

DEPARTMENT OF LABOR AND INDUSTRIES

STATE OF WASHINGTON

ELECTRICAL BOARD MEETING

TRANSCRIPT OF PROCEEDINGS

January 30, 2020

Tumwater, Washington

Pages 1 through 262

Taken Before:

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1 BE IT REMEMBERED that an Electrical  
2 Board meeting was held on Thursday, January 30, 2020, at  
3 the Department of Labor & Industries, 7273 Linderson Way  
4 Southwest, Tumwater, Washington, at 9:03 a.m., before  
5 CHAIRPERSON TRACY PREZEAU; BOARD MEMBERS JASON JENKINS,  
6 JOHN BRICKEY, ERICK LEE, RYAN LaMAR, BOBBY GRAY, KERRY  
7 COX, DOMINIC BURKE, IVAN ISAACSON, DAVE WARD, MIKE NORD,  
8 DYLAN CUNNINGHAM, DON BAKER; and SECRETARY/CHIEF  
9 ELECTRICAL INSPECTOR STEPHEN THORNTON. Also present was  
10 ASSISTANT ATTORNEY GENERAL PAM THOMURE representing the  
11 Board, and BETHANY RIVERA, Board assistant;

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

14

15 <<<<<< >>>>>>

16

17 CHAIRPERSON PREZEAU: Good morning,  
18 everybody. It is three minutes after 9:00, and I would  
19 like to call the January 30th, 2020, electrical board  
20 meeting to order.

21 Good morning, everybody. How are we doing?

22 Terrific. So shall we entertain a motion to approve  
23 the transcript from the October 31st, 2019, meeting?

24 And the Chair would like to make sure that we  
25 have -- make the motion, I understand, that there needs

1 to be an edit in Milton's last transcript.

2 And if I could get the board members to turn their  
3 attention to -- Page No. 10, Line 9, Milton unfortunately  
4 erroneously identifies the speaker as the chair. It is  
5 really the secretary Steve Thornton, Line 9.

6 So Chair will entertain a motion to edit the  
7 transcripts with that edit.

8 UNIDENTIFIED SPEAKER: So moved.

9 CHAIRPERSON PREZEAU: Is there a  
10 second?

11 UNIDENTIFIED SPEAKER: Second.

12 CHAIRPERSON PREZEAU: It's been moved  
13 and seconded to approve the transcript. All in favor,  
14 signify by saying aye.

15 BOARD MEMBERS: Aye.

16 CHAIRPERSON PREZEAU: Opposed?

17 Okay. Super cool. So couple of housekeeping pieces  
18 this morning. We have a brand-new court reporter this  
19 morning with us. Her name is Andi. I think we're all  
20 excited -- well, I know we're all excited about that.

21 And we also have for the -- Ivan has been appointed  
22 by the governor to sit on the board for manufacturer  
23 representatives, and he was in attendance at the last  
24 meeting, but was not --

25 UNIDENTIFIED SPEAKER: Meeting before

1 last.

2 CHAIRPERSON PREZEAU: So this is  
3 Ivan's first meeting at the big kids' table. So with  
4 that, and with our new court reporter, I would very much  
5 like the board to do introductions. Don't have to spell  
6 your name. Checked that with Andi already, but what  
7 position you occupy on the board.

8 BOARD MEMBER BURKE: Dominic Burke,  
9 contractor seat.

10 BOARD MEMBER COX: Kerry Cox, with ITC  
11 Systems, telecom contractor seat.

12 BOARD MEMBER GRAY: Bobby Gray, with  
13 Hoydar-Buck, contractor seat.

14 BOARD MEMBER LAMAR: Ryan LaMar,  
15 CenturyLink, telecom.

16 BOARD MEMBER BAKER: Don Baker,  
17 contractor seat.

18 BOARD MEMBER CUNNINGHAM: Dylan  
19 Cunningham, MW Consulting Engineers.

20 BOARD MEMBER NORD: Mike Nord,  
21 Communication Workers of America, telecom workers seat.

22 AAG THOMURE: Pam Thomure, AG's  
23 office.

24 CHAIRPERSON PREZEAU: Tracy Prezeau,  
25 chair and representing electricians.

1 BOARD MEMBER PHILIPS: Alice Philips,  
2 outside line construction, vice chair.

3 BOARD MEMBER ISAACSON: Ivan Isaacson,  
4 the new guy, manufacturer's seat.

5 BOARD MEMBER LEE: Erick Lee, IBEW  
6 Local 46, representing electricians.

7 BOARD MEMBER BRICKEY: John Brickey,  
8 representing cities of electrical jurisdiction in  
9 Washington Association of Building Officials.

10 BOARD MEMBER WARD: David Ward,  
11 utility seat.

12 BOARD MEMBER JENKINS: Jason Jenkins,  
13 electrical seat.

14 SECRETARY THORNTON: Steve Thornton.  
15 I'm the chief electrical inspector and the secretary.

16 MS. RIVERA: Bethany Rivera, secretary  
17 assistant.

18 CHAIRPERSON PREZEAU: Very good.  
19 Thank you for that.

20 Steve, do we have a safety message this morning?

21 SECRETARY THORNTON: Probably. If we  
22 have to exit the building for any reason, we have three  
23 exits out of this room. And if we go out the right door,  
24 we go right, and there's exits at either end of the hall.

25 If you go out the left-hand door, go left out into

1 the rotunda, and you can exit either direction. If we  
2 leave the building, then we go -- there are lines in the  
3 parking lot.

4 We get far enough away from the building, and  
5 everybody collects there, and we kind of take head count  
6 and that kind of stuff.

7 So -- and luckily the weather has straightened up so  
8 we're not all driving here in a rainstorm, but I think we  
9 get to go back in one, so --

10 CHAIRPERSON PREZEAU: Very good. And  
11 I would imagine, in the event of an emergency, the  
12 troopers in the lobby would assist; right?

13 SECRETARY THORNTON: Yeah. Other than  
14 it's going to be a madhouse getting out of here, so,  
15 yeah. Best if you just know where you're going.

16 CHAIRPERSON PREZEAU: Safely exit the  
17 building.

18 SECRETARY THORNTON: Yes.

19 CHAIRPERSON PREZEAU: Very good. So  
20 with that, we are under Agenda Item 3,  
21 department/legislative updates. I believe we've got some  
22 new peeps in the room.

23 So, Steve, do you want to do introductions?

24 SECRETARY THORNTON: Sure. Our  
25 current assistant director has taken a new job with

1 veterans affairs, and our person that's taken his place  
2 is Steve Reinmuth. He's right here in the front row, and  
3 Annette Taylor, who is my direct supervisor here.

4 Do you want to address the board at all?

5 CHAIRPERSON PREZEAU: Steve, you're  
6 more than welcome to come up and address the board, if  
7 you so choose. We'd welcome that for sure.

8 MR. REINMUTH: It's been a long time  
9 since I've sat in this chair. I used to prosecute cases  
10 in front of the board back when Don Close was chair and  
11 (inaudible) was chief electrical inspector. I'm not sure  
12 exactly when that was. In the '90s, I think.

13 And most recently I had the pleasure of prosecuting  
14 the unity electric case, which was a case that was  
15 important to my heart when I was in the attorney  
16 general's office.

17 Chief counsel to L&I for lot of years, chief counsel  
18 to DOT for a lot of years, and chief of staff at DOT. So  
19 I've worked a lot with the trades in the construction  
20 industry and Department of Transportation and here at  
21 L&I.

22 And I look forward with working with Annette and  
23 Steve and the board.

24 MS. TAYLOR: And so the transition  
25 plan today is, on March 16th, Steve will step into the



1       assistant director role for field services public safety.  
2           Right now he's the assistant director for  
3       administrative services, and they're working towards  
4       filling his position so that he can step out of that role  
5       and step into this role.

6           And during that time, I've been asked to take on the  
7       assistant -- or the acting assistant director position.  
8       So I'll be doing that between now and March 16th, and  
9       we'll be filling my role as the deputy assistant director  
10      with an acting position as well to be named shortly once  
11      we get through all the process there.

12          So look forward to continuing to work with all of  
13      you in my current role as the acting but back into my  
14      deputy assistant director role as well.

15                   CHAIRPERSON PREZEAU: Very good. So  
16      just -- apologies. Just before -- I appreciate the  
17      introductions this morning.

18          Are you -- who is doing the -- are we having a  
19      legislative department update?

20                   SECRETARY THORNTON: Yes.

21                   CHAIRPERSON PREZEAU: Are you doing  
22      that?

23                   SECRETARY THORNTON: Yes.

24                   CHAIRPERSON PREZEAU: So questions to  
25      you?

1 SECRETARY THORNTON: Yes.

2 CHAIRPERSON PREZEAU: Okay. Very  
3 good. Thank you.

4 Any questions of Annette or Steve this morning from  
5 board members?

6 SECRETARY THORNTON: I would like to  
7 make one comment. They're both doing two jobs right now.  
8 They're very busy, and it's good to have them here.

9 CHAIRPERSON PREZEAU: Yeah. No. We  
10 genuinely appreciate always having folks come and address  
11 the board, particularly from the administration building.

12 So you're more than welcome to join us in April in  
13 Spokane. We look forward to that.

14 MS. TAYLOR: Might be in Arizona  
15 during that time, but not sure. Check with my boss.

16 CHAIRPERSON PREZEAU: Okay. Very  
17 good. All right.

18 Steve?

19 SECRETARY THORNTON: All right.  
20 Legislatively in the February current newsletter, we've  
21 listed the three bills that are most impactful to us.

22 House Bill 2330 requires various state agencies,  
23 including Labor and Industries, to issue a recommended  
24 guidance statement in lieu of formal enforcement actions  
25 or civil penalties for violations of the laws or rules.

1           Senate Bill 6409 exempts manufacturers, engineers,  
2           and authorized trained service technicians from  
3           contracting licenses or certification within the  
4           confinement of their piece of equipment.

5           Senate Bill 6327 requires the department to issue  
6           temporary permits in lieu of certificates of competency  
7           if an applicant has a journey level or specialty  
8           electrician certificate in another state.

9           Those are the three that -- if those impact you at  
10          all, I would suggest you take those bill numbers and look  
11          them up and go through the fine print on them.

12                   CHAIRPERSON PREZEAU: Steve, I'm  
13          curious if you are -- and maybe anybody from the  
14          department can -- I -- the two bills -- two of the three  
15          bills you mentioned were already on my radar screen,  
16          including Senate Bill 6409 and 6327.

17          Are you prepared to talk a little bit more about the  
18          details of those, or do you have somebody that can --

19                   SECRETARY THORNTON: Rod and Laurie do  
20          the actual bill analysis, so they'd probably be the best  
21          ones. If you have questions, we can have them come up  
22          here. I mean, does anybody have specific questions?

23                   CHAIRPERSON PREZEAU: I do, but I can  
24          certainly -- I don't -- I could ask them of the technical  
25          specialists offline.

1           One of the concerns I have about Senate Bill 6327  
2           with respect to the temporary certificates is, this board  
3           well -- knows very well that we have authorized those --  
4           the use of temporary certificates.

5           And for folks that are unfamiliar with that  
6           phrasing, what those temporary certificates permit or  
7           allow is workers from out of state to travel to  
8           Washington State -- general journey level electricians to  
9           travel into Washington State and secure employment and  
10          have a window of time so they can start work without  
11          having successfully passed the 01 general journeyman's  
12          exam, but allow them to start work. But within a certain  
13          time frame, they have to sit that exam.

14          Do you recall? We -- through temporary -- through  
15          rulemaking, we had temporary -- reinstated temporary  
16          certificates because they existed in the rule before.  
17          Then we let that sun set and then reinstituted that.

18          What I'm curious about is, there's some pretty  
19          interesting language at the very beginning of -- what  
20          this bill does is, instead of -- from what I  
21          understand -- this is what I'm curious to hear from the  
22          technical specialist, if I have this correct, is, instead  
23          of the department having the ability to consider  
24          employing the use of temporary certificates, it basically  
25          mandates the department and gives no -- from what I

1 understand, very little discretion to the department and  
2 to this body as to how those certificates get issued.

3 And so that's -- for me, is -- if now you know  
4 that's what this bill does, are people interested in  
5 understanding the mechanics of this?

6 Yes? All right. So Rodney -- technical specialist  
7 Rob Mutch, R-o-d, M-u-t-c-h.

8 MR. MUTCH: So I don't have the bill  
9 language in front of me, but Tracy is right. This is  
10 kind of similar to our rule where we allow someone who is  
11 coming from out of state, we -- the current process is,  
12 we have them apply for a certificate of competency, and  
13 if they qualify, we issue them a temporary permit to work  
14 for I believe it was 120 days.

15 This bill mandates that the department issue a  
16 temporary permit for anyone who has a certificate from  
17 another state. That -- that isn't specified in the  
18 language what that means. They don't have to have  
19 equivalent qualifications as Washington does, and we have  
20 to issue them the permit to work.

21 It can be renewed. It's good for, I believe,  
22 120 days, and it can be renewed up to three times. So  
23 that's a 480-day window that someone could be working in  
24 the state who has not passed the exam or met the  
25 equivalent qualifications for certificates in the state.

1           And it applies to specialties as well.

2                           CHAIRPERSON PREZEAU: Which is  
3 something we haven't considered in the past; is that  
4 correct?

5                           MR. MUTCH: That's right. And the  
6 specialties are a concern because there are different --  
7 different states have different work scopes for their  
8 specialties. So maybe another state wouldn't -- wouldn't  
9 allow their specialties to do anything but allow voltage,  
10 for example.

11           But I don't know how we would be able to administer  
12 that. If they have a certificate of competency from  
13 another state, we would have to issue them a temporary  
14 permit, and it could be up to 480 days that they'd be  
15 able to work, so --

16                           CHAIRPERSON PREZEAU: Okay. And then,  
17 Rod, if you want to fill us in a little bit more detail  
18 on Senate Bill 6409 about the act relating to providing  
19 an exemption from electrical licensing certification and  
20 inspection for industrial equipment and adding a new  
21 section to Chapter 19.28.

22                           MR. MUTCH: So right now we have a  
23 rule that allows manufacturers' factory-trained service  
24 technicians to perform start-up replacement of components  
25 within the confines of the manufacturer's equipment.

1           This one is under certain conditions. The equipment  
2           has to be under warranty or worked under a licensed  
3           electrical contractor or it has to be recalled by  
4           Consumer Product Safety Commission.

5           This bill is for industrial equipment only, and it  
6           would allow manufacturers to replace components within  
7           the equipment at any time.

8           So let's say a piece of industrial equipment has a  
9           relay that fails. The manufacturer would be able to come  
10          out and replace that.

11          It limits them. They can't do anything outside the  
12          piece of equipment. It's strictly replacing components  
13          within their equipment.

14          So it's pretty limiting, but it's -- it allows them  
15          to do that work with industrial equipment, even when it's  
16          not in the warranty period, so -- so it's pretty -- it's  
17          in a pretty limited box. I mean, they're not going to  
18          get out into the building and do building wiring. It's  
19          only working on components of their equipment for  
20          industrial equipment only.

21                   BOARD MEMBER BURKE: So could they  
22          replace breakers in a panel.

23                   MR. MUTCH: No. Well, the  
24          manufacturer of the panel could probably do -- well, that  
25          wouldn't qualify as industrial equipment.

1           So it has to be the equipment that's directly used  
2           in the -- in the manufacturing process. So it wouldn't  
3           apply to any distribution equipment.

4                     BOARD MEMBER GRAY: Maybe if it's in a  
5           PA 79 equivalent that has some sort of a distribution  
6           panel inside it, then it would be specific to the  
7           equipment.

8                     MR. MUTCH: Yes. If it was part of  
9           the listed piece of equipment that was directly used in  
10          manufacturing profession, yes.

11                    BOARD MEMBER GRAY: But not to supply  
12          premise wiring.

13                    MR. MUTCH: Correct.

14                    CHAIRPERSON PREZEAU: So we had audio  
15          problems last quarter.

16                    Are we having audio -- I'm hearing a little bit of  
17          feedback, but other than that, can everybody -- is the  
18          audience hearing everybody okay?

19                    MR. MUTCH: A little bit of ringing.

20                    CHAIRPERSON PREZEAU: Yeah. There's a  
21          little ring, but room is full of electricians. We can  
22          probably figure that out.

23                    Rod, if you'll permit just a couple more questions,  
24          I'm a little bit concerned about -- so I have 19.28 in  
25          front of me. I also have 296-46B, but in the -- in the



1 statute, there's not a definition in the definition  
2 section for industrial equipment, but there is a  
3 definition for industrial control panels.

4 That would not be considered industrial equipment?  
5 Where does that fall?

6 MR. MUTCH: It could, yes. And the  
7 definition for industrial equipment is in the bill.

8 CHAIRPERSON PREZEAU: Which I have on  
9 my phone. So, "Any person, firm, partnership,  
10 corporation, or other entity employing one or more  
11 manufacturers authorized" -- I'm reading from the bill --  
12 "engineers or factory-trained service technicians to  
13 maintain, repair, or replace components within the  
14 confines of that manufacturer's industrial equipment.

15 "Except for disconnection and reconnection of  
16 existing low voltage digital control system connections,  
17 this exemption does not include any installation  
18 maintenance, repairs, disconnection or reconnection of  
19 any premises wiring" -- to your point, Bobby -- "or  
20 electrical equipment connected to industrial equipment."

21 Any other questions, Bobby?

22 BOARD MEMBER GRAY: Just clarification  
23 on the previous bill. The -- there is no restriction on  
24 the qualifications on any of the 50 states or Puerto Rico  
25 or anyplace else that might have a state control

1       licensing program.

2               So if we enter into some sort of reciprocal  
3       agreement with Oregon, Idaho, or something like that,  
4       that would be irrelevant. We still would have to accept  
5       people from some state that doesn't have an evaluated  
6       qualifications or training program, so --

7                       MR. MUTCH: Temporarily, yes.

8                       BOARD MEMBER GRAY: Because I know,  
9       way back in the dark ages, there was at least one state  
10      where, if you just paid some amount of money, you got a  
11      journeyman license, and when -- you remember when we were  
12      doing a lot of work out of Hanford, those people would  
13      show up and --

14                      MR. MUTCH: Oh, yeah.

15                      BOARD MEMBER GRAY: -- it was always a  
16      challenge there because they weren't necessarily  
17      qualified to our expectations.

18               So this bill would allow that to come back in?

19                      MR. MUTCH: Yes.

20                      BOARD MEMBER BURKE: Temporarily.  
21      It's a year and a half.

22                      MR. MUTCH: I think it's 480 -- well,  
23      120 calendar days. They can renew it three times.

24                      BOARD MEMBER BURKE: That's a little  
25      more than temporary, but --

1 MR. MUTCH: Yeah.

2 CHAIRPERSON PREZEAU: Anything else,  
3 Rod, that you want to add to the commentary this morning?

4 MR. MUTCH: No, not -- if there's  
5 other questions, I'd be happy to answer those.

6 CHAIRPERSON PREZEAU: Thank you, Rod.  
7 I'm sure we'll see you back later.

8 So I know that many of the board members will recall  
9 that this body generally doesn't get too involved in the  
10 political legislative process.

11 However, we have had subcommittees that were named  
12 at the January meeting historically to sort of keep their  
13 eyes on certain pieces of legislation that are of  
14 interest and impact to the program.

15 I'm curious if there's any board members that feel,  
16 given the briefing that we've got this morning about  
17 these three pieces of legislation, if there's any  
18 appetite to convene a subcommittee to keep their eyes  
19 peeled on these three pieces of legislation and any  
20 additional legislation that comes?

21 Short session, but -- seeing none, we will -- Steve,  
22 I think we still have another piece under this agenda  
23 item, reciprocal agreements.

24 Do you want to talk about that here or later?

25 SECRETARY THORNTON: I've got some

1 more -- a couple more departmental things to talk about.

2 CHAIRPERSON PREZEAU: Please.

3 SECRETARY THORNTON: Later in the  
4 program today, we're going to go through the proposed WAC  
5 rule changes. We're also in the middle of stakeholder  
6 meetings, going through those same items with  
7 stakeholders.

8 We just completed our statewide inspector training.  
9 Our virtual inspections program is up and running with  
10 four inspectors. We've done roughly 3,500 inspections  
11 that way now, and it seems to be working well.

12 We're -- at the stakeholder meetings -- we're giving  
13 a presentation to everybody that comes to the stakeholder  
14 meetings on that and making sure everybody is aware of it  
15 and it's there for them to use if it fits their -- their  
16 needs.

17 And those four inspectors, two are here, one is in  
18 Kelso, one is in Kennewick, so they're kind of scattered  
19 around.

20 So we'll see what the demand is. We can do four --  
21 each one of them can do an inspection every half an hour,  
22 so we can do about 12 to 13 a day, so we can get about 50  
23 in a day.

24 We'll see what the demand is, whether we need to put  
25 on more staff for that or not, but that seems to be going

1 well.

2 And we can go on to the reciprocal agreements now.  
3 We have signed one agreement with Idaho, and that is not  
4 really reciprocity as such, but it's a -- kind of a  
5 license-for-license exchange.

6 So if I wanted to go to Idaho and I take my license  
7 from Washington and say, "I want an Idaho license," they  
8 say, "Okay. Give me your license number."

9 And then they call us and ask us the questions that  
10 fit their rule. Did they pass the test? Yes, they did.  
11 Did they have CEUs? Do they whatever, and as long as all  
12 of my qualifications meet Idaho's, then I get one.

13 If somewhere in that list of questions, "No. I  
14 didn't pass a test. I got it through grandfathering,"  
15 well, now you don't get one.

16 So it's kind of a -- as it's been put, a "no test  
17 license." So if you meet our qualifications, we'll give  
18 you a license.

19 That's the same scenario they have with other  
20 states. Rod and I went to an IAI meeting in Boise, and  
21 while we were there, we went and met with Idaho and went  
22 through all their process and then it was just a matter  
23 of getting the paperwork signed.

24 So we're starting down that road. So far we haven't  
25 had anybody call and want to know any of that information

1       yet, but with the shortage of manpower, everybody is  
2       pretty much satisfied with staying home and working  
3       rather than looking to go anywhere.

4               But we are started down the road of getting those  
5       doors opened, so --

6                       BOARD MEMBER BURKE:   Is that for all  
7       classifications?

8                       SECRETARY THORNTON:   Just the 1s.

9                       BOARD MEMBER COX:     Steve, does it work  
10      the other way around?

11                      SECRETARY THORNTON:   Yes.

12                      BOARD MEMBER COX:     So same thing?

13                      SECRETARY THORNTON:   Yep, as long as  
14      they meet our qualifications, then the agreement is,  
15      we'll give the license.

16                      BOARD MEMBER LEE:     Steve, do they  
17      accept our CEUs or is that separate CEUs to maintain  
18      license?

19                      SECRETARY THORNTON:   I don't know  
20      whether they will or not.   I don't know that they have a  
21      CEU requirement that matches ours.   That might be a  
22      stumbling block.

23               So far we haven't fielded all the questions that  
24      they might ask, so I can keep this on the agenda for  
25      updates as we go, if there are any issues there?

1                   BOARD MEMBER COX: Steve, the reason  
2 behind not doing specifically low voltage to match our 06  
3 or any other specialty, 01 only, you said, so are we --  
4 are we moving toward having limited energy folks?

5                   SECRETARY THORNTON: And I don't know  
6 that there's any resistance to that. Like Rod was  
7 talking about, every state has specialties, and none of  
8 them match up like they really should to be able to say,  
9 okay, this is an equal swap.

10               So I see that a lot harder to accomplish than the  
11 01.

12               BOARD MEMBER COX: Is that a goal of  
13 the program to get there or not or we're just doing 01s,  
14 period?

15               SECRETARY THORNTON: No. I think the  
16 goal of the program is to have as much of the workforce  
17 be able to move around as possible.

18               BOARD MEMBER COX: Okay. Thank you.

19               CHAIRPERSON PREZEAU: Do you have an  
20 update about the Oregon reciprocity situation?

21               SECRETARY THORNTON: The stumbling  
22 block there seems to be this past -- the score passing,  
23 their 75 percent versus our 70.

24               And Phyllis is here. We had some questions about  
25 whether we could combine the tests and separate the tests

1       and that kind of stuff. If there are questions about  
2       that -- I don't think it's quite as simple as what it  
3       sounds like on the surface.

4             But that's the main thing that is holding up getting  
5       something signed with them that I've heard of, so --

6                     CHAIRPERSON PREZEAU: So I did -- if  
7       you'll recall back in October, I think, I reported that I  
8       had reached out to the chair of the Oregon state  
9       electrical board. It's a -- her name is Heather Miller,  
10      and I got an email from her yesterday.

11            And I won't pretend to completely understand how the  
12      process works in the state of Oregon and their -- the  
13      structure of Oly and their electrical program and  
14      building codes. It's not my wheelhouse.

15            But she reported to me that the building codes met  
16      with the electrical construction industry last week.  
17      Things are moving forward, and it sounds like things are  
18      starting to coalesce, at least from Heather's  
19      perspective, the chair's perspective in Oregon.

20            And potentially they're continuing to gather some  
21      additional stakeholders in Oregon to demonstrate support  
22      for reciprocal agreement between Oregon and Washington,  
23      and she's cautiously optimistic that that will happen  
24      this year.

25                     SECRETARY THORNTON: Good.



1 CHAIRPERSON PREZEAU: So hopefully.

2 It's interesting that we can -- that the Idaho reciprocal  
3 agreement, which isn't really actually --

4 SECRETARY THORNTON: No.

5 CHAIRPERSON PREZEAU: -- a true  
6 reciprocal agreement, but it's really a like-for-like,  
7 individually evaluated, we'll give you a certificate  
8 without examination basically.

9 SECRETARY THORNTON: Yes.

10 CHAIRPERSON PREZEAU: Which is --  
11 still helps, especially for contractors and electricians  
12 that follow customers regardless of state boundaries.

13 SECRETARY THORNTON: It's a step in  
14 the right direction. I mean, take it a piece at a time.  
15 It's a little easier than trying to tackle the whole  
16 thing all at once, so --

17 CHAIRPERSON PREZEAU: Very good.

18 Anything else under -- because -- we'll have the  
19 secretary's report to follow up on some of those other  
20 pieces, but any questions -- any additional questions for  
21 Steve under the department legislative updates?

22 Seeing none, let's go to appeals. And before we --  
23 I just wanted to -- so I just wanted to update folks.

24 So on the original agenda that was published and  
25 sent to the board members indicated that final orders --

1 I want to give folks an update on the appeals that we  
2 heard at the last -- the October meeting.

3 So the appeal regarding the HVAC school and that  
4 basic classroom training, the final order has been signed  
5 by both parties, and so that -- we don't have to have a  
6 formal presentment of the proposed final order.

7 And, similarly, in the matter of Bob Wester --  
8 excuse me -- Bob Webster, handyman services, and Robert  
9 Webster, the settlement agreement documents have been  
10 signed.

11 And have they been signed by the department as well?

12 AAG THOMURE: Yes.

13 CHAIRPERSON PREZEAU: So that is put  
14 to bed?

15 AAG THOMURE: Yes.

16 CHAIRPERSON PREZEAU: Because when we  
17 got them, it was only signed by one party, so that has  
18 been taken off the calendar or has been settled as far as  
19 this tribunal.

20 And we have one active appeal today, but before we  
21 call that, I wanted to -- are the parties here?

22 AAG THOMURE: They are here but they  
23 requested some additional time. They are meeting and  
24 want to finish their discussion, so they need a few more  
25 minutes.

1                   CHAIRPERSON PREZEAU: Sure thing. So  
2           that's great because I'd like to chat with the board  
3           about the original appeal, which is -- shows up on the  
4           agenda -- the updated agenda. Has to do with Action  
5           Electric, and Bethany sent out a notice to the board  
6           members after the appeals packet was sent to all the  
7           board members.

8                   And this is an original hearing. This has to do  
9           with the department's issuing an intent to revoke a  
10          general electrical contractor's certificate, and there  
11          was some paperwork error with this appeal.

12                  And as such, the paperwork error -- we did not want  
13          a clerical error to have an impact on a hearing of this  
14          magnitude when we're conducting an original hearing,  
15          especially around revocation of a certificate or in this  
16          case a license.

17                  So after careful consultation with Pam and the  
18          parties, this matter has been continued until the April  
19          meeting.

20                   AAG THOMURE: And Action Electrical  
21          also requested it be continued because he was trying to  
22          retain counsel. For a number of other reasons, retain  
23          counsel, then he lost contact, so there's that issue  
24          also.

25                   CHAIRPERSON PREZEAU: So after

1 consulting with Pam and the department and in the  
2 interim, the parties agreed to continue the matter to the  
3 April meeting.

4 Reminder to the board members, the April meeting is  
5 in Spokane. So make sure -- the last Thursday of the  
6 month, make sure people know we're going to be in  
7 Spokane.

8 And one of the things -- so original hearings, just  
9 to remind the board members, you know, look very similar  
10 to what happened at the last meeting with the appeal  
11 around the basic classroom training.

12 So I asked Pam, like, "Hey, can we take advantage of  
13 the January meeting? The department has submitted, I  
14 believe, 34 pieces of evidence -- exhibits in this  
15 matter. And could we use the time today to have the  
16 parties engage on admissibility of those exhibits so at  
17 least we can keep moving forward?"

18 And as Pam duly already noted, because the appellant  
19 is in the process of seeking counsel, if we asked the  
20 parties to review those exhibits and one party has still  
21 has not retained counsel, how do you ask them to do that?

22 But I want to remind the board members, in our  
23 governing documents, the presiding officer has the  
24 ability to, in between meetings -- to do a number of  
25 things on behalf of the board.

1           One of the things -- you know, obviously I have  
2           signed the final orders in the interim after careful  
3           consultation with our assistant attorney general.

4           And what we potentially could do with this original  
5           hearing now scheduled for April is, between now and the  
6           April meeting, could work with Pam and within the  
7           confines of those governing documents our bylaws and  
8           operating principles to -- to appropriately move through  
9           some of those original hearing procedural matters,  
10          including having a -- it's almost like a -- I call it a  
11          preconference hearing that we read about in these appeals  
12          that come from the Office of Administrative Hearings.

13          So there's, you know -- so by the time they get to  
14          the hearing, you know, there's some discussion as we  
15          review these appeal matters where they discuss the  
16          admissibility of evidence during the hearings. Sometimes  
17          that's done ahead of time.

18          Now, I want to be very clear. I'm not asking the  
19          board members, as the presiding officer, for any latitude  
20          outside of how that is defined in our governing  
21          documents.

22          I'm just saying that it is possible if we can make  
23          this -- we can coordinate with the parties that, assuming  
24          that this matter is heard at the April meeting, that  
25          board members would have the record of any discussions,

1 slash, gathering of evidence, approving of evidentiary --  
2 admissibility of evidentiary matters from both -- both  
3 parties, if you will, so that we don't have to do that  
4 process and take the board members' time so that  
5 potentially -- at these original hearings, as you well  
6 know, we make the record. Appeals that come from the  
7 Office of Administrative Hearings, we get a -- you know,  
8 a board packet that includes that information.

