- my  
12 biggest mistake."

13           Recognizing -- reason I read that is I believe the  
14 appellant recognizes that he was notified and failed to  
15 actually communicate appropriately with the inspector.

16           And I have one question for Assistant Attorney  
17 General So. And I'm not 100 percent sure you can  
18 answer this question because it might be -- it might  
19 include new information. So keep that in mind,  
20 Assistant Attorney General So. But if you can answer  
21 this question, I'd greatly appreciate it.

22           The question is: Did the Department follow  
23 established historical practices in notifying both RVB  
24 Electric and Mr. Berst in the original appeal -- or in  
25 the original citations?

1           Did the Department follow historical practices of  
2           notifying Mr. Berst as the appellant with respect to  
3           the original citations?

4                   CHAIRMAN JENKINS: Ben, if could you step in  
5           and answer that.

6                   AAG BLOHOWIAK: Yeah. It's a little  
7           difficult to interject over the video conferencing.

8                   But that would be -- that would be new  
9           information. The motion for reconsideration is limited  
10          only to what happened at the prior board meeting and  
11          the record that the Board reviewed.

12                   And I would also like to just note for the chair  
13          that we're not going to be -- it would not be correct  
14          to affirm an order. It would -- you are either going  
15          to deny Mr. Berst's motions or allow it. So that's  
16          what the Board will be doing today.

17                   CHAIRMAN JENKINS: Oh, okay. So I guess  
18          that's the question or motion -- motion that we need  
19          brought up.

20                   Once again, any other comments from the Electrical  
21          Board? Any other members?

22                   All right. Hearing none, the chair would  
23          entertain a motion to deny or accept the -- how do you  
24          phrase this? -- the --

25                   AAG BLOHOWIAK: Motion for reconsideration.

1 CHAIRMAN JENKINS: -- motion for  
2 reconsideration. Thank you.

3 BOARD MEMBER PREZEAU: Mr. Chair?

4 BOARD MEMBER PHILLIPS: Go ahead, Tracy.

5 BOARD MEMBER PREZEAU: Chair Jenkins. This  
6 is Board Member Prezeau.

7 I move that the Electrical Board deny Mr. Berst's  
8 motion for reconsideration on the merits of the appeal  
9 as heard in the January 28, 2021, quarterly Electrical  
10 Board meeting.

11 BOARD MEMBER PHILLIPS: Second.

12 CHAIRMAN JENKINS: So we have a motion and a  
13 second to deny Mr. Berst's motion for reconsideration  
14 due to the -- from the citation and the Electrical  
15 Board decision from October 27, 2020, for the Case No.  
16 EBEJO00372.

17 Is that your -- is it that correct -- is that  
18 correct -- is that your correct motion?

19 BOARD MEMBER PREZEAU: I believe so. But I  
20 thought we heard it in the January meeting. I'm just  
21 double-checking the date of the transcripts to confirm  
22 that.

23 CHAIRMAN JENKINS: Oh, I'm sorry. I -- maybe  
24 I'm ahead of myself here.

25 BOARD MEMBER PREZEAU: Well, so my motion --

1 CHAIRMAN JENKINS: I'm sorry. I'm sorry.

2 BOARD MEMBER PREZEAU: My motion, Chair  
3 Jenkins, is to deny Mr. Berst's motion for  
4 reconsideration from the -- his appeal of citation  
5 EBEJO33 -- excuse me -- 00372 as heard at the July 30,  
6 2020, quarterly meeting of the Washington State  
7 Electrical Board.

8 CHAIRMAN JENKINS: Thank you.

9 And, Alice, you have the second on that?

10 BOARD MEMBER PHILLIPS: That's correct.

11 CHAIRMAN JENKINS: Thank you. So we have a  
12 motion and second.

13 Any discussion?

14 Hearing none --

15 BOARD MEMBER PREZEAU: Chair Jenkins, this is  
16 Board Member Prezeau.

17 Just to make a good record, I believe the  
18 transcripts from that Board meeting clearly establish  
19 not only that the appellant admitted to the original  
20 citation of installing 250-volt panels that -- where  
21 the system required 480-volt panels. I think the  
22 transcript fully recognizes that the Department more  
23 than made the best effort to notify the appellants in  
24 the matter.

25 As you indicated and read into the record, Don --

1 Board Member Baker's comments at the July 2020 board  
2 meeting indicating that the Department issued three  
3 separate notices of failure to comply or corrections.  
4 And I think the appeal stands on -- the outcome of the  
5 appeal stands on its merits.

6 CHAIRMAN JENKINS: Thank you, Tracy.

7 On that note, I'll need to give me a roll call to  
8 make sure we have a -- everyone's decision on this. So  
9 if all the board members would, please, unmute your  
10 mics, we'll go through, and I need you to approve or  
11 deny the motions.

12 Alice Phillips.

13 BOARD MEMBER PHILLIPS: Approve.

14 CHAIRMAN JENKINS: Ivan Isaacson.

15 BOARD MEMBER ISAACSON: Approve.

16 CHAIRMAN JENKINS: Erick Lee.

17 BOARD MEMBER LEE: Approve.

18 CHAIRMAN JENKINS: Terry Cox.

19 BOARD MEMBER COX: Approve.

20 CHAIRMAN JENKINS: Mike Nord.

21 BOARD MEMBER NORD: Approve.

22 CHAIRMAN JENKINS: Dylan Cunningham.

23 BOARD MEMBER CUNNINGHAM: Mr. Chairman, I  
24 believe based on the instructions that the AAG gave us  
25 that we're either denying this request for

1 reconsideration or we're approving it.

2 Am I incorrect in that understanding --

3 CHAIRMAN JENKINS: That is correct.

4 BOARD MEMBER CUNNINGHAM: -- Mr. Blohowiak?

5 So to deny this request is the thing that would  
6 say we reject it. Is that correct?

7 AAG BLOHOWIAK: Well, just to clarify, Board  
8 Member Prezeau made a motion (audio disruption) --

9 BOARD MEMBER CUNNINGHAM: Okay. Can I --

10 AAG BLOHOWIAK: And so now the Board is  
11 voting on Board Member Prezeau's motion that you would  
12 approve her motion to deny.

13 BOARD MEMBER CUNNINGHAM: Approve the motion  
14 to deny. Thank you.

15 CHAIRMAN JENKINS: Just double negative  
16 there. I get it.

17 And we're down to Bobby Gray, please.

18 BOARD MEMBER GRAY: Approve.

19 CHAIRMAN JENKINS: Dominic Burke.

20 BOARD MEMBER BURKE: Approve.

21 CHAIRMAN JENKINS: And Tracy Prezeau.

22 BOARD MEMBER PREZEAU: Approve.

23 CHAIRMAN JENKINS: Any -- any opposed?

24 (No audible response.)

25 CHAIRMAN JENKINS: Thank you. On that note,

1 the motion passes.

2 It's a little bit different one for me. I --

3 So moving on to our next case, unless -- on our  
4 next case, we are now on appeals -- so Item No. 3,  
5 number -- or letter b for the Group DL, LLC.

6 AAG BLOHOWIAK: Chairperson Jenkins.

7 CHAIRMAN JENKINS: Yes.

8 AAG BLOHOWIAK: Just before you move on, I  
9 apologize to interject.

10 CHAIRMAN JENKINS: Please do.

11 AAG BLOHOWIAK: But it might be appropriate  
12 to ask AAG So if she has an order prepared to submit to  
13 the Board or if she would be presenting that at the  
14 next meeting.

15 CHAIRMAN JENKINS: I'm sorry. Let me step  
16 back. Let me finish what I was supposed to be saying  
17 here. And thank you.

18 The Board has made its decision.

19 So, Ms. Jessica So, have you prepared the proposed  
20 order?

21 AAG SO: No. I have not.

22 CHAIRMAN JENKINS: Okay. So will you  
23 please -- if you would please communicate with  
24 Mr. Berst to see that the items on the proposed order  
25 can be agreed upon.

1                   Did you catch that?

2                   AAG SO:    Yes.

3                   CHAIRMAN JENKINS:   Okay.  And so please be  
4                   advised that if you do not reach an agreement, this  
5                   matter will automatically be set for presentment at the  
6                   next regular scheduled board meeting.  If an agreed  
7                   order is not received by that date, the parties will be  
8                   expected to file their proposed orders and appear and  
9                   advise why their proposed orders best reflect the  
10                  Board's decision.  Hopefully this will not be  
11                  necessary.

12                  If you can reach an agreement as to the form of  
13                  the order before the next meeting, please inform the  
14                  secretary to the Board, and they will ensure that it  
15                  gets signed and copies provided to both parties.

16                  Any questions?

17                  Hearing none, thank you.

18                  AAG SO:    Thank you.

19                  CHAIRMAN JENKINS:   Does that suffice?  I'm  
20                  sorry.  I skipped my whole section there.

21                  All right.  So moving on to Lytvynenko appeal,  
22                  we're now on appeals letter b, Group DL, LLC, and  
23                  Demytrii Lytvynenko.

24                  Are you here, Mr. Dmytrii Lytvynenko?

25                  MR. LYTRYNENKO:   Yes, I am here.

1                   CHAIRMAN JENKINS: Thank you.

2                   And Assistant Attorney General Valerie Balch, are  
3 you here today?

4                   AAG BALCH: Yes. Good morning.

5                   CHAIRMAN JENKINS: Good morning. Thank you  
6 for being here.

7                   The next matter is DL, LLC, and Dmytrii  
8 Lytvynenko, Docket Nos. 07-2020-LI-01458 and  
9 07-2020-LI-014459.

10                  This hearing is being upheld -- this hearing is  
11 being held pursuant and due to proper notice to all  
12 interested parties. It's being held remotely due to  
13 ongoing COVID-19 pandemic on April 29th at  
14 approximately 9:29 a.m.

15                  This is an appeal of the initial order issued by  
16 the Office of Administrative Hearings on December 10,  
17 2020. It is my understanding that a decision upheld  
18 the citation and notices labeled EJONV05074,  
19 EJONV05075, EJONV05076, EJONV05077, and EJONV05078  
20 issued by the Department of Labor and Industries on  
21 March 19, 2020.

22                  It is further my understanding that the appellant  
23 has timely appealed and a decision to the Electrical  
24 Board.

25                  And at this time the appellant, Mr. Dmytrii

1 Lytvynenko, is present and representing himself.

2 The Department is present and represented by  
3 Assistant Attorney General -- Assistant Attorney  
4 General Valerie Balch.

5 The Electrical Board is the legal body authorized  
6 by the legislature to not only advise the Department --

7 (Extraneous background noise.)

8 CHAIRMAN JENKINS: Sorry.

9 If people have their mics turned on, can you  
10 please put them on mute.

11 The Electrical Board is a legal authorized body by  
12 the legislature not only to advise the Department  
13 regarding the electrical program but to hear appeals  
14 when the Department issues citations or takes some  
15 other adverse action regarding the electrical licensing  
16 certification or electrical installations.

17 The Electrical Board is a completely separate  
18 entity from the Department and, as such, will  
19 independently review the action taken by the  
20 Department.

21 When the Department issues penalties, the hearing  
22 is assigned to the Office of Administrative Hearings to  
23 conduct a hearing pursuant today Administrative  
24 Procedures Act. The ALJ who conducts that hearing then  
25 issues a proposed decision and order. If either party

1 appeals, that decision is subject to review by the  
2 Electrical Board.

3 Please keep in mind that while our review is de  
4 novo, that we sit in the same position as the  
5 administrative law judge and will review the entire  
6 record regardless of whether certain pieces of evidence  
7 is referred by -- referenced by the ALJ. We are bound  
8 by the evidence of the record, and no new evidence can  
9 be submitted at this hearing.

10 Each party will be given approximately 15 minutes  
11 today to argue the merits of your case. Any Board  
12 member may ask questions at the time to -- the time may  
13 be extended at the discretion of the Board. At the  
14 conclusion of the hearing the Board will determine if  
15 the findings and conclusions reached by the ALJ are  
16 supported by the facts and the rules pertaining to the  
17 electrical installations.

18 Any questions before we begin?

19 Okay. Mr. Lytvynenko, as the appealing party, you  
20 have the burden of proof to establish the initial order  
21 is incorrect. Therefore, we'll hear from you first.  
22 I'm going to ask you to please speak and spell your  
23 name before the court reporter, and then you may begin.

24 MR. LYTRYNENKO: My name is Dmytrii  
25 Lytvynenko. I will provide my explanations regarding

1 the hearing and the facts, what was find and -- during  
2 the hearing and it was ignored.

3 And like I said, originally, the case begin from  
4 the inspector of L&I. He stated he found some reviews  
5 on website Amazon about the car chargers installations,  
6 and he start following their reviews. He found they  
7 are not verified. He said that during the hearing, and  
8 he stated he was not able to see all 14 installations.  
9 It's no evidence, viable evidence, even of  
10 installations. He didn't saw those car chargers.

11 But he applied about each car charger four  
12 citations, about employing, about expired permits, was  
13 not taken in time, and about employee, about  
14 contracting without licenses, and everything. He  
15 applied all possible citations for the reviews of --  
16 from different people even it's not people, it's a fake  
17 name.

18 If you go on the page -- let me see.

19 It's Electrical Board packet, if everybody has it,  
20 just page -- page 126, line 9.

21 (Interruption by reporter to slow  
22 Mr. Lytvynenko reading from  
23 document.)

24 CHAIRMAN JENKINS: Thank you very much.

25 Dmytrii, did you understand that?

1 MR. LYTRYNENKO: Yeah. I am speaking --

2 CHAIRMAN JENKINS: So you got to slow down a  
3 little bit and pronounce your words so the court  
4 reporter can keep track of what you're saying. I would  
5 appreciate that. Thank you.

6 MR. LYTRYNENKO: Okay. I will try to make --  
7 to speak slowly.

8 So, like I said before, the inspector used  
9 unverified reviews from website of Amazon. And during  
10 the hearing -- we have Electrical Board packet from the  
11 hearing. And he -- in his testimony he say he was not  
12 able to verify their reviews. And I'm trying to show  
13 you.

14 So this installation was not inspected with any  
15 inspectors. And even the inspector L&I who find out  
16 those reviews, he -- he was not on a job site. If he's  
17 writing a citation the car charger installed incorrect,  
18 he need to see what's incorrect even if he saw that  
19 installation. But nobody saw that installation. And  
20 he try and by the review apply citation to me.