9 So potentially we can make all the stars line up.  
10 What we would be striving for is going -- for board  
11 members going into the April meeting with a greater  
12 understanding of what is -- what are the approved pieces  
13 of evidence in the matter, what has been vetted, and then  
14 potentially even conducting -- not hearing the case but  
15 letting the parties build their case in the interim so  
16 the board members have some background of the case.

17 Not saying that whatever record comes into that  
18 April meeting that the board members would be bound to  
19 only that information because we make the record in the  
20 original appeals, but that there would be some groundwork  
21 already in place.

22 One of the -- the primary motivations for Pam and  
23 I -- for me having these conversations with Pam in the  
24 interim is, if you go back to the last time this -- this  
25 body was asked to entertain a similar conversation about

1        revocation or suspension, it had to do with certificates,  
2        not licenses.

3            We heard -- the board members heard -- heard the  
4        matter, and then we tabled the decision until the next  
5        meeting. So the board members had an opportunity,  
6        because this is a pretty serious allegation or serious  
7        step to consider, wanted time to review the record.

8            So my motivation is trying to build some of that  
9        record appropriately during the interim in consultation  
10       with our assistant attorney general so that board members  
11       may feel more equipped to enter into those discussions,  
12       having the ability to understand what are the merits of  
13       the case thus far.

14                    AAG THOMURE: So if I could assist.

15                    CHAIRPERSON PREZEAU: Please.

16                    AAG THOMURE: The -- under the  
17        Administrative Procedure Act, the presiding officer of  
18        the board can have -- has certain functions. I think  
19        I've quoted that statute for the board before.

20                    One of those is to rule on evidence, to issue  
21        subpoenas, to grant continuances, sort of procedural  
22        matters.

23                    And what we were talking about, in also reading the  
24        transcript from the last meeting, would be to potentially  
25        set up a prehearing conference with parties, have the

1 parties submit proposed exhibits, witness lists, and then  
2 sort of make the record so that we don't spend the  
3 board's time going through which ones are you going to  
4 admit, which ones not.

5 And Tracy, as the presiding officer, or if someone  
6 else were to be appointed by the board, can conduct that  
7 sort of identifying the evidence and what is appropriate,  
8 and then that record would be -- then the evidence would  
9 come to the board and would be presented, and it wouldn't  
10 be all that time spent juggling exhibits.

11 And, quite frankly, I think it would save time and  
12 help with the efficiency of getting the appeals to  
13 actually occur.

14 And often there isn't a big dispute. A lot of the  
15 parties, when you read the transcripts, they agree  
16 usually on most of the exhibits, and it's just a matter  
17 of getting that all in one place, making sure you get  
18 those documents and you get them in an orderly fashion.

19 BOARD MEMBER JENKINS: Are we going to  
20 motion this or is this a recommendation?

21 CHAIRPERSON PREZEAU: I don't know  
22 that we need a formal motion because, as Pam pointed out,  
23 the statute of authorities is there.

24 And I think, during my tenure as the board -- you  
25 know, as the chair, I've tried to balance that. I



1 usually don't try to make decisions as the presiding  
2 officer if it's really close to the board meeting or, you  
3 know, I don't like to try to usurp the voices of the  
4 board members, for obvious reasons.

5 My motivation is to echo what Pam said, but  
6 additionally is so that board members can come into that  
7 conversation with at least some background information  
8 and potentially, you know, some additional present- --  
9 presentment of not only evidence but also this is --  
10 these are the events, right, these are -- so that at  
11 least board members aren't seeing that information for  
12 the very first time when we hear the appeal, in the -- in  
13 the hopes that board members find that to be helpful and,  
14 to Pam's point, potentially providing appropriate and  
15 efficient decision-making processes from this body.

16 So unless there's objections, I don't think, you  
17 know, unless somebody is -- doesn't want that good faith  
18 effort to happen, I don't know that we need a motion.

19 BOARD MEMBER PHILIPS: I think another  
20 point is with respect to the time of the people.

21 CHAIRPERSON PREZEAU: The appellant.

22 BOARD MEMBER PHILIPS: Right. I mean,  
23 business owners and that kind of thing, so I'm supportive  
24 of your --

25 CHAIRPERSON PREZEAU: Thank you,

1 Alice.

2 BOARD MEMBER BAKER: I would  
3 absolutely support that. The question I have for you is,  
4 is there any precedent of having done that in the past?

5 CHAIRPERSON PREZEAU: Yeah. So --  
6 and, actually, Mr. Reinmuth mentioned an appeal he was  
7 associated with previously, having to do with an  
8 electrical contracting firm.

9 And it was also a revocation, if my memory serves me  
10 correctly. It was -- it had to do with a contractor  
11 certificate and as well as the administrator's -- or the  
12 contractor's license and the administrator's certificate.

13 And we also, within the 296-46B, our Washington  
14 Administrative Code and our statute, allows us to  
15 actually, in certain cases, hire an administrative law  
16 judge, an ALJ, to assist.

17 And we actually went through that process because it  
18 was -- the board members who were on the board may  
19 recall, we actually asked you to reserve six separate  
20 dates to hear that appeal because of the magnitude and  
21 the amount of evidence and witnesses and such.

22 And ultimately that ended up not coming before the  
23 board because I believe the parties entered under a  
24 settlement agreement, but we -- that's probably the most  
25 prominent situation that I can quote as an example.

1                   AAG THOMURE:   So we had the authority  
2       -- the board has the authority to hire an administrative  
3       law judge to assist in any hearings that you deem  
4       appropriate.

5           Of course, that comes with a fee.  There's a cost to  
6       that.  I did reach out to the AG in our office who  
7       advises the apprenticeship board, and they also hear  
8       original hearings.

9           So they've got some procedures.  I haven't got all  
10      of them from him, but they do -- they actually have a  
11      procedure where they appoint -- the board appoints a  
12      presiding officer.

13          They then -- that presiding officer at a separate  
14      meeting, which is published because it's a special  
15      meeting of the board, they actually take the entire  
16      evidence.  They hear the -- rule on the exhibits.  They  
17      take the testimony.

18          No ruling is made, but they actually make the record  
19      just like is done at the Office of Administrative  
20      Hearings, and then that record is presented to the board.

21          So that comes with some issues in terms of the board  
22      being -- the board members being able to actually hear  
23      and see the witnesses.

24          So I think that's something that needs to be  
25      considered because we've talked about that in terms of

1       your ability to hear and evaluate the credibility of  
2       witnesses.

3               So it's certainly something to think about but not  
4       necessarily maybe what this board wants to do. But  
5       precedent, yes.

6                       CHAIRPERSON PREZEAU: Everybody is  
7       cool with that? Very good.

8                       AAG THOMURE: They have just advised  
9       that they have reached a settlement, and I --

10                      CHAIRPERSON PREZEAU: So let's -- so I  
11       know that we're not very far into this -- into this  
12       meeting, but do we need to take a quick recess?

13                      AAG THOMURE: I think they're -- well,  
14       I've just been advised by counsel that, in the Andy  
15       Alcazar matter, they have reached a settlement. He does  
16       not have a written order yet to present.

17               I asked Mr. Barnes. He asked if they could go  
18       finish working on that. I advised Mr. Barnes that he  
19       would -- they would have to -- if they don't have a  
20       signed order, we will be set for presentment at the next  
21       meeting.

22               I asked them to let Mr. Alcazar know that they're  
23       expected to be back if they don't get this worked out.  
24       Mr. Barnes expressed that he didn't think that would be  
25       an issue.

1                   CHAIRPERSON PREZEAU: Mr. Barnes is  
2           the assistant attorney general of record for that appeal.  
3           Okay.

4                   AAG THOMURE: So, sure, break.

5                   CHAIRPERSON PREZEAU: Well, so  
6           let's -- well, let's do this: So given that the Andy  
7           Alcazar appeal matter -- given the update from Pam,  
8           unless there's objections, we'll move on to the next --  
9           because all the other subheadings under the appeals we've  
10          addressed; correct? Correct.

11                  Okay. So the next piece on our agenda is the  
12          rulemaking update, which I'm going to assume is going to  
13          look very similar to what we -- this board has done in  
14          the past.

15                  And what I mean by that is, this is not going to be  
16          a 15-minute conversation. This is going to be a much  
17          longer conversation. And given that, I don't know if --  
18          if the department needs time to set up. Are we going to  
19          have the rules on the screen?

20                  So where I'm going with this longwinded is, I think  
21          it might be appropriate to take a short break at this  
22          time before we entertain this agenda item. So I have --  
23          so I have 9:51 a.m. We will strive to come back at  
24          ten o'clock.

25                  We are recessed.

1 (Recess from 9:51 a.m. to  
2 10:09 a.m.)

3 CHAIRPERSON PREZEAU: Okay. So a  
4 little bit longer break than we were anticipating. It is  
5 10:09 a.m., and I would like to recall the January 30th,  
6 2020, electrical board meeting back to order.

7 And so we are under Agenda Item 5, which is actually  
8 not the comprehensive rulemaking, but an update from Pam  
9 and I around rulemaking with respect to WAC 296-46B-995,  
10 which is the appeal language for the electrical board.

11 And during the break, Pam distributed to the board  
12 members two documents. The one with -- I'll turn this  
13 over to Pam after I introduce these, but one of those  
14 documents shows you the track changes in that document,  
15 if you will, right, with strikethroughs and underlining,  
16 indicating new language, which Pam asked me -- and then  
17 the other one, which is a much cleaner document, which  
18 basically doesn't show those track changes or those  
19 edits, so you can see what's potentially a restructured  
20 995 electrical board appeals section portion of the  
21 Washington Administrative Code.

22 And just to remind board members, Pam and I have  
23 been -- we've talked about this before and we've talked  
24 about it on the record. It is -- and just remind board  
25 members, my last meeting as the -- appointed to this body

1 is the July meeting of this year.

2 And one of the -- one of my last policy goals was to  
3 strive to clean up this appeal language, and Pam is in  
4 agreement with that and particularly because Pam  
5 routinely communicates with appellants, pro se  
6 appellants, as well as appellants' legal counsel.

7 And she -- I cannot recount how many times she has  
8 told me even practicing attorneys don't understand the  
9 appeal language as it's currently laid out and itemized  
10 in the rule.

11 And, additionally, as you may recall for those board  
12 members present at the October meeting and read the  
13 transcripts from the October meeting, we relied very  
14 heavily on Pam during that -- one of the appeals that had  
15 to do with approval of basic classroom education.

16 We had to rely on other statutes and other Open  
17 Public Meetings Act basically to help guide that appeal  
18 process because there's no detail about what that appeal  
19 looks like.

20 And there's, you know -- this body is really pretty  
21 good at dealing with appeals from the Office of  
22 Administrative Hearings regarding those original hearings  
23 having to do with certificate and license revocation or  
24 suspensions.

25 And there's -- there are multiple places in the rule

1       where a stakeholder may petition the electrical board to  
2       hear -- to appeal a decision rendered either by the  
3       department or by the Office of Administrative Hearings.

4             So -- and this, for Pam and I, is really a fairness  
5       issue. This is about making sure that folks that come  
6       before this body understand the process and that the  
7       board members understand the process and that we have  
8       good procedures so that, especially in -- if a  
9       stakeholder wants to appeal a decision rendered by the  
10      department through the various remedies that they have in  
11      rule, want to make sure that those stakeholders, those  
12      appellants or potential appellants, are not dissuaded  
13      from seeking an appeal or adjudication under the statute  
14      and the rule because they look at the appeal language and  
15      find it to be more difficult than living with the  
16      decision from the department, if that makes sense.

17            And so we have been trying diligently to produce  
18      some type of draft document. And, you know, for the  
19      record, Pam and I have at least one other job, so it's  
20      been a bit slow coming, but happy to report that we have  
21      some -- we have made a significant gain.

22            So with that, before we go through the balance of  
23      the rulemaking, wanted an opportunity particular -- for  
24      the board members to see this language.

25            And, Pam, do you want to wade down into the --



1 AAG THOMURE: Yes.

2 So, caveat, we didn't have any computer fiberoptics  
3 system or anything, so if there is typographicals or the  
4 formatting is bad, I'm a lawyer. I'm not a secretary.

5 So -- but this is an idea. This is sort of what  
6 Tracy has said, is sort of an idea that, in terms of the  
7 appellant process that we've engaged in, I looked at 995.  
8 I took sections and reorganized it.

9 I have five or six different outlines in terms of  
10 what's archaic, what's not needed, what could be better  
11 organized so we have things all in one section.

12 And this is just kind of an idea for the board's  
13 consideration. As you know, rulemaking would have to be  
14 initiated by the department, so it's also sort of a  
15 proposal to the board, if you like this kind of format.

16 And where I was going -- I did not do the entire  
17 rule, and so you'll see the first draft -- you'll see  
18 usually in rulemaking, you have to do the -- you know,  
19 ideally -- and I included that for you so you can see  
20 some of the things that I did think should be deleted,  
21 things we don't need.

22 For instance, we have Robert's Rules of Order in  
23 your bylaws. We don't need them in 995, and you don't  
24 apply Robert's Rules of Order necessarily to appeals,  
25 except for motions and that.

1           So -- and then I took it out, and I kind of just --  
2           then I took sort of the amended parts and put it in the  
3           other sort of clean document so you could kind of see  
4           what we are thinking of. And I -- you'll see that, in  
5           terms of general applicability, "General."

6           And then 2, we move into just general appeals  
7           language, and I moved that from other sections, deleted  
8           some things. Some of these time frames obviously have to  
9           be worked on.

10          No. 3, we would then have appeals penalties issued  
11          by the department, So we go through each of the different  
12          types of appeals.

13          No. 4, appeals of proposed decisions. Then we --  
14          and there's a number of different sections, and they all  
15          have different procedures.

16          So the idea here is for Tracy and I -- is really to  
17          see if that's something that the board thinks is kind of  
18          workable. This is just to get us started.

19          It's just an idea for you to look at to think if  
20          that would make it kind of easier. There's lots of  
21          discussions that would come out of this, I anticipate,  
22          timelines and additional information if it's something we  
23          want.

24          So it's nothing that -- we can shred it after this  
25          meeting. It's just sort of an idea to get you guys

1       thinking about maybe what the board wants to propose to  
2       the department and then have a conversation with the  
3       department. Maybe form a subcommittee to really get this  
4       language.

5           I would like to get the language amended. It's  
6       archaic to a certain extent. And Tracy and I would both  
7       like to have it as an accomplishment for this board.  
8       We'd like the board to think about it.

9                   CHAIRPERSON PREZEAU: Yeah. So what  
10      Pam has done -- I think it was slightly understated from  
11      Pam's presentation is, in the existing WAC, different  
12      types of appeals are -- the language in the WAC is  
13      located in multiple sections, which is confusing.

14           So it's confusing for the chair. It's confusing for  
15      the -- for Pam. It's confusing for the parties, and it's  
16      probably confusing for the department and stakeholders.

17           So we -- big picture idea is, let's put all the  
18      appeal language in one section, appeals to the electrical  
19      board in one section.

20           So regardless of what type of appeal it is, pro se  
21      appellants and counsel know exactly where they're  
22      supposed to go.

23           And then, as Pam has laid out, here's the general  
24      rules that -- with respect to appeals and how they're  
25      going to be conducted and then the specificity on what

1 the specific type of appeal is and what the rules of  
2 engagement are so that it's linear.

3 It no longer contains some of that archaic language  
4 or duplicative language and is easier for board members  
5 and stakeholders, the department, and appellants to  
6 understand what the process is.

7 And I have many founding philosophies, and one of  
8 them is, when you equalize expectations, you dramatically  
9 reduce conflict. So if we can equalize expectations and  
10 understanding in the appeals language, then not only does  
11 it make it easier for the board, but it certainly makes  
12 it easier for appellants and the department.

13 So that's the underlying motivation from my  
14 perspective. It's a fairness issue. If you're an  
15 electrician -- and I use this example because I'm an  
16 electrician. Many folks in here are electricians or they  
17 employ electricians.

18 And if an electrical contractor or electrician is  
19 cited by the board -- or excuse me -- by the department  
20 and is looking at the potential of appealing that  
21 citation, sometimes I think the appellants look at the  
22 rule as it is structured now and say, "I'm not even going  
23 to -- I'm not even going to go down this road because  
24 it's going to cost me too much time and money, and I  
25 don't understand it," which is problematic.

1           And then the other piece is, I think that -- I think  
2           with -- if we get this right, which we -- it's our best  
3           intention, then we won't see appeals cases coming here  
4           and -- as -- and then settling in the hallway because  
5           sometimes I think that settlement happens because the  
6           appellant doesn't understand what is actually in front of  
7           this board.

8           And we saw that twice in the October meeting. I  
9           will not speculate on today's situation, but that -- it  
10          wastes everybody's time. It wastes money. And that's --  
11          especially when you're talking about electrical  
12          contracting firms and electricians.

13          Given what the economy is right now, those folks  
14          need to be doing their work regardless of the economy.  
15          This is a fairness issue.

16          So to be clear, this -- this is not a package that's  
17          part of what the department is going to share with the  
18          board this morning. And -- but very happy to report to  
19          the board most of the -- all of the gratitude goes to Pam  
20          because this is the -- this is all her work product. All  
21          I did was look at it, to be honest with you, and say,  
22          thank you very much. Right? Thank you very much.

23          So it still needs work, but I think we're -- and I  
24          know the board members haven't had much time to chew on  
25          the actual language, but conceptually we are hopeful that

1       this is consistent with the board members' desires,  
2       moving forward.

3                       BOARD MEMBER BURKE: Absolutely.

4                       CHAIRPERSON PREZEAU: Did I miss  
5       anything, Pam?

6                       AAG THOMURE: No. But everybody is  
7       nodding. Can we have the record reflect the nods.

8                       CHAIRPERSON PREZEAU: We don't -- I  
9       don't know that we need a motion.

10                      AAG THOMURE: I don't think that we  
11       need a motion, but I -- I would like maybe by the next  
12       meeting or something maybe some feedback from the board  
13       members in terms of, is this something that the board  
14       wants to recommend, you know, to the department and, you  
15       know, move forward, that sort of thing.

16                      If you want -- there's obviously -- I didn't finish  
17       the rule. Takes a lot of -- there's a lot of work that  
18       goes into this, and there's a lot of serious  
19       considerations that need to be thought through.

20                      BOARD MEMBER NORD: Can we put this on  
21       the agenda for the next meeting after we review it?

22                      CHAIRPERSON PREZEAU: So Board Member  
23       Nord's question is, hey, can we put this on the agenda  
24       for the April meeting.

25                      So -- and I think the answer to that is yes. And

1       what I will endeavor to accomplish, with Pam's  
2       assistance, if the board members like, in theory, without  
3       going through all this, you know, line by line, but if  
4       you like the way this is organized, where all the  
5       language is going to be in one section, start with the  
6       general appeals, and then, you know, these are the rules  
7       that apply to all appeals, this is the conduct before the  
8       board, then this is -- these are the rules as Pam has  
9       laid out very well in this -- the document that doesn't  
10      have all the edits in it.

11           We, you know, would -- one by one go through, this  
12      is the process for this, if it's an appeal from OAH, or  
13      citations or the classroom training or whatever the issue  
14      is, so it's all in one place.

15           And if the board members like that idea -- all those  
16      who like that idea -- it's not a motion, but all those  
17      who like that idea?

18                   BOARD MEMBERS:   Yes.

19                   CHAIRPERSON PREZEAU:   Yes?   I see no  
20      dissenting thoughts here.   Then Pam and I will endeavor  
21      to continue to work on this between now and the next --  
22      the meeting in April.

23           We'll retain this agenda item for the April meeting  
24      in Spokane, and we will endeavor to bring back to you a  
25      more comprehensive document and actually send it to you

1 ahead of time so you'll have the opportunity to review it  
2 before the board meeting before our discussion in April.

3 Bobby?

4 BOARD MEMBER GRAY: Thank you, Madam  
5 Chair. Just a couple questions in my mind. I'm used to  
6 writing code -- ANSI-recognized codes, and we have a very  
7 specific language and words that we use for a rule that's  
8 mandatory or rule that's permitted, that sort of thing.

9 And so I struggle a little bit when I read our state  
10 rules because the words there seem a little bit ambiguous  
11 to me, but I've got a couple questions.

12 One, once we're done marking this up, then does it  
13 have to go through the legislative process?

14 AAG THOMURE: So that's why this is a  
15 little bit of a unique situation. So to actually --  
16 you're correct.

17 To actually get 995 amended, it would -- the  
18 department would have to do the CR-101 filing, and  
19 CR-102.

20 I guess what I would suggest or what we've talked  
21 about is sort of getting the board -- not getting so much  
22 into the weeds of the language, although any help is  
23 great, but maybe appointing a subcommittee between to  
24 work the -- if the department is in favor and the  
25 board -- first, the board needs to make a recommendation



1 to the department. That's where we're doing, suggesting  
2 to you.

3 And then the board -- the department would have to  
4 agree and then work together in terms of then crafting a  
5 final document, which then I think would come back to the  
6 board for review for the nuances, for the timing, for  
7 those things that provide the department then additional  
8 feedback.

9 So it's a process, but, yes, it would have to go  
10 through the rulemaking.

11 BOARD MEMBER GRAY: So if I may, back  
12 to my first point and considering Tracy's comments  
13 regarding fairness, is the expectation that, if all of  
14 this is not complied with, then an appeal would not be  
15 legitimate, be rejected?

16 I mean, I see words like, "The board may do  
17 something." So does that mean the board doesn't have to  
18 do something or they get some options in doing something?

19 And if they choose one option over the other, does  
20 that nullify anything in the appeal process, that sort of  
21 thing?

22 That's what I struggle with a little bit, if that  
23 makes sense to you.

24 AAG THOMURE: So you are correct.

25 Legally "may" is -- grants discretion, right, and "shall"

1 and "should" are different.

2 So there's certain things that have to be met,  
3 statutory timelines for appeals, the 20 days, those sorts  
4 of things, and that is how you perfect or an appellant  
5 perfects the appeal.

6 The rest is procedural. If you set, like, when  
7 documents should be filed with the board, you know,  
8 witnesses, prehearing conferences, and usually procedural  
9 matters can be modified by the board.

10 We have some language like that in your bylaws to  
11 that effect. That isn't going to necessarily negate the  
12 appeal because you have a right to appeal, and you have  
13 to make that appeal in timelines. The other procedural  
14 stuff is a little bit more flexible.

15 BOARD MEMBER GRAY: And if I may, the  
16 bylaws, it would seem to me, is something that we have a  
17 little more flexibility and can have some words like  
18 that, that gives us a little more flexibility in how we  
19 control the meeting. But if this is going to be a  
20 binding piece of law --

21 AAG THOMURE: It's going to be a rule.

22 CHAIRPERSON PREZEAU: It's not a  
23 statute.

24 BOARD MEMBER GRAY: To me, we better  
25 be very careful about how we can -- be sure we say what

1       we mean.

2                   AAG THOMURE:   Correct.   The board will  
3       need to follow the rules.   The department will have to  
4       follow the rules, as well as the board.

5           You can't really -- this board doesn't have the  
6       authority to act in equity outside and modify the rule.  
7       I think we've had this conversation in the past.

8           "Can we do that?"

9           And I'll say, "No, you can't act differently than  
10      the rule.   Here's the options."

11                   BOARD MEMBER BURKE:   I think you just  
12      signed up to be the subcommittee leader.   Is that what I  
13      heard?

14                   CHAIRPERSON PREZEAU:   I didn't even  
15      say.   Are those words in a balloon above my head?

16           So -- and just to illustrate a point, so, like, with  
17      "may," just like the rule right now allows us, as we  
18      already stated, we, the board, may employ the services of  
19      an administrative law judge to facilitate the hearing of  
20      an appeal.   That's not a quote, but that's the gist.

21           That doesn't mean that we have to.   It doesn't  
22      mean -- it means that if we do that, we have to follow  
23      the rules that -- the rules of engagement, if we're going  
24      to employ an ALJ to help us through a very complex  
25      original hearing, but we don't have to, right.

1           So it gives us that option. For me, the goal is not  
2           to create rules so that, you know, a technical foul can  
3           be declared on an appellant or the department, and then  
4           the appeal goes into some sort of, you know -- is never  
5           heard.

6           It is, let's make sure people understand the process  
7           so that we don't have appeals continued because of  
8           violations of procedural matters because people just  
9           didn't understand because it's confusing.

10                   BOARD MEMBER BURKE: And I'll second  
11           what you said. It is broad with contractors and  
12           electricians. I mean, it's ambiguous. It's difficult to  
13           navigate, and so people avoid it. And in just fairness,  
14           it's what we need to kind of focus on.

15                   CHAIRPERSON PREZEAU: Well, and for  
16           me, it's -- you know, it's interesting. Every time we  
17           have an appeal and I'm supposed to read this script,  
18           right, I just want to -- we -- you know, part of the  
19           script is, "The electrical board is the legal body  
20           authorized by the legislature to not only advise the  
21           department regarding electrical program, but to hear  
22           appeals when the department issues citations or takes  
23           some other adverse action regarding an electrical  
24           science, certification, and/or installations.

25           "The electrical board is a completely separate

1       entity from the department and, as such, will  
2       independently review the action taken by the department."

3           I don't know that people understand that.

4                   BOARD MEMBER BURKE:   No.

5                   CHAIRPERSON PREZEAU:   Right.  So they  
6       hear that potentially for the first time when they come  
7       here.  This is just a small example of what we are trying  
8       to accomplish, is making sure that the department,  
9       appellants, either pro se appellants or pro se appellants  
10      along with their counsel, understand what happens here  
11      and with enough specificity to address the different  
12      types of appeals this body can hear under the existing  
13      rules.

14           We're not looking at hamstringing any of that or  
15      deleting any of those.  We're not -- this is not a  
16      substantive edit from a process standpoint.  It is a  
17      clarification and cleanup and more just clearly  
18      understood process.

19           So seeing the support of the board members, Pam and  
20      I will continue to work on this.  In the event that,  
21      well, we need some additional help in the interim or the  
22      board -- is there -- does the board want to name a  
23      subcommittee today or do you want Pam and I to continue  
24      to try to work on this?  Any volunteers for the  
25      subcommittee?

1 BOARD MEMBER GRAY: I'll serve on it.

2 I'll do what I can, sure.

3 BOARD MEMBER NORD: I'll serve.

4 CHAIRPERSON PREZEAU: All right. So  
5 then here's what we'll do: If the parties are -- if  
6 everybody is cool with this, is, Pam and I will continue  
7 to take point, and we will officially create a  
8 subcommittee that consists of myself, Board Members Bobby  
9 Gray and Mike Nord, in the event that we can get another  
10 couple sets of eyes on the work product.

11 Then hopefully, when we come to our meeting in  
12 April, we might have a pretty substantive discussion  
13 regarding that.

14 And then just to remind the board members is -- and  
15 Rod -- technical specialist Rod Mutch is up, anticipating  
16 our next agenda item, which is great, but any party at  
17 any time can petition the electrical program for a rule  
18 change.

19 The electrical board, you know, is not just any  
20 stakeholder, and, you know, we are an advisory board to  
21 the department generally, with some exceptions.

22 We own the examinations. We own continuing  
23 education and basic classroom training. We actually also  
24 own some of the pieces around -- well, we own licenses  
25 and certification.

1           So sorry. Senior moment. Lost my train of thought.

2           Oh, but when it comes to rulemaking -- I got it  
3           again. I call those boomerang moments because they  
4           usually come back -- with respect to rules, we are  
5           advisory to the department.

6           So when we're going to go through these -- this  
7           rulemaking review that Rod is going to walk us through,  
8           our recommendation -- our recommendations to the  
9           electrical program are just that, recommendations.

10          However, historically, the department has taken  
11          those recommendations not just under advisement, but  
12          generally accepted those recommendations.

13          So this process is -- or these -- these documents  
14          and the work that we're doing under 995 is not included  
15          in this rulemaking package, but we'll -- we will conduct  
16          the rulemaking in accordance with the appropriate rules  
17          and statute.

18          Very good? Okay. So next agenda item, right, is  
19          Agenda Item 6, which is WAC 296-46B rule revision review  
20          and recommendations. And Rod Mutch has joined us, and  
21          all the board members should have in front of them --  
22          you're probably going to talk about this, Rod? Yep? So  
23          I'll leave that to you.

24          The only thing I wanted to say is, during the break,  
25          I looked at the sign-in sheet of folks who want to make

1 public comment, and I consulted with Pam during the  
2 break, and even for stakeholders or those present this  
3 morning who want to make public comment on this agenda  
4 item or any other agenda item, public comment happens  
5 under Agenda Item 9.

6 So if there are folks attending the meeting today  
7 with the sole -- with one of their desires to engage the  
8 board on Agenda Item 6, the rulemaking, we will allow for  
9 that to happen not in realtime while the board members  
10 have an opportunity to review the rule, but under the  
11 agenda item that has public comment on it, which is 10  
12 under the agenda that was distributed. Thank you.

13 BOARD MEMBER PHILIPS: Gotcha.

14 CHAIRPERSON PREZEAU: Any questions or  
15 are we good?

16 MR. MUTCH: Good morning. So back in  
17 October and November, the department, as most of you  
18 know, accepted proposals to update WAC 296-46B. We  
19 accepted about, I think, 20, 21 proposals from external  
20 stakeholders, and then the department also went through  
21 the rules and proposed changes as well.

22 We took applications for the Technical Advisory  
23 Committee at that time and then appointed a Technical  
24 Advisory Committee of about 32 members, I believe, to  
25 review the rules and advise the department. They did



1       that in December.

2               After that meeting, I went through and took the  
3       results of the advice of the Technical Advisory Committee  
4       and compiled the first draft of the rule.

5               And so I sent the board members three documents, I  
6       believe, the full-blown first draft with every change in  
7       it -- this is the shorter version, which only has the  
8       substantive changes in it -- and I also sent the board  
9       the -- all of the stakeholder proposals.

10              And so in draft -- in compiling the first draft, I  
11      did take -- or we did take the advice of the Technical  
12      Advisory Committee.

13              However, there are proposals in the first draft that  
14      the Technical Advisory Committee did not agree on, and  
15      the comments over on the side will show the  
16      substantiation, an explanation of the effect, and the  
17      support by the TAC.

18              So what we want is for the board today to give us  
19      advice on all of the proposals in the first draft. The  
20      stakeholder proposals that were not put into the first  
21      draft, we'd like to hear your opinion about that as well,  
22      you know, not specifically for each stakeholder proposal  
23      that was not accepted, but if there are stakeholder  
24      proposals that were not put in the first draft and are  
25      not being discussed and you have an opinion about that,

1 we'd like to hear that as well.

2 So after I go through this first draft, what the  
3 goal is, is to have the board make a recommendation to  
4 the department. That recommendation can be to accept  
5 everything in the first draft or it can be to accept with  
6 exceptions.

7 So there are probably some proposals in here that  
8 may not receive support from the board as they didn't  
9 receive support from the Technical Advisory Committee.  
10 It could be split.

11 But we need a recommendation from the board on your  
12 opinion for everything in the rulemaking process,  
13 including the stakeholder proposals that weren't  
14 accepted.

15 So I trust that you've had plenty of opportunity to  
16 read through those. You may have looked at those  
17 stakeholder proposals as well, and if you do have  
18 thoughts about why they should or should not be included  
19 in the rulemaking, let us know.

20 Clear as mud? Sorry about that, but that's what we  
21 need from the board.

22 Any questions about that process? Tracy?

23 CHAIRPERSON PREZEAU: So, Rod, in the  
24 past, I know that folks that served on the Technical  
25 Advisory Committee, oftentimes for the department, if

1       they are eligible for continuing education credits, have  
2       received continuing education credits for rule review of  
3       WAC 296-46B.

4                   MR. MUTCH:   Yes.

5                   CHAIRPERSON PREZEAU:   Do we do that  
6       for board members as well during that process?

7                   MR. MUTCH:   We haven't thought of  
8       that.   However, since I sent those rules out in December  
9       and --

10                  CHAIRPERSON PREZEAU:   December 30th?

11                  MR. MUTCH:   Something like that.  
12       Yeah.   Thank you.   And it takes quite a bit of study to  
13       go through those.

14                  We gave the Technical Advisory Committee, I believe,  
15       eight hours of NEC update and four hours of WAC/RCW.   I  
16       think they got 12 continuing education hours for that  
17       just for the study and attending the meeting and being  
18       there.

19                  And I think, in my opinion, that would be  
20       appropriate to do for the board members as well, to have  
21       some -- so I'll discuss that with the secretary and --

22                  CHAIRPERSON PREZEAU:   Otherwise known  
23       as the chief?

24                  MR. MUTCH:   Yes.

25                  CHAIRPERSON PREZEAU:   Very good.

1 MR. MUTCH: But that's a good point,  
2 Tracy.

3 CHAIRPERSON PREZEAU: Well, I just --  
4 I'm not trying to -- I'm renewing my certificate this  
5 year, and I already have my continuing education done,  
6 but I won't speak for other board members, but I've read  
7 all the stakeholder proposals more than once. I've read  
8 the entire rulemaking document, including the condensed  
9 version, the 11-page version, and obviously we're going  
10 to have a pretty comprehensive discussion today, so I  
11 think that's appropriate consideration.

12 MR. MUTCH: Great point.

13 So -- all right. So beings that I'm sure you've all  
14 read these proposals in detail, I'm not going to go  
15 through all of the details. I'll introduce the proposal,  
16 each one of them.

17 If you have comments as we go through, go ahead  
18 and -- go ahead and comment, but at the end of the day,  
19 we want to get a total recommendation on what we should  
20 do with these proposals.

21 So -- all right. Any others, other than that?

22 So the WAC -- and when I say WAC 10 or WAC 905,  
23 that's WAC 296-46B-10.

24 So our first proposal is to change the way that we  
25 implement new standards, and I'll give you a little

1 background on this one.

2 When a code gets -- new code gets adopted,  
3 historically we've always looked at the date the permit  
4 was purchased. So you have projects that go through plan  
5 review, for example, or residential projects where  
6 they've -- the builder has got the building permit and  
7 received bids for a project.

8 If that happens shortly before the new code goes  
9 into effect, they bid the project based on the existing  
10 code, and the new code comes into effect, and it may have  
11 different requirements that may be more costly.

12 So what we've done here is taken -- for residential  
13 projects, we're going to look at the date the building  
14 permit was issued. For plan review projects, we're going  
15 to look at the date the plans were received in plan  
16 review.

17 WAC 100, that's a simple clarification. This makes  
18 the definition of "training school" match what it says in  
19 another place in the WAC 971.

20 BOARD MEMBER COX: Rod, do you want  
21 comment and discussion on this point now or do you want  
22 to come back to it?

23 MR. MUTCH: If you would like to, yes,  
24 and at the end as well. So it's up to you guys.

25 CHAIRPERSON PREZEAU: Yep.

1 BOARD MEMBER COX: You want to do it  
2 now?

3 CHAIRPERSON PREZEAU: Yeah.

4 BOARD MEMBER COX: Larry and I had a  
5 conversation about this after the TAC meeting. As you  
6 may know, I live literally on the border of Lewiston and  
7 Clarkston. My concern with using the word  
8 "Washington" -- and Larry did a good job of explaining it  
9 to me.

10 Lewis-Clark State College is building right now in  
11 Lewiston a new combined LCSC Schweitzer Technical  
12 Training Center. Schweitzer Engineering Laboratories, as  
13 many of you know, is out of Pullman, Washington. They're  
14 a Washington-based company.

15 They also have moved part of their operations to  
16 Lewiston. They are investing in this technical training  
17 center in Lewiston next to the high school and things  
18 like this.

19 So my concern that I brought up to Larry was that if  
20 there is electrical training or otherwise, because we're  
21 literally in the same community, as I understood what he  
22 said, this would prohibit Lewis-Clark State College in  
23 Lewiston from being a technical -- basically being a  
24 Washington licensee school.

25 Larry, you can jump in anytime to help with the

1 language on this, but that is my concern with giving the  
2 specificity to the word "Washington" in here because of  
3 that new Schweitzer Engineering Lewis-Clark State College  
4 technical training.

5 If they do come up with a program because of folks  
6 who might live in Lewiston but they also go up to  
7 Washington, to Pullman -- so, Larry, help me out here.

8 That's my concern, is that we're limiting,  
9 especially in my area, somebody who literally trains  
10 across the border, folks who live in Clarkston and  
11 surrounding area go to school at LCSC.

12 Larry, can you --

13 MR. VANCE: I can. Essentially,  
14 the -- I'm Larry Vance. I'm with the Department of Labor  
15 and Industries. I'm a technical specialist, and I work  
16 for chief electrical inspector Steve Thornton.

17 I -- kind of a -- look at this as the Washington  
18 laws and rules are written for Washington, you know --  
19 about Washington, and this -- adding the word  
20 "Washington" here just clarifies that for folks because  
21 we have people on the -- you know, facilities on the east  
22 coast, for instance, facilities in other countries that  
23 want to entertain the idea of becoming a training school.

24 What training school -- what a training school in  
25 Washington, those that are accredited, are able to do is

1       they make an application, and we evaluate their program  
2       and they -- we end up accrediting them -- those that  
3       complete those programs with a given amount of equivalent  
4       work experience.

5             And it's a little different here. It's equivalent  
6       work experience.

7             So let's say somebody goes to -- is in a trade  
8       school program or technical college program and it's a  
9       one-year program and they're in class for 1,000 hours.  
10      There's no on-the-job. There's not anything.

11            And we look at that and evaluate it under the  
12      criteria that's in the laws and rules, which is  
13      essentially electrical theory, code.

14            There's some allowance for percentages of related  
15      education, but essentially it's quite a -- it's quite a  
16      task for the department to take on from the standpoint of  
17      the 20 or more programs that are accredited in Washington  
18      to keep up with rather than taking it on nationally.

19            I don't know why someone on the east coast would  
20      want to have -- be able to offer Washington equivalent  
21      work experience to somebody on the east coast, but we  
22      actually have had those kinds of inquiries.

23            Around the border states, there are other  
24      opportunities there. I know that we have that -- Idaho  
25      has the group -- seven or eight community colleges or



1 junior colleges that provide electrical technical  
2 instruction for part of their apprenticeship program.

3 They have kind of a different apprenticeship model  
4 than we do here in Washington, but this change is not  
5 meant to -- you know, to exclude Idaho necessarily. It's  
6 just meant to clarify that that particular piece is  
7 written for Washington.

8 BOARD MEMBER COX: I just wanted to  
9 bring that to the board's attention, while we're  
10 discussing, that there could be a possible effect with  
11 specifying --

12 MR. MUTCH: Well, this doesn't  
13 change --

14 CHAIRPERSON PREZEAU: That's what I  
15 was going --

16 MR. MUTCH: -- how we evaluate the  
17 training schools, but it's already specified in WAC 971.

18 BOARD MEMBER COX: Okay.

19 MR. MUTCH: A Washington State public  
20 community or technical college or not-for-profit  
21 nationally accredited technical trade school licensed  
22 under the Workforce Training & Education Coordinating  
23 Board under Chapter 28C-10, that's Washington law.

24 So it doesn't -- there's no change in effect. What  
25 this does, though, is, any training school is mentioned

1       in other sections of the WAC, it ties that to this  
2       definition of training schools because there are places  
3       where it says, you know, supervision for a training  
4       school, students on the job site is 1 to 4.

5               So it just ties that definition to the other. It  
6       doesn't really change anything.

7                       CHAIRPERSON PREZEAU: And, Kerry, you  
8       are in pretty good company. So some folks that operate  
9       apprenticeship programs that are on the Washington-Oregon  
10      border had similar concerns about this language, but once  
11      we understood that this was no policy change -- so the  
12      folks that are building this facility that you mentioned,  
13      this doesn't change -- this is not a policy change.

14               It is being more consistent with expectations under  
15      rules. So I don't think it is going to -- well, it will  
16      not change existing policies.

17               So if they built that school, understanding what  
18      they were trying to accomplish, this doesn't change. The  
19      rug is not being pulled out from underneath anybody.

20                       BOARD MEMBER COX: Okay. Very good.  
21      Thank you.

22                       MR. MUTCH: Okay. WAC 110 is a rule  
23      that prohibits the use of electrical conduit for anything  
24      other than electrical, a list of electrical conduit.

25               And this rule would allow the use of the long radius

1 sweeps to be used in mechanical installations such as  
2 geothermal underground work.

3 Currently they would have to use nonelectrical  
4 conduit for the straight runs, but getting around the  
5 corners, there isn't a readily available method with a  
6 long radius sweep to use in those mechanical  
7 installations to pull their lines through, so this would  
8 allow them to use the electrical sweeps only.

9 CHAIRPERSON PREZEAU: And, Rod, I have  
10 the stakeholder proposals in a packet, and I'm trying --  
11 there was -- I wasn't at the Technical Advisory  
12 Committee. I wasn't named and wasn't in town for that.

13 But it's my understanding there was pretty good  
14 conversation at the Technical Advisory Committee  
15 regarding this.

16 For long-term board members, you may recall we  
17 actually had appeals come to this body. One of them -- a  
18 situation where they used these elongated 90-degree  
19 sweeps for beverage lines in a pub restaurant situation,  
20 which at the time was tech- -- was a violation.

21 So there's some -- Rod, if you want to highlight --  
22 my recollection is -- I'm trying to find the stakeholder  
23 proposal -- is that there's some marking or some caveats  
24 that go with this. If these sweeps are going to be used  
25 for nonelectrical installations, there's some safeguards

1 in place in terms of labeling.

2 MR. MUTCH: I just lost my first draft  
3 document.

4 CHAIRPERSON PREZEAU: I believe -- is  
5 this stakeholder proposal 14?

6 BOARD MEMBER COX: 14, yes.

7 MR. MUTCH: Okay. 14. So the first  
8 draft document is a little bit different than this  
9 different wording.

10 So this is the proposal, and at -- this is the  
11 results of the -- TAC 16 supported this proposal at the  
12 TAC meeting, and 8 opposed it.

13 But the wording in the first draft -- this thing  
14 only lets me have one document open at a time. It's  
15 weird.

16 It says, "Provided the elbows are distinctly marked  
17 to indicate their use as nonelectrical fittings prior to  
18 installation."

19 So paint them, mark them somehow, that they're not  
20 for electrical use before you install them. And so my  
21 vision would be straight runs of water pipe with a  
22 90-degree electrical elbow that's painted white or a  
23 color other than gray that's distinctively marked.

24 CHAIRPERSON PREZEAU: Jason?

25 BOARD MEMBER JENKINS: During the TAC

1 meeting, that was brought up. They were concerned about  
2 someone walking in and seeing this gray pipe sticking up  
3 and coming back and spraying it later or before.

4 It would be better if they were premarked that way.  
5 Someone didn't try and, let's say, sneak it in as  
6 electrical installation for future use.

7 This is more of a product not being available for  
8 different industries, and they want to be able to use EMT  
9 90s, just the 90s only, not using straight pipe, in order  
10 to achieve some purpose and made the parts more available  
11 to the other industries.

12 And so talk went back and forth quite a bit and  
13 almost comical, but the whole point was saying, "Hey, we  
14 can't see a reason why you shouldn't be able to use it as  
15 long as it's premarked, identified so it didn't become  
16 electrical installation at some future point."

17 That was the big discussion that was brought up.  
18 That's why we saw this discrepancy with the  
19 supportive/nonsupportive because it was -- a lot of  
20 discussion happened there.

21 MR. MUTCH: Well, if you can imagine  
22 trying to buy a nonelectrical long radius sweep, they  
23 don't sell them. I mean, they're just not available. So  
24 they can make them pretty expensive, I believe, but --

25 CHAIRPERSON PREZEAU: Bobby?

1                   BOARD MEMBER GRAY: Just to clarify  
2       what Jason said, so the concern was that somebody might  
3       come along and see this gray pipe and think this is an  
4       electrical installation, not the fact that they're using  
5       a gray pipe for something other than electrical, but the  
6       rest of the pipe that's connected to it, they could pull  
7       wire through it?

8           Is that the concern because it seems to me this is  
9       in the wrong location. The electrical group doesn't go  
10      out and enforce mechanical installations, I wouldn't  
11      think.

12          So why would anybody that's doing electrical -- or a  
13      nonelectrical installation come and look here to see if  
14      it's okay to use this sweep?

15          It seems like that would be enforced through  
16      building codes or somebody else rather than the  
17      electrical --

18                 MR. MUTCH: Well, this rule already  
19      prohibits the use of less than electrical conduit for  
20      anything other than electrical.

21                 BOARD MEMBER GRAY: Just so there's no  
22      conflict here.

23                 MR. MUTCH: Yeah. So someone  
24      installing conduit in a ditch, if they're installing  
25      electrical conduit, it's to be done by licensed

1 electricians or licensed contractors and certified  
2 electricians.

3 So they're putting in -- they're putting in sleeves,  
4 let's say, and say that, well, this is just going to be  
5 used for water in the future water lines. So that's the  
6 existing rule, that they can't use any listed conduit for  
7 anything other than electrical, and this makes the  
8 exception for those sweeps to be used.

9 CHAIRPERSON PREZEAU: Bobby, it's kind  
10 of like the incidental plumbing exemption, you know,  
11 regarding hot water heaters or other, you know -- this is  
12 not the only place in the rule where there's -- and I  
13 appreciate your point, and as Alice is echoing in my ear  
14 the same thing, but because -- you know, as Rod pointed  
15 out, the rules say you can't use this for any other  
16 purposes than electrical installation, it -- there's  
17 going to be an exemption.

18 It needs to be here. Even though your point is  
19 quite valid, but because of those exclusions, those  
20 exceptions need to be in the rule.

21 Don?

22 BOARD MEMBER BAKER: Does the  
23 department have any record of written -- any citations  
24 for people having done this in the past?

25 SECRETARY THORNTON: Yes.

1 MR. MUTCH: I don't know.

2 CHAIRPERSON PREZEAU: Yes.

3 SECRETARY THORNTON: We have, yes.

4 BOARD MEMBER BAKER: And how are you  
5 going to train your inspectors to, as the AHJ, what's an  
6 acceptable distinctive mark?

7 Because I don't think your inspectors typically go  
8 out on-site looking to see if the plumber or somebody is  
9 using electrical conduit or quicks for their fittings.

10 They stumble across it. They may see it and that's  
11 how they catch it. Right? So how are you going to train  
12 them? How are you going to communicate to them, "This is  
13 an acceptable distinctive mark"?

14 MR. MUTCH: Do you have a suggestion?

15 SECRETARY THORNTON: Yeah. See,  
16 Bobby --

17 MR. MUTCH: Do you have a  
18 recommendation?

19 SECRETARY THORNTON: Bobby got on a  
20 committee for asking a question like that.

21 MR. MUTCH: That's a valid  
22 recommendation.

23 Alice?

24 BOARD MEMBER PHILIPS: Should the code  
25 actually identify what the mark should be, like it's red



1 or blue or purple polka dotted or whatever, so that you  
2 don't have, you know, 15 different marks on there?

3 "Well, I painted three dots on there. That's what  
4 my mark is."

5 And I come along, and I don't know what the three  
6 dots mean. Does that make sense what I'm asking?

7 MR. MUTCH: White paint? I don't  
8 know. Yes. It could --

9 BOARD MEMBER PHILIPS: I'm just  
10 saying, could it be specified?

11 MR. MUTCH: Yes. The rule could  
12 specify exactly how you mark this, yes.

13 BOARD MEMBER BURKE: And, yeah, I  
14 think you need to because there's other locations where  
15 for -- ditches are orange, and you go to Boeing -- I  
16 mean, yeah.

17 So we'd have to specify it and we'd have to take  
18 that into consideration so if an inspector walks out  
19 there and sees an orange elbow, you know it's 2,400 bolts  
20 or higher insert facility.

21 So I think that you have to be careful with your  
22 marking, per Don and Alice.

23 MR. MUTCH: Any suggestions?

24 CHAIRPERSON PREZEAU: Well, I just  
25 want to remind board members, we can -- as we -- we can

1 continue -- don't want to create any anxiety or  
2 apprehension.

3 We can continue to move through these, and if we  
4 move past this and you're like, "Oh, it should be  
5 chartreuse," and we're in 995, you can -- like, we  
6 haven't made the recommendation, so if you want to look  
7 at your color pallet and come up with a, you know,  
8 color -- I like Rod's idea of white, to be honest with  
9 you, because I think probably the rest of the straight  
10 pipe is going to be white.

11 So I --

12 BOARD MEMBER LaMAR: I have a  
13 suggestion. Don't they make stickers that say  
14 "nonelectrical"? Just slap that sticker on there.  
15 That's your way to mark it.

16 BOARD MEMBER JENKINS: The only  
17 problem I see with that is pulling stickers off.

18 BOARD MEMBER LaMAR: Sure.

19 BOARD MEMBER JENKINS: Something needs  
20 to be permanent marking --

21 BOARD MEMBER LaMAR: Because now  
22 you're getting away from cost. The whole purpose of this  
23 was getting away from cost.

24 BOARD MEMBER JENKINS: Or spray  
25 painting.

1 BOARD MEMBER LaMAR: Paint will rub  
2 off.

3 BOARD MEMBER JENKINS: I guess the  
4 biggest question I have is someone wants into (inaudible)  
5 the pipe, and then they say, "Oh, that's EMT or PRC, so I  
6 can put electrical there now because I peeled the sticker  
7 off of it."

8 And I just -- I think that if we do something that's  
9 a permanent affixed labeling, whether it be a -- just  
10 paint, you know, spray paint, whatever it is, the color,  
11 yeah, it makes a little bit prohibitive comparable to  
12 just buying pipe and installing it, but it's something to  
13 say, "Well, if you want to use it, you got to do  
14 something more than just grabbing and installing."

15 That way, when you come back later, you go, "That's  
16 not electrical. That's something other than electrical."

17 BOARD MEMBER BAKER: Feels like  
18 there's a lot of different applications that we need to  
19 rely on our inspectors, AHJ, to make a good ruling if  
20 they run across this in the field to say, "Hey, you need  
21 to paint that white. Hey, you need to put a permanent  
22 tag on that."

23 But I think the department needs to address how  
24 you're going to communicate that to train your inspectors  
25 to enforce that rule.

1                   MR. MUTCH: Okay. Well, think about  
2                   that, and at the end, we'll just need a consensus  
3                   recommendation for that.

4                   Moving on to WAC 210, this is not a policy change.  
5                   All this is, when we inserted the rule about GFCI  
6                   protection not being required for RV receptacles, last  
7                   time, it was pointed out that the way that it was  
8                   structured could create a misinterpretation, so this  
9                   makes it a better sentence. And NEC has already caught  
10                  up to this and allows RVs receptacles not to have GFCI  
11                  protection.

12                  WAC 210-52 is our rule that specified peninsular  
13                  receptacle spacing. The NEC has now changed to require  
14                  receptacles based on square footage of the island or  
15                  peninsula. So what this does is, it moves Washington's  
16                  requirements to what is specified in the NEC.

17                  WAC 225 is a rule that allowed multiple feeders to  
18                  supply a building if they were originating from the same  
19                  source similar to service equipment, and the NEC now has  
20                  included that in their rule. So we can eliminate this  
21                  requirement from Washington's WAC.

22                  CHAIRPERSON PREZEAU: Because we are  
23                  adopting the 220 NEC and we are adopting that -- if we  
24                  adopt that or if the board makes that recommendation,  
25                  this is consistent with the 2020 NEC?

1 MR. MUTCH: Correct. So the last  
2 rulemaking we did, we already adopted the 2020 NEC  
3 effective July 1st of 2020. So it's already adopted, but  
4 this rulemaking goes into the weeds and changes some of  
5 the actual proposals.

6 So -- if that makes sense.

7 WAC 250 is just simply a reference change so that we  
8 don't have to keep updating the version of the ANSI  
9 standard each time it changes, so most recently  
10 published.

11 CHAIRPERSON PREZEAU: Bobby?

12 BOARD MEMBER GRAY: Makes me nervous.

13 CHAIRPERSON PREZEAU: Why?

14 BOARD MEMBER GRAY: Because we're  
15 projecting in the future that whatever we adopt is going  
16 to be perfect. I just -- I just think that's a mistake,  
17 but hey.

18 MR. MUTCH: This standard has to do  
19 with testing -- hipot testing of cables. So that's a  
20 valid point.

21 CHAIRPERSON PREZEAU: So, Rod, the  
22 language, as I understand this, we're under 250, right,  
23 solid -- yep.

24 So it says, "The test must be performed in  
25 accordance with the cable manufacturer's instruction,"

1       which is existing rule language, "or the most recently  
2       published ANSI/NETA maintenance test specifications," and  
3       it continues to go on after that.

4               So when I see the word "or" in the rules -- goes  
5       back to, like, when you're writing code for ANSI or --  
6       I'm hopeful that I heard what you just said about --  
7       that's a valid point.

8               I'm hopeful that that word "or" can come into play  
9       in the event in the future ANSI doesn't get it right, and  
10      we can go by -- the department could go by the cable  
11      manufacturer's instruction or the ANSI.

12                      BOARD MEMBER GRAY: That's not how --  
13      at least in my opinion, how it would be interpreted.

14                      CHAIRPERSON PREZEAU: Okay.

15                      BOARD MEMBER GRAY: The way I read it,  
16      I've got a choice. If I don't like what the manufacturer  
17      is telling me, I can go to whatever the most recently  
18      published ANSI standard is and use that, or vice versa.

19               And, again, when you say "most recently published,"  
20      I mean, OSHA would never buy that, right, because you're  
21      putting an awful lot of faith in whoever writes that next  
22      published document, that it's going to be perfect.

23               I just -- I think this is a mistake myself, but what  
24      do I know?

25                      CHAIRPERSON PREZEAU: You know a lot,

1 Bobby.

2 MR. MUTCH: 110-3B might require them  
3 to follow the manufacturer's instructions anyway.

4 BOARD MEMBER GRAY: And if you put  
5 that in there specifically that it has to follow that,  
6 that's -- but you're giving them an exception here, at  
7 least the way I read it.

8 BOARD MEMBER COX: Currently the  
9 exception is they can use the 2011 NETA.

10 BOARD MEMBER GRAY: Yeah. But that  
11 one has been reviewed, accepted as being an equivalent or  
12 something, but just to say, yep, whatever you guys write  
13 in the future, is going to be safe and we trust that. I  
14 just -- bad code.

15 CHAIRPERSON PREZEAU: Good catch.  
16 Thanks, Bobby.

17 MR. MUTCH: WAC 334 is the rules for  
18 installation of nonmetallic-sheathed cable, Romex. The  
19 state building code council adopted the 2021 -- the  
20 International Building Code has a provision for mass  
21 timber construction and heavy timber construction.

22 Heavy timber construction of Type 3 is similar to  
23 what we have now. Mass timber construction could be up  
24 to 18 floors. It's a Type 3 building, which would  
25 otherwise allow Romex to be used, but it could go up to

1 18 floors.

2 And the NEC hasn't had a chance to review whether  
3 that's appropriate for nonmetallic-sheathed cable, so  
4 what this rule does is, it keeps the installation rules  
5 as they are now.

6 CHAIRPERSON PREZEAU: So if I  
7 understand this correctly, because, Jason, aren't you  
8 guys building, like, an 18-story timber frame building in  
9 Portland?

10 BOARD MEMBER JENKINS: There was  
11 something going up of that magnitude.

12 CHAIRPERSON PREZEAU: Yep. So if I  
13 understand -- because this was a stakeholder proposal,  
14 right, and -- stakeholder proposal 3, and as I understand  
15 this, it -- regardless of advancements in  
16 wood-constructed buildings with laminated timbers or  
17 engineered timbers, this would preserve, for the time  
18 being, the use as permitted for nonmetallic-sheathed  
19 cable by building type, regardless of -- and give the  
20 code panels an opportunity to review the appropriateness  
21 of using Romex in an 18-story timber framed structure.

22 Where it was not -- because of advancements in  
23 timber technology, we're seeing those -- normally an  
24 18-story high-rise is going to be metal and steel -- and  
25 wanted an opportunity to ensure that whatever the --



1       whatever the wiring method is, is appropriate for the  
2       building type.

3                       BOARD MEMBER JENKINS:   If I understand  
4       that correctly, the big deal here was that the NEC hadn't  
5       caught up with the changes that happened in other  
6       documents.

7               And so it just limits the documents or limits the --  
8       our installations to what it is currently and then gives  
9       a chance for NEC to get caught up and look at that  
10      provision.

11              And then if it changes, then we can opt to change it  
12      also, but this just kind of limits the possibility of  
13      someone interpreting the newest standard and allowing  
14      these high-rise buildings -- unexpectedly allow them to  
15      put in Romex.

16                      MR. MUTCH:   Okay.

17                      BOARD MEMBER JENKINS:   I'm in support  
18      of it.

19                      CHAIRPERSON PREZEAU:   Yes.   And the  
20      TAC -- there was no opposition of the TAC; right?

21                      MR. MUTCH:   No opposition.

22              NEC Article 553 was eliminated, and requirements for  
23      floating buildings were put into NEC 555.   So we have  
24      some WAC rules that have been in place for years around  
25      floating buildings and marinas.

1           And so there are five requirements in floating  
2           buildings. Two of those we eliminated and three of them  
3           we moved into 555 to match where the NEC is.

4           The reasons we eliminated some -- the two were  
5           because of changes in the NEC that basically have the  
6           same requirements as our WAC rules did. So those two we  
7           eliminated.

8                           CHAIRPERSON PREZEAU: So what I'm  
9           hearing you say, Rod, is that the department looked at  
10          the existing language, and where we had provisions that  
11          were maybe not consistent with the National Electrical  
12          Code, we are -- this proposal brings our rules to be  
13          consistent with the National Electrical Code and just  
14          reorganizes it to line up with the article that  
15          corresponds with the NEC?

16                       MR. MUTCH: Correct.

17                       CHAIRPERSON PREZEAU: So not a policy  
18          change, not a -- not a --

19                       MR. MUTCH: Not for this section.

20                       CHAIRPERSON PREZEAU: Yep.

21                       BOARD MEMBER GRAY: I think the code  
22          combined two articles, didn't they?

23                       MR. MUTCH: Yeah. They took all the  
24          requirements. They eliminated 553, took all those  
25          requirements and rolled them into 555.

1           So that's why the title for WAC 555 changes and  
2 includes floating buildings now, and the changes in 555  
3 that we made are to eliminate the Washington-specific  
4 ground fault protection requirements that we had.

5           Now that the 2020 code is specific to what the  
6 ground fault protection levels are, we're going with what  
7 2020 code says.

8           The other changes in this article are basically just  
9 to change references with the exception of the one at the  
10 end where it clarifies that open wiring on insulators.

11          Article 398 in the NEC is not permitted in any  
12 portion of a marina or docking facility, but NEC already  
13 specifies that because it says that that's only suitable  
14 for agricultural and industrial installations, I believe.

15                   CHAIRPERSON PREZEAU: That's correct.

16                   MR. MUTCH: But we put that in the WAC  
17 rules just to draw attention to the fact that the NEC  
18 prohibits it.

19                   CHAIRPERSON PREZEAU: To avoid  
20 problems in the future?

21                   MR. MUTCH: Perhaps.

22                   CHAIRPERSON PREZEAU: Perhaps.

23                   MR. MUTCH: So the last section of  
24 WAC 555 includes the three provisions that we moved from  
25 WAC 553 down to 555, and the wording is -- the

1 requirements are the same. There's no change in policy  
2 there.

3 CHAIRPERSON PREZEAU: So, Rod, is this  
4 the appropriate time to talk about -- this -- we have  
5 this conversation about marinas, and we had special  
6 rulemaking that had to do with milliamps and overcurrent  
7 and leakage current?

8 MR. MUTCH: Yep.

9 CHAIRPERSON PREZEAU: This is the  
10 section?

11 MR. MUTCH: Yes.

12 CHAIRPERSON PREZEAU: So if you can  
13 remind me -- I've slept since then -- but we -- what did  
14 we do last July?

15 MR. MUTCH: So when that -- when  
16 ground fault protection rules came into the NEC, they  
17 originally required ground fault protection on the main  
18 supply to the whole marina.

19 Boats typically leak current when they plug into  
20 shore power. You know, there's wiring problems with  
21 boats. They leak current into the water, which kills  
22 people.

23 So the NEC put that requirement in to have ground  
24 fault protection on the main feeder supplying the entire  
25 marina. And when that happens, marinas don't have any

1 power because all the boats can trip it.

2 So they've --

3 CHAIRPERSON PREZEAU: And that was a  
4 previous code?

5 MR. MUTCH: That was the 2014, I  
6 believe. In 2017, the ground fault protection levels  
7 changed a bit, and then they changed again in 2020.

8 What Washington did is, we kind of delayed the  
9 implementation of those, and -- at the request of the  
10 marine trade association.

11 And we stuck with what the 2014 requirement level  
12 was, 100 milliamps, but we allowed it on feeders and  
13 branch circuits.

14 Now, the 2020 NEC is pretty specific about allowing  
15 100-milliamp protection for feeders and branch circuits,  
16 and 30-milliamp protection for the individual boats that  
17 plug in.

18 CHAIRPERSON PREZEAU: The pedestals?

19 MR. MUTCH: What's that?

20 CHAIRPERSON PREZEAU: The pedestals?

21 MR. MUTCH: The pedestals. Yes.

22 So what this does is, it aligns Washington's rules  
23 with we're following what the NEC has now.

24 CHAIRPERSON PREZEAU: Bobby?

25 BOARD MEMBER GRAY: So why do we need

1       this then?