21 So how it's possible? If we don't know that  
22 installation happened, certain installations, the  
23 inspector applying citation for employee or somebody to  
24 do the car charger, no -- no evidence of employee. He  
25 did not provide any pay stubs, no contracts, no

1 invoices.

2 The invoices what Amazon provided to inspector was  
3 done by California contractor, not Group DL, LLC.  
4 Amazon trying to explain it's Group DL, LLC, because  
5 they have special AC numbers in their system, which  
6 mean it's Group DL.

7 In my appeal I'm explaining, to show if somebody  
8 sent you invoice, it should have been name of the  
9 sender, who send you that invoice, and you paid that  
10 invoice.

11 In case with Amazon I did not send them even to  
12 all those job sites. And guys who did the reviews, I  
13 never sent them invoices. Group DL admit we never  
14 charged them. If charges was happen, it was probably  
15 done by Amazon, but not me.

16 So all these citations is regarding Amazon  
17 installations. My business, me, not affiliated with  
18 Amazon. Inspector did not provide any documents from  
19 Amazon of hiring me like a person or hiring my  
20 businesslike a business.

21 You know, Amazon only created the list of the  
22 addresses with unverified names and like supposed to  
23 be -- was a car charger. But like I said, inspector  
24 who write these citations, he never saw them before,  
25 and nobody inspected if it was correct or not correct,

1 if it's needed higher inspection or not required.

2 I just don't understand the -- like if the law in  
3 general supposed to protect the customers from  
4 something, the Board looking to make sure all rules and  
5 safety is following. But if you don't know if was  
6 any -- happen any installations, what -- what we  
7 need -- for what we doing the citation if nobody  
8 inspect. Only one job site was verified, only one from  
9 14 for Ladava's house. Well, he stated it was two  
10 people, guys were amazing doing the installation.

11 Group DL is a single-member LLC. It's not two  
12 people. So even by these facts I don't agree that  
13 Group DL did that installation. Even Mr. Ladava, when  
14 the judge ask him, "Do you know who did the job?" he  
15 said, "I don't know. It was two guys."

16 How? How you can apply the citation for two guys,  
17 like I said, if you can see during the Board packet  
18 information. It's like no way apply 14 -- four tickets  
19 for each job site because it's -- it's not possible.  
20 It's unbelievable.

21 It's like, you know, if you have a car and we have  
22 a sign "Speed Limit 60," so I can assume you violate  
23 that speed limit twice per day, and I will send you a  
24 citation because you have a car. The same me. If I do  
25 have a business, I am a general contractor. It doesn't

1 mean I am doing all car chargers in Washington state  
2 and violating law of employing, of passing -- obtaining  
3 the permits, passing inspections, and everything,  
4 everything.

5 My question is when you do the citation you need  
6 to have proper facts. And in my appeal I'm explaining  
7 based on RCW, if you say it was invoices from Group DL,  
8 it should match the legal requirements. It should be  
9 name, date, sender, and address where it was performed,  
10 the job. If you don't have invoices from the  
11 contractor, it's no way to apply this citation to me.

12 Another one, they saying it was transaction Amazon  
13 paid me. If Amazon paid me, you need to show me at  
14 least account from -- bank account from Amazon and  
15 where was transfer on each account money. Department  
16 did not provide that straight evidence. So direct --  
17 it was direct deposit from Amazon bank account to  
18 Group DL or my personal, Dmytrii Lytvynenko. If you  
19 don't have that fact, we haven't verified reviews,  
20 nobody -- Department don't know who's that person.

21 Like HOA, Davide Massarenti, nobody saw them  
22 before. Nobody contact them. Nor was inspection  
23 provided at the car site about the wrong car-charger  
24 installation. But Department sent me four tickets for  
25 each job site. How it's possible, my question?



1           Page 196, line 5 -- line 5 inspector answers, (as  
2           read) "They are registered general contractor." So  
3           Amazon supposed to hire licensed electricians to  
4           perform electrical jobs from their platform. Correct?  
5           It's Electrical Board packet page 196, line 5. You can  
6           read it.

7           This is what's from the hearing. Amazon is  
8           general contractor. If --

9           And the Mr. Ladava, the one weakness of the  
10          car-charger installation, he said, "I am blaming Amazon  
11          for all those installations." They supposed to comply  
12          with the law all those installations.

13          Mr. Ladava never hired either Dmytrii Lytvynenko  
14          or Group DL, LLC, to do that installation. If Amazon  
15          is a general contractor, they making money on the  
16          installation. They're responsible to obtain the  
17          permits. They're responsible to have a proper  
18          subcontractor. They're responsible to have a proper  
19          employee. And Amazon is responsible to provide the  
20          paperwork how they hire the Group DL, LLC, or Dmytrii  
21          Lytvynenko, like an employee or like a general  
22          contractor.

23          So Amazon violated the law when they hired general  
24          contractor and other general contractors to do the car  
25          charger. I am serious. If Amazon hiring somebody to

1 do the car chargers, they need to comply with the law  
2 who they hiring.

3 Like Group DL, LLC, if Group DL, LLC, hiring  
4 somebody to do drywall repair, I need to verify, make  
5 sure their guy who do drywall repair is properly  
6 licensed, or if you do roof repair or if you do some  
7 other jobs. It will be my responsibility.

8 But in this case of the witnesses, we can see  
9 Amazon doing all those installations from their  
10 platform. They have unverified reviews. They have  
11 invoices for another general contractor, California  
12 contractor. Inspector was not able to verify all that  
13 information.

14 But they found one legal company like mine and  
15 gave me all those citations. He did this job. Good  
16 job, Mr. Jones. You know, you give me all citations  
17 without any shred of evidence about those 14  
18 installations. Mr. Jones never been on the job sites.  
19 He never visited those houses and did not verify if  
20 those installations comply with the law or not.

21 So -- and I received the citation almost for  
22 \$28,000. It's crazy money for me during the pandemic  
23 when I'm not an employee, when I'm -- don't have an  
24 income right now because I have a hard time.  
25 Everything's closed during the pandemic. But the

1 Department give me citations.

2 I would like, if you want to cite me for all those  
3 tickets, to provide, like I said, provements [sic] of  
4 employment, provements of invoices and provements of  
5 installation. If it's -- we just -- this is the big  
6 Electrical Board packet document where is no straight  
7 facts about everything.

8 Like I said, even the invoices from Amazon for  
9 California contractor. But the citations receiving  
10 Group DL and Dmytrii Lytvynenko. Amazon did  
11 installations everybody -- that Mr. Ladava paid to  
12 Amazon, no, Dmytrii Lytvynenko is liable. Even if it's  
13 not his account, no his invoices, no nothing, fake  
14 reviews, unverified.

15 I'm -- I'm not a big attorney, or I'm not a big  
16 lawyer. But based on information what I have, I  
17 disagree.

18 And like I said, let me just -- give me a second.  
19 I'll go find out on the packet number where is the  
20 Mr. Inspector say like -- on page 126 why -- no, it's  
21 the wrong page. One second.

22 Page 1, 2, 3, 4.

23 CHAIRMAN JENKINS: Mr. Dmytrii, you're coming  
24 close to your 15-minute mark. Just letting you know.

25 MR. LYTRYNENKO: Yeah. Yeah. Yeah.

1           I mean, everything that I explained in my appeal,  
2           you know, if you want to read it properly, instead of  
3           hearing me. I sent the letter for appeal where is all  
4           my explanations. So I'm actually saying the same  
5           stuff, but I'm trying to support it with the pages from  
6           the hearing.

7           If you interested, I can -- because it takes time  
8           to read all the Electrical Board packet. I did notes  
9           in my list, but I can make a proper list and send you  
10          with each cite -- line from the hearings where is  
11          inspector say he was not able to verify all those.

12          And probably Ms. Balch will agree with me. She  
13          was not able to verify rest of the 14 installations.  
14          But I receive for each installations four tickets, even  
15          for the first installation what was, like I said, for  
16          Mr. Ladava, no facts of employing, no receipts from  
17          Group DL, no nothing. Yeah. We have that  
18          installation. But no legal documents, no legal because  
19          the documents what sent Amazon to Department doesn't  
20          meet any legal requirements.

21          I was talking with the bookkeeper. He was  
22          laughing from me when he saw the invoices from  
23          California contractor. And he said like, Hey, this  
24          is -- I see numbers. Maybe it's internal paperwork  
25          from Amazon. But it doesn't meet the legal requires.

1 Read the RCW how supposed to look the legal invoices,  
2 the legal instruments, what information it should  
3 contain.

4 The information what's provided Amazon, it's just  
5 maybe information for people who don't know the  
6 accounting at all. Even if you go to the grocery  
7 store, you can have more valid receipt or invoice than  
8 Amazon keep. And with those reviews from Mr. HOA or  
9 Mr. Massarenti or -- nobody know that person.  
10 Inspector, in his testimony he was not able to verify.

11 So I'm just surprised how it was happen. And I  
12 will keep appealing because it's -- doesn't make sense.  
13 From me, like I said, I'm not expert at law, but it's  
14 obvious. It's not enough information to verify the  
15 installations and write the citations either to me or  
16 to my company until it will have proper evidence of  
17 that.

18 Thank you for your time. I appreciate if you will  
19 dismiss or modify it because nobody saw those  
20 installations. I cannot discuss or argue.

21 Even at Mr. Ladava's house inspector did not found  
22 any issues, only the missing permit. It was -- ground  
23 was present. During the -- his testimony, he said it  
24 was unscrewed when the guys did inspection from other  
25 company. And the electrical company who inspected the

1 car charger, they did to the find out any violations.  
2 They did not send any report after they did the job.  
3 And they did not provide the copy of inspection so  
4 that -- I don't know what they did at the property  
5 house, like I said.

6 I am surprised how the Department collect the  
7 information even about one -- this accident. But, like  
8 I said, even the owner of the house, he said, "I'm  
9 blaming Amazon."

10 So Amazon --

11 CHAIRMAN JENKINS: Mr. Dmytrii, you need to  
12 wrap this up, please.

13 MR. LYTRYNENKO: So my time is ended?

14 CHAIRMAN JENKINS: Yes. Go ahead and finish  
15 your statement there. And we'll --

16 MR. LYTRYNENKO: Yeah. I -- I mean, I said  
17 everything. Like, I understand the situation. More  
18 stuff you can read in my appeals letters with supported  
19 RCWs for to meet the legal criterias, all the documents  
20 and evidence. So Department cannot use not verified  
21 and not legal documents to write me citations.

22 CHAIRMAN JENKINS: Okay. Thank you, sir.  
23 Your time is up.

24 MR. LYTRYNENKO: Thank you. Thank you.

25 CHAIRMAN JENKINS: Thank you.

1           So, Ms. Attorney Valerie Balch, are you available  
2 still?

3           AAG BALCH: Yes. Good morning.

4           Can you hear me?

5           CHAIRMAN JENKINS: Yes, I can.

6           And so to keep a good record, please speak and  
7 spell your name, and then you may begin.

8           AAG BALCH: May it please the Board, Valerie  
9 Balch, assistant attorney general, V-a-l-e-r-i-e  
10 B-a-l-c-h.

11           We're not here to talk about whether or not Amazon  
12 violated Washington's electrical laws. We're only here  
13 to talk about whether Group DL and Mr. Lytvynenko  
14 violated Washington's electrical laws. And the review  
15 of the record shows that they did.

16           The administrative law judge found the inspector,  
17 Rand Jones, more credible than Dmytrii Lytvynenko. The  
18 ALJ found that Mr. Lytvynenko avoided the spirit of the  
19 question on numerous cases and found that his argument  
20 that Amazon falsified their Web page made no logical  
21 sense.

22           Group DL and Dmytrii Lytvynenko offered to do  
23 electrical work not just on Amazon Home Services  
24 platform but also on their own website and on their  
25 Facebook page.

1           Electric vehicle charging-station installations  
2           involve electrical work, as Mr. Jones testified to.  
3           While Mr. Jones relied heavily on the information that  
4           Amazon provided to it, the administrative law judge  
5           found that doing so is proper and admitted all of the  
6           evidence that the Department submitted from Amazon.  
7           Inspector Jones testified that he obtained this  
8           information from Amazon's in-house counsel, and a  
9           review of the exhibits in this case shows that it does  
10          not matter whether or not there is a written contract  
11          between Group DL and the consumer because what we have  
12          is an electronic paper trail showing that the homeowner  
13          paid Amazon and Amazon paid Group DL to perform  
14          electric-vehicle-charging-station installations.

15                 Now, Inspector Jones reached out to a homeowner  
16                 called Matjaz Ladava because Mr. Ladava used his full  
17                 name in his electric-vehicle-charging-station review on  
18                 Amazon's website. He was able to find Mr. Ladava,  
19                 contact him, and ask him about who performed the  
20                 electric-vehicle-charging-station installation.

21                 And Mr. Ladava testified at hearing, and he said  
22                 that he was pleased with the installation. And that's  
23                 why he left a review.

24                 This was not the only review of Group DL's work.  
25                 And the record in this case is replete with evidence

1 showing that Group DL performed all kinds of electrical  
2 work through the Amazon Home Services platform. The  
3 only citations that Mr. Jones proposed in this case had  
4 to do with electric-vehicle-charging-station  
5 installations.

6 And he explained that the reason he did that is  
7 because he was able to obtain from Amazon the codes,  
8 essentially product codes, that he could plug in to the  
9 Amazon website, search through their search engine, and  
10 find an exact description of what that service  
11 entailed. And he was able to confirm through the  
12 service description on Amazon's website that those  
13 installations necessarily involved electrical work.

14 And if -- if -- if you turn first to page 472 of  
15 the PDF packet, which is Exhibit 10, page 13 -- and the  
16 PDF it's 472, but in the Bates number at the bottom  
17 right-hand side of the page it's page 463. So I hope I  
18 didn't make that too confusing.

19 But what we have here is an e-mail that Mr. Ladava  
20 sent to Inspector Jones indicating that he paid  
21 \$1,910.55 for an electric-vehicle-charging-station  
22 installation.