2                               MR. MUTCH: We don't. That's why we  
3       eliminated --

4                               BOARD MEMBER GRAY: I'm talking  
5       about -- oh, I'm sorry. I moved ahead.

6                               MR. MUTCH: So that requirement was  
7       No. 1, and we deleted that because we're going to go with  
8       what the NEC says.

9               Now, some of these other 555 requirements have been  
10       in the rules for years, and they originated when they  
11       came up with the data plan requirements in, I believe,  
12       two thousand -- I don't know -- 2001 or 2002, something  
13       like that, and we haven't addressed that yet.

14               So a future project might be go through these  
15       requirements and decide if we want to retain the WAC rule  
16       or go with what the NEC requirements are, but we didn't  
17       tackle that this time.

18               WAC 705, this is for supply site connections of  
19       things like solar and mostly for solar systems where  
20       they're interconnected and running parallel with the  
21       service. Technically, that interconnection does not meet  
22       the definition of service.

23               So there was questions about, okay, do we -- do we  
24       have to provide overcurrent protection? You know, what's  
25       the overcurrent protection level? How is the grounding

1 work, the wiring methods for that interconnection?

2 So this clarifies that we will treat the supply site  
3 interconnection, the wiring methods, the disconnect, as a  
4 service, but it's not -- it doesn't have to be grouped  
5 with the building service. It's a separate disconnect,  
6 and now the NEC has kind of caught up with that and  
7 specified grounding methods for these in 250.25.

8 So this -- this rule could really actually be  
9 eliminated to go with what the NEC requires now, but we  
10 wanted to keep it here so that folks that are doing solar  
11 installations of these still know that that's -- that's  
12 there and they're to wire these in accordance with  
13 service rules.

14 So at some point this could probably be eliminated.  
15 We didn't tackle that either this time.

16 CHAIRPERSON PREZEAU: So this is  
17 another example of being duplicative in the rule?

18 MR. MUTCH: It's pretty much copying  
19 what the NEC requirement is, yes.

20 BOARD MEMBER GRAY: This probably does  
21 warrant some discussion. There was a lot of -- I'm on  
22 Panel 5.

23 CHAIRPERSON PREZEAU: Which is?

24 BOARD MEMBER GRAY: I'm sorry.  
25 Grounding and bonding.

1 CHAIRPERSON PREZEAU: Thank you.

2 BOARD MEMBER GRAY: And there was a  
3 lot of discussion about things that are on the supply  
4 side of the service and how we would go about grounding  
5 and bonding it.

6 And in the first draft meeting, we made a lot of  
7 changes in there, talked about that, how we could do  
8 grounding and bonding. We've got an awful lot of public  
9 comments on that, and I think we went back to the  
10 original language eventually.

11 But I still think there's a lot of opportunities  
12 there to kind of clean that up because the people that do  
13 that kind of work on those alternative power systems and  
14 are bringing them in on the supply side of the service  
15 now struggles because different -- different areas are  
16 enforcing it differently because the code is not very  
17 clear on exactly how you're supposed to do that.

18 So there probably is some opportunities there to  
19 kind of clean that up.

20 MR. MUTCH: Yeah. So you'll see,  
21 "Must comply with NEC 230.82(6)." That's just a  
22 reference in our WAC rules to the actual code language.

23 250.25, that tells them to go to the NEC to see how  
24 to ground and bond it.

25 BOARD MEMBER GRAY: Which isn't that



1 clear.

2 MR. MUTCH: Right. That's your fault.

3 BOARD MEMBER GRAY: Right.

4 CHAIRPERSON PREZEAU: So, Bobby,  
5 just -- you're never getting off this board because  
6 you're going to be permanent placed in a rulemaking  
7 subcommittee until you get it right.

8 BOARD MEMBER GRAY: Until we get it  
9 fixed.

10 CHAIRPERSON PREZEAU: Yeah. Before we  
11 move on, I'm just curious if our utility -- are you guys  
12 leaving?

13 MS. PHILIPS: No. We're caucusing.

14 CHAIRPERSON PREZEAU: We still have a  
15 quorum at the table. We're okay.

16 AAG THOMURE: I would caution board  
17 members. We have to comply with the Open Public Meeting  
18 Act.

19 CHAIRPERSON PREZEAU: So, Alice and  
20 Dave --

21 AAG THOMURE: We're in an open public  
22 meeting. You need to --

23 BOARD MEMBER PHILIPS: I'm sorry. Let  
24 me bring it to the record.

25 What I was asking Dave was how this affects

1       utilities because, if you remember several meetings back,  
2       I brought pictures of how services were modified in maybe  
3       a not-so-safe manner, and we had actually had utility  
4       employees injured while working on those jury-rigged, if  
5       I can use that term, services.

6               And so my question, as it relates to this, is trying  
7       to think through it, is how that would affect -- how this  
8       rule would affect utilities and their service drops, or  
9       does it?

10               MR. MUTCH: The rule itself doesn't.  
11       The NEC specifies all of those requirements, and the  
12       disconnecting means for the interconnection. The  
13       utility -- the listed utility interactive inverter is  
14       what is responsible for not backfeeding onto the system.

15               So what this rule does is, it talks about the  
16       grounding and bonding and the wiring of the switch that  
17       isolates that.

18               BOARD MEMBER PHILIPS: Okay.

19               MR. MUTCH: So it's always on unless  
20       you're going to turn it off and work on it. So it's  
21       always -- when it's producing power, it's in parallel --  
22       operating in parallel with the service, but when you lose  
23       power on the service side --

24               CHAIRPERSON PREZEAU: Building power.

25               MR. MUTCH: -- building power, normal

1 power, the interactive inverter shuts off and quits  
2 producing. So there's no backfeed going on to the --  
3 that's in the --

4 CHAIRPERSON PREZEAU: So it  
5 protects -- this makes no changes to protection of line  
6 personnel?

7 MR. MUTCH: That's right.

8 BOARD MEMBER WARD: So the  
9 consultation needs to occur with the utility with the  
10 insulation, the way I read it, the first sentence. So  
11 that's -- that should be the --

12 CHAIRPERSON PREZEAU: Yeah. So  
13 Subsection 1 under 705, utility interactive systems, none  
14 of that's changed.

15 BOARD MEMBER WARD: Right.

16 CHAIRPERSON PREZEAU: It's just  
17 clarifying that, hey, if you're going to solve one of  
18 these, it has to be -- the grounding and bonding piece  
19 has to be done in accordance with the current National  
20 Electrical Code.

21 BOARD MEMBER WARD: And the utility  
22 understands the requirements.

23 CHAIRPERSON PREZEAU: So from the  
24 utility perspective, this doesn't change anything. Just  
25 clarifies that, so --

1 BOARD MEMBER WARD: That's how I see  
2 it.

3 CHAIRPERSON PREZEAU: Very good.

4 BOARD MEMBER PHILIPS: Perfect. Thank  
5 you. My apologies.

6 CHAIRPERSON PREZEAU: No. I just  
7 wanted to make sure -- before you guys decided to have a  
8 little -- I was turning to say, "Hey, I want to hear from  
9 Dave and Alice because they" -- Dave, just to remind  
10 folks, represents utilities, right, and Alice represents  
11 outside line workers?

12 BOARD MEMBER PHILIPS: Correct. Thank  
13 you.

14 MR. MUTCH: Okay. WAC 901 is our  
15 permit requirements. There are two proposals here. One  
16 was supported by the TAC, and one was not. And, again,  
17 the department wants the board's advice on this as well.

18 So the first one is to have -- and this section is  
19 work that -- it's Class A basic electrical work that  
20 could be done without a permit, replacement of lamps or  
21 light switches, receptacles.

22 And what we're adding there is line voltage smoke or  
23 carbon monoxide alarms. So we can already replace  
24 single-family residential luminaires, but we want to be  
25 able to add replacing the smoke detectors.

1           I just installed smoke detectors, and it will be a  
2           while, but you don't replace the batteries in it. You  
3           replace the entire thing, ten-year smoke alarm.

4           So we thought it might be appropriate to add the  
5           detectors here in this piece to be able to do that  
6           without a permit.

7           The other one is output cables for EV charges. Lots  
8           of EV chargers are going in. Cables get ripped off, run  
9           over, damaged, and the replacement of those cables is  
10          similar to other types of work on the Class A list.

11          So we proposed adding that to the Class A list of  
12          work. So that's the proposal that wasn't supported. I  
13          think there were ten opposed and only five folks  
14          supported that proposal at the TAC meeting.

15                   CHAIRPERSON PREZEAU: So I'm sure  
16          there's going to be conversation here. One of the things  
17          that was brought to my attention in reviewing the  
18          stakeholder proposals and the -- this is a department  
19          proposal?

20                   MR. MUTCH: Yes.

21                   CHAIRPERSON PREZEAU: -- is that  
22          sometimes these -- the cables that go from the charging  
23          pedestal to the vehicle -- sometimes the replacement --  
24          and which -- you know, I understand that they do get  
25          damaged. They sometimes get stolen. They -- you know,

1       there's other scenarios.

2               But -- and I -- in certain -- I'm not an expert  
3       on -- I've never actually installed one of these. I  
4       don't have an electrical vehicle, but what I understand  
5       is, some of these EV cables, in order to replace the  
6       cable, in some instances, you have to replace the entire  
7       pedestal because it is a molded unit? Is that -- am I  
8       getting that right, Jason?

9               Or if -- and if it is a molded unit, if the -- if  
10       the EV -- the flexible EV cable is damaged and the owner  
11       of that pedestal wanted to replace the cable itself,  
12       it's -- if it's a molded unit, replacing the cable may,  
13       in fact, void the UL listing of the installation because  
14       it's not just an SO cord that you put a connector in and,  
15       you know, put this connector on the car and that will,  
16       you know, connect to the car. It's not always that  
17       simple.

18               And that was the concern that some folks had that --  
19       with a lot more experience, and I've had conversations  
20       with Board Member Jason Jenkins who owns an electric  
21       vehicle and has some familiarity with these, and he was  
22       one of the folks that said, "Hey, these are not  
23       exactly -- not in every scenario are these the -- that  
24       simple."

25               And I don't -- and I think that was -- and I wasn't

1 at the TAC. So, Kerry and Jason, if you want to echo,  
2 I'm assuming that was the board -- the TAC members, was  
3 that the gist?

4 BOARD MEMBER COX: Mm-hm. Yes.

5 CHAIRPERSON PREZEAU: So -- and I  
6 don't -- so, Rod, what -- given that, what are your  
7 thoughts on that?

8 MR. MUTCH: So it limits it to  
9 like-in-kind replacement of the cable. Doesn't include  
10 replacing a hardwired piece of equipment with a cable on  
11 it.

12 I would think, if that were the case, you would not  
13 be able to do that without a permit. If the cable itself  
14 could be replaced with a like-in-kind cable, this rule  
15 would allow it to do that -- allow you to replace that  
16 cable.

17 So it would be a matter of opening up the piece of  
18 equipment, de-terminating it, replacing it with a new  
19 cable.

20 So that's what this provision covers. Doesn't  
21 include replacing the charger itself, if that helps.

22 CHAIRPERSON PREZEAU: Don?

23 BOARD MEMBER BAKER: I may have  
24 inspired someone from the department to put this in here.  
25 Some of my employees had conversations with some of the

1 State's finest a few months ago, doing this exact  
2 installation.

3 It's an SO cord. We worked directly for the  
4 manufacturer of this -- of that EV station, and we  
5 replaced dozens of those down throughout Washington and  
6 Oregon.

7 And it's literally that. We take the cord. It's a  
8 six-foot, eight-foot cord. It's got three connections.  
9 You have to have a code or a key to actually open up that  
10 cabinet.

11 So trying to coordinate an inspection would be  
12 challenging. I suppose, if there was a permit and  
13 inspection, you would walk by and do it virtually, but  
14 it's literally exactly just as Rod described it.

15 It's a like-in-kind replacement. We're not  
16 replacing the entire unit. It's just a cord that's going  
17 in.

18 CHAIRPERSON PREZEAU: Yeah. And I  
19 don't -- philosophically, I don't have any opposition to  
20 that.

21 My concern is that in the event that, you know, your  
22 employer gets called to replace an EV flexible cord and  
23 it's not that simple and it requires -- well, Jason has  
24 explained to me, these cords sometimes have -- they're  
25 multi-conductor cords, and sometimes in that cord is not



1       only, hey, this is the power that is going to charge the  
2       batteries of the car, but it's a communication piece as  
3       well, sort of verifying, is this car compatible with this  
4       charging station and should -- should the charge actually  
5       happen?

6               So it's a safety mechanism to ensure that the  
7       pedestal and the components of the electric vehicle are  
8       compatible, right.

9               So I just -- you know, I struggle sometimes when  
10      we're doing rulemaking and it goes back to that water  
11      sweep thing, is, how you -- because from a commonsense  
12      standpoint, if an inspector rolls up on a job site and  
13      sees 80 feet of straight water pipe and one 90-degree  
14      long radius grade PVC, one would hope that we could  
15      figure out that that is probably not an electrical  
16      installation and we're now using the sweep  
17      inappropriately.

18              And when I look at this, I'm like, you know what?  
19      When you have good actors that look at something that  
20      like -- roll up on an installation or a repair and say,  
21      "Oh, this is a like-in-kind replacement, piece of cake,"  
22      but when it's not, is it clear from this? That's my  
23      concern.

24              I don't know, Jason, if you have additional points.

25                      BOARD MEMBER JENKINS: I think it's

1 more than just a -- ran into a case where we've actually  
2 had a pretty simple manufacturer is able to provide the  
3 correct cable connectors, correct lengths, and so on and  
4 so forth, but there are too many variables, in my  
5 opinion, because it's not just a three conductor.

6 It's a minimum of five conductor for all EV  
7 stations. You have to have power, and you have to have  
8 the communication cable. It's required for EV station to  
9 operate.

10 So real simple bad connection could cause  
11 significant problems with burned up cables, burned up  
12 vehicles, miss setting the cables on those.

13 I think it's something that's not -- it should be  
14 more than just a "go ahead and do those" without some  
15 sort of verification on those because you're doing them  
16 with a potential customer, a potential bystander driver  
17 that plugs her vehicle into this thing and now you've  
18 effectively destroyed their vehicle possibly.

19 BOARD MEMBER BAKER: I get what you're  
20 saying, but we have to remember, this is a like-in-kind  
21 replacement. We're taking an identical cord that was  
22 damaged, and we're putting an identical cord back in its  
23 place.

24 So -- and it's -- in our case it's being provided by  
25 the manufacturer, but in any event, even if you're going

1 to a vendor, as contractors, as responsible electricians,  
2 we're doing a like-in-kind replacement.

3 We're putting an identical cord to an identical  
4 space. In your scenario, it lends itself to the  
5 confusion that somebody might grab the wrong cord, in  
6 which case, it's not like-in-kind anymore.

7 We've already got code in place that requires a  
8 permit to be purchased for that; correct?

9 BOARD MEMBER JENKINS: And this  
10 verifies that by having someone come out and saying,  
11 "Yes. This is like-in-kind installed."

12 BOARD MEMBER BAKER: So you're telling  
13 the contractor that you can do a like-in-kind replacement  
14 for an electric vehicle charge cord.

15 Anything beyond that, the contractor, the  
16 administrator is responsible to understand that it's not  
17 a like-in-kind, and you now have to pull a permit. I  
18 think it's reasonable to --

19 CHAIRPERSON PREZEAU: So let me  
20 just -- for my benefit and also for the benefit of the  
21 board members, there's a definition of like-in-kind in  
22 the statute, which is fairly similar, but not as  
23 exhaustive as the definition in the existing rule.

24 The existing definition of like-in-kind in the rule  
25 is, "Like-in-Kind means having the same overcurrent

1 protection requirements and similar characteristics such  
2 as voltage requirement, current draw, short circuit  
3 characteristics, and function with the system and being  
4 in the same location.

5 "Like-in-kind also includes any equipment component  
6 authorized by the manufacturer as a suitable component  
7 replacement part."

8 My question is mostly to the department is: Do you  
9 think that given the definition of like-in-kind and the  
10 existing definition of like-in-kind in the rule, that  
11 some of the concerns that I and Jason have raised  
12 regarding more complex replacement of flexible EV cords,  
13 does the definition -- do you think the definition should  
14 assuage our concerns?

15 MR. MUTCH: I think the definition  
16 would mean that you could only replace that cable with an  
17 identical cable from the same manufacturer. Could be an  
18 aftermarket cable, but it would have to be an identical  
19 cable.

20 And so I don't know. It wouldn't allow you to  
21 modify it and put a different type of cable on, different  
22 length, different number of conductors. So that's what  
23 limits this proposal. I don't know.

24 CHAIRPERSON PREZEAU: Jason?

25 BOARD MEMBER JENKINS: The whole

1       purpose of inspections is to verify if it is done  
2       correctly, not necessarily -- we -- as installers, same  
3       with electricians, we hope -- assume we know what we're  
4       doing.

5             We go to install these things. Inspection is there  
6       to verify, yes, knowing you did do it correctly and it is  
7       up to code. It's not necessarily to -- you know, if  
8       everyone out there was 100 percent perfect in what they  
9       installed, inspection wouldn't be required. It would be  
10      a safe installation every single time whatever we did.

11            The problem is, what happens when they make a  
12      mistake? You know, you went out there and you grabbed  
13      the wrong cord not knowingly and the inspector can  
14      double-check and say, "That needs to be changed down to  
15      the appropriate one."

16            Keep looking back at -- add more insult to this. We  
17      keep thinking about an EV station, these little 30-amp  
18      devices. They have 150-amp plus high capacity cables for  
19      installations.

20            Now we're talking multiple communication cables  
21      going back and forth, and this would fall under that  
22      category because it's a like-in-kind.

23            We're talking a cable that's almost two inches  
24      around in thickness. That potential of -- you know, a  
25      lot of energy is going through that and saying, "Oh, go

1 ahead and install that without a permit, without any  
2 verification it was done correctly," and I'm just  
3 thinking that's opening the door for -- I think it's -- a  
4 second set of eyes is more appropriate than not.

5 And I see where you're coming from. It's quick and  
6 easy. In most cases, it would be fairly simple, but in  
7 the case it's not. I'd rather have an inspector go out  
8 there and say, "Yeah, that's correct" or, "No, that's  
9 not."

10 That's --

11 BOARD MEMBER ISAACSON: So an  
12 appropriate distinction might be running from having  
13 these requirements for a Level 2 or Level 1 charges,  
14 whereas, when you start talking about the Level 3 charges  
15 that are three phase and high voltage, that may be a  
16 different story.

17 CHAIRPERSON PREZEAU: Bobby?

18 BOARD MEMBER GRAY: And if I'm not  
19 mistaken, I think 225 -- Article 225 allows multiple  
20 feeders to these units too.

21 BOARD MEMBER JENKINS: There's a lot  
22 of energy there.

23 CHAIRPERSON PREZEAU: So, I mean, I  
24 like the spirit of the conversation, and, you know, this  
25 is -- I don't think that -- you know, most of this

1 conversation, just like at the TAC, it's not on those  
2 carbon monoxide alarms, smoke alarms, but these EV  
3 cables.

4 But perhaps instead of placing them in Class A,  
5 basic electrical work, maybe they're a Class B so that --  
6 and maybe that's kind of -- I don't want to say, you  
7 know, splitting the baby, but, yes, there are going to be  
8 more and more and more electrical vehicle charging  
9 stations, both privately owned and potentially publicly  
10 operated, that, you know, we want to make sure that  
11 those -- the work that you guys have done previously  
12 on -- in accordance with this chapter allows for that  
13 continuation of those services, but -- or access to those  
14 devices, but maybe they're Class B.

15 MR. MUTCH: That could be a  
16 recommendation.

17 CHAIRPERSON PREZEAU: So here's the  
18 way my brain works is, you know, it's quarter to 12:00,  
19 and I'm not calling for lunch right now.

20 I'm just saying, hey, we're going to continue to  
21 move through these rules and then at some point we're  
22 going to take a lunch, figuring out when that is, but  
23 there's maybe some time to chew on this, right, if we're  
24 not going to make recommendations to the department until  
25 we're through everything; right?

1           That's what my AG tells me. So in the interest of  
2           expediency without, you know, stifling conversation,  
3           unless there's any additional comments around this  
4           proposed rule change, perhaps we should move on, let  
5           board members have an opportunity to digest that.

6           Is that reasonable?

7           Okay. Very good.

8                       MR. MUTCH: Okay. Next we have, in  
9           addition to the Class A work -- and this one, if you read  
10          C, it says, "The following types of systems and circuits  
11          are considered exempt from the requirements for licensing  
12          and permitting."

13          So the Class A list has to be done by licensed and  
14          certified individuals. This one exempts the work from  
15          licensing and permitting, and it's for, you know -- it  
16          already includes low voltage residential garage doors and  
17          vacuum systems, and we're proposing to add doorbells to  
18          it. So it would be a little doorbell wire going to a low  
19          voltage doorbell system.

20                      CHAIRPERSON PREZEAU: So the only  
21          thing that's interesting about this -- well, maybe not.  
22          One of the things that was interesting to me about this  
23          is -- I don't know -- I became aware, in reviewing this  
24          rule -- but there are actual contractors that this is  
25          their niche market is installing, you know, whether



1       they're -- I don't want to use -- the doorbells with  
2       cameras or doorbells that have the ability to monitor who  
3       is on the front porch and communicate with those folks.

4           There are employers operating in the state of  
5       Washington prior to this that that's their business  
6       model.

7           And I'm curious to hear from you, Rod, because I --  
8       you're pretty fluent in these things. But did you know  
9       that there are contractors out there right now that are  
10      offering to perform these right now?

11           MR. MUTCH: A lot of the 06 low  
12      voltage contractors, in addition to their other  
13      installations, include smart doorbell systems, so --

14           CHAIRPERSON PREZEAU: So, Kerry?

15           BOARD MEMBER COX: I concur with that,  
16      yes.

17           CHAIRPERSON PREZEAU: I'm sorry?

18           BOARD MEMBER COX: I concur with that.  
19      Yeah. It's happening.

20           CHAIRPERSON PREZEAU: Do you have an  
21      opinion on including doorbells in -- in the rule?

22           BOARD MEMBER COX: One of the  
23      discussions we had at the TAC -- and I think Jason  
24      actually brought this up -- is the whole PoE thing, which  
25      they're allowed to do it.

1                   CHAIRPERSON PREZEAU: Which is Power  
2           over Ethernet.

3                   BOARD MEMBER COX: And that's how  
4           these smart doorbells -- they're run as an Ethernet  
5           connection, a network connection, to the rest of the --  
6           of the home or commercial network.

7           But where it comes in -- and this is normally  
8           between the telecom, whether it's an 06 or whether it's  
9           an 09 that gets to do this.

10           And that comes in the fact of whether or not we  
11          employ -- whether the installer employs a door strike.

12           So you have this smart doorbell that they can  
13          remotely access and say, "Oh, yeah. That's my neighbor  
14          coming to feed the dog."

15           You push a button, and you've got a current that  
16          flows to a door strike or mag lock that releases that  
17          door to let the neighbor in. That's now an 06 and not a  
18          telecom contractor situation.

19           So that's one of the things that we discussed  
20          briefly. So that's covered in the scope of work section,  
21          whether an 09 or an 06 can do this.

22                   MR. MUTCH: True. But if we put it  
23          here, it would completely exempt it.

24                   CHAIRPERSON PREZEAU: See, that's --

25                   BOARD MEMBER COX: Now I have a

1       problem with it.

2                               CHAIRPERSON PREZEAU:   That's where I'm  
3       at.   I have a problem with including this, and I have one  
4       of these that I installed because I'm the property owner,  
5       and I'm an electrician, but it does not have -- I mean, I  
6       exchanged keys with my neighbors and they come and feed  
7       the dog, and I feed their dog and that's -- right?

8               I didn't even know that was a possibility, to be  
9       honest with you, and so I'm uncomfortable with completely  
10      exempting this for those types of scenarios, right.

11                      BOARD MEMBER COX:   But if it were  
12      simply an Ethernet communications cable to a standalone  
13      device, it's PoE power.   No problem.   You push a button,  
14      ding-dong, rings the thing in the house.   You can see  
15      them.

16                      BOARD MEMBER LaMAR:   But not all of  
17      them are PoEs.   Some are actually low voltage.

18                      BOARD MEMBER COX:   And if that's the  
19      case --

20                      BOARD MEMBER LaMAR:   Some are.

21                      BOARD MEMBER COX:   -- then that's what  
22      I'm saying, so yeah.

23               But then we talked about that.   I mean, you've got a  
24      low volt, 24 volts to run a standard doorbell.

25                      MR. MUTCH:   Yeah.   The old way was to

1 mount a bell transformer in the box in the closet and run  
2 the low voltage cable to the doorbell chime.

3 BOARD MEMBER COX: So was that the  
4 department's intent or was this a stakeholder?

5 MR. MUTCH: This came from the  
6 department. It came from one of our folks.

7 BOARD MEMBER COX: So was that the  
8 intent, was just your little two wire --

9 MR. MUTCH: I think that was the  
10 intent.

11 BOARD MEMBER COX: And that's how I  
12 understood it at the TAC, was, that was the intent, but  
13 then you get into the whole --

14 MR. MUTCH: So you've got to remember,  
15 any of these rule changes, you're going to have  
16 unintended consequences, and that's what we want to make  
17 sure that it's clear how we word this.

18 BOARD MEMBER JENKINS: My problem with  
19 that would be simply that the 24-volt system you got a  
20 transformer somewhere.

21 Did you just exempt the transformer installation?

22 MR. MUTCH: Low voltage circuits for  
23 residential doorbells.

24 BOARD MEMBER JENKINS: Exempted a  
25 120-volt, 24-volt transformer.

1 MR. MUTCH: The primary of the  
2 transformer would be low voltage, though.

3 BOARD MEMBER COX: Right. So your  
4 electrical contractor --

5 MR. MUTCH: (Inaudible) would  
6 terminate on the two terminals of the low voltage  
7 transformer. That's where that circuit would start.

8 BOARD MEMBER JENKINS: But I'm saying,  
9 so you're not exempting that transformer installation?

10 Because that's -- because I'm reading that,  
11 thinking, I didn't install a doorbell circuit. There's a  
12 thing there.

13 MR. MUTCH: Low voltage circuits for  
14 residential doorbell. So that transformer would not be a  
15 low voltage circuit.

16 BOARD MEMBER PHILIPS: So do you need  
17 to redefine what a doorbell is versus a doorbell that you  
18 monitor with versus a --

19 MR. MUTCH: I don't know.

20 BOARD MEMBER PHILIPS: -- versus --  
21 right? I have a battery one that you just put a battery  
22 in and --

23 MR. MUTCH: Right.

24 CHAIRPERSON PREZEAU: I mean, here's  
25 the deal. I think most board members, if we're talking

1       about what most of us traditionally understand a doorbell  
2       to be, where it's just a doorbell, like the -- we don't  
3       have any problem with that, but -- yes?

4               But when you start talking about what is the  
5       definition of a doorbell and what does that definition  
6       include, including Power over Ethernet and potentially  
7       mag locked actuators and things of that, I don't think  
8       the board is happy about that, but how do you make that  
9       distinction?

10               AAG THOMURE:   And lawyers love to pick  
11       apart words.

12               BOARD MEMBER COX:   Because technically  
13       these smart doorbells -- I guess if we look on the back,  
14       it's most likely a UL listed communications device.  
15       That's how the ones that we install have it.

16               It's a communications device because it's normally  
17       some type of a SIP or IP phone communication, so -- which  
18       is not a doorbell.  It's listed -- it's a list  
19       communications device.

20               BOARD MEMBER PHILIPS:   But is that  
21       just the ones where you can communicate through the  
22       doorbell?  What about the ones that are just strictly a  
23       video camera?  Does that fall under that same -- because  
24       my understanding is, there's some that are two-way  
25       communications and there are some that are just

1 strictly -- they're just a little video camera.

2 So does that fall under that same scenario that  
3 you're talking about?

4 BOARD MEMBER COX: The ones that I am  
5 familiar with is always two-way. I don't know of any  
6 that are just a one-way.

7 BOARD MEMBER LaMAR: The majority  
8 these days are two-way, and they're --

9 BOARD MEMBER PHILIPS: Because I was  
10 just looking at them yesterday, and I opted to get one  
11 that was not --

12 BOARD MEMBER COX: Oh.

13 BOARD MEMBER PHILIPS: -- that you  
14 could not communicate with.

15 BOARD MEMBER LaMAR: But the majority  
16 of what people are purchasing are some way. The majority  
17 are not PoE because, you look at existing households, you  
18 don't have PoE to your doorbell. So it literally is the  
19 24-volt system you're tapping into.

20 BOARD MEMBER COX: So this is only  
21 talking about permitting? It's not talking about  
22 licenses. You still have to be a licensed --

23 MR. MUTCH: No. This includes  
24 licensing.

25 CHAIRPERSON PREZEAU: This exempts it,

1 makes it Class A.

2 BOARD MEMBER COX: Oh, of licensing  
3 permitting.

4 MR. MUTCH: That's another quirk of  
5 this existing rule, is, they're putting licensing  
6 exemptions in the permit section.

7 CHAIRPERSON PREZEAU: In the what?

8 MR. MUTCH: In the permitting section.  
9 So this is 901 under requirements for permits, and they  
10 are -- and we always -- it always has been that way.  
11 They've got a licensing exemption hidden in the permit  
12 section.

13 BOARD MEMBER LaMAR: So my concern is,  
14 it's not the permit issue. It's the licensing issue that  
15 I don't want to go away, but at the same time, well, if  
16 you're going to license it, you really should permit it  
17 as well.

18 BOARD MEMBER GRAY: Even 24 volts.

19 CHAIRPERSON PREZEAU: Kerry, do we  
20 have Power over Ethernet vacuum systems at this point?

21 BOARD MEMBER COX: Not to my  
22 knowledge.

23 CHAIRPERSON PREZEAU: So maybe we're  
24 okay with the vacuum systems.

25 BOARD MEMBER COX: And that's always



1       been there.

2                               CHAIRPERSON PREZEAU:   Yeah.   I know.  
3       Okay.   So putting an asterisk next to that, and let's --  
4       please continue.

5                               MR. MUTCH:   Okay.   WAC 906 is the  
6       permit fees, and this was noticed by someone that the fee  
7       for 13 to 25 electricians in an annual plant permit only  
8       allowed -- well, it allowed the same number of  
9       inspections as the higher permit fee, and it was a typo.

10       So if you do the math, the minimum permit fee is the  
11       half-hour rate times the number of inspections, and the  
12       math comes out to 48, so we just corrected that.

13       I don't know that we've sold that many of these.  
14       Can't think of one that we've sold.   It's in there.

15       This was a proposal from an outside stakeholder, so  
16       we already allow on the Class B -- this is 908 --  
17       WAC 908.   Class B scope allows replacement of GFCI  
18       receptacles or AFCI receptacles, but now they have dual  
19       function AFCI/GFCI receptacles, basically the same thing.  
20       So we just add that to this Class B scope as well.

21       WAC 920 is our scopes of work for specialties, and  
22       the residential 02 specialty, there's -- there was a need  
23       to clarify what an ancillary structure is.

24       So we just added that the ancillary structure must  
25       be located on the same property and under the same

1 ownership as the dwelling structures.

2 So the residential electrician can wire things like  
3 a detached garage or a residential pump house that's on  
4 their property. This clarifies that that ancillary  
5 structure must be located on that residential property  
6 and under the same ownership.

7 CHAIRPERSON PREZEAU: We welcome this  
8 clarification; right?

9 BOARD MEMBERS: Yes.

10 MR. MUTCH: WAC 920 also includes the  
11 HVAC scope of work, and these are -- there are two  
12 proposals here that are different.

13 Okay. The first one under E -- so it allows -- the  
14 HVAC scope already allows like-in-kind replacement of an  
15 HVAC unit.

16 What happens now, though, is, when you replace the  
17 same size unit, the minimum circuit ampacity and the  
18 maximum overcurrent protection size is likely lower.

19 So technically wouldn't be a like-in-kind  
20 replacement anymore because the size of the unit is more  
21 efficient -- or the unit is more efficient and requires  
22 less current. So it throws it clear out of the work  
23 scope of the HVAC folks.

24 This proposal, the first sentence in A there, would  
25 allow them to replace that unit as long as the

1 characteristics of the branch circuit load being supplied  
2 by the web don't change other than reduction in HVAC  
3 units rated maximum overcurrent protection size.

4 So if overcurrent protection size gets reduced, that  
5 still allows the HVAC specialty folks to replace the  
6 unit. It does not allow them to go into the panel and  
7 replace that breaker. That's another proposal in --  
8 under the 07.

9 So -- so this one just deals with keeping the HVAC  
10 scope with allowing them to replace a unit that -- with a  
11 smaller current.

12 Any comments on that?

13 CHAIRPERSON PREZEAU: And this -- what  
14 was the vote at the TAC?

15 MR. MUTCH: The TAC -- the original  
16 proposal was not supported because it included installing  
17 a circuit breaker and an enclosure.

18 So they -- the original proposal said something  
19 like, for a unit that is lower current rating, they  
20 could -- they could replace the disconnect. That's what  
21 the original proposal was. That wasn't supported by the  
22 TAC.

23 This proposal only allows them to replace the whip  
24 with a -- the same characteristics but the rating of the  
25 equipment is reduced. And I think the original proposal

1       amended -- it was in a different place. It was to amend  
2       the definition of like-in-kind.

3                   BOARD MEMBER JENKINS: The concern of  
4       this was changing out some type of a device with a  
5       different size. It's not like-in-kind.

6               Even though it's a lesser rating, are all of the  
7       other restrictions looked at, as far as the short circuit  
8       fall currents with breaker rights application purpose?

9               And so the TAC says, "Well, no. We don't want them  
10      without the proper training to have gone through that to  
11      actually install something with different  
12      characteristics."

13              So the TAC says, "We don't want them changing that  
14      out." What I'm reading here, though, is, they're just  
15      changing out the -- this is allowing them to change the  
16      unit but not changing anything supplying it.

17              So it's the same 30-amp, 15-, 20-amp breaker going  
18      there, and they're just changing out a lower amperage  
19      device with the same size wire. You're not allowed to  
20      lower the wire size.

21                   MR. MUTCH: That's right. They can't  
22      change the -- they can't even touch the branch circuit.  
23      This would be the flexible whip from the disconnect to  
24      the unit.

25              So to replace an outdoor unit, you'd have to, of

1 course, remove the whip or de-terminate it and  
2 re-terminate it on the new unit.

3 So it doesn't allow them to do anything with the  
4 disconnect or the branch circuit or change the breaker of  
5 the panel.

6 BOARD MEMBER BURKE: No. But  
7 essentially your branch circuit could feed more current  
8 to the smaller wire than what the wire is rated at.

9 MR. MUTCH: On a new unit that has a  
10 reduction in the maximum protection size.

11 BOARD MEMBER BURKE: Yeah. So the new  
12 unit --

13 MR. MUTCH: So you'd have a lower draw  
14 on the same size wire.

15 BOARD MEMBER BURKE: Yeah. But your  
16 overcurrent protection wouldn't trip -- you could burn  
17 your wire up before that overcurrent protection trips.

18 BOARD MEMBER JENKINS: No. What  
19 they're saying is, the whip stays the same size.

20 BOARD MEMBER BURKE: I thought you  
21 said it could be smaller.

22 MR. MUTCH: No. The whip stays the  
23 same size.

24 CHAIRPERSON PREZEAU: The conductor is  
25 in the whip.

1                   MR. MUTCH: So the characteristics of  
2                   the branch circuit feeder -- okay.

3                   "Other than reduction in the units rated overcurrent  
4                   protection size." So it's got a lower maximum  
5                   overcurrent protection size and minimum circuit at  
6                   capacity.

7                   BOARD MEMBER COX: The stakeholder's  
8                   proposal was that they're replacing it with more  
9                   efficient units.

10                  BOARD MEMBER BURKE: I don't disagree.

11                  BOARD MEMBER COX: So technically it  
12                  wouldn't be a like-in-kind replacement. So this is just  
13                  letting them replace it, even though it's not a  
14                  like-in-kind because it's a lower current draw. They  
15                  can't touch the breaker.

16                  BOARD MEMBER LEE: Rod, wouldn't this  
17                  typically have a max capacity on the new equipment?

18                  MR. MUTCH: Yep. They have a minimum  
19                  circuit capacity, which is how you size the conductors  
20                  and then they have a maximum overcurrent protection size  
21                  that specifies the fuse or the circuit breaker size.

22                  And so typically most of these units you would have  
23                  to -- you would have a lower maximum overcurrent  
24                  protection size. So someone would have to go into the  
25                  panel and replace that breaker with a lower rated

1 breaker.

2 That proposal is farther down here in the 07 scope.

3 BOARD MEMBER LEE: Got it.

4 CHAIRPERSON PREZEAU: All right. Any  
5 other questions?

6 So if I understand this correctly, somebody  
7 replacing the HVAC in my house, right, going from an  
8 older furnace to a more modern furnace, the older furnace  
9 has an overcurrent protective device in my panel that's  
10 rated at 40 amps, and the new HVAC unit -- it's a 20-amp  
11 max, right.

12 So what I understand this is an 06A contractor rolls  
13 up on this situation and says, "Oh, we're replacing Tracy  
14 Prezeau's furnace today." And they would -- they would  
15 be able to replace my furnace. They would be able to  
16 de-terminate the original whip for the 40-amp  
17 overcurrent, right, from the junction box to the furnace  
18 itself, de-terminate that, put in my new -- whether it's  
19 a new furnace or whatever, like-in-kind, right, more  
20 efficient furnace.

21 And a -- they put in the new furnace, put the whip  
22 back, use the original whip that was sized for the  
23 original 40-amp overcurrent protected device.

24 So that I -- presumably I'm -- there's some  
25 safeguards built into that, but a qualified personnel is

1 going to have to ultimately replace the 40-amp breaker in  
2 my panel with a 20-amp breaker.

3 Is that how I understand this?

4 MR. MUTCH: Correct. And if this rule  
5 didn't change, the HVAC contractor would be able to  
6 de-terminate or remove the old unit, de-terminate the  
7 whip, put the new unit in, but they would not be able to  
8 connect that whip because it's not like-in-kind.

9 So this just allows them to be able to reconnect to  
10 a unit that has a lower amp capacity. Somebody else is  
11 going to have to replace the breaker in the panel.

12 BOARD MEMBER CUNNINGHAM: My concern  
13 would be that the unit gets replaced and re-terminate it  
14 and they never bother to get an electrician to come and  
15 replace the breaker.

16 CHAIRPERSON PREZEAU: Yeah. Because  
17 my furnace works.

18 BOARD MEMBER CUNNINGHAM: The 20-amp  
19 apparatus that's being fed by a 40-amp breaker --

20 BOARD MEMBER COX: And the HVAC guy  
21 just says, "Hey, I did my job."

22 MR. MUTCH: So still requires permits.  
23 This just allows the specialty work scope to do it.

24 CHAIRPERSON PREZEAU: So presumably --  
25 let's just do the math equation to its completion.



1           But -- so that gets down. The 06A contractor does  
2           their work. It's permitted and inspected. The L&I  
3           inspector rolls up on this and says, "Okay. That's  
4           great," but who's going to replace the breaker?

5                       MR. MUTCH: So right now, an 02 or an  
6           01 --

7                       CHAIRPERSON PREZEAU: Yep.

8                       MR. MUTCH: -- electrician would  
9           replace that breaker.

10                      BOARD MEMBER GRAY: But it would get  
11           caught through the permit process.

12                      MR. MUTCH: Yes.

13                      BOARD MEMBER GRAY: Okay. All right.

14                      CHAIRPERSON PREZEAU: Rod, there's  
15           more within this specialty, yes?

16                      MR. MUTCH: Yeah. This is -- well, so  
17           I'll skip over this one and go down here. This is where  
18           the HVAC specialty can't do service fee or branch circuit  
19           conductors.

20                      And we've added except as allowed in subsection that  
21           we're changing above, and that allows them to replace the  
22           whips.

23                      CHAIRPERSON PREZEAU: So what I'm  
24           hearing you just say is, at the bottom of this page,  
25           right, where it says --

1 MR. MUTCH: Wait a minute. Excuse me.

2 CHAIRPERSON PREZEAU: -- commented MR,  
3 which I'm assuming are your initials, 28. This would  
4 remain in here if the -- if the board's recommendation  
5 was to say yes to the whip situation.

6 MR. MUTCH: No. I -- so this one down  
7 here applies to --

8 CHAIRPERSON PREZEAU: F. Got it.

9 MR. MUTCH: -- this next proposal. So  
10 that -- that proposal there, the whip, that's all that  
11 would be changed.

12 CHAIRPERSON PREZEAU: Got it. Yep.

13 And so are we under F now?

14 MR. MUTCH: We can be, yep.

15 CHAIRPERSON PREZEAU: And this is  
16 similar to the language that we looked at a year ago.

17 MR. MUTCH: I think it's been proposed  
18 before, yes.

19 So this -- this is back to allowing the HVAC  
20 specialty to install the branch circuit between the  
21 outdoor unit and the indoor unit of a split system HVAC.  
22 It limits it to 100 feet. Has to be in dwelling units.  
23 Got to have overcurrent protection in the outdoor unit  
24 and the listed components of the specified by the  
25 manufacturer.

1           So this one was not supported by the TAC. There  
2           were 7 supported it; 16 opposed to this. But we put it  
3           into the first draft because we want the board to give us  
4           advice on this.

5                         BOARD MEMBER BURKE: This thing has  
6           been around for a long time. The last few attempts were  
7           calling them control cables, if I remember correctly.

8           And, you know, the bottom line is, a lot of those  
9           are 60-, 80-amp circuits between an outdoor unit and an  
10          indoor unit, and to your point, they're pretty  
11          significant circuits.

12          So not the first time we've seen it. It's just  
13          presented a little differently this time, and I think  
14          we have to take a lot of caution with having that in the  
15          laps of the people that are involved with installing it.

16          Just my two cents.

17                         BOARD MEMBER JENKINS: Went back to  
18          last discussion last time around, there was no extra  
19          training required. This is not just -- this is a branch  
20          circuit going to floor to ceiling walls.

21          There's too many variables here that they've not  
22          been trained to do and too much exposure to 40-volt plus  
23          in some cases, and it's overwhelmingly shut down by the  
24          TAC committee, and I still oppose it today. It's just  
25          too much -- too much change with no added training.

1 CHAIRPERSON PREZEAU: Any more  
2 thoughts from more members?

3 My intent here is to maybe -- is that -- the -- we  
4 have one more that has to do with scope of work and then  
5 maybe take a break for lunch after that and then come  
6 back? Is that consistent with -- okay.

7 BOARD MEMBER COX: So to speak to  
8 Jason's point, if I remember, the argument that they made  
9 for this is that, speaking on not having additional  
10 training, that they did have to take additional  
11 manufacturer's training in order do this.

12 So that was their -- that was the proponent's  
13 position, was that they do get extra training, but I have  
14 to agree with --

15 BOARD MEMBER BURKE: Manufacturer  
16 training doesn't give you means and methods and  
17 requires --

18 BOARD MEMBER JENKINS: Manufacturer  
19 documentation -- they always tell you, consult the local  
20 laws because they don't talk about going through  
21 buildings. They talk about the connection A and the  
22 connection B and between there talk to your local  
23 jurisdiction on that.

24 BOARD MEMBER COX: I just wanted to  
25 make sure that the proponent's position was on record,

1       so --

2                               CHAIRPERSON PREZEAU: Very good. Any  
3 other comments about this? Okay.

4                               MR. MUTCH: Okay. The other proposal  
5 for work scope has to do with the 07 maintenance  
6 specialty. These are -- this specialty is allowed to do  
7 like-in-kind replacements of anything, anything  
8 electrical.

9       So as long as it's a like-in-kind replacement, they  
10 can do that. What this proposal does is, it would allow  
11 the 07 specialty to -- for the purposes of replacing  
12 electrical equipment for the newer equipment has a lower  
13 minimum circuit capacity or -- let's see.

14       "No modifications to the ampacity rating of the  
15 existing conductors, this specialty may replace a device  
16 that provides overcurrent or overload protection for the  
17 new equipment with a device having a lower amperage  
18 rating in accordance with the nameplate rating of the new  
19 equipment."

20       That's for the 07 specialty.

21                               CHAIRPERSON PREZEAU: So this is where  
22 things are going to get a little wonky, if they haven't  
23 already.

24       So I have some concerns about this because  
25 like-in-kind is like-in-kind, but when you are including

1 the AIC rating, the available inrush current rating, so  
2 you could have 30-amp breaker single pull -- I don't  
3 care, right -- and depending on the location of that  
4 breaker within that panel board and its location to  
5 transformers and what loads are -- like, you can -- you  
6 can remove a -- you can replace a circuit breaker --  
7 like-in-kind circuit breaker, and if it's exactly the  
8 same, then you are putting in the exact same -- it's a  
9 30-amp breaker, but it also has the available inrush  
10 current ratings that are appropriate for the location.

11 And if you're doing a like-in-kind replacement,  
12 presumably that is being acknowledged. If you are going  
13 to downsize the -- you know, if you're going to say, "Oh,  
14 well, we don't need this 40-amp breaker anymore. We're  
15 going to put in a 20-amp breaker," because it is no  
16 longer like-in-kind, is the person making that  
17 replacement taking into consideration the AIC rating of  
18 that breaker? And is that breaker really going to do  
19 what it is -- what that system needs it to do or has that  
20 person just installed a bomb in that panel board because  
21 it is not rated for that available inrush current?

22 BOARD MEMBER BURKE: With select  
23 coordination these days, that's a real --

24 CHAIRPERSON PREZEAU: I don't even  
25 want to talk -- so I -- I don't have any problem with the

1       07 specialties doing like-in-kind replacement. I have  
2       concerns about -- you know, as much as I, you know --  
3       some of these on their face look like, oh, yeah, that  
4       makes total sense, but when you start drilling down into  
5       this and thinking about, you know what? Every 30-amp  
6       breaker, whether it's a single pull or two pull, they're  
7       not the same.

8                   BOARD MEMBER BAKER: I'm not -- I'm  
9       assuming this is a no. I don't know how we would pass  
10      that, but --

11                  CHAIRPERSON PREZEAU: Yeah. We're  
12      going to come back.

13                  BOARD MEMBER BAKER: Doesn't seem like  
14      that makes any sense.

15                  MR. MUTCH: Yeah. It would be cleaner  
16      to go through at the end and itemize the specific ones.

17                  CHAIRPERSON PREZEAU: Yeah. We'll  
18      make a good record.

19                  AAG THOMURE: We'll make a record.

20                  CHAIRPERSON PREZEAU: We'll make a  
21      good record, Pam.

22                  There's one more here in the 07A. Do you want to do  
23      that because then we're --

24                  MR. MUTCH: So the 07A scope has  
25      always included replacement of lamps. Lamps -- the

1 replacement of lamps is specifically exempted from  
2 licensing already in WAC 925, so we're removing  
3 replacement of lamps from the scope of work for the 07A  
4 because it's already exempt.

5 CHAIRPERSON PREZEAU: And this had no  
6 opposition at TAC?

7 MR. MUTCH: No opposition.

8 CHAIRPERSON PREZEAU: Because all  
9 we're doing is consistently applying the fact that --  
10 including lamps in this scope of work somehow indicates  
11 that lamps might be regulated when they're really not,  
12 the replacement of lamps.

13 MR. MUTCH: That's right. So  
14 potentially someone could be replacing lamps for  
15 2,000 hours and become an 07A electrician.

16 CHAIRPERSON PREZEAU: Understood.

17 BOARD MEMBER CUNNINGHAM: Some of  
18 these components are a bit (inaudible), considering  
19 the -- you know, I can't remember the last time I  
20 specified a lamp on a project or ballast, drivers and  
21 arrays.

22 And so if this is maintaining lighting fixtures and  
23 retrofitting, people are taking out ballasts and putting  
24 in drivers.

25 CHAIRPERSON PREZEAU: Yep.



1                   BOARD MEMBER CUNNINGHAM: So maybe the  
2           language here needs to be modernized to reflect the fact  
3           that we've left the ballast world and gone into the LED  
4           world.

5                   CHAIRPERSON PREZEAU: Rod, did you  
6           hear what --

7                   MR. MUTCH: Oh, yeah. That would be  
8           an excellent proposal for a future rulemaking.

9                   AAG THOMURE: Do you want to be on our  
10          subcommittee.

11                  CHAIRPERSON PREZEAU: Well, and this  
12          is the really -- I mean, this is kind of the big picture  
13          struggle; right?

14                 As the electrical industry continues to evolve, and  
15          it is evolving at a -- what I like to refer to as an  
16          exponential rate at this point for most of us in this  
17          room, if, you know, used to evolve at an arithmetic rate,  
18          right, and now it's being compounded by advancements in  
19          technology.

20                 And this is one of the things that makes rulemaking  
21          more difficult is because, what is a doorbell? And so to  
22          your point, you know, this scope of work doesn't --  
23          doesn't talk about drivers.

24                 And, you know -- I mean, so that's going to be a  
25          consistent struggle moving forward; right? And, you

1 know, to Bobby's point about, you know, like, hey, we're  
2 just going to go with ANSI's future decisions going  
3 forward -- maybe they get it right; maybe they don't --  
4 it's sort of the same pieces.

5 How do you write this language so that workers and  
6 contractors can do their jobs without undue limitations,  
7 but we're also safeguarding the electrical installations  
8 in the state of Washington and do so in a commonsensical  
9 way and meet the timelines that are in front of us.

10 AAG THOMURE: So when you Google  
11 "doorbell," it comes up the definition is when you push  
12 something in the wall.

13 BOARD MEMBER PHILIPS: Light switch.

14 AAG THOMURE: So the word is  
15 antiquated. Sorry.

16 CHAIRPERSON PREZEAU: So what I'm  
17 going to just -- so the department's recommendation --  
18 and the TAC supported this removal of lamps in this, as  
19 previously discussed.

20 And, you know, perhaps in future rulemaking, the  
21 antiquated language that is in here could be addressed,  
22 but unless you're going to write language while you're  
23 eating your tuna fish sandwich at lunch today, Dylan --

24 MR. MUTCH: Anytime you get into  
25 modifying scopes of work, you want to be real careful

1 about language because you can create some unintended  
2 consequences there.

3 So it's good -- it's a good proposal. It's a good  
4 suggestion to do that, but we just want to have plenty of  
5 time to consider all the consequences.

6 CHAIRPERSON PREZEAU: Rod, is this a  
7 good place to break for lunch?

8 MR. MUTCH: Sure.

9 CHAIRPERSON PREZEAU: Okay. So it's  
10 20 after 12:00. Sometimes I ask -- we ask the board to  
11 have a pretty compressed lunch. I would imagine the  
12 cafeteria and for those that need to use it is probably  
13 super busy right now. It's 20 after 12:00.

14 MR. MUTCH: Probably.

15 CHAIRPERSON PREZEAU: Probably. So  
16 45-minute lunch break? Is that adequate, folks that  
17 normally occupy this building?

18 All right. So we will come back on the record in  
19 45 minutes.

20 (Recess from 12:19 p.m. to  
21 1:09 p.m.)

22 CHAIRPERSON PREZEAU: All right. So  
23 it is now 1:09, and would like to reconvene the  
24 January 30th, 2020, electrical board meeting. Only the  
25 serious wants are left.

1           So we're under 296-46B-925?

2                   MR. MUTCH: Yes. Ready?

3                   CHAIRPERSON PREZEAU: Yep.

4                   MR. MUTCH: Okay. WAC 925, this first  
5 change is just a rearranging of the wording to clarify,  
6 if you look at the way it was before, "Built-in  
7 residential vacuum systems and garage doors."

8           So it wasn't clear that garage doors were limited to  
9 residential, "Built-in residential vacuum systems and  
10 garage doors." So we changed this to say it was  
11 "Residential: Garage doors and built-in vacuum systems."

12           That's all we did. No policy change.

13                   CHAIRPERSON PREZEAU: Okay.

14                   MR. MUTCH: This one kind of concerns  
15 me a little bit. What the intent is, is folks that  
16 purchase residential property, renovate it, and sell it,  
17 and then go purchase another one, renovate it and sell  
18 it, those folks are in the business of selling electrical  
19 installations.

20           So this rule kind of prohibits that.

21                   CHAIRPERSON PREZEAU: What do you mean  
22 "kind of"?

23                   MR. MUTCH: Well, it does. It does  
24 prohibit that. But the concern is, a legitimate  
25 homeowner who wants to do a kitchen remodel or, you know,

1 improve their home, the intent is not to limit that.

2 So where this rule talks about "in the pursuit of  
3 profit" -- contractor registration folks have a term, "in  
4 the pursuit of an independent business."

5 So what we're trying to limit is the folks that are  
6 in the business of making electrical renovations and  
7 selling them without limiting, you know, legitimate  
8 householders from being able to do work on their own  
9 house.

10 So with that, I welcome your comments.

11 BOARD MEMBER LaMAR: Rod, did you  
12 think about make exemptions for people actually living in  
13 the home because usually that's the big thing in the  
14 state, is dwelling that matters.

15 BOARD MEMBER BAKER: Doesn't the State  
16 have laws in place for builders or contractors that are  
17 currently doing this that have to live in the home for X  
18 amount, three years or whatever it is? Did you look into  
19 that?

20 MR. MUTCH: Yeah. Twenty-four months.

21 BOARD MEMBER BAKER: Try and mirror  
22 that.

23 MR. MUTCH: So the law in  
24 RCW 19.28.261 is the exemption that applies to this, but  
25 if you look at 261, 261 are exemptions from RCW 19.28.161

1 through 271, which is certification requirements.

2 So what it says is nothing in 161 through 271 shall  
3 be construed to require that a person obtain a license or  
4 certificate to do work on his or her residence or farm or  
5 place of business or on other property owned by him or  
6 her unless the electrical work is on the construction of  
7 a new building intended for rent, sale, or lease.

8 However, they can do that if they live in it for two  
9 years. So I think that's where the two-year requirement  
10 that you're talking about is, but this law doesn't apply  
11 to electrical contracting requirements. It only applies  
12 to -- well, where it's located only applies to  
13 certification requirements.

14 So I think we have statutory authority to prohibit  
15 someone from being in the business of doing electrical  
16 work repeatedly and renovating and selling, but I don't  
17 know. So this one is -- may take more discussion.

18 BOARD MEMBER LaMAR: So maybe the  
19 first question is to ask, in theory, based off your  
20 feedback, is this something we support, and then we can  
21 focus our energy on how to word it to make sure that it  
22 doesn't exclude legitimate homeowners or it does exclude  
23 legitimate homeowners.

24 MR. MUTCH: Yeah. So the concept is  
25 to require electrical contractor licensing for someone

1       who's in the business of renovating houses and selling.

2               So the trick is, how do you word that and not create  
3       an unintended consequence?

4               And I guess I'm not comfortable right now with the  
5       current wording in this proposal. It may take more work.

6                       CHAIRPERSON PREZEAU: And this came  
7       from the department?

8                       MR. MUTCH: Yes.

9                       BOARD MEMBER BAKER: And, Rod, if I  
10       understand correctly, it doesn't apply just to  
11       residences? It applies to farms or even places of  
12       business?

13                      MR. MUTCH: Well, that's because of  
14       the language in the law, so that is right out of 261,  
15       "residence, farm, or place of business."

16               So our rule before didn't include residences. It  
17       just said farms or other places of business.

18                      BOARD MEMBER JENKINS: The way I'm  
19       reading this here, on the red, exemptions now applied to  
20       person -- read through all that, and put a homeowner in  
21       that position.

22               I bought a house. I want to profit from it  
23       eventually. It doesn't have a restriction on the front  
24       half. So I could have owned it for five years. I did  
25       some updates to the kitchen, put some new plug switches,

1       whatever it is, through permitting, and I went and sold  
2       it, and now I fall under this exemption.

3                   MR. MUTCH: Right. So there's no --  
4       anytime you do something to your own home, of course,  
5       you're going to improve its value and that's profit.

6                   BOARD MEMBER JENKINS: I did it right  
7       before I sold it. Now I'm in violation.

8                   MR. MUTCH: Right. That's not the  
9       intent what we're trying --

10                  BOARD MEMBER JENKINS: I think that  
11       needs to -- or maybe a 12 months prior to or 12 months  
12       after, something that says, you know, forward or after  
13       you've had to own it or lived in it or something.

14                  BOARD MEMBER LaMAR: There's not  
15       language in here that talks in here about date of  
16       purchase versus date of sale, and it might help to have  
17       that language in there.

18                  MR. MUTCH: Yeah. I think we kind of  
19       modeled this after the rules in contractor registration  
20       law because they have some language that prohibits folks  
21       from doing that without being registered contractors.

22                  BOARD MEMBER ISAACSON: And for your  
23       wording issues, I think you could add place of business  
24       in there. If I bought this house to flip it, that's my  
25       place of business now, so --



1 MR. MUTCH: Right. So I guess maybe  
2 some advice about what the board thinks about this  
3 concept and then we can think about how to accomplish it  
4 and not have unintended consequences.

5 BOARD MEMBER LaMAR: I love the  
6 concept.

7 SECRETARY THORNTON: Run it back by  
8 them in April?

9 MR. MUTCH: Yeah. We'll -- we will  
10 finalize the ruling, which -- shortly and put that in the  
11 CR-102, and that's the copy that we will put forward and  
12 get comments on.

13 It can always be changed after the 102 is issued  
14 because that's what opens up the public comment period.  
15 So, you know --

16 BOARD MEMBER COX: Along Jason's line  
17 of thinking, where it says "sales of property within  
18 12 months," if I'm thinking about selling my property and  
19 the real estate agent says, you know, "You really need a  
20 facelift on the bathroom or the kitchen," like you said,  
21 and then you want to put it on the market because they're  
22 like, you know, get more for it, if you do these  
23 upgrades, new lighting, new whatever, and then it sells  
24 in two months, yeah, I'm in violation, so --

25 MR. MUTCH: And that, I don't believe,

1 is the intent of what's trying to be accomplished here.

2 BOARD MEMBER JENKINS: Maybe a  
3 12 months prior to or 12 months after, maybe something to  
4 give a time frame they've had to live there.

5 AAG THOMURE: Why don't you just take  
6 the 12 months -- just take that part off. Sorry. Didn't  
7 mean to interrupt.

8 You could just put a period after "offers that  
9 property for rent or lease," period, delete that rest of  
10 the whole sentence, and then you're left with a  
11 definition of whether it's a flip.

12 MR. MUTCH: Well, that would mean if  
13 you renovated your house and sold it ten years later, you  
14 would still be in violation.

15 CHAIRPERSON PREZEAU: Yeah. And  
16 the --

17 MR. MUTCH: It's hard to --

18 CHAIRPERSON PREZEAU: Well, the  
19 scenario that I'm thinking of is slightly similar to  
20 Jason's but different is, so I put my house on -- I list  
21 my house, and I got buyers and then their lender comes  
22 back and says, "You have to fix this, this, and this in  
23 order for this sale to go through."

24 So if I do those things, right, with a sale pending,  
25 now I'm in violation of this, if any of that is, you

1 know, upgrading -- you know, changing lamps.

2 MR. MUTCH: Yeah. That's not the  
3 intent.

4 CHAIRPERSON PREZEAU: I think the  
5 sentiment of the board is, we like the intent of the  
6 department, but don't necessarily think the language is  
7 quite there yet.

8 BOARD MEMBER COX: But do we  
9 specifically need it because there's already this  
10 language in contractor licensing?

11 MR. MUTCH: It doesn't apply to  
12 electrical. Contractor registration requires -- to do  
13 that type of renovation work, they have to be registered  
14 contractors, but their laws don't apply to us.

15 BOARD MEMBER COX: Okay.

16 MR. MUTCH: So we're just trying to  
17 kind of tie that in to electrical contractor licensing,  
18 so --

19 CHAIRPERSON PREZEAU: Because the  
20 other exemption is in certification for the worker.

21 MR. MUTCH: Yeah. So the law at 261  
22 is kind of specific. The way it's worded and the place  
23 that they put it is specific to certification of workers,  
24 but then the text of the law talks about, you know -- it  
25 could be interpreted to apply to electrical contractor

1       licensing as well.

2               So it's just -- it's unclear, to me anyway.

3                       CHAIRPERSON PREZEAU: Hey, Rod, just  
4       for hypotheticals, so once we go through this process,  
5       the department files the CR-102, the stakeholder process  
6       start, at the end of that stakeholder process,  
7       hypothetically, the department, if this language is still  
8       in there and the stakeholders have had their opportunity  
9       to say things and we still don't have a really great  
10      phrase to capture what the intent of the department is,  
11      what happens?

12                      MR. MUTCH: Well, based on all the  
13      advice all the way through and public comment, the  
14      department -- ultimately the director is going to sign  
15      the 103 to adopt the rules, and it could be amended all  
16      the way up to that point, so --

17                      CHAIRPERSON PREZEAU: So presumably --

18                      MR. MUTCH: We've done that before.  
19      We've pulled things from the rules at that point before.

20                      CHAIRPERSON PREZEAU: So what is,  
21      hypothetically, available to the department is like -- I  
22      should -- like, if we get to -- if we get through this  
23      process and the 102 process and the department still  
24      doesn't have language that captures the intent of what  
25      the -- what is being discussed here and the department's

1 intent, then this proposal could -- this language could  
2 end up in the rule or not?

3 MR. MUTCH: Yes.

4 BOARD MEMBER JENKINS: Is there  
5 something that says you can't use common language, i.e.,  
6 house flipping?

7 CHAIRPERSON PREZEAU: Say that again.

8 BOARD MEMBER JENKINS: Can you use  
9 common language, i.e., house flipping right in there? Is  
10 there something that can be done?