23 There -- and that's -- that's the beginning of the  
24 paper trail. And whether it's an electronic paper  
25 trail or a physical-paper paper trail, it really

1 doesn't matter because it's a violation of the  
2 electrical laws either way.

3 So if we look a little bit deeper in the packet --  
4 and I'll turn your attention now to Exhibit 11, page 1.  
5 And this Inspector Jones testified about. These were  
6 his searches. So if you look to the search-engine box  
7 at the top of the page, it's Amazon's codes that it  
8 gave to Inspector Jones so that he could  
9 cross-reference the payments that Amazon made to  
10 Group DL for specific services that Group DL provided.

11 And the code -- and we just are looking at one of  
12 the few that he looked up -- is listed, and it's that  
13 code that starts with a B. And it's in the  
14 search-engine box. And it describes exactly what this  
15 electric-vehicle-charging-station installation would  
16 involve.

17 And you can click "Basement" or "Garage." And you  
18 can click "After 1990, Upgraded Panel," "Before 1990,  
19 Upgraded Panel." There's all of these options. And it  
20 also says the length between the main electrical panel  
21 and the preferred installation location. And we have  
22 "Within 5 Feet," "5 to 30 Feet," "30 to 50 Feet," "50  
23 to 100 Feet."

24 These are all pieces of evidence upon which both  
25 Inspector Jones and the administrative law judge in

1           this case relied to determine that Group DL did, in  
2           fact, perform electrical work.

3                   Now, we have reviews. And some of these reviews  
4           talk about Dmytrii Lytvynenko by using his first name.  
5           "Dmytrii did a wonderful job." "Dmytrii was great."

6                   Mr. Lytvynenko would like the Board to believe  
7           that this is some sort of falsified information, that  
8           this is some sort of conspiracy that Amazon put  
9           together in order to trap him into apparently violating  
10          the electrical laws. But the administrative law judge  
11          rejected that argument.

12                   Group DL makes much of the idea that we don't have  
13          the names of the homeowners. But there's no  
14          requirement that those 13 other addresses at which he  
15          installed electric-vehicle charging stations need to  
16          have a name associated with ownership. There's no  
17          argument made that Group DL or Dmytrii Lytvynenko owned  
18          any of those properties, and he testified that he never  
19          installed an electric vehicle charging station on his  
20          own property, on a property that he owns or that his  
21          company owns. So that's the only reason those names  
22          would be relevant, is if he would be performing the  
23          work on his own home. There's been no argument as to  
24          that, and therefore, there's no relevance as to the  
25          names of those homeowners. It's not an element of the

1 violation, and having the addresses is sufficient.

2 We have the addresses, we have the order codes  
3 that Amazon provided, and we have proof of payment  
4 between Amazon and Group DL.

5 Briefly I will take note that Mr. Lytvynenko  
6 argues that he can't be employed by his company under  
7 the electrical laws and, therefore, the violations  
8 under citation ending in 5077, which pertains to RCW  
9 19.28.271 should be vacated.

10 But that's not a requirement of the electrical  
11 statutory scheme. There's no requirement that a person  
12 cannot be an owner and also employed. That's --  
13 there's -- he's cited no support, no legal support to  
14 that, and that doesn't matter if he was reporting  
15 himself for purposes of Employment Security Department  
16 or for purposes of industrial-insurance premiums.

17 He can employ himself to do the work that he's not  
18 certified to do in violation of RCW 19.28.271 without  
19 having reported himself as an employee. It's a  
20 different kind of employment. It's a different  
21 purpose. And no definition in any other statutory  
22 scheme should be imported into the electrical code.

23 With that, I would -- I would ask the Court --  
24 excuse me -- the Board to affirm the violations because  
25 there is significant evidence in this case that

1 Group DL offered to perform electrical work through the  
2 Amazon Home Services platform and, in fact, did so on  
3 numerous occasions, 14 of which were cited in this  
4 case.

5 And if the Board has any questions, I'd be happy  
6 to answer them at this time.

7 CHAIRMAN JENKINS: Jason Jenkins here for the  
8 Board. Thank you very much.

9 And I will now turn to our board members any  
10 questions, comments, or I'd like to see anyone's  
11 opinion on that.

12 BOARD MEMBER PREZEAU: Chair Jenkins, this is  
13 Board Member Prezeau. I do have one question for  
14 Assistant Attorney General Balch.

15 So, Ms. Batch, if you could please turn your  
16 attention to Electrical Board packet page 425. Give  
17 you a moment to get there.

18 AAG BALCH: Thank you. Appreciate that.

19 Okay. Yes. I'm there.

20 BOARD MEMBER PREZEAU: Perfect. And if I  
21 could please call your attention to -- unfortunately,  
22 the text isn't numbered or enumerated. But this is --  
23 I'm going to call your attention to a portion of Rand  
24 Jones' inspector's statement. And I would ask you to  
25 focus in on what I will call paragraph three, which

1 consists of a single sentence. And I will read it.

2 "In the electrical service order," parentheses,  
3 "(non-EV), end parentheses, "spreadsheet listing 73  
4 electrical projects I found 14 projects with a," quote,  
5 "'Completed' date matching the 14 reviews I found on  
6 the Amazon website."

7 So the reason I call your attention to that and  
8 the board members' attention to that is because in your  
9 opening statement I believe you referenced that  
10 Inspector Rand Jones could have potentially cited the  
11 appellant for additional electric installations that  
12 may have not complied with Washington state statute and  
13 administrative code.

14 Is that what you were referencing in your opening  
15 statement? Those 73 other electrical service orders  
16 that were listed in the spreadsheet?

17 AAG BALCH: Not specifically. Thank you for  
18 your question.

19 What I was referencing was his testimony.

20 I apologize. I don't have which page it was on.

21 But during Inspector Jones' testimony he explained  
22 that there were other electrical projects, such as  
23 installing ceiling fans or replacing bathroom fans with  
24 a fan/light combo, that kind of thing, that he had  
25 found reviews for on the Amazon Home Services webpage

1           that corresponded to Group DL that he -- he didn't --  
2           he didn't go down that path. He stuck with the  
3           electric-vehicle-charging-station installations.

4           And part of what he talked about was that it  
5           was -- he didn't -- these are not his words, but  
6           essentially that it was very specific what those would  
7           entail. Whereas, there were exceptions. And I think  
8           the information is that there may be exceptions that  
9           would apply to certain kinds of other electric  
10          projects, like, for example, lighting replacements that  
11          would be difficult to ascertain if those exceptions  
12          would apply by using reviews off of Amazon's webpage.

13          I hope that answers your question.

14                   BOARD MEMBER PREZEAU: I think it does.

15          I just -- Chair Jenkins, I would just like to make  
16          this statement that I found after -- and I would like  
17          to reassure Mr. Lytvynenko that I as a board member  
18          have read the packet. I've read the entire packet, or,  
19          I should say, the Electrical Board appeal packet. And  
20          I found the ALJ's final order to be well crafted and  
21          accurately reflecting the testimony contained within  
22          the packet in both sessions in front of the ALJ, found  
23          that they order was comprehensive and accurately cited  
24          appropriate evidence, conclusions of law, and rules of  
25          evidence.

1           I also believe that the Department's brief as  
2           authored by Assistant Attorney General Balch to be  
3           similarly robust in its synopsis, its legal logic, its  
4           conclusions.

5           And I see no flaw or defect in either the proposed  
6           final order or in the Department's brief in this  
7           matter.

8                         CHAIRMAN JENKINS: Thank you, Tracy.

9           Is there any other board members that have any  
10          other input or any other questions they may have?

11          Board Member Tracy Prezeau, I also reflect that  
12          same opinion on that. I've run through this Board  
13          packet front to back. I've reviewed all of the  
14          information. I've cross referenced all of the comments  
15          made by the inspector. And I believe that the ALJ has  
16          made a correct -- correct record.

17          And so I'm still looking for any other opinions,  
18          especially an alternative opinion, from any board  
19          member.

20                                 (No audible response.)

21                         CHAIRMAN JENKINS: Hearing none, the chair  
22          would entertain a motion.

23                         BOARD MEMBER PREZEAU: Chair Jenkins, this is  
24          Board Member Prezeau.

25          I move that the Electrical Board affirm the ALJ's

1 proposed final order in its entirety in the matter of  
2 Group DL, LLC, and Mr. Dmytrii Lytvynenko.

3 BOARD MEMBER NORD: Board Member Nord,  
4 second.

5 CHAIRMAN JENKINS: We have a motion, and we  
6 have a second to uphold the findings of the initial  
7 order of the ALJ's considering the Group DL, LLC,  
8 concerning Demytrii Lytvynenko.

9 Any discussion?

10 (No audible response.)

11 CHAIRMAN JENKINS: Hearing none, I would like  
12 to make a good record, I would like to be  
13 calling roll -- I'd like to call roll and get all of  
14 the board members' agreeance or disagreeance with the  
15 motion.

16 So starting with Alice Phillips.

17 BOARD MEMBER PHILLIPS: Approve.

18 CHAIRMAN JENKINS: Ivan Isaacson.

19 BOARD MEMBER ISAACSON: I approve the motion.

20 CHAIRMAN JENKINS: Erick Lee.

21 BOARD MEMBER LEE: Approve the motion.

22 CHAIRMAN JENKINS: Mike Nord.

23 BOARD MEMBER NORD: Approve the motion.

24 CHAIRMAN JENKINS: William Cunningham.

25 BOARD MEMBER CUNNINGHAM: Approved.

1                   CHAIRMAN JENKINS: Don Baker.

2                   Don Baker is not present.

3                   Dominic Burke. Dominic Burke are you still here?

4                                   (No audible response.)

5                   CHAIRMAN JENKINS: And Tracy Prezeau.

6                   BOARD MEMBER PREZEAU: Approve the motion.

7                   CHAIRMAN JENKINS: Is there any opposed?

8                   Anybody that did not get chimed in through the board  
9                   members?

10                   BOARD MEMBER GRAY: Mr. Chair, you didn't  
11                   call my name. This is Bobby Gray.

12                   CHAIRMAN JENKINS: Bobby Gray, I'm sorry. I  
13                   skipped your name.

14                   BOARD MEMBER GRAY: I approve the motion.

15                   CHAIRMAN JENKINS: Thank you very much. And  
16                   I apologize.

17                   BOARD MEMBER COX: Mr. Chairman, Terry Cox,  
18                   board member, here. You did not call my name. I  
19                   approve the motion.

20                   CHAIRMAN JENKINS: Okay. Terry Cox approves  
21                   the motion. Okay.

22                   And given that, I have unanimous approval.

23                   Therefore, the motion passes.

24                   Thank you. The Board -- the Board has made a  
25                   decision.

1           Ms. Valerie Balch, have you prepared a proposed  
2 order?

3           AAG BALCH: Thank you. I do not have an  
4 order at this time. But I will present one to  
5 Mr. Lytvynenko and hopefully present it between now and  
6 the next board meeting.

7           CHAIRMAN JENKINS: Okay. So I'd like the  
8 parties to adjourn, and then you communicate with each  
9 other and see if the terms of the order can be agreed  
10 upon. Ideally, we can get that taken care of today.

11           Please be advised, if you do not reach an  
12 agreement today, this matter will be automatically set  
13 for presentment at the next regularly scheduled board  
14 meeting.

15           If an agreed order has not been received by that  
16 date, the parties will be expected to file their  
17 proposed orders and appear and advise why their  
18 proposed orders best reflects the Board's decision.  
19 Hopefully this will not be necessary.

20           If you're able to reach an agreement to the form  
21 of the order before the next meeting, please forward to  
22 the secretary of the board office, and they will ensure  
23 that it gets signed and copies provided to the parties.

24           Are there any questions?

25           AAG BALCH: No. Thank you.

1 CHAIRMAN JENKINS: Thank you very much.

2 So concluding the appeals, we are squarely upon  
3 No. 4.

4 How's the court reporter? How are we doing.

5 THE REPORTER: Mr. Chairman, I will never  
6 turn down the offer of a break.

7 CHAIRMAN JENKINS: All right. Let's do this:  
8 Let's take a ten-minute break, and we'll adjourn until  
9 we return at 10:22.

10 (Brief pause in proceedings.)

11

12 CHAIRMAN JENKINS: It is now 10:23. I would  
13 like to go back on record and get the meeting going  
14 again.

15 But before I continue, I wanted to check with the  
16 court reporter, I had a concern since I had some back  
17 and forth with the last vote if the court reporter can  
18 please report back and take a look at our voting and  
19 ensure that we see who voted for the last appeal.

20 (Page \*\*\* lines \*\*\* through \*\*\* read  
21 by reporter.)

22

23 BOARD MEMBER BURKE: This is Dominic Burke.  
24 I was an approval, also.

25 THE REPORTER: I have noted that, and I will

1 go back to check I didn't missing something.

2 BOARD MEMBER PREZEAU: Chair Jenkins, this is  
3 Board Member Prezeau.

4 Just to make a clean record, let the record  
5 reflect that is nine board members voting in the  
6 affirmative to uphold the proposed final order of the  
7 ALJ.

8 AAG BLOHOWIAK: Chairperson Jenkins, are you  
9 muted by chance?

10 BOARD MEMBER PREZEAU: Assistant Attorney  
11 General Blohowiak, this is Board Member Tracy Prezeau.

12 I'm looking at the participants list, and I think  
13 we might have lost our chair. I don't see him still in  
14 the meeting.

15 AAG BLOHOWIAK: Wonderful. I will --

16 BOARD MEMBER PREZEAU: Well, no. We have  
17 Alice as the vice-chair.

18 AAG BLOHOWIAK: So we have a chair.

19 BOARD MEMBER PREZEAU: You're muted, Alice.

20 BOARD MEMBER PHILLIPS: So until Chair  
21 Jenkins can jump back in here, I guess we'll just move  
22 along and jump into Item No. 4, the  
23 Department/Legislative update, Mr. Rod Mutch.

24 There he is.

25 TECHNICAL SPECIALIST MUTCH: Good morning,

1 members of the board, Chair Jenkins, when he returns,  
2 and Vice-chair Phillips. It's good to be with you.

3 I've been asked to update the board on four items.  
4 They're on the agenda. The first three items, a, b and  
5 c, I'm going to be asking for some action from the  
6 Board on those items based on the statute requirements.  
7 And I'll explain those when I touch on those items.