11 MR. MUTCH: We can do that. I think  
12 you'd have to have a definition.

13 BOARD MEMBER JENKINS: I don't know.  
14 Because that would leave a little more on the AHJ to go,  
15 "No. That's house flipping. Sorry. You're in this for  
16 profit, and I can make a decision based upon your  
17 pattern."

18 MR. MUTCH: Right.

19 BOARD MEMBER JENKINS: "And I don't  
20 have to go back to here if that's what you're doing."

21 I don't know. I think that some of the -- to keep  
22 the people that are trying to skirt laws, I think it's  
23 not a bad idea to give some authority to the AHJ to make  
24 that decision, a little leeway in there.

25 MR. MUTCH: Mm-hm.

1 CHAIRPERSON PREZEAU: Don, do you have  
2 a comment?

3 BOARD MEMBER BAKER: Well, I think  
4 someone made a point about going to sell the house and  
5 remodel the bathroom and the language maybe, and I think  
6 we need to move on for sake of time, but I think the  
7 language should probably be that, if you lived in the  
8 house for 12 months or 24 months regardless of if it's  
9 before or after the renovation; right?

10 BOARD MEMBER JENKINS: That was the  
11 original thought.

12 BOARD MEMBER BAKER: We checked that  
13 box as well; right?

14 BOARD MEMBER COX: Would that also  
15 apply to commercial structure? So my office building  
16 that I've owned for the last so many years?

17 BOARD MEMBER LaMAR: Sure.

18 MR. MUTCH: Yep. Okay. This  
19 submersible well pump installers is a current policy of  
20 the department. We allow the -- the pump contractor to  
21 put the well -- the pump in the well and the cable going  
22 down to the submersible pump and they can take out a  
23 portable generator and connect the well to the portable  
24 generator for the purposes of testing.

25 And we've already allowed that in policy, and we're

1        putting -- proposing to put that in rule.

2            The next one for home inspectors is not in the rules  
3        right now. It just would allow licensed home inspectors  
4        to remove a panel board cover to do an inspection of the  
5        inside of the panel.

6            This was not supported by the TAC. Ten opposed it  
7        and ten supported it, so just wanted to leave it in here  
8        to get the advice of the board.

9                    BOARD MEMBER NORD: I'm totally  
10        opposed to it. Larry and I, several years ago, had  
11        extensive discussion about home inspectors based upon my  
12        personal experience with them.

13            They take panel board covers off. They pull  
14        breakers out. They're taking pictures of the busbars to  
15        scare the people buying the houses that, you know, the  
16        busbars aren't shiny, so there's a problem here.

17            They're taking outlets apart. They're taking  
18        switches apart. They're taking light fixtures apart.

19            And they're not licensed electricians, and they have  
20        no business getting into panel boards any more than a 07  
21        has business getting into a panel board to change a  
22        breaker.

23                    CHAIRPERSON PREZEAU: That's not  
24        like-in-kind.

25                    BOARD MEMBER JENKINS: To add insult

1 to that, they take no liability in what they say or do.

2 BOARD MEMBER NORD: Absolutely.

3 CHAIRPERSON PREZEAU: Well, I have a  
4 different tack on this, if you will, or -- I recognize  
5 that, you know, your comments in the margin indicate  
6 that, you know, we've had this legislation and that, you  
7 know, we've had past board members who are now employed  
8 by the department who are electrical contractors who were  
9 pretty passionate about the home inspectors and some of  
10 their experiences they've had.

11 My question is, if we allow home inspectors to  
12 expose live parts, is that a violation of DOSH standards?

13 BOARD MEMBER NORD: That was my other  
14 question.

15 MR. MUTCH: Well, so that's a  
16 different question. Yes. They would have to be  
17 qualified to do that. And they --

18 BOARD MEMBER NORD: And the other  
19 thing that goes with that --

20 MR. MUTCH: We don't regulate that  
21 with our laws.

22 BOARD MEMBER NORD: -- was the fact  
23 that, in case of this particular house, a city of Tacoma  
24 electrical inspector had done a total inspection of the  
25 house.



1           She put her approval seal on the panel, on the  
2           disconnect for the air-conditioning system, on the  
3           furnace. Everywhere that she inspected, she put her  
4           approval seal that the City of Tacoma had inspected and  
5           approved the installation.

6           I had to hire three different qualified electrical  
7           contractors to write letters to sell that house because I  
8           had four different home inspectors outside of the scope  
9           of what they know what they're doing tell potential  
10          buyers that there was problem with the electrical of the  
11          house.

12          And all three of the electrical contractors that I  
13          had to hire to write a letter all said the same thing,  
14          the approving agency, the City of Tacoma public utilities  
15          department, had inspected the property fully, had  
16          approved the work done by a licensed electrical  
17          contractor, had put the approval seals on the panel, on  
18          the disconnects, on the air-conditioning system, and they  
19          had final authority.

20          And then these guys write reports that they get  
21          hundreds of dollars for, and they have no qualifications.  
22          This guy failed as a real estate agent, so he became a  
23          home inspector.

24          Larry and I had some very --

25                           BOARD MEMBER BAKER: I completely get

1       what you're saying, but kind of maybe recenter it, is any  
2       of that L&I's responsibility?

3               And when I think about somebody removing a panel  
4       cover, is that regulated work by the Department of Labor  
5       and Industries? That's the real question. Is that  
6       regulated? Can a homeowner go remove -- can a homeowner  
7       remove -- I see Larry back there. He can remove the  
8       panel cover?

9                       CHAIRPERSON PREZEAU: Or she.

10                      BOARD MEMBER BAKER: Thank you.

11                      BOARD MEMBER NORD: But, Don, in this  
12       case you've got people that are charging money to do it.

13                      BOARD MEMBER BAKER: But hang on. But  
14       at what point can a homeowner have somebody remove a  
15       panel cover for them and it's still not regulated if the  
16       homeowner is present?

17                      MR. VANCE: They can have a friend or  
18       relative assist the householder. The minute they hire  
19       somebody to perform electrical work, then electrical  
20       contracting licensing laws come into play. Worker  
21       certification comes into play.

22               The history of this is that several years ago,  
23       having to do with home mortgages and the whole debacle  
24       that caused the last recession, the Washington State  
25       brought home inspectors under regulation, and when the

1 dust settled, there was about 145 licensed home  
2 inspectors.

3 When you look at their administrative rules that are  
4 referenced in this proposal, what they're required to do  
5 is a noninvasive inspection. They're supposed to remove  
6 the panel cover, look, make any notations and replace the  
7 panel cover. They're not altering any wire. They're not  
8 removing any circuit breakers.

9 I mean, if they're doing that, they're working  
10 outside of what they're given authority under the home  
11 inspection -- their rules as far as home inspections.

12 This -- they have a board, and I had conversations  
13 with their board several years ago, and they did approach  
14 Labor and Industries about this issue when they made  
15 rules.

16 And Labor and Industries, of course, they asked --  
17 you know, Labor and Industries, it's like everybody lives  
18 in Seattle if you live in the state of Washington.

19 But they asked Labor and Industries, and Labor and  
20 Industries says, "Well, as long as someone has the proper  
21 training, they're able to remove a panel cover to replace  
22 the panel cover. No problem."

23 That's what the -- one side of our house said.

24 Well, somebody asked the other side of the house and  
25 was surprised by the answer, meaning that, "Oh, you have

1 to be a licensed electrical contractor and a certified  
2 electrician to, you know -- it's electrical equipment."

3 "Oh, well, nobody ever told us this."

4 So really all this is doing is that this is just  
5 legitimizing something that in many cases leads to more  
6 than likely increasing public safety because there are  
7 times -- I don't know.

8 I've heard from a lot of electrical contractors. My  
9 wife happens to work in the real estate industry, but a  
10 lot of times, after a home inspection, there is some work  
11 that has to be done by an electrical contractor,  
12 everything from GFCI protection to, you know, maybe  
13 replacing the panel because somebody does pull the panel  
14 cover and they do see the insulation burned off the  
15 service conductors from a loose connection. They see  
16 something.

17 So I'm not sure that, you know -- that they're  
18 creating any great hazard by removing and replacing a  
19 200-amp residential panel cover and making a noninvasive  
20 inspection, but that's kind of some of the background  
21 with this.

22 BOARD MEMBER BAKER: Yeah. Because I  
23 get Tracy's point, that they're exposing themselves to  
24 live parts and a potential arc flash, but I don't think  
25 that's this body's responsibility to protect them from

1       that. That's on them, if you will.

2               And it seems reasonable to me to allow somebody in  
3       the professional field to remove a panel cover and put it  
4       back on, to me.

5                       BOARD MEMBER NORD: But what training  
6       do they have? In the case of the guy that was doing the  
7       house that I was selling, he had no experience, no  
8       background, other than he failed as a real estate agent.

9                       BOARD MEMBER BAKER: The danger is  
10      when they start making a recommendation. The removal of  
11      a cover and putting it back on --

12                      BOARD MEMBER NORD: This guy was  
13      making recommendations. He had a formalized report, and  
14      he pulled circuit breakers, took pictures of busbars, and  
15      said because the busbars weren't shiny, that the panel  
16      needed to be replaced.

17               And once again, the approving authority, the City of  
18      Tacoma, had inspected everything and put their seals on  
19      everything.

20               So, you know, once again, you've got these home  
21      inspectors -- and maybe I just had a bad one, but, you  
22      know, they're working outside of the scope of their work.  
23      They're getting into qualified electrical contracting  
24      business by taking switches apart, by taking outlets  
25      apart, by taking GFIs apart.

1           They're taking panels out of breakers and shooting  
2           pictures of busbars. They're bringing out thermal  
3           cameras and shooting pictures of whatever they want to  
4           shoot pictures, and they tell the homeowner that because  
5           it shows some heat in there, that there has to be a  
6           problem.

7           You know, and they're getting big money for this.  
8           They're acting as a contractor, and if they want to act  
9           as a contractor, they need to be certified and properly  
10          trained at least to a level of an apprentice.

11                       CHAIRPERSON PREZEAU: Jason?

12                       BOARD MEMBER JENKINS: Just to add on  
13          to what you mentioned there, I've worked on panels,  
14          pulled the cover off, and it put me in a hazardous  
15          situation. I've had washers sitting between two busbars.

16          And there are stories after stories of people taking  
17          covers off and getting killed just by taking covers off.

18          I think by us -- and the tech mentioned this. By us  
19          saying, "Yeah, it's okay," it's a position we shouldn't  
20          be taking.

21          As an electrical industry saying, "Yeah, it's okay  
22          if you haven't had training in this particular aspect and  
23          you're not listed as a qualified person for this," we  
24          shouldn't be saying all home inspectors are okay to do  
25          this.

1 BOARD MEMBER BURKE: You're giving  
2 unqualified people access to unfused conductors too.  
3 This is utility unfused conductors. It's not very  
4 forgiving on the line side of that panel, so --

5 CHAIRPERSON PREZEAU: Bobby, didn't  
6 mean --

7 BOARD MEMBER GRAY: Just a couple  
8 points. One, I don't think removing a cover off an  
9 energized cover is noninvasive.

10 CHAIRPERSON PREZEAU: I was wondering  
11 if somebody was going to bring that up.

12 BOARD MEMBER GRAY: And, number two,  
13 if you call the manufacturer of that panel and said, "Is  
14 your panel board listed so that you can remove the cover  
15 off while this equipment is energized," I wonder what  
16 they would say.

17 Of course it's not listed for that.

18 BOARD MEMBER BURKE: Or they'd say,  
19 "qualified people only."

20 BOARD MEMBER GRAY: I'm not even sure  
21 qualified people are authorized without some  
22 justification.

23 You ask OSHA, "Is it okay to take a cover off an  
24 energized panel," what do you think they're going to say?  
25 No. And that's not only -- so I think it's a dangerous

1 precedent --

2 BOARD MEMBER NORD: I agree.

3 BOARD MEMBER GRAY: -- to imply that  
4 it's okay to go do this.

5 CHAIRPERSON PREZEAU: I agree with  
6 that.

7 BOARD MEMBER JENKINS: That's what the  
8 TAC was saying back and forth.

9 MR. VANCE: One side of Labor and  
10 Industries said there's no problem with this as long as  
11 they have adequate safety training.

12 BOARD MEMBER GRAY: This was the  
13 safety side?

14 MR. VANCE: Yes. They've already  
15 blessed this. This is why the administrative rules were  
16 written. This is why -- you know, this is all -- this is  
17 all -- these are all administrative rules currently.

18 What we're going to say is, we're going to tell --  
19 now being in a position where we have to inform the home  
20 inspectors that they can no longer provide this part of  
21 the service that they are mandated to perform.

22 In other words, you are -- the sale of every  
23 single-family home today, existing single-family home,  
24 will not have a -- anybody look at the panel. That's the  
25 end result.



1           In other words, the home inspector, that will be out  
2           of their scope because they have to be a licensed  
3           electrical contractor and a certified electrician.

4                         BOARD MEMBER NORD:   And, Larry, I  
5           agree with that, just like the conversation we had  
6           several years ago, because if I employ a licensed  
7           electrical contractor, he's fully qualified by  
8           experience, skill, and training to know what he's looking  
9           at.

10           If he pulls the cover panel or pulls the disconnect  
11           apart or pulls switches apart and tells me that I've got  
12           a problem because this, this, and this, violation of this  
13           part of the code, that part of the code, this part of the  
14           code, and he puts it in writing, I've got a qualified  
15           inspection from somebody that I know by skills and  
16           training, by licensing and experience, knows what he's  
17           talking about.

18           When I interviewed the home inspectors that looked  
19           at my house that I was getting rid of, the guys couldn't  
20           answer basic questions about code, but they quote it.

21           And you ask them, "How is this in violation?"

22           "I don't know."

23                         MR. VANCE:   And I can't vouch for home  
24           inspectors, but it sounds like you had a bad experience  
25           with one of the 140-some home inspectors, but, you

1 know --

2 BOARD MEMBER NORD: But the thing is,  
3 Larry, the home inspector is properly qualified by skill,  
4 by training, by licensing, or whatever to do electrical  
5 inspections or plumbing inspections, then that's good.

6 But if you don't have the skills, certification,  
7 training, and you pull a panel cover off and there's a  
8 washer that drops into the busbar and you've got an arc  
9 flash and we've told them under this, "You can do that,"  
10 is there a liability problem for the department?

11 MR. VANCE: No.

12 BOARD MEMBER NORD: I think it's going  
13 down a very dangerous road, establishing precedent within  
14 the RCW 19.28 or 246-96B WAC, that we are going to allow  
15 and encourage these people to take stuff apart.

16 MR. VANCE: They do it on the sale of  
17 every home today. Every existing single-family home  
18 right now, the panel covers are removed and replaced  
19 because it's their -- it's their obligation under their  
20 license to perform that every time they do a home  
21 inspection.

22 BOARD MEMBER NORD: But to give that  
23 license, what experience, skills, and training are they  
24 undergoing?

25 MR. VANCE: I don't know. We have

1       electrical inspectors that provide them continuing  
2       education. We've had formal electrical board members  
3       that provide them education.

4             I'm not sure exactly what their education is. If  
5       you asked five electricians of the condition of a panel,  
6       you may get four different opinions. I mean, I don't  
7       know that everybody is having the same experience as far  
8       as somebody really --

9             BOARD MEMBER NORD: Well, based upon  
10      my experience and my conversation with my Realtor, who is  
11      Keller Williams, they find a lot of it happening where  
12      they get these bogus reports from these inspectors about  
13      electrical issues or plumbing issues. Those are the two  
14      big ones.

15            MR. VANCE: And the result of that is  
16      there -- there's an electrical contractor that comes out  
17      and either replaces the electrical panel or abates the  
18      condition or --

19            BOARD MEMBER NORD: Or says there's  
20      nothing wrong.

21            MR. VANCE: But that won't happen if  
22      they don't pull the panel cover.

23            BOARD MEMBER COX: So, Larry and Rod,  
24      if they're granted this authority by L&I now -- you're  
25      saying they're doing it now.

1 MR. VANCE: They're doing it now.

2 BOARD MEMBER COX: -- why do we need  
3 this language here?

4 MR. VANCE: Because what they're doing  
5 is not conforming to the laws and rules.

6 BOARD MEMBER COX: Then how are  
7 they --

8 BOARD MEMBER GRAY: So let's change  
9 the laws.

10 MR. VANCE: They are now because they  
11 asked L&I for advice. L&I gave them advice. What L&I  
12 told them was that, as long as you have the proper  
13 training so that you don't -- your people are not  
14 injured, you're good.

15 That's the other -- that's the safety side of the  
16 house.

17 From the electrical licensing side of the house,  
18 it's a different -- it's a different answer.

19 BOARD MEMBER BURKE: So the home  
20 inspectors have an NFPA 70E training?

21 MR. VANCE: I don't know that.

22 But the other thing about a 240 -- 240-volt  
23 residential service, which this is limited to, 200 amps,  
24 200-amp panel, is that generally there's not enough  
25 energy there to ever sustain an arc flash.

1                   BOARD MEMBER COX: So on the pretense  
2                   that the department will go ahead with this language,  
3                   going to make a suggestion, Rod, that we say firms or  
4                   homeowners employing home inspectors.

5                   MR. MUTCH: You can make a suggestion.  
6                   I think at the end, we're going to hear the  
7                   recommendation of the full board on this, and, yeah,  
8                   that -- that could be part of it.

9                   MR. VANCE: It's anyone.

10                  BOARD MEMBER COX: It says firms  
11                  employing home inspectors, but if I'm a homeowner  
12                  employing -- I'm not a firm -- I'm a homeowner employing  
13                  a licensed home inspector.

14                  MR. VANCE: Yeah. The home inspector  
15                  then would be the firm. They could be employing  
16                  themselves, but --

17                  MR. MUTCH: This is in the exemptions  
18                  from 925 contractor licensing. There's a similar  
19                  proposal for this.

20                  BOARD MEMBER COX: So if I'm a home  
21                  inspection firm or a whatever, I'm employed?

22                  MR. VANCE: Right.

23                  BOARD MEMBER COX: Understood.

24                  MR. VANCE: Right.

25                  BOARD MEMBER JENKINS: Question for

1 Vance. Do we have somewhere in our system where they  
2 define "qualified"?

3 MR. VANCE: We don't. That's at DOSH.

4 BOARD MEMBER JENKINS: Okay. So would  
5 it be too far to ask to say in here somewhere it must be  
6 a qualified person to do this work?

7 BOARD MEMBER BAKER: They're licensed  
8 by the State of Washington.

9 MR. VANCE: Yeah. It's not up to us.

10 BOARD MEMBER JENKINS: Well, that's  
11 certified, but are they qualified to do the work? That  
12 goes back to -- I'm just --

13 MR. VANCE: It doesn't necessarily  
14 mean -- from the other side of our house -- and I'm not  
15 an expert, and I don't want to necessarily speak for  
16 them, but if an electrician gets hurt on the job, they're  
17 going to ask, "Were you trained in trench safety?"

18 Okay. Being an electrician doesn't necessarily mean  
19 that you were trained and qualified to do the job that --

20 BOARD MEMBER JENKINS: That's what I'm  
21 looking at.

22 MR. VANCE: So when we get into using  
23 the word "qualified," we -- the electrical laws and rules  
24 speak to somebody that's certified to do the work,  
25 meaning that you passed a certification exam. You've had

1 the experience that it takes to qualify for this  
2 certification exam.

3 BOARD MEMBER JENKINS: Which they  
4 don't do any of that as a home inspector.

5 MR. VANCE: Now, the home inspectors,  
6 what they know is that they know that half of this -- a  
7 big part of Labor and Industries said you need to be --  
8 you need to have the proper training to safely do the  
9 job, just like climbing the ladder to go do the roof  
10 inspection or climbing in the attic or crawling  
11 underneath the house, all of the training that it takes.

12 BOARD MEMBER JENKINS: That word  
13 "qualified" again. If it somehow said qualified in  
14 there, that would mean they've had that training in panel  
15 cover removal and how to do it correctly. That might be  
16 the happy medium between the two.

17 MR. VANCE: It could. I just don't  
18 know how we would regulate that because we are not the  
19 determining body for what somebody is when we're talking  
20 about qualified, meaning that they've had the training to  
21 work in a trench or the training to climb a ladder.  
22 Yeah.

23 BOARD MEMBER JENKINS: And we wouldn't  
24 be able to do that. I'm just thinking that kind of takes  
25 it off our chest and says, "Hey, we told you, you had to

1 be qualified."

2 We can't make sure that every apprentice knows how  
3 to do this particular function.

4 MR. VANCE: Right.

5 BOARD MEMBER JENKINS: But you're  
6 qualified to do it in order to do it, and if you didn't,  
7 it's on you and your contractor to do that.

8 MR. VANCE: Right.

9 BOARD MEMBER JENKINS: In that case,  
10 the business, whatever company they used, it's their job  
11 to make sure their employees are safe to make them  
12 qualified to do that job.

13 If you were to say that there in the wording, it  
14 kind of says --

15 MR. VANCE: Right. There are home  
16 inspectors that are -- that are sole proprietors of their  
17 business. They're home inspectors that work for larger  
18 home inspection companies.

19 BOARD MEMBER JENKINS: Put the  
20 liability back on them, in my opinion. Just throwing  
21 that out there.

22 MR. VANCE: Yeah. So I don't know  
23 quite how it works with the other side of our house, but  
24 when you're a sole proprietor and you wear all hats, I  
25 don't -- I don't know how that works.



1                   BOARD MEMBER JENKINS: They don't  
2 inspect them.

3                   CHAIRPERSON PREZEAU: Let me see if I  
4 understand this. Just reeling this back in, right, is  
5 when I've heard stated this morning -- and I've read the  
6 comments in the margin and the legislations from 2008,  
7 and, you know -- is that this is happening -- whether  
8 anybody likes it or not, this is happening right now.

9                   And what I also heard you say is that if this is  
10 included in the rules, the liability, in the event that  
11 there's some mishap or accident or worse, there's no  
12 liability on the department.

13                  Well, I understand the attorney is saying we can't  
14 say that, and I agree with that. I also, you know,  
15 recognize that this is not exactly my favorite thing in  
16 here, nor is it probably anybody's favorite thing in this  
17 room.

18                  And I'm not super -- you know, generally speaking,  
19 we don't like making rules that accommodate things that  
20 are happening in the industry, whether they're happening  
21 in conjunction with a contractor's certification and  
22 qualified worker.

23                  And I also have a commonsense approach, which is,  
24 you know, so we got to sell houses. We have to buy and  
25 sell houses.

1           So I don't like the fact that this is happening. I  
2           don't like -- for all the reasons that were stated.

3           And, Bobby, I think you hit it brilliantly in  
4           saying, you call the manufacturer and said, if you remove  
5           the front off this panel while it's energized, unfused  
6           conductors, I get it.

7           I -- but what I also understand is that whether --  
8           from what I -- if I got this correctly, whether this is  
9           in here or not, this is going to continue to happen; is  
10          that correct?

11                       MR. VANCE: It's in there -- that is  
12          what -- it is -- it is a mandated portion of a home  
13          inspection that's -- you know, today, if a home inspector  
14          does a home inspection, this is one of the requirements  
15          that has to be performed.

16                       CHAIRPERSON PREZEAU: I agree with  
17          Bobby. I don't -- I don't -- so let's just say, for the  
18          sake of discussion, when we get to the recommendation to  
19          the department, even if this board says we noted this, if  
20          it's possible that this could stay in the rule because  
21          it's a -- I can't remember exactly the term you guys used  
22          to describe it? Administrative?

23                       MR. MUTCH: There's nothing requiring  
24          us to put this in our rule so far.

25                       CHAIRPERSON PREZEAU: The challenge

1 is, whether this language is in the rule or not, this is  
2 what is happening right now.

3 MR. MUTCH: Their rule requires them  
4 to do a visual inspection. It does not specify that they  
5 have to remove the cover.

6 MR. VANCE: It does. They have to  
7 remove the cover and perform a noninvasive inspection.

8 CHAIRPERSON PREZEAU: I still don't  
9 understand how removing the cover is a noninvasive --

10 MR. VANCE: They're not pulling on  
11 wires. They're not tightening things. They're not  
12 loosening things. They're not testing torque. They're  
13 not, you know, taking voltage readings.

14 They're just, you know --

15 BOARD MEMBER ISAACSON: Wouldn't it  
16 behoove us to find out what the requirements for home  
17 inspector licenses are?

18 If I hit a Google search and I see that it's  
19 120 hours of classroom training, 40 hours of field  
20 training, and some other requirements, I think it would  
21 be good for us to know what that training is because, if  
22 that training does cover what we're looking for, would we  
23 accept it?

24 CHAIRPERSON PREZEAU: Potentially, I  
25 think is the answer.

1                   BOARD MEMBER ISAACSON: It would be  
2                   good for us to have that knowledge.

3                   MR. VANCE: The thing about the home  
4                   inspector that I've noticed is that they're just --  
5                   they're the first set of eyes, and then the second set of  
6                   eyes is usually somebody -- if a home inspector notices  
7                   that there's a crack in a foundation, for instance, the  
8                   next person that comes out is probably a structural  
9                   engineer.

10                  If they notice that there's burnt wiring, the next  
11                  person that comes out is a certified electrician. This  
12                  is just -- you know, the home inspector is kind of the  
13                  canary in the coal mine here.

14                  If they don't have that opportunity because of  
15                  licensing, I don't know how -- how they would approach  
16                  this legislatively? Would they require now the sale of  
17                  every new home to have an electrical contractor, you  
18                  know -- would we add that cost to have an electrical  
19                  contractor come out and perform an inspection of the  
20                  entire home?

21                  BOARD MEMBER JENKINS: I like that --

22                  BOARD MEMBER BURKE: I think you have  
23                  them take a class that's appropriate for learning --  
24                  unfortunately, my experience has been right on par with  
25                  yours half a dozen times.

1           And by allowing them to open that up, you're  
2           allowing them to make recommendations on something they  
3           don't know enough about. So while I understand the panel  
4           cover discussion, it's opening it up for other things  
5           that they're not qualified to make recommendations about  
6           either, and then they end up causing a lot of problems  
7           downstream because of it.

8           And so rather than require an electrical contractor  
9           or electrician to go inspect and maybe we have certain  
10          number of hours that you can put into the home inspection  
11          program that tell them about these things or educate them  
12          a little bit at least so then there's some sort of  
13          consistency on what they are being taught or trained on.

14                   BOARD MEMBER JENKINS: And continuing  
15          education credits and --

16                   BOARD MEMBER BURKE: Something, right.

17                   BOARD MEMBER JENKINS: Keep it going.

18                   BOARD MEMBER BURKE: I think it's a  
19          bigger problem than just a --

20                   CHAIRPERSON PREZEAU: Any other  
21          questions, comments, or concerns? Okay.

22                   MR. MUTCH: All right. So the next --  
23          and we'll see these two again in the certification  
24          section. This is in the licensing section.

25           The next proposal is WAC 935, and this, we

1 discovered that the referenced RCW doesn't apply to  
2 administrators. It applies to certified electricians, so  
3 we're just changing it to the correct reference in the  
4 RCW.

5 Here we are. So this is the certificate of  
6 competency section, and we have the submersible well pump  
7 installers and the home inspector provisions that would  
8 make them exempt from electrician certification as well.  
9 Same discussion.

10 WAC 970 is the definition of electrical theory, so  
11 this clarifies what electrical theory is for the purposes  
12 of basic training, classroom training.

13 It would -- it would -- so basic classroom training  
14 for somebody that's learning the trade is different than  
15 continuing education for someone who's already received a  
16 certificate of competency. Basic classroom training is  
17 limited to WAC, RCW, National Electrical Code, and basic  
18 electrical theory.

19 So this defines what basic electrical theory is  
20 because there was no definition previously.

21 CHAIRPERSON PREZEAU: Now, Rod, so in  
22 the margins, the second comment says "supported by the  
23 TAC. No opposition." "Added," in quotes, "'such as'  
24 based on TAC comments."

25 MR. MUTCH: Oh, okay.

1                   CHAIRPERSON PREZEAU: I'm assuming  
2           that that is because anytime you create a definition,  
3           unless it has some kind of qualifier of "meets but is not  
4           limited to" or "such as" or some catch phrase that says,  
5           "Hey, it's these things, but it could be other things  
6           that have -- that are not named here."

7           Does that make sense?

8                   MR. MUTCH: Yes. So the basic rule is  
9           electrical theory means basic principles of electricity.  
10          That's it. And then we go on to list some things that  
11          that includes. And that's what the "such as" would be,  
12          so --

13                   BOARD MEMBER COX: I think this was  
14          brought up in the TAC meeting, that very thing, about "is  
15          but is not limited to," and I think the answer we got  
16          back was, "Well, then, that opens it up and says, well,  
17          it could be this. It's not limited to this." Is that --

18                   MR. MUTCH: Well, but it's basic  
19          principles of electricity. So "such as." So if you --  
20          if you have a question about whether, for example,  
21          troubleshooting a gas furnace is basic principles of  
22          electricity, I don't think that qualifies under this  
23          definition.

24                   CHAIRPERSON PREZEAU: Jason?

25                   BOARD MEMBER JENKINS: That's what I

1       was saying with TAC.

2                       CHAIRPERSON PREZEAU: We're good.

3                       MR. MUTCH: Okay. The other proposal  
4       in WAC 970 is extending the minimum length of basic  
5       training class must be completed. Previously it said  
6       within a two-month period. We're extending that to a  
7       six-month period.

8               Community colleges often operate on a quarter or  
9       semester schedule, so the two months was a limiting  
10      factor in that, and they could provide a class over six  
11      months, and that opens this up to that.

12              The other one is making the electrical theory  
13      requirements match what the requirements are for taking  
14      the exam. So you can bring in original copyrighted  
15      material into the exam to take with you to the open book  
16      exam.

17              The term "currently published documents" was kind of  
18      ambiguous, so we just wanted to align the class content  
19      that a trainee takes with the exam requirements that  
20      they're going to be taking the exam with.

21              Yes?

22                     BOARD MEMBER GRAY: You have a typo in  
23      that next bullet down.

24                     MR. MUTCH: No way.

25                     BOARD MEMBER GRAY: NFPA 70E should



1 say "Standard" for Electrical Safety instead of  
2 "Handbook."

3 MR. MUTCH: Oh, okay. So I think we  
4 can include that in this rulemaking because it's just a  
5 correcting of a title of a book. Okay.

6 CHAIRPERSON PREZEAU: Any other  
7 comments? We're good with that?

8 Before -- what is the significance of "original"?

9 MR. MUTCH: Other than this is the  
10 exact wording in the requirements for what they can bring  
11 into an exam with them, I don't know.

12 BOARD MEMBER JENKINS: Photocopy.

13 SECRETARY THORNTON: Or altered in  
14 notes in the margins.

15 MR. MUTCH: That's probably it. You  
16 have to bring the actual book in with you, not a  
17 photocopy portion of the book.