8 So the first item, a, is the update of the exam  
9 questions. October 29th of 2020 we adopted the 2020  
10 National Electrical Code. We also adopted the updated  
11 WAC 296-46B at that point. So we have been since that  
12 time updating, looking at the exam questions, and  
13 verifying that they are still valid with the changes in  
14 the new codes. And we've gone through the WAC/RCW  
15 portions, the Major Load Calculation portions, and we  
16 are now just finishing up the NEC and theory portions.

17 The Board actually has statutory oversight of the  
18 exams, and there's a couple places in the law in  
19 RCW 19.28 that state the Board in coordination with the  
20 Department shall prepare and administer the exam.

21 So what we are proposing is to --

22 We have updated the questions, put them into a  
23 spreadsheet, which we received from our exam  
24 contractor, PSI, and we are in the process of returning  
25 those to them. And we have asked them to switch over

1 to the new, updated questions on July 1, 2021.

2 And what we are proposing is that all of the exams  
3 taken up until that point will use the current  
4 questions; all of the exams taken beginning July 1,  
5 2021, will use the updated questions. Even if someone  
6 has failed a previous exam using the 2017 NEC, we will  
7 switch over and use the 2020 questions for their  
8 subsequent exams.

9 Typically the exams are just -- are general  
10 questions in nature. It's an open-book exam that  
11 requires the folks to find the answer in the codebook.  
12 And so really all this would involve would be the  
13 reference material that is taken into the exam when the  
14 person is taking the exam.

15 Typically with an exam of the NEC and the laws and  
16 rules of Washington, being open book, a person doesn't  
17 typically memorize the material and go in to take the  
18 exam. So switching over to a new version of the  
19 codebook would be -- and the new version of the  
20 questions would not be a problem because all -- what  
21 they have to do is look up the answers in the book and  
22 locate them.

23 So we're proposing to do that July 1st. And I  
24 would need, because of the wording in the statute, a  
25 motion from the Board to approve that plan. So that's

1           what I'm asking for at this time.

2           And, of course, any questions that anyone has, I'd  
3           be happy to address those, as well.

4           CHAIRMAN JENKINS: Jason Jenkins, chair of  
5           the Board. Can you hear me now?

6           BOARD MEMBER PHILLIPS: All right. He's  
7           back.

8           TECHNICAL SPECIALIST MUTCH: We can. He's  
9           back.

10          CHAIRMAN JENKINS: I lost my Internet  
11          somehow. So I'm on cell phone. So great.

12          So anyway, so the motion you're asking for is  
13          for -- to uphold the review of continuing on with what  
14          you just went through as far as testing goes?

15          TECHNICAL SPECIALIST MUTCH: Yes, it would  
16          be --

17          CHAIRMAN JENKINS: Is that correct?

18          TECHNICAL SPECIALIST MUTCH: It would be an  
19          approval of the Board for updating the exam questions  
20          to the 2020 NEC, WAC 296-46B, RCW 19.28 beginning  
21          July 1st, 2021.

22          CHAIRMAN JENKINS: Perfect. And the chair  
23          would entertain a motion.

24          BOARD MEMBER PREZEAU: Chair Jenkins, this is  
25          Board Member Prezeau. I have a question before the

1 chair would entertain a motion.

2 CHAIRMAN JENKINS: Go ahead.

3 BOARD MEMBER PREZEAU: My question is for  
4 Technical Specialist Mutch.

5 This is going -- Rod, could you give me and the  
6 board members an understanding of whether or not  
7 there's historical precedent for this plan that -- of  
8 updating the electrical examination questions to -- to  
9 the 2020 National Electrical Code?

10 TECHNICAL SPECIALIST MUTCH: Yes. So this is  
11 the same plan we used when we adopted the 2017 National  
12 Electrical Code. PSI, in coordination with the  
13 Department, updated the questions. And once the  
14 adoption date -- well, the date came to switch the  
15 exams, all of the exams taken after that date were  
16 based on the new codes.

17 BOARD MEMBER PREZEAU: Thank you.

18 Chair Jenkins, this again is Board Member Prezeau.

19 And I would move to approve the electrical  
20 program's plan to update the electrical exams beginning  
21 July 1, 2021, with the 2020 edition of the National  
22 Electrical Code.

23 BOARD MEMBER NORD: Board Member Nord,  
24 second.

25 CHAIRMAN JENKINS: All right. So I have a

1 motion (audio disruption).

2 THE REPORTER: This is the court reporter. I  
3 am not hearing Chair Jenkins well at all.

4 BOARD MEMBER PHILLIPS: Chair Jenkins, if you  
5 turn your video off, it -- you might get a better  
6 signal.

7 CHAIRMAN JENKINS: Can you hear me now? That  
8 any better?

9 BOARD MEMBER PHILLIPS: That's better.

10 CHAIRMAN JENKINS: Okay. So we have a motion  
11 and a second for the electrical program to update the  
12 electrical exams for July on -- on July 1, 2021, to the  
13 new questions from the NEC of the codebook, 2020 NEC  
14 codebook.

15 Could we have all those in favor say "aye."

16 (Chorus of ayes.)

17 CHAIRMAN JENKINS: Any opposed?

18 (No audible response.)

19 CHAIRMAN JENKINS: Okay. Hearing none, the  
20 motion passes.

21 TECHNICAL SPECIALIST MUTCH: So the next two  
22 items, b and c, are actually rule revisions to  
23 WAC 296-46B. The statute says that the Department  
24 cannot update or amend or create new rules without the  
25 advice of the Board. So these next two items I would

1 ask after I present them to have a motion that the  
2 Board either advises the Department to move forward  
3 with the rules or to not move forward with the rules.  
4 So that's what we would need for those.

5 The first one is a rulemaking for a fee increase.  
6 We take fee increases seriously. We have not updated  
7 the fees for a while. The last time we updated the  
8 fees was in January of 2017, I believe. Previously it  
9 was -- 2012 I believe was the last time we updated the  
10 fees.

11 In order to increase fees -- and this rulemaking,  
12 by the way, would apply to permit fees, license, and  
13 administrative fees for three sections in the rules.  
14 So it would -- it would basically apply to all fees  
15 that the Department charges.

16 The statute has a provision that says that the  
17 fees must cover the cost but not exceed the cost of  
18 administering and enforcing the chapter.

19 And so we've -- we have noticed -- you know, with  
20 COVID we have certainly noticed a reduction in the  
21 fees. Since about October of 2019 we've seen about a  
22 28 percent reduction in the electrical fund for various  
23 reasons, decrease in revenue during COVID, which has  
24 come back somewhat, but also since 2017 we've had some  
25 increases in expenditures. So -- and those are --

1           those are listed in the -- actually, it's in a briefing  
2           that the Department gave to the director on this.

3           So there's been a couple of increases in salaries.  
4           And, of course, the major expenditures for the  
5           Department are, like any business, salary and benefits  
6           for employees. So we've had a couple of increases in  
7           salaries that could -- that are contributing to the  
8           decrease in the fund balance as well as the decrease in  
9           permit revenue due to COVID.

10           So what we've done is proposed a fee increase of  
11           5.79 percent. Seems like a lot. However, that is the  
12           fiscal growth factor that's determined by the Office of  
13           Financial Management, OFM, and it is -- it is  
14           calculated to determine what agencies need to continue  
15           doing business with -- at the same level.

16           This particular number is effective for Fiscal  
17           Year 2022, which begins July 1st of 2021.

18           I'd be happy to answer any questions about this  
19           proposal. I think we discussed in the January meeting.  
20           But we weren't -- we hadn't proposed it yet at that  
21           point. So at this point we have -- we have filed the  
22           101. We've filed the CR 102, which opens up a  
23           public-comment period.

24           There is a public hearing on November -- or excuse  
25           me -- on May 11th is a public hearing. It will be by

1 virtual means or telephonic. And you can also submit  
2 written comments to the Department up until May 11th.  
3 And those instructions for attending the public hearing  
4 and the -- to submit written comments are posted on the  
5 Laws and Rules page of our electrical website.

6 So I'd be happy to answer any questions. And like  
7 I said, what I would need for this proposal, if the  
8 Board -- if the Board is in favor to recommend to the  
9 Department to move forward or to not move forward with  
10 this fee-increase proposal.

11 CHAIRMAN JENKINS: Jason Jenkins, board  
12 chair. Do we have any questions or comments concerning  
13 this?

14 BOARD MEMBER PREZEAU: Chair Jenkins, this is  
15 Board Member Prezeau. I have a couple of questions for  
16 Technical Specialist Mutch.

17 CHAIRMAN JENKINS: Go ahead.

18 BOARD MEMBER PREZEAU: Okay. Thank you.

19 Rod, so just to flesh this out, your understanding  
20 that the Washington State Office of Financial  
21 Management annually publishes a fiscal growth factor;  
22 is that correct?

23 TECHNICAL SPECIALIST MUTCH: That's correct.

24 BOARD MEMBER PREZEAU: And so it is -- even  
25 though the Department or specifically the electrical

1 program has not had fee increases since January 21st  
2 of 2017 and before that was 2012, the Department -- the  
3 electrical program hypothetically could have taken the  
4 advice or taken the direction of the Office of  
5 Financial Management in Fiscal Years '18, '19, and  
6 '20 and could have gone through a similar process to  
7 increase fees based on the Office of Financial  
8 Management published fiscal growth factor for those  
9 respective years; is that correct?

10 TECHNICAL SPECIALIST MUTCH: So that's  
11 correct. We looked very closely at our revenue and  
12 expenditures and tracked the fund balance monthly. And  
13 we report the condition of the fund balance to the  
14 Board at each board meeting. And we have felt in the  
15 subsequent years coming up to this that we were in a  
16 position where we didn't need to take that increase.

17 But in our -- in looking at the fund-balance  
18 condition, as I mentioned, since October of 2019, we're  
19 in a position now where we believe that we do need to  
20 accept that increase.

21 BOARD MEMBER PREZEAU: Very good. Thank you.

22 And then one last question. You might have said  
23 this. But should the Board move to recommend or advise  
24 the Department to advance this ongoing rulemaking, it  
25 would potentially -- the fee increase, if I remember

1           correctly, reading from the previous meeting's  
2           transcripts, the likely implementation date of the fee  
3           increase is July 20, 2021? Is that correct?

4                   TECHNICAL SPECIALIST MUTCH: That's correct.  
5           It is. That's the date of adoption -- proposed  
6           adoption of the rule.

7                   BOARD MEMBER PREZEAU: Thank you.

8                   Chair Jenkins, this is again Board Member Prezeau.

9                   CHAIRMAN JENKINS: Yes.

10                   BOARD MEMBER PREZEAU: I move that the Board  
11           recommend the Department to advance the ongoing  
12           rulemaking process with respect to the 5.79 percent fee  
13           increase which accurately reflects the fiscal growth  
14           factor as published by the Washington State Office of  
15           Financial Management for 2021. Is it that correct,  
16           Rod, that 2021? That's the 5.79 percent?

17                   TECHNICAL SPECIALIST MUTCH: Yeah. The  
18           fiscal growth factor that we're using is for Fiscal  
19           Year 2022.

20                   BOARD MEMBER PREZEAU: So excuse me,  
21           Chairman. I amend my motion, move to recommend to the  
22           Department to advance the ongoing rulemaking process  
23           with respect to the 5.79 percent fee increasing  
24           accurately reflecting the fiscal growth factory as  
25           published by the Washington State Office of Financial

1 Management for Fiscal Year 2021.

2 TECHNICAL SPECIALIST MUTCH: 2022.

3 BOARD MEMBER PHILLIPS: Second.

4 BOARD MEMBER PREZEAU: So I had it right the  
5 first time? 2022?

6 TECHNICAL SPECIALIST MUTCH: Yeah. Needs to  
7 be 2022.

8 BOARD MEMBER PREZEAU: Okay. So --

9 TECHNICAL SPECIALIST MUTCH: Actually, Fiscal  
10 Year 2022 begins July 1st of 2021 and ends June 30th  
11 of 2022.

12 BOARD MEMBER PREZEAU: Very good .I thought I  
13 was right the first time.

14 So again, the motion is to recommend to the  
15 Department to advance the ongoing rulemaking process  
16 with respect to the 5.79 percent fee increase, which  
17 accurately reflects the fiscal growth factor for Fiscal  
18 Year 2022 as published by the Washington State Office  
19 of Financial Management.

20 BOARD MEMBER BURKE: Dominic Burke, second.

21 BOARD MEMBER PHILLIPS: -- second.

22 CHAIRMAN JENKINS: Thank you very much,  
23 Tracy, for being here. That was very effective.

24 We have a motion and a second.

25 BOARD MEMBER GRAY: Mr. Chair, this is Bobby

1 Gray.

2 CHAIRMAN JENKINS: Yes.

3 BOARD MEMBER GRAY: I have a question for  
4 Mr. Mutch through the chair, please.

5 CHAIRMAN JENKINS: Go ahead.

6 BOARD MEMBER GRAY: Rod, the current  
7 electrical-fund balance shows in today's report about  
8 four times the average monthly operating expenditures.  
9 You stated that the increase was primarily due to  
10 salary increases.

11 Is it safe to assume that these salary increases  
12 are not reflected in the current balance? That those  
13 are projected for the next fiscal year?

14 TECHNICAL SPECIALIST MUTCH: So the salary  
15 increases already happened. We increased fees January  
16 of 2017, and since that time we have increased  
17 salaries, I believe, 2 percent at one point and another  
18 2 percent at another point. There are no salary  
19 increases proposed for the next fiscal year.

20 So all of the salary increases have already  
21 happened. And we believe that's the reason -- that's a  
22 contributing factor for some of the decrease in the  
23 fund balance, if that makes sense.

24 BOARD MEMBER GRAY: So -- so the -- so the  
25 estimate is based on those projected salary increases

1 plus some additional overhead expenses? Or where are  
2 the other costs coming from that would show the need  
3 for this increase?

4 TECHNICAL SPECIALIST MUTCH: So there are --  
5 like I said, there are no projected salary increases  
6 on -- in the coming fiscal year. What we are -- what  
7 we've done is we have delayed the fee increase that we  
8 could have taken because the fund balance was staying  
9 above, you mentioned, four times the operating  
10 expenditures. But at this point we see the fund  
11 balance decreasing below that.