18 CHAIRPERSON PREZEAU: Oh, okay. I get  
19 it. Yep. Potentially violating the copyright.

20 MR. MUTCH: Right.

21 CHAIRPERSON PREZEAU: Okay. Okay.

22 MR. MUTCH: And we made the same  
23 change a little bit further down for classroom  
24 instruction based on electrical theory.

25 This one in 971 is to do with training schools.

1 Currently we require the training school to send us a  
2 roster prior to completion.

3 We don't really need that information, so this  
4 eliminates the need for them to submit an enrollment  
5 roster to us, and to clarify what needs to be on the  
6 completion roster, the information that we do need.

7 (Mr. Burke exits.)

8 MR. MUTCH: Getting close. So 9 --  
9 WAC 990 is where we define what serious noncompliance is,  
10 and we've had some cases where a person was caught  
11 working without a certificate, and the next day they were  
12 caught again, and the next day they were caught again.

13 And it becomes a business practice or habitual or  
14 willful noncompliance, so we added the term "willful,  
15 intentional, or continuous noncompliance."

16 And what this allows us to do is issue a higher  
17 penalty to them, and it also, if they're a certified  
18 electrician or licensed electrical contractor, it gives  
19 the opportunity to suspend their license.

20 So that's it.

21 CHAIRPERSON PREZEAU: Thank you, Rod.  
22 Appreciate that.

23 MR. MUTCH: The other document I sent  
24 you was the -- of course, the stakeholder proposals that  
25 were not -- some of those were not selected, so if

1       there's any proposals in there that the board would like  
2       to comment on, we would entertain that too.

3                       BOARD MEMBER COX:   Rod, what was the  
4       one that allowed 06As to run their thermostat wire or  
5       other control cable between floors?

6                       CHAIRPERSON PREZEAU:   That's  
7       Proposal 8.

8                       BOARD MEMBER COX:   8.

9                       MR. MUTCH:   Thank you.   It would -- so  
10      this section, the work scope is -- has to do with  
11      installing new cable.

12              So they install new cable as long as it doesn't pass  
13      between floors.   They're not limited by floors for  
14      repairing and maintaining and replacing.   This proposal  
15      would have allowed them to install a new cable between  
16      floors.   I think there was some discussion about fire  
17      stopping and things like that.

18                      BOARD MEMBER COX:   Right.   And one of  
19      the things that I brought up was the fact that currently  
20      uncertified workers, i.e., telecom, doesn't -- can  
21      currently pull fiberoptics between floors.

22              It needs fire stop.   We agree.   It needs fire stop  
23      with an approved method, but if uncertified workers can  
24      run cable between floors, why can't a certified 06A do  
25      the same?

1           And I know there was discussion at the TAC about  
2           completely changing the scope of what they're allowed to  
3           do. I don't know that that's --

4                       MR. MUTCH: So that was 14 opposed at  
5           the TAC meeting and 8 supported it. Kind of a split  
6           decision.

7                       BOARD MEMBER COX: So I wanted to  
8           bring that up for discussion just, again, to bring that  
9           point out that currently telecommunications contractors  
10          and their workers can do this work, installing cable  
11          between floors, and not just between one and two floors,  
12          but install the whole riser cable without any type of  
13          certification or training, but yet we have 06As who do  
14          have certificates that are asking to do a similar thing.

15          Why would we not allow them to do that?

16                      CHAIRPERSON PREZEAU: I think it's a  
17          valid question.

18                      BOARD MEMBER COX: Because even if  
19          they're running in a single floor, you're going into fire  
20          wall. You come out of your furnace room, you have to  
21          fire stop it. You have to meet -- they're already doing  
22          it.

23                      So the point that was brought up at the TAC about  
24          whether or not trained and fire stopping, I don't know  
25          that that's a valid point.

1           They should be because they're already doing it in a  
2           single floor. So I would propose that we allow this  
3           Proposal 8 to be added to the proposed changes.

4                       CHAIRPERSON PREZEAU: Is that a  
5           motion?

6                       BOARD MEMBER COX: I'll make it a  
7           motion.

8                       CHAIRPERSON PREZEAU: So you move to  
9           adopt stakeholder Proposal 8.

10                      BOARD MEMBER COX: Stakeholder  
11           Proposal 8 into the Chapter 296-46-B WAC proposed  
12           changes.

13                      CHAIRPERSON PREZEAU: Is there a  
14           second to the motion?

15                      BOARD MEMBER PHILIPS: Yeah.

16                      CHAIRPERSON PREZEAU: It's been moved  
17           and seconded to recommend to the department to include  
18           stakeholder Proposal 8 in the draft rules. Is that --  
19           draft rules.

20                      MR. MUTCH: Yep.

21                      CHAIRPERSON PREZEAU: Discussion on  
22           the motion?

23                      Okay. Seeing none, all those in favor, signify by  
24           saying aye.

25                      BOARD MEMBERS: Aye.

1 CHAIRPERSON PREZEAU: Opposed?

2 Motion carries.

3 BOARD MEMBER GRAY: Will I screw up  
4 the quorum if I leave?

5 CHAIRPERSON PREZEAU: No. Sorry.

6 AAG THOMURE: We'll miss you.

7 BOARD MEMBER GRAY: I got a flight.

8 CHAIRPERSON PREZEAU: Thank you,  
9 Bobby. As long as you haven't recognized any additional  
10 typos, then --

11 BOARD MEMBER GRAY: The rest of it is  
12 perfect.

13 BOARD MEMBER JENKINS: We'll volunteer  
14 you for other things. Don't worry.

15 BOARD MEMBER NORD: You realize by  
16 leaving we can put you on all --

17 AAG THOMURE: Motion to recommend what  
18 you've just discussed? So --

19 BOARD MEMBER GRAY: Stay for that?

20 CHAIRPERSON PREZEAU: Well, I don't  
21 want you to miss your flight, but just -- Pam, I think,  
22 is pointing out that if you wanted -- if you wanted to  
23 cast your ballot up or down on this.

24 BOARD MEMBER GRAY: Are we going to do  
25 them individually or is it --

1                   CHAIRPERSON PREZEAU: Well, I was  
2           talking to Pam about that, and in order to make a clean  
3           record -- Pam?

4                   AAG THOMURE: So your option would be  
5           just to go very quickly through each of the areas. Maybe  
6           go WAC by WAC to either --

7                   CHAIRPERSON PREZEAU: You mean article  
8           by article section?

9                   AAG THOMURE: Well, certain WACs have  
10          several provisions that you guys discussed, so if you did  
11          them WAC by WAC, then you could just say motion to  
12          approve, deny, or recommend approval or recommend -- just  
13          then take a vote because you've already had --

14                  BOARD MEMBER GRAY: I support the  
15          consensus. I heard the discussion. I'll be adequately  
16          represented.

17                  CHAIRPERSON PREZEAU: Thank you,  
18          Bobby. Safe travels.

19                               (Mr. Gray exits.)

20                  CHAIRPERSON PREZEAU: Not to extend  
21          the process but to make a good record, I think that there  
22          are several places in here where the board -- several  
23          board members have indicated they're not super happy  
24          about stuff, so I think even by going through these  
25          section by section will allow us to preserve a good

1 record, and I don't think it will actually slow down the  
2 process, given that the discussion has already happened.

3 So, for instance, chair would entertain a motion to  
4 recommend the department to accept the rule changes as  
5 proposed in WAC 296-46B-010.

6 BOARD MEMBER JENKINS: So moved.

7 BOARD MEMBER PHILIPS: Seconded.

8 CHAIRPERSON PREZEAU: Been moved and  
9 seconded to adopt those proposed changes.

10 All those in favor, signify by saying aye.

11 BOARD MEMBERS: Aye.

12 CHAIRPERSON PREZEAU: Opposed?

13 Motion carries. So 010 proposed language is  
14 adopted -- or recommended adoption.

15 Chair would entertain a motion to adopt the proposed  
16 rule change in WAC 296-46B-100, general definitions.

17 BOARD MEMBER JENKINS: So moved.

18 BOARD MEMBER PHILIPS: Seconded.

19 CHAIRPERSON PREZEAU: Moved and  
20 seconded.

21 Discussion on the motion?

22 Seeing none, all those in favor, signify by saying  
23 aye.

24 BOARD MEMBERS: Aye.

25 CHAIRPERSON PREZEAU: Opposed?



1 Carries.

2 Chair would entertain a motion recommending to the  
3 department the rule change in WAC 296-46B-110,  
4 Subsection 003.

5 BOARD MEMBER NORD: Motion.

6 CHAIRPERSON PREZEAU: It's been moved  
7 to -- it's been moved. Is there a second?

8 BOARD MEMBER LaMAR: Second.

9 CHAIRPERSON PREZEAU: It's been moved  
10 and seconded to recommend to the department the language  
11 proposed by the department in WAC 296-46B-110.

12 All those in favor, signify by saying --

13 BOARD MEMBER COX: Discussion?

14 CHAIRPERSON PREZEAU: Oh, discussion  
15 on the motion?

16 BOARD MEMBER COX: Do we need to  
17 decide on the color?

18 CHAIRPERSON PREZEAU: Oh, very good.

19 BOARD MEMBER PHILIPS: We didn't  
20 identify that we were going to -- identify --

21 BOARD MEMBER JENKINS: Chair, I think  
22 maybe we can put this back on the department and have  
23 them make a more decisive decision on what color should  
24 be or how --

25 BOARD MEMBER CUNNINGHAM: Stencilled

1 on paint. Like, a good example of this is pneumatic --  
2 for sending pneumatic bottles with paperwork in it in  
3 hospitals, huge radius sweeps. It's electrical conduit.  
4 It's either an adhesive or it's painted on with a stencil  
5 pneumatic system or whatever.

6 Rather than picking a color, I wonder if we can step  
7 on other --

8 BOARD MEMBER BAKER: Madam Chair, this  
9 is all to come back to us for final approval at some  
10 point; right? And we've already given the department  
11 recommendations.

12 So feels to me like we're just saying, "Go forward  
13 with those recommendations." We're not wiping this off  
14 the board. It's going to come back us at some point.  
15 We're going to give the final approval; correct?

16 CHAIRPERSON PREZEAU: Historically, I  
17 think we --

18 MR. MUTCH: So the process is, we take  
19 the recommendations of the TAC and the board and do a  
20 proposed rule, which is the 102. That's the proposed  
21 rule language. There's -- then there's the public  
22 comment period.

23 Anyone can comment, but we haven't historically gone  
24 back after the 102 and got additional advice from the  
25 board. We can do that in April, just if anything has

1 changed, but we haven't historically done that.

2 CHAIRPERSON PREZEAU: So I know that  
3 there's a motion that's pending and the discussion, so  
4 could you --

5 BOARD MEMBER ISAACSON: Madam Chair, I  
6 would amend -- a friendly amendment to the proposed  
7 motion that the board -- or that the markings be  
8 clarified prior to final approval.

9 BOARD MEMBER NORD: So be it.

10 CHAIRPERSON PREZEAU: Are you the  
11 second?

12 AAG THOMURE: The person who seconded  
13 it --

14 CHAIRPERSON PREZEAU: That's what I --  
15 are you the original motion maker of the motion?

16 BOARD MEMBER NORD: Yes.

17 CHAIRPERSON PREZEAU: Who is the  
18 second?

19 BOARD MEMBER LaMAR: I am.

20 CHAIRPERSON PREZEAU: Do you accept  
21 that friendly amendment?

22 BOARD MEMBER LaMAR: Yes, I do.

23 CHAIRPERSON PREZEAU: Any discussion  
24 on the motion as amended?

25 BOARD MEMBER PHILIPS: I guess I don't

1 understand why we don't just say, "Paint it white." Why  
2 are we dancing around making a decision? So my  
3 recommendation would be that you amend it to say the  
4 elbow can be painted white. I just -- it just seems  
5 ridiculous that we're batting the ball back and forth.

6 BOARD MEMBER LaMAR: My concern was,  
7 is white already used by other industries? That, I don't  
8 know.

9 BOARD MEMBER JENKINS: Let the  
10 department decide.

11 BOARD MEMBER PHILIPS: When you  
12 recommended white, was it because you had knowledge or --

13 MR. MUTCH: No. I just picked it out  
14 of the air.

15 AAG THOMURE: So there's a motion  
16 pending, and there's been a second, and if discussion is  
17 finalized, that motion needs to be voted on, aye or nay.

18 CHAIRPERSON PREZEAU: Yeah. So the  
19 motion with the friendly amendment, do you want to repeat  
20 that?

21 BOARD MEMBER ISAACSON: That the  
22 department come back to us with an appropriate markings  
23 for the elbows; right?

24 CHAIRPERSON PREZEAU: Everybody  
25 understand the motion? All those in favor?

1 MR. MUTCH: Just a second. What we  
2 will do is come up with something, put it in the draft  
3 language, publish it in the CR-102, and you'll be able to  
4 see what that is.

5 And then perhaps at the April board meeting, if  
6 there's objections to it, then feedback could come back  
7 to us? Is that -- does that work?

8 CHAIRPERSON PREZEAU: It works for me.  
9 I mean, there's a part of me that wants to say by -- like  
10 potentially inclusive in your friendly amendment that's  
11 been adopted "such as." It's worked in other places.  
12 "Such as substantially white in color."

13 Further discussion? All those in favor, please  
14 signify by saying aye.

15 BOARD MEMBERS: Aye.

16 CHAIRPERSON PREZEAU: Opposed?

17 Motion carries.

18 Chair would entertain a motion to recommend to the  
19 department the rule -- rule changes proposed in  
20 WAC 296-46B-210.

21 BOARD MEMBER JENKINS: So moved.

22 BOARD MEMBER PHILIPS: Second.

23 CHAIRPERSON PREZEAU: So it's been  
24 moved and seconded. And just want to make sure, for  
25 discussionary purposes, this is two pieces in here. One

1       that has to do with Subheading 8, Subsection B, but also  
2       52, Subsection A, Subsection 2. Moved and seconded.

3           Discussion on the motion? Seeing none, all those in  
4       favor, signify by saying aye.

5                       BOARD MEMBERS: Aye.

6                       CHAIRPERSON PREZEAU: Opposed?

7       Motion carries.

8           Chair would entertain a motion to recommend to the  
9       department the proposed language changes in  
10      WAC 296-46B-225.

11                      BOARD MEMBER JENKINS: So moved.

12                      BOARD MEMBER PHILIPS: Second.

13                      CHAIRPERSON PREZEAU: Moved and  
14      seconded to adopt that language as -- recommend that  
15      language to the department.

16           Discussion on the motion?

17           All those in favor, signify by saying aye.

18                      BOARD MEMBERS: Aye.

19                      CHAIRPERSON PREZEAU: Opposed?

20      Motion carries.

21           Bobby is going to be upset that he left.

22           Before the Chair would entertain a motion, I think  
23      that Bobby brought up a pretty legitimate concern, and I  
24      don't know what to do with that.

25           What's the current language, Rod?

1 MR. MUTCH: It specifies the 2011  
2 edition.

3 CHAIRPERSON PREZEAU: Is that the most  
4 current?

5 MR. MUTCH: I think there's a newer  
6 one. I think there is a -- I looked at several of these,  
7 but I believe there's a '15, 2015. Might be the '17.

8 But there is a newer edition than that. So we could  
9 change it to specify what the newest latest edition is,  
10 if that's --

11 CHAIRPERSON PREZEAU: Chair would  
12 entertain a motion to recommend to the department that  
13 they update WAC 296-46B-250 to reflect the most current  
14 version of ANSI -- published version of ANSI.

15 BOARD MEMBER JENKINS: So moved.

16 BOARD MEMBER PHILIPS: Second.

17 CHAIRPERSON PREZEAU: Well, I need a  
18 motion. I don't make motions.

19 It's been moved and seconded to recommend to the  
20 department language in 296-46B-250 reflecting the most  
21 current published version of ANSI.

22 Discussion?

23 BOARD MEMBER COX: Yes. So does the  
24 wording "most current and recently published" mean the  
25 same thing?

1                   BOARD MEMBER CUNNINGHAM: I think what  
2       we're discussing is, if the 2017 version of the ANSI  
3       standard is the most recent one that's in print right  
4       now, that this text will be available to say "of the 2017  
5       ANSI," slash --

6                   BOARD MEMBER COX: That's your intent  
7       not to say current published?

8                   CHAIRPERSON PREZEAU: That is correct.

9                   BOARD MEMBER COX: To put a date then.

10                  CHAIRPERSON PREZEAU: Correct. So let  
11       me rephrase.

12                 It's not to adopt this language as presented by the  
13       department, "most recently published ANSI," but to insert  
14       in there what the actual annual printed date is of the  
15       most recent adopted ANSI standards.

16                  BOARD MEMBER JENKINS: That would be  
17       my correct motion.

18                  BOARD MEMBER PHILIPS: That would be  
19       my second.

20                  CHAIRPERSON PREZEAU: Any more  
21       discussion on the motion?

22                  BOARD MEMBER BRICKEY: I have a  
23       question. Has anyone studied the latest ANSI to see that  
24       Bobby's concerns are not --

25                  CHAIRPERSON PREZEAU: I was thinking



1       about that, and my answer to that is no. I don't know  
2       the answer. I don't know the answer to that.

3                   MR. MUTCH: I haven't. Would you like  
4       us to?

5                   BOARD MEMBER CUNNINGHAM: Can we ask  
6       the department to come back with a recommendation of ANSI  
7       standards they deem to be acceptable so that we can put  
8       it in this language? If they come back and say the '17  
9       has something we don't like, we want '11 or '14?

10                  CHAIRPERSON PREZEAU: So, yes, I think  
11       we could do that. And the other thing is -- I'm making  
12       an assumption here, which is that the department  
13       historically -- currently and historically has relied on  
14       ANSI for giving guidance, or, you know, that the -- the  
15       hipot test must be performed in accordance with the cable  
16       manufacturer's instruction or, you know, ANSI or NETA's  
17       maintenance test specifications.

18                  AAG THOMURE: So you could make the  
19       motion or amend the motion and then make a recommendation  
20       that the department look into clarifying the proposed  
21       language to address the concerns raised by Board Member  
22       Gray and leave it up to the department.

23                  You can make that -- because you're making  
24       recommendations, so you can make the recommendation that,  
25       "Here, this has been raised. We would like the

1 department -- we recommend the department craft language  
2 that addresses it."

3 It's just your recommendation. You can leave it at  
4 that.

5 CHAIRPERSON PREZEAU: Okay. So we  
6 have a -- we have kind of a position that needs to be  
7 dealt with that is probably not most artistically crafted  
8 and doesn't actually capture what Pam just said.

9 Does everybody understand what the motion is? All  
10 those in favor, signify by saying aye.

11 BOARD MEMBERS: Aye.

12 CHAIRPERSON PREZEAU: Opposed?

13 BOARD MEMBER COX: Nay.

14 BOARD MEMBER NORD: Nay.

15 CHAIRPERSON PREZEAU: All right. So  
16 all those in favor, signify by raising your hand. One,  
17 two, three, four, five, six.

18 All those opposed, raise your hand. One, two,  
19 three, you are four.

20 Motion carries.

21 The challenge with that motion is, it doesn't  
22 actually do what Pam just clarified, which is fine, as  
23 long as the department understands what we're trying to  
24 accomplish.

25 These are recommendations. Not binding. Is the

1 board comfortable with that?

2 Okay. Motion carried.

3 We'll trust in the department.

4 Chair would entertain a motion to recommend to the  
5 department the proposed rule changes in WAC 296-46B 334.

6 BOARD MEMBER JENKINS: So moved.

7 BOARD MEMBER PHILIPS: Second.

8 CHAIRPERSON PREZEAU: Moved and  
9 seconded. Discussion on the motion?

10 Seeing none, all those in favor, please signify by  
11 saying aye.

12 BOARD MEMBERS: Aye.

13 CHAIRPERSON PREZEAU: Opposed?

14 Motion carries.

15 Chair would entertain a motion to recommend to the  
16 department the proposed rule changes in WAC 296-46B-553.

17 BOARD MEMBER JENKINS: So moved.

18 BOARD MEMBER PHILIPS: Second.

19 CHAIRPERSON PREZEAU: Moved and  
20 seconded to adopt that -- recommend to the department to  
21 adopt that language.

22 Discussion on the motion? Seeing none, all those in  
23 favor, please signify by saying aye.

24 BOARD MEMBERS: Aye.

25 CHAIRPERSON PREZEAU: Opposed?

1 Motion carries.

2 All right. Chair would entertain a motion to  
3 recommend to the department the proposed rule changes  
4 within WAC 296-46B-555.

5 BOARD MEMBER JENKINS: So moved.

6 BOARD MEMBER PHILIPS: Second.

7 CHAIRPERSON PREZEAU: Moved and  
8 seconded to recommend to the department to adopt the  
9 language in 555.

10 Discussion on the motion? Seeing none, all those in  
11 favor, please signify by saying aye.

12 BOARD MEMBERS: Aye.

13 CHAIRPERSON PREZEAU: Motion carried.

14 Oh, opposed?

15 Motion carries.

16 Okay. Oh, this is the section that you and Dave  
17 talked about changes nothing on the utilities side of the  
18 house. This is the grounding and bonding of the switch.

19 BOARD MEMBER PHILIPS: That's right.

20 I got it. I got it.

21 CHAIRPERSON PREZEAU: Chair would  
22 entertain a motion to recommend the department to adopt  
23 the rule changes in WAC 296-46B-705.

24 UNIDENTIFIED SPEAKER: So moved.

25 BOARD MEMBER PHILIPS: Seconded.

1 CHAIRPERSON PREZEAU: Moved and  
2 second.

3 Discussion on the motion?

4 Seeing none, all those in favor, please signify by  
5 saying aye.

6 BOARD MEMBERS: Aye.

7 CHAIRPERSON PREZEAU: Opposed?  
8 Motion carries.

9 Now, we're -- uh-oh.

10 BOARD MEMBER JENKINS: I object. I  
11 recommend that we do it in two parts.

12 CHAIRPERSON PREZEAU: Chair would  
13 entertain a motion, the department to adopt the proposed  
14 rule changes regarding line voltage smoke or carbon  
15 monoxide alarms in WAC 296-46B-901.

16 BOARD MEMBER JENKINS: So moved.

17 BOARD MEMBER NORD: Seconded.

18 CHAIRPERSON PREZEAU: Moved and  
19 seconded to recommend to the department the adoption of  
20 the including line voltage, smoke, or carbon monoxide  
21 alarms in Article 910.

22 Discussion on the motion? Seeing none, all those in  
23 favor, please signify by saying aye.

24 BOARD MEMBERS: Aye.

25 CHAIRPERSON PREZEAU: Opposed?

1 Motion carries.

2 Now, the electrical flexible cables, that one -- we  
3 brought this up earlier. One of the things I mentioned  
4 is, hey, you know what? This is putting in a Class A,  
5 which would exempt it from permits and inspections.

6 What if you put this in Class B? Which means, hey,  
7 it's maybe going to get us a second look from the  
8 department and maybe would allow for appropriate  
9 like-in-kind replacement of flexible EV cables.

10 BOARD MEMBER JENKINS: Madam Chair, I  
11 would like to recommend we do not adopt the language as  
12 stated in WAC Rule 296-46B-901(7)(b)(i).

13 BOARD MEMBER PHILIPS: Second.

14 CHAIRPERSON PREZEAU: You have to call  
15 out this --

16 BOARD MEMBER JENKINS: What the  
17 charging cable allows.

18 AAG THOMURE: Is that a motion.

19 BOARD MEMBER JENKINS: That's a  
20 motion.

21 BOARD MEMBER PHILIPS: Seconded.

22 CHAIRPERSON PREZEAU: Been moved and  
23 seconded to recommend to the department to strike the  
24 language in WAC 296-46B-901 inclusive of "output cables  
25 consistent of a length of flexible EV cable and an

1 electric vehicle connector when connected to fixed in  
2 place electrical vehicle supply equipment."

3 It's been moved and seconded. Discussion on the  
4 motion?

5 BOARD MEMBER BAKER: I'm going to  
6 oppose the motion. This language is consistent with what  
7 we do as industry for like-in-kind.

8 CHAIRPERSON PREZEAU: Any other  
9 discussion on the motion?

10 Seeing none, all those in favor, please signify by  
11 saying aye.

12 BOARD MEMBERS: Aye.

13 CHAIRPERSON PREZEAU: Opposed?

14 BOARD MEMBERS: Nay.

15 CHAIRPERSON PREZEAU: So all those in  
16 favor, please raise your hands. One two, three, four.

17 Opposed, raise your hands. One, two, three, four,  
18 five.

19 Motion fails.

20 BOARD MEMBER BAKER: So, Madam Chair,  
21 I make a motion that we adopt the language as written in  
22 WAC 296-46B-901 to include the cables for EV charging  
23 stations.

24 CHAIRPERSON PREZEAU: Motion has been  
25 made.

1           Is there a second?

2                   BOARD MEMBER CUNNINGHAM:   Second.

3                   CHAIRPERSON PREZEAU:   It's been moved  
4           and seconded to recommend to the department to include in  
5           WAC 296-46B-901 "output cables flexible EV cables for  
6           electric fuel charge stations."

7                   BOARD MEMBER JENKINS:   Friendly  
8           motion -- amendment to actually add that we add a  
9           Class B.

10                   BOARD MEMBER COX:   Then it wouldn't  
11           fall under --

12                   CHAIRPERSON PREZEAU:   Article 901.  I  
13           think that needs to be a separate -- if you -- I think  
14           what we need to do is up or down whether this is going to  
15           limit in the Class A.

16                   BOARD MEMBER JENKINS:   Okay.  I  
17           withdraw that.

18                   CHAIRPERSON PREZEAU:   Any other  
19           discussion on the motion?

20           All those in favor, please signify by saying aye.

21                   BOARD MEMBERS:   Aye.

22                   CHAIRPERSON PREZEAU:   Opposed?

23                   BOARD MEMBERS:   Nay.

24                   BOARD MEMBER COX:   Because the motion  
25           was to adopt the language as written in the section that



1       it's written.

2                       CHAIRPERSON PREZEAU:   Correct.

3                       BOARD MEMBER COX:    Correct.   I --

4                       CHAIRPERSON PREZEAU:   So just to  
5       clarify, the motion is to adopt the language as presented  
6       by the department.

7                       BOARD MEMBER COX:    Right.

8                       CHAIRPERSON PREZEAU:   All those in  
9       favor, please signify by raising your hands, including  
10      this language in 091.   One, two, three, four -- one, two,  
11      three, four, five years.

12              Raise your hand if you are in opposition of this.  
13      One, two, three, four.

14              Motion carries.

15              So recommending to the department as written is what  
16      we just did; right?

17              Now, we're under the doorbells.

18                      BOARD MEMBER JENKINS:   Madam Chair, I  
19      recommend we strike the language -- the word doorbells.  
20      WAC Rule 296-46B-901(7)(c)(ii).   Is that --

21                      BOARD MEMBER PHILIPS:   Second.

22                      CHAIRPERSON PREZEAU:   It's been moved  
23      and seconded to the department to remove from the  
24      proposed language in WAC 296-46B-901 the word  
25      "doorbells."

1 Discussion on the motion?

2 Seeing none, all those in favor, please signify by  
3 raising your hand.

4 One, two, three, four, five, six, seven, eight,  
5 nine.

6 All those opposed, please raise your hand.

7 Motion carries 9 to 1.

8 So recommending we're striking "doorbells"; right?

9 Chair would entertain a motion to recommend to the  
10 department the proposed rules changes in WAC 296-46B-906,  
11 inspection fees.

12 BOARD MEMBER JENKINS: So moved.

13 UNIDENTIFIED SPEAKER: Seconded.

14 CHAIRPERSON PREZEAU: Been moved and  
15 seconded to recommend to the department the  
16 administrative change in 906 inspection fees.

17 Discussion on the motion?

18 Seeing none, all those in favor, please signify by  
19 saying aye.

20 BOARD MEMBERS: Aye.

21 CHAIRPERSON PREZEAU: Opposed?

22 Motion carries.

23 AAG THOMURE: I'm just going to make  
24 sure the board members -- it included D on the following  
25 page, but I was reframing because you guys all know that.

1 CHAIRPERSON PREZEAU: Right.

2 Everybody --

3 BOARD MEMBER COX: Clarification,  
4 that's under 908.

5 CHAIRPERSON PREZEAU: Yeah. That's  
6 not in 906.

7 AAG THOMURE: Okay.

8 CHAIRPERSON PREZEAU: So all we did  
9 was clarify -- made the correction of the --

10 AAG THOMURE: We're good.

11 CHAIRPERSON PREZEAU: -- number of  
12 inspections. It's a typographical error, I believe.  
13 It's correcting -- all right.

14 So the next piece has to do with Class B permits.  
15 And Chair would entertain a motion to recommend to the  
16 department the proposed rule changes in WAC 296-46B-908.

17 BOARD MEMBER JENKINS: So moved.

18 BOARD MEMBER PHILIPS: Second.

19 CHAIRPERSON PREZEAU: Moved and  
20 seconded to recommend to the department the language  
21 presented in WAC 296-46B-908.

22 Discussion on the motion?

23 Seeing none, all those in favor, please signify by  
24 saying aye.

25 BOARD MEMBERS: Aye.

1 CHAIRPERSON PREZEAU: Opposed?

2 Motion carries.

3 Okay. Ancillary structures, we're familiar with  
4 this. We are now in scopes of work. I think we all know  
5 why this is in here.

6 And Chair would entertain a motion to recommend to  
7 the department to adopt the rule changes as proposed by  
8 the department, oh, in WAC 296-46B-920.

9 BOARD MEMBER JENKINS: So moved.

10 BOARD MEMBER PHILIPS: Second.

11 CHAIRPERSON PREZEAU: Moved and  
12 seconded to recommend to the department adoption of the  
13 rules as presented 296-46B-209.

14 Discussion on the motion?

15 BOARD MEMBER COX: Yes. There's  
16 another page to all of this.

17 BOARD MEMBER CUNNINGHAM: We only want  
18 to limit it to 2A.

19 CHAIRPERSON PREZEAU: Yep. Yep. Yes.  
20 Yep. So --

21 BOARD MEMBER JENKINS: Amend my --

22 CHAIRPERSON PREZEAU: Sorry. This  
23 is -- my turkey sandwich is kicking in. So let me just  
24 make sure that the maker of the motion, the second  
25 understand what we are engaging in a Vulcan mind-meld,

1       that we were only looking at 296-46B-920, Subsection 2,  
2       Subsection A, Subsection I.

3                       BOARD MEMBER JENKINS:   Yes.   That is  
4       correct.

5                       CHAIRPERSON PREZEAU:   Correct?  
6       Second?

7                       BOARD MEMBER PHILIPS:   Yep.

8                       CHAIRPERSON PREZEAU:   So we're just  
9       talking about ancillary structures.   We're clear on the  
10      motion?

11              Discussion?

12              Seeing none, all those in favor, please signify by  
13      saying aye.

14                      BOARD MEMBERS:   Aye.

15                      CHAIRPERSON PREZEAU:   Opposed?

16              Motion carries.

17              So let's take these one at a time.   The first  
18      proposed change is in WAC 296-46B-920, Subsection 2,  
19      Subsection F, Subsection III(e).   So this is the language  
20      that says, "other than a reduction in the HVAC unit's  
21      max" -- this is the -- this is the whip conversation.