12 And the salary increases already happened. So we  
13 are -- we're kind of catching up with salary increases  
14 that happened in 2017 and '18, I believe.

15 And then the reduction in revenue due to COVID has  
16 decreased the fund balance.

17 Another -- another major part of that is increase  
18 in healthcare costs, insurance for -- you know,  
19 benefits for the employees.

20 So it's -- the main drivers of this is salaries  
21 and benefits. But there are no salary increases coming  
22 up.

23 BOARD MEMBER GRAY: No. But the continued  
24 depletion from that fund will continue because of the  
25 salary increases that we're already experiencing?

1 TECHNICAL SPECIALIST MUTCH: That's right.

2 BOARD MEMBER GRAY: Thank you.

3 CHAIRMAN JENKINS: This is Chair Jason  
4 Jenkins.

5 Any more questions from the Board?

6 SECRETARY MOLESWORTH: Jason, this is Wayne  
7 Molesworth.

8 CHAIRMAN JENKINS: Yeah.

9 SECRETARY MOLESWORTH: I could add a little  
10 bit to Rod's comments to answer Bobby's question a  
11 little bit more.

12 CHAIRMAN JENKINS: Yes, please do.

13 SECRETARY MOLESWORTH: So -- so there's a  
14 couple of things that come into that balance. That  
15 balance is in recovery, and we project that balance out  
16 12 months. So we use past months to project that  
17 balance going forward. And this is the balance it's at  
18 right now. We continue to lose about two -- on the  
19 average about \$250,000 a month is what we're using.

20 Where you see the gain is that we're holding a few  
21 positions until we are completely sure that the fund is  
22 going to balance out and stabilize so we don't get into  
23 the same position we were in in 2008, 2009. So we also  
24 implemented a few other things that have decreased our  
25 expenditures.

1           But -- but once those are put back in place, may  
2           make a difference in what you see in the balance of the  
3           fund. It may start to decrease again because of the  
4           addition of positions that we have been holding.

5           So just to look at it from a little different  
6           perspective, the balance is just one part of it. What  
7           makes that balance look like it's larger right now is a  
8           little bit different. So . . .

9           CHAIRMAN JENKINS: Thank you, Wayne.

10           Is there anybody else who would like to address  
11           Rod Mutch and this subject?

12           BOARD MEMBER PREZEAU: Chair Jenkins, this is  
13           Board Member Prezeau. I would like to clar- --

14           CHAIRMAN JENKINS: Go ahead.

15           BOARD MEMBER PREZEAU: I would like to ask  
16           Chief Electrical Inspector Molesworth a clarifying  
17           question.

18           CHAIRMAN JENKINS: Please do.

19           BOARD MEMBER PREZEAU: So if I understood  
20           your statement, Chief -- or Secretary to the Board, you  
21           are currently holding vacant electrical-program staff  
22           positions, which could -- you have the legislative and  
23           budgetary authority to fill. And given that we are  
24           currently and have been experiencing a recruitment and  
25           residential problem, I just want to understand -- make

1           sure I understand your comments.

2           You are -- so you are currently holding vacant  
3 positions that could be filled to benefit the industry  
4 and stakeholders, but you're holding them vacant unless  
5 and until you understand that the fund balance would be  
6 robust enough to financially support those  
7 hypothetically filled positions and get to a more fully  
8 staffed electrical program; is that correct?

9           SECRETARY MOLESWORTH: So what you said is  
10 hypothetically correct. We held them in a time when we  
11 could still maintain the response times that we need to  
12 maintain and meet our mandate. We actually are  
13 responding to most in most regions at over a 94 percent  
14 rate within 24 hours, and we're working with two other  
15 regions in order to in decrease their rate.

16           So when we look at the positions, we have to  
17 balance out what is our response time to the industry,  
18 what effect will we have on the industry if we hold  
19 those positions, and what effect will we have on staff  
20 if we get into a situation where we could deplete the  
21 account to the point where we needed to do layoffs?

22           You know, we have also responsibility to the  
23 individuals that we hire, and we're still recovering  
24 from the reputational damage that we got in 2008 and  
25 '9 for laying off newly hired inspectors because we

1           didn't anticipate or didn't act soon enough in ensuring  
2           that we maintained a stable budget.

3           So we have to be very careful with both of those  
4           to make sure that we're, number one, serving our  
5           customers well and, number two, managing our budget in  
6           a way that's responsible to the entire industry and to  
7           our employees.

8           So I hope that helps to answer your question.

9           BOARD MEMBER PREZEAU: Yeah, it does.

10          I just -- you know, it seems to me that, you know,  
11          the program could have asked for fee increases. And I  
12          know nobody likes fee increases. And, you know, when I  
13          first looked at the fiscal growth factor of  
14          5.79 percent, I had a little bit of sticker shock.

15          But then when you take into context the program  
16          hasn't received a fee increase since January of 2017,  
17          so that's four years ago, and the previous increase was  
18          in '12, which is pushing 13 years ago, and having been  
19          on this Board during the 2008-2009 depression on the  
20          construction industry -- I think that's a more accurate  
21          term than "recession" in that the blowback that you  
22          mentioned, Chief Molesworth -- want to make sure we  
23          don't experience that again.

24          It's my understanding that this fee increase would  
25          potentially give the Department or the electrical

1 program additional resources to be able to respond  
2 according to the statutory requirement of inspections  
3 within 48 hours, which before the construction  
4 depression of 2008, even though the statutory  
5 requirement is respond with -- for inspections within a  
6 48-hour time period, the industry got very accustomed  
7 to the Department's high level of customer service and  
8 expected inspections within a 24-hour period, as, most  
9 board members and Chief Molesworth, you likely  
10 remember.

11 So I guess my point here is this fee increase  
12 would give the Department increased tools to be able to  
13 service the industry, be responsible to the budget, be  
14 responsible to stakeholders, and to be responsible to  
15 the staff/team of the electrical program.

16 Is that an accurate conclusion that I've arrived  
17 at?

18 SECRETARY MOLESWORTH: That's definitely  
19 accurate.

20 And I would add one other thing, that we have to  
21 consider the inflation rate of all of our services that  
22 we spend money on in order to give service to our  
23 customers. A \$60 permit for an inspection doesn't  
24 cover the cost of an inspector these days. So we need  
25 to make sure that we're maintaining that revenue for

1 the work that we do.

2 So yes, you're absolutely, correct.

3 BOARD MEMBER ISAACSON: Chair Jenkins, this  
4 is Board Member Isaacson. I've got a question, as  
5 well.

6 CHAIRMAN JENKINS: Please go right ahead.

7 BOARD MEMBER ISAACSON: Are these fees the  
8 only source of revenue for the Department?

9 TECHNICAL SPECIALIST MUTCH: So the revenue  
10 for the Department, yes, is based on fees that we  
11 collect. The revenue -- actually, there's a -- there's  
12 a portion of the revenue that is accounted for by  
13 penalties. But the majority of the revenue is permit  
14 fees and licensing fees.

15 BOARD MEMBER GRAY: Mr. Chair?

16 CHAIRMAN JENKINS: Thank you.

17 BOARD MEMBER GRAY: Board Member Gray,  
18 please.

19 CHAIRMAN JENKINS: Go right ahead.

20 BOARD MEMBER GRAY: Thank you. I just want  
21 to make a statement.

22 I think the Board has been pretty clear that it is  
23 our intent to support the Department in increasing  
24 salaries for -- not only for proper compensation for  
25 those inspectors and other folks that work in the

1 Department, as well, in supporting the industry as well  
2 as benefits and the incentive that comes because we --  
3 we know almost every meeting that you report how  
4 difficult it's been to try to recruit qualified  
5 inspectors and other folks that support the program.

6 What concerns me is that our balance gets so high  
7 that it becomes attractive to other departments within  
8 the State and would make it an easy candidate for them  
9 to take our excess and fund other programs. And that  
10 does concern me as a contractor representative and --  
11 that we get so large that we end up funding the  
12 not-so-efficient parts of the state.

13 So I just want to make that statement. I think I  
14 can support this particular increase and vote in the  
15 affirmative. But I just want to put that on the  
16 record, that that is a concern that I have, that it  
17 gets so large that it becomes attractive.

18 That's all I have to say. Thank you, Mr. Chair.

19 CHAIRMAN JENKINS: This is Chair Jenkins.

20 I'd like to see us strike a balance between our  
21 budget and our income and (audio disruption).

22 THE REPORTER: This is the reporter. I'm not  
23 hearing well.

24 CHAIRMAN JENKINS: Is there any questions for  
25 Rod Mutch?

1                   Is that better?

2                                   (No audible response.)

3                   CHAIRMAN JENKINS:   Hearing none, we are  
4                   currently at the point where we are in a motion.  And  
5                   the motion, to recap, is to allow the Department to  
6                   continue doing its rulemaking for the fee increase of  
7                   5.79 percent.

8                   Any more discussion?

9                                   (No audible response.)

10                  CHAIRMAN JENKINS:   Hearing none, all board  
11                  members in favor say aye.

12                                   (Chorus of ayes).

13                  CHAIRMAN JENKINS:   And any opposed?

14                                   (No audible response.)

15                  CHAIRMAN JENKINS:   Motion passes.

16                  All right.  Rod, you're on, again, still.

17                  TECHNICAL SPECIALIST MUTCH:  Okay.  So the  
18                  next item is another rulemaking we have ongoing.  This  
19                  has to do with WAC 296-46B-995.  And this is the  
20                  section that describes the Electrical Board and the  
21                  appeal -- the appeal process for someone who would like  
22                  to request a Board hearing.

23                  Previous attorney -- Board attorney general and  
24                  the previous chair collaborated on this and proposed  
25                  some language for this to streamline and make this more

1 efficient.

2 Since the January meeting we've been working with  
3 our -- with the Department's attorney general, Nancy  
4 Kellogg, and the Board's new attorney general, Ben  
5 Blohawiak. And we have -- based on their input and the  
6 previous input, we have come up with a proposal. And  
7 we sent that to you folks, to the board members,  
8 yesterday. We've also posted that proposal as a first  
9 draft on our rulemaking -- Laws and Rules page of our  
10 electrical page.

11 So this is what we would propose. And I don't --  
12 I don't know if anyone -- if you folks have had a  
13 chance to read through it. It's very close to what Pam  
14 and Tracy came up with before. But we moved some of  
15 the items around based on comments from Nancy and Ben.  
16 So I would just -- I would just ask --

17 And what the process will be is we expect to  
18 discuss the timeline for filing the CR 102, which will  
19 open up a public-comment period. We'll post this --  
20 once we file the 102, we'll post this on the website as  
21 the proposed language. And there will always be --  
22 there will also be additional opportunity for board  
23 members to comment on the language, as well, after the  
24 102 is filed.

25 So I would just ask for the Board to recommend or

1 not for the Department to move forward with this  
2 process.

3 And I can answer any questions, too.

4 CHAIRMAN JENKINS: Board Member -- Board  
5 Member Jason Jenkins.

6 Any questions for Rod Mutch concerning the  
7 rulemaking to continue for WAC Rule 296-46B-995?

8 (No audible response.)

9 CHAIRMAN JENKINS: Hearing none, the --

10 (Extraneous noise.)

11 CHAIRMAN JENKINS: Was somebody there? Okay.

12 Hearing none, the Board would entertain a motion.

13 Can you hear me?

14 BOARD MEMBER PREZEAU: All right. Chair  
15 Jenkins, this is Board Member Prezeau.

16 I move to recommend to the Department that they  
17 advance the rulemaking process with respect to  
18 WAC 296-46B-995.

19 CHAIRMAN JENKINS: So we have a motion.

20 Do we have a second?

21 BOARD MEMBER NORD: Board Member Nord,  
22 second.

23 CHAIRMAN JENKINS: So we have a motion, a  
24 second to have the Department continue the rulemaking  
25 process of WAC rules 296-46B-995.

1 Any discussion?

2 BOARD MEMBER PREZEAU: Chair Jenkins, this is  
3 Board Member Prezeau.

4 I just --

5 CHAIRMAN JENKINS: Yes, go ahead.

6 BOARD MEMBER PREZEAU: Thank you. Thank you  
7 to the chair.

8 I just want to -- I want to thank Assistant  
9 Attorney General Pam Rulen -- or excuse me -- Pam  
10 Thomure.

11 I would also like to thank technical specialists  
12 Rod Mutch and Larry Vance for their assistance in  
13 reordering this -- restructuring the appeals language  
14 that exists in the Washington Administrative Code  
15 WAC296-46B-995.

16 And the reason I wanted to speak to this is this  
17 rulemaking process represents my last and final policy  
18 change that I wanted to publish before I departed the  
19 Washington State Electrical Board. And working --  
20 being on this board and working with not only Pam,  
21 Assistant Attorney General Thomure, but other assist  
22 attorneys general recognize that there was a problem  
23 with there language in that, the existing language in  
24 95.

25 It was confusing. It was confusing for legal

1           counsel who were representing appellants before the  
2           Board. And if it's confusing for legal counsel, then  
3           it's likely even more confusing for laypeople.

4           And the reason that that Assistant Attorney  
5           General Thomure and I undertook -- and other board  
6           members, I should note, took on this project was to  
7           ensure that when the Department issues citations or  
8           takes some other adverse action against, you know, a  
9           stakeholder within the industry, that they clearly  
10          understand what their appeal rights are and they  
11          clearly understand the process so that they can seek  
12          due recourse appropriately and are not intimidated by  
13          the process or the process laid out currently in  
14          296-46B-995.

15          So for me this -- this rulemaking represents  
16          fairness and equity and democracy within the appeal  
17          process. And it was incredibly important to me. And I  
18          am incredibly grateful for all those that helped with  
19          this. And I will be voting in the affirmative with  
20          respect to this motion.

21          And I appreciate, Chair Jenkins, that it's on the  
22          agenda. For me this is a momentous day.

23          Thank you.

24                   CHAIRMAN JENKINS: Thank you very much,  
25          Tracy. I.

1           Also want to make a comment that I'm really happy  
2           with the way this has been turning out and how smooth  
3           it's been going.

4           Any more discussion?

5                                 (Extraneous noise.)

6                         CHAIRMAN JENKINS: I'm assuming that's  
7           outside noise.

8           So hearing no other discussion, all in favor of  
9           having the Department continue the rulemaking process  
10          for 296-46B-995, all if favor say aye.

11                                (Chorus of ayes.)

12                        CHAIRMAN JENKINS: Any opposed?

13                                (No audible response.)

14                        CHAIRMAN JENKINS: Motion passes.

15          Rod, it's back to you again.

16                        TECHNICAL SPECIALIST MUTCH: Okay. So the  
17          last item is just a legislative update.

18          The legislative session ended April 25th. And  
19          one bill passed the legislature this year that affects  
20          the electrical program. It's Substitute Senate Bill  
21          5267. And what it -- what it does is it requires  
22          electrical-contractor licensing and electrical-worker  
23          certification for electrical activities associated with  
24          flipping properties.

25          So there's currently an exemption in the law that

1 allows property owners to perform electrical work on  
2 property that they own unless it's on a new building  
3 intended for rent, sale, or lease. If it's an existing  
4 property, there's no restriction for a property owner  
5 to be able to do their own electrical work.

6 And so with the recent popularity -- you know,  
7 it's been a while, but -- popularity of purchasing  
8 properties, upgrading them and selling them quickly for  
9 profit, we have run into numerous occasions where the  
10 home buyers have discovered not only electrical  
11 problems but other types of construction problems with  
12 flipped properties.

13 This bill went through the Senate and the House,  
14 passed, and the governor signed the bill. And it will  
15 be effective July 24th, 90 days after the session.  
16 And what it says is electrical contracting -- the  
17 exemptions in RCW 19-28-261 do not apply for properties  
18 that are offered for sale within 12 months of obtaining  
19 the property.

20 So this is a -- you know, the Department is in  
21 favor of this -- this bill. We believe it will offer  
22 better consumer protection for folks that are buying  
23 flipped properties and increase the safety of  
24 electrical installations.

25 So just wanted to let the Board know that that

1 bill passed. We mentioned it, I believe, in the  
2 January meeting. But the bill has now passed, and it's  
3 been signed into law.

4 And that is all I have.

5 CHAIRMAN JENKINS: Awesome. Thank you, Rod.  
6 Is there any questions for Rod Mutch?

7 (No audible response.)

8 CHAIRMAN JENKINS: All right. Hearing none,  
9 looks like we're on to Item No. 5, the temporary  
10 allowances for basic trainee classes with Wayne  
11 Molesworth.

12 SECRETARY MOLESWORTH: Yeah. Not a whole lot  
13 to report on this except for we're going to continue  
14 giving our exemption for trainees to have a 90-day  
15 extension after their renewal date to be able to  
16 complete their classes and also be able to do it  
17 virtually until we get back into maybe a Level 4 or we  
18 see the governor give some direction as to higher ed  
19 being able to come back full time so that our students  
20 can actually -- our trainees can actually attend  
21 in-house classes. So pretty much we're going to  
22 continue on until further notice with that extension.

23 So it's been working out, I think, fairly well.  
24 We haven't heard too many problems with it. And I  
25 think it's only fair to our trainees to, in this

1 situation that we're in, in order to give them that  
2 benefit of the doubt.

3 CHAIRMAN JENKINS: Perfect. Thank you.

4 SECRETARY MOLESWORTH: That's about all that  
5 there is to that unless anybody has questions.

6 CHAIRMAN JENKINS: Any questions for Wayne  
7 Molesworth today concerning the temporary allowances?

8 (No audible response.)

9 CHAIRMAN JENKINS: All right. Hearing none,  
10 it looks like you're back on for the Secretary's  
11 report.

12 SECRETARY MOLESWORTH: Okay. Well, we  
13 covered actually some of this. But I'll go ahead and  
14 read it for the record, as well.

15 So talking about the budget first, the  
16 electrical-fund balance on March 31, 2021, was  
17 \$9,243,677, which is about four times the average  
18 monthly operating expenditures that we incur. The  
19 average monthly operating expenditures for the third  
20 quarter of Fiscal Year 2021 -- that's January through  
21 March -- were \$2,337,832 compared to \$2,390,359 for the  
22 same period last year, which is a decrease of about  
23 2.2 percent.

24 An average monthly revenue for the third quarter  
25 of Fiscal Year 2021 was \$2,250,097. And as compared to

1           \$2,083,627 for the same period last year, an increase  
2           of about 8 percent.

3           Customer service, we sold -- 40,952 permits were  
4           sold last quarter. 99 percent or 400 -- or 40,790,  
5           were processed online, which is the same from last  
6           quarter. 100 percent of contractor permits are sold  
7           online, which is consistent with the various quarters.  
8           Homeowners' online sales from this quarter is  
9           98 percent, which is the same from the previous  
10          quarter, as well. Online inspection requests is  
11          83 percent, which is the same from last quarter.

12          During this quarter customers made 93 percent of  
13          all electrical-license renewals online, which is the  
14          same from last quarter, again.

15          As you can see, a lot of this work is moving onto  
16          online services. And we've got some extensive work  
17          going into our website that will hopefully help to  
18          increase this as it goes along.

19          The key performance measures for our scorecard,  
20          the percentage of inspections performed within 24 hours  
21          of request, the goal is normally 86 percent. We've  
22          been doing 80 percent to 81 percent.

23          I'm going to add to this that that's a little bit  
24          deceiving because that's a statewide number, and what  
25          you'll see in about four out of the six regions is that

1 we're doing over 90 percent. So just a little  
2 clarification there as to what's going on in individual  
3 regions. But this is our -- this is our statewide  
4 number.

5 Percent of inspections performed within 48 hours  
6 of request, we're at 92 percent statewide.

7 Total inspections performed, we were at -- last  
8 year, Fiscal Year 2020, we're at 57,760. This Fiscal  
9 Year 2021 we're at 63,283 for the same quarter.

10 So we're doing more inspections. Right?

11 And our response times are still staying --  
12 staying the same. So that's shows some pretty good  
13 improvement.

14 Virtual electrical inspections, this is something  
15 that we're pretty happy with, that -- our staff are  
16 really working daily to improve their service to our  
17 customers in the field and freeing up time for our  
18 inspectors to be able to do more complicated  
19 inspections where you need that boots on the ground,  
20 hands on. Last fiscal year at this time they did  
21 1,770. We've increased that this year to 2,841.

22 In that time frame I think we only added one --  
23 one inspector to that program.

24 Number of focused citations and warnings --  
25 contractor licensing, would agreeer certifications, no

1           permits, failing to supervisor trainees -- in the field  
2           in 2020 we did 579. In the field in 2021 during time  
3           frame we did 292. Of course, COVID plays a big part in  
4           that, as well, during at a time frame.

5                    ECORE/Audit did 1,006 in the field in 2020, and  
6           audit did 1,323 in 2021. Total in 2020 was 1,585, and  
7           the total currently in 2021 was 1,615, so an increase  
8           there regardless of COVID.

9                    Inspection stops per inspector per day, this is a  
10          workload indicator of where we're at. But we're at  
11          10.2 last year and 10.2 now.

12                    Serious electrical corrections that would result  
13          in disconnection, we had 9,142 last fiscal year in 2020  
14          and 9,985 in 2021.

15                    Turnaround time for average plan set reviewed,  
16          this is another big improvement in our program. Want  
17          to give a shout out to the supervisor. He's doing a  
18          great job. They did it at 1.8 weeks last fiscal year  
19          at 2020, and they're down to 1.1 weeks for turning  
20          around plan review now. I know when I first started  
21          this job I was getting phone calls that it was taking  
22          us in the vicinity of six to seven weeks to get plans  
23          turned around. And so this is a great improvement and  
24          continues to get better.

25                    Plan pages reviewed, we have 1,333 last year,

1           1,346 this year, so about the same. But a definite  
2           decrease in our response time turning them around.

3                   So percentage of warnings by focused violations  
4           types, in licensing was 10 percent, in certification  
5           30 percent, permitting 35 percent, trainee supervision  
6           was 28 percent, and all focused was 29 percent.

7                   Licensing we're -- have some continuous  
8           improvement processes going on, and changing correct  
9           fees has been the focus of the past quarter. We are  
10          seeing an increase in fees collected because of that  
11          emphasis, so that's a positive.

12                   We are continuing to hold two vacancies in  
13          licensing. With the field offices closed, licensing  
14          staff continue to work an influx of mailed documents.  
15          The field services locations are assisting with  
16          Licensing phone calls on Tuesdays and Thursdays. In  
17          addition, management has provided an office manager to  
18          assist two days a week.

19                   The licensing backlog is at 355 documents with the  
20          oldest date being 3/18. And I might say that the  
21          oldest document in the last six months, as I recall,  
22          was more than three months old. So that's -- that's a  
23          definite increase in them doing some of these  
24          improvements.

25                   Testing lab report, we have a new testing

1           laboratory. We have accredited SolarPTL, LLC, as an  
2           electrical-product testing laboratory limited to  
3           certification of equipment in the following standards:  
4           UL1703, flat-plate photovoltaic modules and panels.  
5           Documentation provided with their application and  
6           recognition by OSHA's nationally recognized testing  
7           laboratory, NRTL, N-R-T-L, program is a basis for our  
8           accreditation.

9           And now we're at the point where we have other  
10          program updates and questions from board members and  
11          program updates. I have a couple of things I would  
12          like to mention before we move into the questions, if  
13          that's okay.

14          I want to let you guys know -- and some of you  
15          do -- that Rod Mutch will be retiring coming up in  
16          October of this year, maybe December and maybe October  
17          of next year. I can't -- if I can convince him. But I  
18          don't think that's going to happen. So we're looking  
19          at Rod probably retiring in October.

20          And so I applaud Rod. He's been -- he and Larry  
21          have done a great job as well as Faith and some of  
22          others that -- you know, I could mention the whole  
23          staff -- bringing me on and keeping me informed and  
24          helping me avoid some of those big mud puddles.

25          So I appreciate, Rod, all your work that you've

1 done and the work you'll continue to do probably once  
2 you leave our program. But I got a feeling you'll stay  
3 connected with the industry.

4 And saying that, we have hired a third technical  
5 specialist for the time being. His name is Loren  
6 Lathrop.

7 I don't know if -- Loren, if your video is on or  
8 if you have video. I think you're in the meeting. You  
9 could turn it on if we could see just so everybody kind  
10 of puts a face with the name maybe.

11 But while Loren's trying to do that -- might work,  
12 might not -- Loren bring a lot to our program. He's  
13 been an inspector. He's going to be in the Region Six  
14 area, the Spokane area.

15 One of the things we're trying to do is take  
16 advantage of all the talent we have in the program no  
17 matter where they're located. And Loren is one of  
18 those guys. He's got a lot of talent, a lot of  
19 knowledge, not only just in code but operational,  
20 instructional. He is a very good communicator.

21 And I think Rod will tell you that he's been  
22 impressed so far, and he's been working with Loren for  
23 the last couple of weeks.

24 The intent is to impart as much knowledge as the  
25 technical specialists have on Loren to ensure that he

1 gets a good start as the technical specialist, learns  
2 the history of the program, and understands the  
3 functions. And Larry and Rod have been doing a great  
4 job of that, as well.

5 So, Loren, welcome. I think you're going to be a  
6 great asset to us. And I hope the Board gets to know  
7 you as we go along.

8 So I have a couple of issues that I -- we may need  
9 action from the Board, but we may not. I'm going to do  
10 this just as informational only because I think this  
11 will deserve additional conversation. So I'm not  
12 looking for an answer right now unless the Board feels  
13 that it's necessary to have some action on this  
14 immediately.

15 But as Rod stated earlier, the Board is  
16 actually -- has authority over the exam. Right? And  
17 recently we've been asked by an individual to translate  
18 the exam into Hebrew.

19 And so we have a program within L&I, within the  
20 state of Washington, called the Limited English  
21 Proficiency program, LEP for short. And they've  
22 contacted the program, making us aware that this was a  
23 federal mandate that the State put in place, a way to  
24 make sure that we could serve the public in any  
25 fashion -- with any language that might come about.

1           And that would include translating, you know,  
2           documents, the law, and possibly an exam.

3           I recently had a conversation with the LEP  
4           manager. And I don't think that they're going to have  
5           a lot of leeway with me directly, you know, regardless.  
6           But I told them that this was something I would have to  
7           bring it the Board and get acceptance from the Board in  
8           order to even start to move forward on it. This is  
9           something that I have not been subjected to or been  
10          involved in in the past, so I'm still working on what  
11          is the pathway for that.

12          One thing I might add is that LEP will cover all  
13          the costs. And I said that wasn't totally an issue for  
14          us, but that would be nice.

15          So is there any discussion? Does the Board have  
16          any concern about that at this point that you want to  
17          make me aware of? And anything that we might consider?  
18          Again, just informational right now. But I would like  
19          to entertain any suggestions that you might have with  
20          moving forward.

21                   BOARD MEMBER GRAY: Mr. Chair --

22                   CHAIRMAN JENKINS: Chair Jason Jenkins. I  
23                   just had a --

24                   Go ahead. Bobby Gray, was that you?

25                   BOARD MEMBER GRAY: Yes, that's me. Thank

1           you, Mr. Chair.

2                         CHAIRMAN JENKINS:   Yeah.   Go ahead.

3                         BOARD MEMBER GRAY:   Just a question for  
4           Wayne.

5                         Does this -- this would not include the entire  
6           NEC, would it?   I mean, you're not -- you're not  
7           anticipating translating the code, are you?

8                         SECRETARY MOLESWORTH:   No.   So we only have  
9           to translate the things that the State owns.   And so we  
10          own the exam.   We own the RCW.   We own the WAC.   And  
11          that is the only -- and they have translated portions  
12          of the WAC and the RCW in the past.

13                        But I had that discussion with them, that -- that  
14          a pretty high percentage of the questions that we have  
15          on the exam come from the NEC, and it's going to be a  
16          very difficult thing for that individual to read it in  
17          their language of preference and, then, go total NEC  
18          and try to find it.

19                        There are RCWs that allow us to have certain  
20          parameters around what we can allow.   It doesn't -- it  
21          doesn't talk to translation.   But it talks to having a  
22          translator in the exam.   But then that would require  
23          that individual, if they pass the exam, to have a  
24          translator with them at all times during the  
25          installation of electrical installations.   Right?

1           So no -- just so answer your question, Bobby, no,  
2           we're not anticipating doing anything with the NEC.  
3           And I tried to make that perfectly clear to them. It's  
4           available in English and Spanish, and that was what  
5           they're going to be -- being able to use for reference  
6           material.

7                     BOARD MEMBER PHILLIPS: Chair Jenkins?

8                     CHAIRMAN JENKINS: Yes. Go ahead, Alice.

9                     BOARD MEMBER PHILLIPS: So with regard to  
10            translating it, I don't know if you're familiar with  
11            C-Pens. So I'm dyslexic. So I have one. And it will  
12            read for me. And it will actually read in different  
13            languages.

14                    So would one of those pen's be allowed in a test?

15                    SECRETARY MOLESWORTH: So I -- I would have  
16            to look at that. I don't think we call that out  
17            specifically. But -- but it's possible. I think we --  
18            that's definitely an option we should consider.

19                    But it's not called out in the RCW. So we'll want  
20            to stay as close as we can to that.

21                    BOARD MEMBER PHILLIPS: Thank you. Thank  
22            you.

23                    SECRETARY MOLESWORTH: Yep. Yep. Thank you.  
24            I appreciate that 'cause I had kind of forgotten about  
25            that. I knew about it, but . . .

1                   BOARD MEMBER PREZEAU: Chair Jenkins, this is  
2 Board Member Prezeau.

3                   CHAIRMAN JENKINS: Yes. Go right ahead.

4                   BOARD MEMBER PREZEAU: So, Chief Molesworth,  
5 I'm always going to be a supporter of making special  
6 accommodations and not allowing a language barrier to  
7 be -- or language to be a barrier to an individual's  
8 ability to seek journey-level status or specialty  
9 journey-level status or master administrator.

10                  But I have a couple of concerns, not about the  
11 idea but about the process, you know, 'cause statute  
12 19.28.05 -- 051, right, is the statutory reference to  
13 examinations, which gives the -- you know, the  
14 Electrical Board --

15                  I'll quote from it: "In addition, it shall be the  
16 purpose and function of the board to establish and  
17 administer written examinations for general electrical  
18 administrators' certificates and the various specialty  
19 electrical administrators' certificates," and so on.

20                  But there's also WAC 296-46B-960(4), which is  
21 detailing special accommodations for examination. And  
22 it specifically limits what that process is.

23                  And I'm not, you know -- I support the notion -- I  
24 just want to reiterate, I support the notion of  
25 providing translation services as outlined and detailed

1 in WAC 296-46B-960(4).

2 I just -- I think it hold -- it might bind the  
3 Department's hands and the Board's hands. We might  
4 have to end up do rulemaking in order to comply with  
5 the reasonable request of translating the exam into  
6 different languages.

7 SECRETARY MOLESWORTH: That was part of  
8 the -- part of the conversation I had with the person  
9 from LEP, was that we might have to do a rule change,  
10 right, in order to add this to those specifications to  
11 be very clear.

12 They may try to lean on federal law requiring it.  
13 But I still think we should do something to clarify our  
14 own law if we -- if our intent is to do that. So . . .

15 BOARD MEMBER PREZEAU: Agreed. Thank you.

16 SECRETARY MOLESWORTH: Thank you.

17 CHAIRMAN JENKINS: Thank you, Board Member  
18 Tracy.

19 Is there anybody else had questions for the chief  
20 electrical inspector?

21 BOARD MEMBER PREZEAU: Chair Jenkins, if  
22 you're asking for questions from board members from the  
23 secretary's report I have one.

24 Then this is Board Member Prezeau.

25 CHAIRMAN JENKINS: Yes. Go right ahead.

1                   BOARD MEMBER PREZEAU: Thank you. Let me  
2 find my notes.

3                   So, Chief Molesworth, I -- I don't think I  
4 actually wrote the page number down in the transcript  
5 from the previous meeting. Oh, it is page 47, if you  
6 wanted to look at it.

7                   It mentions in passing a hiring freeze for 2022.  
8 Curious if -- pull that up. But I'm curious if we  
9 are -- if you would potentially -- if you would be  
10 willing to speak to that and --

11                   SECRETARY MOLESWORTH: Sure. Sure.

12                   BOARD MEMBER PREZEAU: I'd appreciate that.

13                   SECRETARY MOLESWORTH: Yeah. The 2022  
14 reference was something that we had heard that it --  
15 the hiring freeze we had would go through 2022.

16                   Electrical inspection staff, inspectors, are  
17 exempt from that hiring freeze. That's not -- they're  
18 not part of it. However, our CSS staff and licensing  
19 is part of it. And also our central office staff are  
20 subject to it and subject to appeal to that process.

21                   We're in the process right now of appealing a CSS  
22 position to assist. And we haven't been really  
23 successful with them because, when they look at  
24 appeals, they look at virtually a classification of a  
25 position. And CSSs are as statewide classification,

1 and so they have a hard time looking at that and  
2 realizing the complication that it adds when we can't  
3 replace people in places like licensing.

4 One of the comments I made was that, when we're  
5 unable to replace our CSSs in licensing, it impacts our  
6 customers to the point where they can't go to work, and  
7 then we issue citations for those that choose to go out  
8 and work when they're trying to feed their families.  
9 And it even more complicates the recovery of the  
10 construction industry when we're limiting that.

11 And I would like to say that in my direct  
12 management I'm being heard very well, and they take  
13 that right up to the top. I'm not sure I'm being heard  
14 very well at the -- at the appeal level that it's  
15 appealed at.

16 So I'm still working on that. But I think this  
17 next -- this appeal we're working on right now I'm very  
18 confident we'll be -- we'll be successful.

19 But yeah, it's not for all staff but for some.  
20 And I might say that they think that now because of the  
21 way we've been progressing with this COVID thing, that  
22 that might come to an end in July. So they're looking  
23 at a July termination for the hiring freeze instead of  
24 2022.

25 BOARD MEMBER PREZEAU: Thank you, Chief

1 Molesworth. Appreciate that update.

2 SECRETARY MOLESWORTH: You're welcome.

3 BOARD MEMBER PHILLIPS: Chair Jenkins.

4 CHAIRMAN JENKINS: Yes. Go ahead, Alice.

5 BOARD MEMBER PHILLIPS: This is Vice-Chair  
6 Phillips.

7 I'm not sure who to direct this to, AAG Ben --  
8 'cause I can't see your last name, so I apologize -- or  
9 the chief. But is --

10 Do requirements have to be approved by this body?

11 SECRETARY MOLESWORTH: Oh, sorry for  
12 laughing, but . . .

13 BOARD MEMBER PHILLIPS: I'll give that a  
14 minute to sink in.

15 SECRETARY MOLESWORTH: I think if you look  
16 very deeply into the RCW, I think you do have the  
17 authority to reject retirements. So thank you.

18 BOARD MEMBER PHILLIPS: Can you do that  
19 research for me?

20 SECRETARY MOLESWORTH: I will. Definitely.  
21 I'll spend hours if I have to finding that out.

22 BOARD MEMBER PHILLIPS: Thank you.

23 CHAIRMAN JENKINS: So, Board Member Alice, do  
24 I hear a motion coming on?

25 BOARD MEMBER PHILLIPS: I think we should do

1 the research first.

2 CHAIRMAN JENKINS: Okay. All right. All  
3 right.

4 So Wayne Molesworth, is there anything else's you  
5 want to cover? I may have cut you off earlier.

6 SECRETARY MOLESWORTH: Well, I -- I really  
7 don't.

8 I want us to understand some of this budget stuff  
9 from an aspect of the number of inspections like on  
10 line three of the scorecard. The number of inspections  
11 we did was 63,283 versus 57 last year. But when you  
12 look at the data as a whole, what we have to understand  
13 is that we're doing more inspections for less money  
14 'cause the type of inspections we're doing are a lower  
15 fee rate.

16 And our fee schedule was built on we're going to  
17 have really big permits and we're going to have really  
18 low permits. Right? And somewhere in the middle  
19 they're going to even out.

20 And unfortunately, when we have a long period of  
21 time where the type of work that's coming around is not  
22 of that larger scale, you do see a decrease and some  
23 losses in our revenues compared to the number of  
24 inspections we do.

25 And the reason I'm bringing this up is because

1 sometimes looking at budget numbers people get really  
2 excited when they see the graph going up for the number  
3 of inspections. Oh, we're making a great recovery.  
4 Well, no, we're spending more hours doing inspections,  
5 but financially we're not.

6 And we have to be very careful of that going  
7 forward, you know, as how we look at those numbers so  
8 that we can get through this thing. And I think we're  
9 going to. I'm really encouraged coming up this next  
10 month because April of last year falls off our 12-month  
11 list for anticipating what our revenues are going to  
12 be. And I think we're going to see a great projection  
13 for the future.

14 And we're probably going to look at reinstating  
15 those positions, I'm thinking, in May or early, early  
16 June, so just to let you know where my mind is at with  
17 not holding those positions any longer than we have to,  
18 and moving forward if we can.

19 And that was about all I was going to say.

20 I hope this is a good place for those types of  
21 updates and if this is okay.

22 Of course, I'm still learning, you know, what's  
23 acceptable, what's not. But I think that you guys  
24 really need to know some of these things and at the  
25 same time know where my head is at so that you can say,

1 "Wayne, have you thought of this?" so that we can work  
2 together collaboratively to make sure that this program  
3 really, really moves forward with input from all.

4 So saying that, I think that's all I really had to  
5 offer.

6 CHAIRMAN JENKINS: Well, thank you very much,  
7 Wayne.

8 We are at a kind of a point here. First of all, I  
9 have a question for Sue, our court reporter. How are  
10 we doing?

11 (Brief discussion off the record.)

12  
13 TECHNICAL SPECIALIST VANCE: Thank you,  
14 Chairman Jenkins. I don't anticipate a long  
15 presentation.

16 CHAIRMAN JENKINS: Okay Well, if that's the  
17 case okay, then, Larry, the floor is yours.

18 TECHNICAL SPECIALIST VANCE: Chairman  
19 Jenkins, members of the Board, my name is Larry Vance,  
20 technical specialist, and I work for Wayne Molesworth,  
21 for the Department of Labor and Industries.

22 I'd like to direct everybody to the Exam  
23 Statistics by Attempt report that was included with the  
24 Board packet.

25 And if you were to turn through the document there

1 and take a look at the 01 electrician exam results,  
2 you'll see that during the one-year period here that  
3 this report represents there was 868 first-time  
4 applicants. The pass rate was 48 -- let's just call it  
5 49 percent, which is in line with historical pass-rate  
6 data.

7 One thing it also shows is that this -- this is a  
8 really great representation of COVID. This period  
9 is -- this one-year period is entirely within the  
10 COVID-19 pandemic. So during that time we were -- we  
11 were able to sustain a high rate of exam delivery even  
12 though we were impacted and our provider was impacted  
13 by the pandemic. We -- I think last board meeting I  
14 reported that there was in previous years some higher  
15 numbers. But I believe that this number is quite  
16 consistent with previous years.

17 The other thing that this number doesn't really  
18 take into consideration is the number of reciprocal  
19 licenses that we're issuing down in southwest  
20 Washington. The -- I think the numbers that -- I can't  
21 remember if Wayne reported these. But there was -- you  
22 know, we're in excess of 300. I think it was 370, in  
23 the 370s reciprocal licenses that were issued. So that  
24 would be folks that would not take the exam. They  
25 would just simply apply for reciprocity. We would look

1 at -- evaluate their application and approve them  
2 accordingly.

3 So the number could be higher. We're not sure.  
4 These things are very, very kind of fluid things. And  
5 very difficult to look at. They're just -- they're  
6 just numbers, but there's a lot more story there.

7 As far as the pass rate, we're still not seeing  
8 any kind of a bump in the apprenticeship numbers.  
9 Apprenticeship numbers are pretty consistent throughout  
10 the years from 2014 to current. There's been a  
11 fluctuation from a low of 601 new registrations to a  
12 high of 778 registrations. And these are only the  
13 Washington programs. We have to consider also that  
14 there's two Oregon programs that have territory in  
15 Washington. And I -- these numbers that I'm -- that  
16 I'm talking about don't take that into consideration.

17 But the Washington programs are not seeing a large  
18 influx of apprentices. I think the same thing would go  
19 for training agents. There's 2800, over 2800 01  
20 electrical contractors in the state. And out of those  
21 270 are training agents with apprenticeship programs.

22 So you're looking at about 10 percent of the  
23 contractors in the state of Washington are 01 training  
24 agents who could employ 01 apprentices. That's kind of  
25 the current state.

1           Currently there's -- there's over 22,000 trainees.  
2           We don't track what kind of work. We have no mechanism  
3           to know what they're actually engaged in, whether  
4           they're working in specialties or if they're actually  
5           working in the 01 field, general electrical field.

6           But looking at those numbers as opposed to the  
7           number of apprentices that registered in the program  
8           last year, which was 600 apprentices registered last  
9           year, 311 apprentices completed last year.

10          So those 311 apprentices and -- the 311  
11          apprentices and those candidates coming from out of  
12          state or those candidates coming through the OGAT path  
13          would represent the -- the total number that attempted  
14          the exam, which was 868, so somewhere right around  
15          there. Everything's a little fluid. But --

16          So about a third of a -- a third of the folks that  
17          attempted the exam would be apprentices. The pass  
18          rate's at 48.73. And it will be interesting in coming  
19          years as the number of apprentices go up to see the  
20          48.73 pass rate move.

21          So that's a little bit of information. But I  
22          thought the Board might find it interesting from the  
23          standpoint of where we are. And that -- that is --  
24          that is my report. If anyone has any questions, I'd be  
25          glad to answer any you have.

1                   CHAIRMAN JENKINS: Thank you, Technical  
2 Specialist Larry Vance.

3                   Is there any questions for Larry Vance today?

4                   BOARD MEMBER PREZEAU: Chair Jenkins, this is  
5 Board Member Prezeau. Being a consistent batter at the  
6 plate, I have a couple of questions for Technical  
7 Specialist Vance.

8                   CHAIRMAN JENKINS: No problem. The floor is  
9 yours.

10                  BOARD MEMBER PREZEAU: So thank you, Chair  
11 Jenkins, and thanks, Larry. I appreciate those -- it's  
12 not only your attention to detail in the exam report  
13 but the statistics that you provided for the Board.  
14 And that's what I -- I just have a couple clarifying  
15 questions.

16                  When you said from 2014 until present day that  
17 there were a low of 601 new apprenticeship  
18 registrations in Washington state, recognized  
19 apprenticeships, do you know what year that is?

20                  TECHNICAL SPECIALIST VANCE: The low actually  
21 is this year. It's 200 -- 2020 is -- there were 601.

22                  BOARD MEMBER PREZEAU: Yeah. And so what --  
23 that number that you offered as the high, the 778, do  
24 you know what year that was?

25                  TECHNICAL SPECIALIST VANCE: That was 2017.

1                   BOARD MEMBER PREZEAU: Okay. Thank you.

2                   And then I just want to make sure 'cause I was  
3 writing as fast as you. So let me just recap. Let me  
4 just restate to you what I think I've got captured just  
5 for accuracy.

6                   You said there are approximately more than or  
7 equal to 2,800 licensed 01 electrical contractors  
8 operating in the state of Washington, and of that,  
9 roughly 2800 number, 270 of those 01 licensed  
10 electrical contractors are registered training -- are  
11 01 or inside registered training agents, 270 of them;  
12 and that there's an approximately perhaps greater than  
13 22,000 active trainee certificates currently floating  
14 around in the state of Washington; and that last year  
15 of the 600 registered apprentices in an 01  
16 apprenticeship program, 311 of those registered  
17 apprentices completed their apprenticeship.

18                  Did I get that correctly?

19                  TECHNICAL SPECIALIST VANCE: That's all very  
20 consistent, yes. And that's something that I was not  
21 aware of.

22                  Apprenticeship occasionally share some data with  
23 us, and it's -- it's -- it's not an equal amount of  
24 passthrough, so to speak, 600. And it's this rolling  
25 thing 'cause they're either in four-year or five-year

1 programs.

2 But, for instance, in 2014 you had 604 register;  
3 you had 202 complete. And, you know, the economy in  
4 2014 was still flat. But you don't see anywhere where  
5 there's a consistent match between the number who  
6 register and the number who complete. It's always less  
7 than half.

8 So there seems to be a -- I don't know if there's  
9 a -- I don't know what the story is there as far as not  
10 having -- not getting more people across the line, so  
11 to speak.

12 BOARD MEMBER PREZEAU: Yeah. So again -- and  
13 this is going to be an oddball question. But, Larry, I  
14 think you might know where my mind is going here.

15 There used to be a registered 01 apprenticeship  
16 program functioning in the state of Washington with the  
17 Independent Electrical Contractors Association.

18 Do you remember what year that program was  
19 officially decertified by Director Sacks?

20 TECHNICAL SPECIALIST VANCE: I don't have the  
21 exact date or the exact year. I'm thinking that it  
22 was -- that it was three years ago, potentially four  
23 years. I would have to look at that.

24 BOARD MEMBER PREZEAU: I didn't expect you to  
25 be able to -- I mean, you're a very talented human

1           being, Larry. Don't get me wrong. And I knew there  
2           was a significant possibility you would know that off  
3           the top of your head. But I won't hold you to it.

4           But yeah. Just, I think that there might be a  
5           correlation between -- potentially a correlation  
6           between that action taken by Director Sacks. And might  
7           help understand the story of the what I would call  
8           fairly low completion rate in 01 apprenticeships in the  
9           state of Washington. Speculative. But thank you.

10                   CHAIRMAN JENKINS: Thank you, Board Member  
11           Tracy Prezeau.

12                   Is there any other questions for Technical  
13           Specialist Larry Vance?

14                                   (No audible response.)

15                   CHAIRMAN JENKINS: Okay. Thank you very  
16           much, Larry. I appreciate your input on this. And  
17           thank you.

18                   TECHNICAL SPECIALIST VANCE: All right.  
19           Thank you. Good seeing everybody.

20                   CHAIRMAN JENKINS: All right. So we're on  
21           Item No. 8, public comment. What I do have is Chase  
22           Poe. He's actually contacted us and asked to speak  
23           during this time.

24                   Do we have anybody else in line here?

25                                   (No audible response.)

1                   CHAIRMAN JENKINS: I'm hearing none. So at  
2 this point, Chase Poe, if you'd like to speak to the  
3 Board, the floor is yours.

4                   MR. POE: Hi there. My name is Chase Poe.

5                   CHAIRMAN JENKINS: Oh, one second, please.

6                   THE REPORTER: Mr. Poe, could you please  
7 spell your name for me, first name and last.

8                   CHAIRMAN JENKINS: Thank you. Sorry.

9                   MR. POE: First name is Chase, C-h-a-s-e.  
10 Last name is Poe, P-o-e.

11                   Am I good?

12                   CHAIRMAN JENKINS: Yes, you may continue.

13                   MR. POE: Okay. Awesome.

14                   So my name's Chase Poe. I'm a 22 year old. I  
15 work as the local electrician. Been doing that for the  
16 past three years. I got my trainee license in 2018,  
17 and I worked two years, and then it expired in April of  
18 2020. Because of COVID-19 I was unable to get the 48  
19 hours of classroom work I needed to renew it. So I did  
20 contact L&I, and then they extended my license into  
21 January.

22                   But what I do not remember them telling me is that  
23 after 180 days of my original expiration of my license,  
24 all of my hours, all of my hard work that I put into  
25 the past couple years, would be expired. I'd lose it.

1           So when I was talking with L&I, because I wanted  
2           to take my journeyman's test -- I'm ready for it --  
3           they told me that I cannot because technically now I  
4           have zero hours worked.

5           I think this is an unfair rule. You know, I don't  
6           understand why it's there. I doubt it's a popular  
7           rule. And essentially it's stripping part of my life  
8           away from me because I missed a deadline. It's an  
9           absolute, and I don't think there should be an absolute  
10          with this.

11          Not only was, you know, COVID-19 going on last  
12          year, but there's -- there's a lot of other factors  
13          that people may go through where, you know, missing  
14          deadlines or not thinking of a deadline to send in an  
15          affidavit of your hours, that may not come to their  
16          mind. And just having an absolute where, "Hey, if you  
17          miss this, oh, well, so sorry, you know, don't know  
18          what to tell you. You're going to have to start over  
19          in your career." And I just don't think that's fair.

20          So that's what I wanted to bring up to the Board  
21          today.

22                   CHAIRMAN JENKINS: Okay. Thank you very much  
23                   for your time. I appreciate your time on that.

24                   MR. POE: Is there any responses?

25                   CHAIRMAN JENKINS: Was there anybody --

1           Wayne, do you have anything? Do you want to  
2           respond to this, or . . . ?

3                   BOARD MEMBER PREZEAU: Chair Jenkins, this is  
4           Board Member Prezeau. And I'm inserting myself in here  
5           because I would very much like Assistant --

6                   CHAIRMAN JENKINS: Thank you.

7                   BOARD MEMBER PREZEAU: -- Attorney General  
8           Blohoviak to ascertain whether or not we -- if it is  
9           potential -- potentially problematic to engage -- for  
10          board members to engage on this subject as it could be  
11          a subject of an appeal that comes -- an official appeal  
12          that comes before the Board. Before we entertain  
13          comments from the chief or any board members, I would  
14          very much like to hear from Assistant Attorney General  
15          Blohoviak.

16                   AAG BLOHOWIAK: Yes. Thank you, Board Member  
17          Prezeau. You are correct. The public-comment portion  
18          of the meeting is simply for the Board to hear the  
19          public comments. But there's no question-and-answer  
20          portion, and there's no response from the Board. They  
21          simply hear the information and take it in from the  
22          public.

23                   CHAIRMAN JENKINS: Thank you very much.

24                   MR. POE: Okay. I understand that.

25                   CHAIRMAN JENKINS: I appreciate that.

1 THE WITNESS: Is there some way I can bring  
2 this up to someone or something so we can have a  
3 discussion on this?

4 CHAIRMAN JENKINS: I'm going to refer you to  
5 Ben on this.

6 AAG BLOHOWIAK: Yeah. Mr. Poe, I would  
7 encourage to you continue to work with the Department  
8 of Labor and Industries or, you know, seek out  
9 independent legal counsel. The Board's just in the  
10 position to offer you any advice today or to comment on  
11 anything that you brought up or addressed, anything  
12 that you brought up today.

13 MR. POE: Okay. So I have reached out to a  
14 senator, and I'm talking with them. Do you --

15 Well, I suppose you can't really give me any  
16 answers. Right?

17 CHAIRMAN JENKINS: Yeah. See, I think you're  
18 on the same path. This is a time to take information  
19 in to us, but we don't offer any explanations at this  
20 point.

21 MR. POE: Okay.

22 CHAIRMAN JENKINS: And we don't -- I  
23 definitely don't want to be advising any type of appeal  
24 rights or any type of legal motion. This is not my  
25 position to do so.



1           Is there anybody who would like to speak to the  
2           Board during open public comment?

3                               (No audible response.)

4                       CHAIRMAN JENKINS:   Hearing none, to offer one  
5           more time.  Is there anybody that would like to speak  
6           to the Board during open public comment?

7                       Thank you very much.  It looks like we'll move on  
8           to the last bit, which is the Board would entertain a  
9           motion to adjourn.

10                      BOARD MEMBER PREZEAU:  Chair Jenkins, this is  
11           Board Member Prezeau.

12                      Before I make a motion -- before you entertain a  
13           motion to adjourn, do you think it's advisable to  
14           confirm for the record prior to adjournment that the  
15           Board -- the quarterly meeting of the Washington State  
16           Electrical Board is maintaining a quorum?

17                      CHAIRMAN JENKINS:  That would probably be a  
18           good idea.

19                      Can I do a roll call once again?

20                      So we'll start off with Alice Phillips.  Are you  
21           here present?

22                      BOARD MEMBER PHILLIPS:  Present.

23                      CHAIRMAN JENKINS:  Okay.  Ivan Isaacson, are  
24           you present?

25                      BOARD MEMBER ISAACSON:  I'm present.

1                   CHAIRMAN JENKINS: Erick Lee, are you  
2                   present?  
3                   BOARD MEMBER LEE: Present.  
4                   CHAIRMAN JENKINS: Board Member Terry Cox,  
5                   are you present?  
6                   BOARD MEMBER COX: I am present.  
7                   CHAIRMAN JENKINS: Board Member Mike Nord,  
8                   are you present?  
9                   BOARD MEMBER NORD: Present.  
10                  CHAIRMAN JENKINS: Board Member Dylan  
11                  Cunningham, are you present?  
12                  BOARD MEMBER CUNNINGHAM: Present.  
13                  CHAIRMAN JENKINS: Board Member Bobby Gray,  
14                  are you present?  
15                  BOARD MEMBER GRAY: Present.  
16                  CHAIRMAN JENKINS: Board Member Dominic  
17                  Burke, are you present?  
18                  BOARD MEMBER BURKE: Present.  
19                  CHAIRMAN JENKINS: And Board Member Tracy  
20                  Prezeau, are you present?  
21                  BOARD MEMBER PREZEAU: I am indeed. Thank  
22                  you, Chair Jenkins.  
23                  CHAIRMAN JENKINS: And we still are  
24                  maintaining a quorum. Thank you very much for checking  
25                  on that. I appreciate that.

1 BOARD MEMBER PREZEAU: Absolutely.

2 CHAIRMAN JENKINS: All right.

3 BOARD MEMBER PREZEAU: Sorry, Chair Jenkins  
4 it's Board Member Prezeau. And before you entertain a  
5 motion for adjournment, I just wanted to -- this is my  
6 last -- I've said this last July, but I thought that  
7 wasn't going to be my last board meeting. But I'm  
8 fairly confident that this will be my last board  
9 meeting.

10 I just want to take an opportunity to thank all  
11 the board members for their years of service and  
12 dedication and commitment.

13 I want to thank the current chief for his good  
14 work. He's made quite a positive impact on the program  
15 since achieving as the new chief, so my hat's off to  
16 you, Chief Molesworth.

17 I want to welcome our new Assistant Attorney  
18 General Ben Blohoviak.

19 And just wish everybody well in 2021 and 2022.  
20 It's been an honor serving all of you.

21 And with that, Chair Jenkins, I move for  
22 adjournment of the April 29, 2021, quarterly meeting of  
23 the Washington State Electrical Board.

24 BOARD MEMBER CUNNINGHAM: Second.

25 BOARD MEMBER PHILLIPS: Second, Board Member

1 Phillips.

2 CHAIRMAN JENKINS: So we have a motion and a  
3 second to adjourn the meeting for the -- what is this  
4 month? -- April Washington State Electrical Board  
5 meeting.

6 Do we have -- all in favor, please signify by  
7 saying "aye."

8 (Chorus of ayes.)

9 CHAIRMAN JENKINS: Any opposed?

10 (No audible response.)

11 CHAIRMAN JENKINS: Hearing none, motion  
12 passes, and we are adjourned. Thank you very much for  
13 your time.

14 (Proceedings concluded at 12:01 p.m.)

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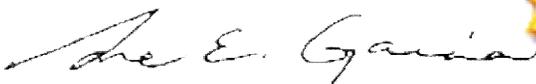
I, SUE E. GARCIA, a Certified Court Reporter in and for the State of Washington, residing at Tacoma, authorized to administer oaths and affirmations pursuant to RCW 5.28.010, do hereby certify:

That the foregoing proceedings were taken before me on the 28th of April, 2021, and thereafter transcribed by me by means of computer-aided transcription, that the transcript is a full, true, and complete transcript of said proceedings, consisting of pages 1 through 116;

That as a CCR in this state, I am bound by the Rules of Conduct as Codified in WAC 308-14-130; that court reporting arrangements and fees in this case are offered to all parties on equal terms;

That I am not a relative, employee, attorney, or counsel of any party to this action or relative or employee of any such attorney or counsel, and I am not financially interested in the said action or the outcome thereof;

IN WITNESS HEREOF, I have hereunto set my hand this May 13, 2021.

  
\_\_\_\_\_

SUE E. GARCIA, CCR, RPR

WA Lic. No. 2781



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