22              Everybody -- does the board understand the motion?  
23      Yes?

24              Chair understand -- does the board understand what  
25      we're looking at within this section?

1 BOARD MEMBER LaMAR: Yes.

2 AAG THOMURE: So just for purposes of  
3 clarifying the record, I think you said Subsection F.

4 CHAIRPERSON PREZEAU: I said E.

5 AAG THOMURE: But it's 2A.

6 CHAIRPERSON PREZEAU: It's 2F.

7 AAG THOMURE: Oh, because you cut out  
8 some of it.

9 CHAIRPERSON PREZEAU: Because we  
10 already dealt with the residential.

11 AAG THOMURE: Yeah.

12 CHAIRPERSON PREZEAU: That's A. We're  
13 down in 920, Subsection 2, which is specialties, F, which  
14 is HVAC, II(e) -- oh, III(e).

15 Chair would entertain a motion.

16 BOARD MEMBER BAKER: Okay. I'll move  
17 that we strike the language.

18 BOARD MEMBER JENKINS: There we go.

19 BOARD MEMBER PHILIPS: Second.

20 CHAIRPERSON PREZEAU: So it has been  
21 moved and seconded to strike the language as proposed by  
22 the department in 296-46B-920, Subsection 2,  
23 Subsection F, Subsection III(e).

24 Discussion on the motion?

25 We are striking the proposed -- recommend to the

1 department to strike the language contained within  
2 Subsection E.

3 Discussion on the motion?

4 Seeing none, all those in favor, please signify by  
5 saying aye.

6 BOARD MEMBERS: Aye.

7 CHAIRPERSON PREZEAU: Opposed?

8 Motion carries.

9 BOARD MEMBER JENKINS: May I simplify  
10 this? Under the same Section F, I make a motion to  
11 strike the language of all before Section F.

12 BOARD MEMBER PHILIPS: Second.

13 CHAIRPERSON PREZEAU: So the motion  
14 and second, as I understand it, is to recommend to the  
15 department to strike the language in WAC 296-46B  
16 Subsection 2, Subsection F, Subsection III, Subsection F.

17 BOARD MEMBER JENKINS: Correct.

18 CHAIRPERSON PREZEAU: Discussion on  
19 the motion?

20 Seeing none, all those in favor, please raise your  
21 hand, indicating affirmation?

22 One, two, three, four, five, six, seven, eight,  
23 nine, ten.

24 Opposed?

25 Motion carries.

1           Presumably because of that recommendation to the  
2           board, we do not need to look at the correlating  
3           language.

4                       MR. MUTCH:   Right.

5                       CHAIRPERSON PREZEAU:   Now, before  
6           we -- yes.   Before we leave here, we already adopted  
7           your -- we already went through that, so presumably that  
8           passing between floors piece --

9                       MR. MUTCH:   That was -- that was in  
10          the stakeholder Proposal --

11                      CHAIRPERSON PREZEAU:   8.

12                      MR. MUTCH:   -- 8.   So did you --

13                      BOARD MEMBER COX:   We passed that.   We  
14          recommend to the department to add that --

15                      MR. MUTCH:   Okay.

16                      BOARD MEMBER COX:   -- language to your  
17          draft.

18                      CHAIRPERSON PREZEAU:   So just for  
19          clarification, right, we already looked at -- Board  
20          Member Cox brought this up.   Stakeholder Proposal 8 had  
21          to do with telecommunication Class 2 low voltage control  
22          circuit wiring; right?   Yes?

23                      BOARD MEMBER COX:   HVAC refrigeration.

24                      CHAIRPERSON PREZEAU:   Yep.

25                      MR. MUTCH:   Yeah.



1 CHAIRPERSON PREZEAU: We already did  
2 that.

3 BOARD MEMBER JENKINS: Yes.

4 BOARD MEMBER COX: Yes.

5 CHAIRPERSON PREZEAU: So I just want  
6 to make sure we know that's going to be in this article.  
7 Okay.

8 Okay. So now we are under WAC 296-46B-920,  
9 Subsection 2G. Are the -- the nonresidential  
10 maintenance, 07.

11 MR. MUTCH: G, yes.

12 BOARD MEMBER JENKINS: Make a motion  
13 we strike that language.

14 BOARD MEMBER PHILIPS: Second.

15 CHAIRPERSON PREZEAU: It's been moved  
16 and seconded to strike -- to recommend to the department  
17 to strike the proposed language contained within  
18 WAC 296-46B-920, Subsection 2, Subsection G,  
19 Subsection II.

20 Discussion on the motion?

21 Seeing none, all those in favor, please signify by  
22 raising your hand. One, two, three, four, five, six,  
23 seven, eight, nine, ten.

24 All those opposed, please signify by raising your  
25 hand. No hands.

1 Motion carries unanimously.

2 Now, we're still in that -- we're now looking at  
3 nonresidential lighting maintenance and lighting  
4 retrofit, 07A. The department has recommended to strike  
5 the word "lamps."

6 BOARD MEMBER JENKINS: So moved.

7 BOARD MEMBER PHILIPS: Second.

8 CHAIRPERSON PREZEAU: It's been moved  
9 and seconded to recommend to the department the rule as  
10 proposed in WAC 296-46B-920, Subsection 2, Subsection H.  
11 Discussion on the motion?

12 Seeing none, all those in favor, please signify by  
13 saying aye.

14 BOARD MEMBERS: Aye.

15 CHAIRPERSON PREZEAU: Opposed?

16 Motion carries unanimously.

17 Oh, boy. Okay. So the first change in WAC 296-920,  
18 Subsection 8, Subsection A, this is a clerical to make  
19 sure that folks understand that the garage doors, we're  
20 talking about residential applications.

21 BOARD MEMBER JENKINS: So moved.

22 BOARD MEMBER PHILIPS: Second.

23 BOARD MEMBER LaMAR: Madam Chair, you  
24 said 920? 925?

25 CHAIRPERSON PREZEAU: 925. Thank you.

1           So it's been moved and seconded to recommend to the  
2           department the rules as presented for WAC 296-46B-925,  
3           Subsection 8, Subsection A.

4           Discussion on the motion?

5           Seeing none, all those in favor, please signify by  
6           saying aye.

7                         BOARD MEMBERS:   Aye.

8                         CHAIRPERSON PREZEAU:   Opposed?

9           Motion carries.

10          Okay.  Now, the next portion is -- we had lots of  
11          conversation about this, and I don't think we've arrived  
12          at a silver bullet for what this language --

13                        BOARD MEMBER JENKINS:   Madam Chair,  
14          recommend that I -- sorry.

15                        CHAIRPERSON PREZEAU:   You move.

16                        BOARD MEMBER JENKINS:   I move to have  
17          the department reword this section of 296-46-925, 16, to  
18          word to intend a home flip, home flipper, however they  
19          can -- that make sense?

20                        CHAIRPERSON PREZEAU:   Yeah.  Makes  
21          sense to me.  So -- I mean, well, is there a second?

22                        BOARD MEMBER PHILIPS:   Second.

23                        CHAIRPERSON PREZEAU:   Moved and  
24          seconded to recommend to the department not --

25                        BOARD MEMBER JENKINS:   To re-craft the

1 language in 926-46-925, 16, to reflect a --

2 BOARD MEMBER PHILIPS: -- application  
3 to --

4 BOARD MEMBER LaMAR: Second.

5 CHAIRPERSON PREZEAU: Okay. Moved and  
6 seconded.

7 Discussion on the motion?

8 BOARD MEMBER CUNNINGHAM: Madam Chair,  
9 friendly amendment to modify that to incorporate into  
10 that language provision that it must be the person's  
11 dwelling or place of -- it's not specific to the  
12 residences.

13 So the home flipper thing, right, if you're buying  
14 that house and then modifying it and selling it, you're  
15 not dwelling there for a period of time. You can specify  
16 a period of time before, during --

17 BOARD MEMBER JENKINS: Yeah. So it  
18 creates the home flipper idea. So flipping a house under  
19 any definition, they shouldn't be allowed to use this  
20 exception.

21 BOARD MEMBER BAKER: This includes  
22 farms and business, so --

23 CHAIRPERSON PREZEAU: So let me -- let  
24 me just try to help.

25 I think -- I think the department -- what the

1 department is trying to accomplish is in -- based on the  
2 conversation we had earlier, it's fairly in line with the  
3 wishes of the board.

4 However, this language -- the board members --  
5 individual board members and the department have  
6 recognized it's not quite ready for prime time.

7 So what we're -- my understanding of the motion is  
8 to recommend to the department, clean this up and -- and  
9 hopefully get it to a place that has a -- no unintended  
10 consequences, if that's possible.

11 MR. MUTCH: So you're conveying your  
12 intent for this to apply to house flippers.

13 BOARD MEMBER JENKINS: Yes.

14 MR. MUTCH: Is that right?

15 BOARD MEMBER PHILIPS: And not someone  
16 residing in the home.

17 MR. MUTCH: Okay.

18 BOARD MEMBER JENKINS: Yes. That's my  
19 motion.

20 BOARD MEMBER LaMAR: And that's my  
21 second.

22 CHAIRPERSON PREZEAU: Any more  
23 discussion on the motion?

24 Seeing none, all those in favor, please indicate by  
25 saying aye.

1 BOARD MEMBERS: Aye.

2 CHAIRPERSON PREZEAU: Opposed?

3 Motion carries.

4 Anybody want to move to assign Bobby to that  
5 responsibility?

6 BOARD MEMBER NORD: So moved.

7 BOARD MEMBER JENKINS: Second.

8 CHAIRPERSON PREZEAU: All right. In  
9 jest.

10 We're still -- this next one is still under 925,  
11 Rod?

12 MR. MUTCH: Yep.

13 CHAIRPERSON PREZEAU: All right. So  
14 this has to do with submersible well pump installers,  
15 placing existing department policy and rule.

16 BOARD MEMBER JENKINS: So moved.

17 CHAIRPERSON PREZEAU: Chair would  
18 entertain a motion to recommend to the department the  
19 rule changes as proposed by the department in  
20 WAC 296-46B-925, Subsection 28.

21 BOARD MEMBER JENKINS: So moved.

22 BOARD MEMBER NORD: Second.

23 CHAIRPERSON PREZEAU: It's been moved  
24 and seconded.

25 Discussion on the motion?

1           Seeing none, all those in favor, please signify by  
2           saying aye.

3                         BOARD MEMBERS:   Aye.

4                         CHAIRPERSON PREZEAU:   Opposed?

5           Motion carries.

6                         BOARD MEMBER BAKER:   Why would you do  
7           that?

8                         CHAIRPERSON PREZEAU:   All right.   Home  
9           inspectors.

10                        BOARD MEMBER JENKINS:   Madam Chair, I  
11           would like to move that we strike the language of  
12           WAC Rule 296-46B-925, Subsection 29.

13                        BOARD MEMBER PHILIPS:   Second.

14                        CHAIRPERSON PREZEAU:   It's been moved  
15           and seconded to recommend to the department to strike the  
16           language as proposed in WAC 296-46B-925, Subsection 29.

17           Discussion on the motion?

18                        BOARD MEMBER COX:   Yes.   Does this put  
19           the department in any position of jeopardy -- does there  
20           have to be something there because of the other side of  
21           L&I that's allowed them to do this?

22                        MR. MUTCH:   I don't think so.   I think  
23           they regulate workplace safety --

24                        BOARD MEMBER COX:   Okay.

25                        MR. MUTCH:   -- work practices, and we

1 regulate installers and installations. So when someone  
2 is doing that, they have to comply with the applicable  
3 workplace safety standards.

4 BOARD MEMBER COX: So really without  
5 this language, it's just is as it is right now anyway?

6 MR. MUTCH: Right.

7 BOARD MEMBER COX: Very good.

8 AAG THOMURE: So I can answer that a  
9 little bit. A scope of rules -- each agency or division  
10 within the agency can only enact rules within the scope  
11 of their authority.

12 So if there is rules in another -- rules in another  
13 section, like the home inspector rules that say they can  
14 do something outside of their scope, statutory scope,  
15 then that would come up legally in terms of a challenge  
16 to the rules or something.

17 BOARD MEMBER COX: So based upon that,  
18 is that what I'm hearing from Larry's presentation, is  
19 that this has already been done? So they are --

20 BOARD MEMBER BAKER: I think the  
21 reason, to answer your question, that this is in here is  
22 because the department is recognizing that they have  
23 another branch that's in violation of the law because  
24 they are doing this work.

25 So they're saying, "We're going to give them this



1 exclusion."

2 I'm going to oppose the motion because I feel like  
3 the State has already trained a group of individuals to  
4 do this work and that the department has adequately  
5 recognized the fact that they have to modify the language  
6 in order to have each department in compliance with each  
7 other.

8 BOARD MEMBER NORD: Any training for  
9 these people?

10 BOARD MEMBER COX: But, yeah, I guess  
11 that was really the point that I was getting at, is, does  
12 this put them in jeopardy legally because we're not  
13 giving them an exemption to work outside the scope?

14 CHAIRPERSON PREZEAU: Here's the thing  
15 I just want to remind -- this is a recommendation. The  
16 department is not bound by what -- right.

17 Historically, what the electrical program has done  
18 with respect to WAC 296-46B and amendments or rulemaking  
19 is what the -- the advice given by the Technical Advisory  
20 Committee has a certain amount of weight, as does the  
21 recommendation by the electrical board.

22 And -- but they're not bound to do what we recommend  
23 to them. So in the event that --

24 BOARD MEMBER COX: They come up with  
25 better language that addresses the legal issue.

1 BOARD MEMBER NORD: Madam Chair, if I  
2 may, it is my belief, based upon what I've heard today --  
3 I do work for DOSH under WAC 32 also, so I'm going to be  
4 talking to Jeff Krause about this.

5 But I believe that DOSH enacted or allowed a rule to  
6 be enacted by the legislature without consulting with the  
7 electrical program, not knowing what the electrical  
8 program's requirements were.

9 AAG THOMURE: So it's the  
10 electrical -- it's the home inspector rules. It's not  
11 under DOSH. They're separate rules that were enacted,  
12 allowing home inspectors, but I could advise the board  
13 that the department would have to generally get legal  
14 input from their counsel about the issues that you're  
15 raising.

16 BOARD MEMBER COX: Right. That's what  
17 I'm saying. They have to put something in here, wouldn't  
18 they or would they not?

19 BOARD MEMBER PHILIPS: At least have  
20 to get advice.

21 CHAIRPERSON PREZEAU: Well, here's  
22 my --

23 AAG THOMURE: I haven't done that  
24 research.

25 BOARD MEMBER NORD: Well, apparently

1       this was approved by the legislature in 2008. That's 11  
2       years ago. And it's just now coming up?

3                   AAG THOMURE: The home inspector --

4                   BOARD MEMBER COX: It hasn't been  
5       challenged to this day.

6                   MR. MUTCH: Hasn't been challenged. I  
7       think the question has been asked of the department.  
8       That's what brought it up.

9                   BOARD MEMBER COX: Okay.

10                  CHAIRPERSON PREZEAU: Okay. So,  
11       again, to remind the board members, the motion that is  
12       pending in front of us is to recommend the department to  
13       strike the proposed language in WAC 296-46B-925,  
14       Subsection 29. That's the motion.

15                  Any further discussion on the motion?

16                  BOARD MEMBER COX: I did bring this up  
17       in the general discussion -- oh, never mind. They  
18       already clarified that, firms, homeowner -- never mind.  
19       I retract that. Sorry.

20                  CHAIRPERSON PREZEAU: And we're in  
21       pretty good company, just to remind folks under  
22       discussion on the motion. The Technical Advisory  
23       Committee was evenly split. In the margin it's noted 10  
24       opposed and 10 support it.

25                  And the longstanding -- one of the longstanding

1 ground rules of the Technical Advisory Committee is no  
2 controversial proposals moving forward. I understand why  
3 this is here.

4 And do the board members understand the motion?  
5 Further discussion?

6 Seeing none, all those in favor of recommending to  
7 the department to strike the language as proposed in  
8 296-46B-925, Subsection 29 -- all those in favor, please  
9 signify by raising your hand.

10 One, two, three, four, five, six, seven, eight,  
11 nine.

12 All those opposed, signify by raising your hand.  
13 One.

14 Motion carries.

15 Okay. The next one in 935, there's only one, and  
16 this is correcting the reference to 19.28 to reflect the  
17 correct RCW reference. Chair would entertain a motion to  
18 recommend to the department to adopt the language as  
19 proposed in WAC 296-46B-935, Subsection 12.

20 BOARD MEMBER JENKINS: So moved.

21 BOARD MEMBER PHILIPS: Second.

22 CHAIRPERSON PREZEAU: Moved and  
23 seconded.

24 Discussion on the motion?

25 Hearing none, all those in favor, please signify by

1 saying aye.

2 BOARD MEMBERS: Aye.

3 CHAIRPERSON PREZEAU: Opposed?

4 Motion carries.

5 Presumably then, in WAC 296-46B-940, we don't have  
6 to deal with Subsection 18.

7 MR. MUTCH: Yeah. We can correlate  
8 those with the previous --

9 CHAIRPERSON PREZEAU: And the other  
10 piece in 940 has to do with submersible well pump  
11 installers, which the language as proposed by the  
12 department places existing department policy in rule.

13 BOARD MEMBER JENKINS: That's also  
14 saying -- we dealt with that earlier. We allowed them to  
15 work on pumps.

16 CHAIRPERSON PREZEAU: Yes? Rod?

17 MR. MUTCH: Well -- so they're the  
18 same proposal, to exempt, in different places.

19 CHAIRPERSON PREZEAU: Yeah. This one  
20 has to do with certificates of competency.

21 MR. MUTCH: Right.

22 BOARD MEMBER JENKINS: We've already  
23 done that part.

24 CHAIRPERSON PREZEAU: Right. Chair  
25 would entertain a motion.

1 BOARD MEMBER JENKINS: So moved.

2 BOARD MEMBER PHILIPS: Second.

3 CHAIRPERSON PREZEAU: Moved and  
4 seconded to recommend to the department the language  
5 proposed in WAC 296-46B-940, Subsection 17.

6 Discussion on the motion?

7 Seeing none, all those in favor, please signify by  
8 saying aye.

9 BOARD MEMBERS: Aye.

10 CHAIRPERSON PREZEAU: Opposed?

11 Motion carries.

12 Electrical theory definition, 296-46B-970,  
13 Subsection 1.

14 BOARD MEMBER JENKINS: Madam Chair,  
15 I'd like to move that we accept all changes in WAC  
16 Rule 296-46B-970.

17 BOARD MEMBER PHILIPS: Second.

18 CHAIRPERSON PREZEAU: It's been moved  
19 and seconded to recommend to the department the language  
20 as proposed in WAC 296-46B-970.

21 Discussion on the motion?

22 AAG THOMURE: All the language.

23 CHAIRPERSON PREZEAU: All the language  
24 in 970.

25 Discussion on the motion? Seeing none --

1 MR. MUTCH: So Bobby brought up the  
2 correction in 970 about the reference to NFPE 7E.

3 CHAIRPERSON PREZEAU: The handbook,  
4 yeah.

5 MR. MUTCH: Changing "handbook" to  
6 "standard" first.

7 BOARD MEMBER JENKINS: With the  
8 exception of the word "handbook" to "standard."

9 CHAIRPERSON PREZEAU: The word is  
10 "standard"?

11 BOARD MEMBER COX: Mm-hm.

12 CHAIRPERSON PREZEAU: So chair -- so  
13 we have a motion to recommend to the department the  
14 language as proposed in WAC 296-46B-970 inclusive of the  
15 typographical error in Subsection I -- Subsection 4,  
16 Subsection C, Subsection II, Subsection A, Bullet 3.  
17 Everybody understand the motion?

18 Discussion? "Handbook" to "standard."

19 Seeing no discussion, all those in favor, please  
20 signify by saying aye.

21 BOARD MEMBERS: Aye.

22 CHAIRPERSON PREZEAU: Opposed?

23 Motion carries.

24 Okay. Training schools. Chair would entertain a  
25 motion to recommend to the department the proposed rule

1 of changes in WAC 296-46B-971.

2 BOARD MEMBER JENKINS: So moved.

3 BOARD MEMBER PHILIPS: Second.

4 CHAIRPERSON PREZEAU: Moved and  
5 seconded to recommend the -- to the department the  
6 language in 971 as proposed.

7 Discussion on the motion?

8 Seeing one, all those in favor, please signify by  
9 saying aye.

10 BOARD MEMBERS: Aye.

11 CHAIRPERSON PREZEAU: Opposed?

12 Motion carries.

13 And lastly, calling your attention to 296-46B-990 in  
14 Subsection 3, Subsection D, as in David.

15 BOARD MEMBER JENKINS: So moved to  
16 accept the policy changes.

17 BOARD MEMBER PHILIPS: Seconded.

18 CHAIRPERSON PREZEAU: The rule changes  
19 as proposed for WAC 296-46B-990 Subsection 3,  
20 Subsection D, as in David.

21 Discussion?

22 All those in favor, please signify by saying aye.

23 BOARD MEMBERS: Aye.

24 CHAIRPERSON PREZEAU: Opposed?

25 Motion carries.



1 Did we miss anything Technical Specialist Mutch?

2 MR. MUTCH: I think you covered  
3 everything we discussed.

4 CHAIRPERSON PREZEAU: So let's -- so  
5 when I prepare for these meetings --

6 MR. MUTCH: Can I make one  
7 more comment, Tracy, before you go to something else?

8 CHAIRPERSON PREZEAU: Yes.

9 MR. MUTCH: So could the board give  
10 the department advice regarding the stakeholder proposals  
11 that were submitted and not included? So does the board  
12 agree with -- are there any stakeholder proposals that  
13 were not included that should have been, other than the  
14 one that we identified? So --

15 BOARD MEMBER JENKINS: Madam Chair,  
16 make a --

17 CHAIRPERSON PREZEAU: You move.

18 BOARD MEMBER JENKINS: I move to not  
19 recommend any other proposals that were removed from the  
20 original documents.

21 MR. MUTCH: Thank you.

22 AAG THOMURE: Other stakeholders'  
23 proposals.

24 BOARD MEMBER JENKINS: Stakeholder  
25 proposals.

1 BOARD MEMBER NORD: Second.

2 CHAIRPERSON PREZEAU: So it's been  
3 moved and seconded to recommend to the department the  
4 rules as proposed or --

5 AAG THOMURE: I think what Mr. Jenkins  
6 said was not to include any of the other stakeholder  
7 proposals other than stakeholder Proposal No. 8, which  
8 has already been dealt with.

9 CHAIRPERSON PREZEAU: And/or other  
10 stakeholder proposals that were incorporated in the rules  
11 as approved thus far?

12 MR. MUTCH: Correct.

13 CHAIRPERSON PREZEAU: Is that your  
14 motion?

15 BOARD MEMBER JENKINS: Yes, it is.

16 CHAIRPERSON PREZEAU: Who's the  
17 second?

18 BOARD MEMBER NORD: I am.

19 CHAIRPERSON PREZEAU: Is that your  
20 second?

21 BOARD MEMBER NORD: Yes.

22 CHAIRPERSON PREZEAU: Board members  
23 understand the motion? Little wonky, but you understand  
24 what we're trying to do.

25 Discussion on the motion? Seeing none, all those in

1 favor, signify by saying aye.

2 BOARD MEMBERS: Aye.

3 CHAIRPERSON PREZEAU: Opposed?

4 Motion carries.

5 Thank you, Rod. That's a nice grab.

6 So as I was saying, when I prepare for these board  
7 meetings, I produce the agendas originally sent, and  
8 that's the one I operate off of until I get here and  
9 then -- and the agenda -- Pam and I reviewed the rules.

10 The agenda was modified by the department to include  
11 agenda Item 6, which I inadvertently skipped because I  
12 was not operating off the agenda that was published today  
13 but because I'm just a (inaudible).

14 And the Agenda Item 6 -- when the agenda was  
15 modified, Bethany sent to the board members that updated  
16 agenda inclusive of agenda Item 6, which is the relevance  
17 of the board equivalent in RCW 19.28.181 and how it  
18 relates to credit for experience with out-of-state  
19 applicants in WAC 296-46B-945.

20 That document that was sent to board members is -- I  
21 don't know about other board members, but -- I -- I knew  
22 that this was on the agenda.

23 I am not prepared to engage in a conversation with  
24 the department about equivalent qualifications today.

25 And I was going to say, we're also kind of running out of

1 time, unless -- unless Steve --

2 SECRETARY THORNTON: Could I at least  
3 put on your radar what we're kind of looking for, for --

4 CHAIRPERSON PREZEAU: That would be --  
5 so that would be lovely.

6 What I -- I don't want to shut down this  
7 conversation, if we can lay some groundwork for -- and  
8 then preserve this for the April -- this agenda item for  
9 the April meeting.

10 SECRETARY THORNTON: Okay. And what  
11 this is -- we're asking for some guidance in  
12 RCW 19.28.181 around the term "equivalent  
13 qualifications."

14 We get a lot of applications from out of state that  
15 leave some leeway on what we can or can't accept. So  
16 equivalent qualifications.

17 And then if you go -- there's some highlighted  
18 bullets that make reference to "must be similar," and  
19 then there's, you know, a part where we may reduce the  
20 hours for certain things. Doesn't say we have to.

21 So just looking for some direction there for some of  
22 the applications we get that maybe don't fit perfectly  
23 into the rules and how far do we go -- can we go and  
24 what's that do to the people in state if we do that,  
25 so --

1                   CHAIRPERSON PREZEAU: And I applaud  
2           the department and the program for putting this on the  
3           agenda. I just -- I think -- I don't want people to --  
4           folks to take away we're not interested in having this  
5           conversation.

6           I just think, in light of what's outstanding on the  
7           agenda and the time of day and the fact this is a  
8           volunteer board, that we give the board members an  
9           opportunity to review the materials submitted by the  
10          department to the board members, and we retain this for  
11          much further discussion at the April board meeting.

12          Any opposition to that recommendation to the  
13          department?

14                   AAG THOMURE: So could I also make a  
15          suggestion? When we were looking at that, we looked at  
16          the bylaws, and it is -- your bylaws provide that the  
17          agenda can be modified up to ten -- as long as it's ten  
18          days prior to the board meeting.

19          If you guys have any concerns about that, that is  
20          your rules, the ten days. So that's -- and so it came  
21          out on January 13th, so it's ten days.

22                   CHAIRPERSON PREZEAU: Does the ten-day  
23          (inaudible) mirrors what's in the --

24                   AAG THOMURE: I didn't find anything  
25          specific, but I was just pointing out, if that's

1 sufficient time, that's something also to consider to  
2 think about. It's up to you guys.

3 BOARD MEMBER PHILIPS: I'd like to see  
4 that be a little longer myself.

5 AAG THOMURE: So perhaps that can be a  
6 conversation that you guys have on --

7 CHAIRPERSON PREZEAU: I would --

8 BOARD MEMBER PHILIPS: The next board  
9 meetings?

10 CHAIRPERSON PREZEAU: Yep. So we  
11 can -- so Pam has accurately pointed out the setting of  
12 the agenda is established in the bylaws of the board.

13 I am -- Kerry is looking at me a little -- well,  
14 because I -- I asked Ivan -- usually when we have new  
15 board members, we try to ensure that those new board  
16 members not only receive an updated contact list of who  
17 is the electrical board members and the secretary, but  
18 also get copies of the bylaws and get copies of the  
19 operating principles.

20 BOARD MEMBER COX: I received those.

21 CHAIRPERSON PREZEAU: Okay. And we  
22 can have a conversation in April about -- a robust  
23 conversation about the equivalent -- equivalent  
24 qualifications and with respect to RCW 19.28.181, and we  
25 could also have a -- if I remember correctly, the

1       bylaws --

2                           AAG THOMURE: I raised that for the  
3       board's consideration after conversations with Tracy  
4       because there were some current concerns about the timing  
5       of this information and the -- whether that was adequate  
6       time for the board members to be able to prepare for the  
7       meeting or not.

8                           CHAIRPERSON PREZEAU: So "The bylaws  
9       may be amended by a simple majority of the board provided  
10      the amendment has been raised at the previous meeting or  
11      mailed to the board members 20 days prior to the meeting  
12      at which the voting will occur."

13                          BOARD MEMBER PHILIPS: So can I  
14      request that this topic be put on the next meeting for  
15      our consideration?

16                          BOARD MEMBER COX: Or does that rule  
17      mean we need to cover it today?

18                          CHAIRPERSON PREZEAU: Well, so it  
19      says --

20                          BOARD MEMBER COX: That's what I'm  
21      trying to understand what --

22                          CHAIRPERSON PREZEAU: "A simple  
23      majority of the board provided the amendment has been  
24      read at the previous meeting or mailed to the board  
25      members 20 days prior to the meeting at which the voting

1 will occur."

2 So if we wanted to -- hypothetically, wanted to  
3 amend the window of -- the ten-day window of modifying  
4 the agenda, which may or may not actually be consistent  
5 with Open Public Meeting Act, we can -- Pam and I can --  
6 in the event that we want to place that for -- we want to  
7 be -- we want to have the opportunity to consider  
8 amending the bylaws at the April meeting, we either have  
9 to read that language today or we can send that language  
10 to board members 20 days prior to the April meeting for  
11 consideration at the April meeting.

12 So we could place amendments to the bylaws as an  
13 agenda item on the April meeting and presumably send to  
14 the board members at least 20 days in advance, in the  
15 event that we want to consider amending the bylaws.

16 BOARD MEMBER PHILIPS: I would be  
17 willing to write something, run it by you guys, and then  
18 send it out to the board for a vote because I don't think  
19 it's going to be very complicated.

20 AAG THOMURE: You can't go less than  
21 ten days.

22 BOARD MEMBER PHILIPS: Twenty days  
23 prior to the --

24 AAG THOMURE: Yeah. But the ten days  
25 in --



1                   CHAIRPERSON PREZEAU: I don't think  
2 she's going make it shorter.

3                   BOARD MEMBER PHILIPS: No. I think  
4 it's too short. My recommendation is that it's extended.

5                   CHAIRPERSON PREZEAU: So I don't know  
6 that we need to take further action at this point.

7                   BOARD MEMBER COX: Do we need a motion  
8 to table No. 6 on our current agenda today?

9                   CHAIRPERSON PREZEAU: No.

10                  BOARD MEMBER COX: Okay.

11                  CHAIRPERSON PREZEAU: Okay.

12                  Secretary's report?

13                  SECRETARY THORNTON: Okay. So the  
14 secretary's report budget-wise, December 31st, the fund  
15 balance was \$12,515,628. That's about five and a half  
16 times the average monthly operating expenditures.

17                  The average expenditures for this quarter were  
18 \$2,265,201, compared to \$2,117,363. So it's up about  
19 \$150,000 a month, and that's about a 7 percent increase.

20                  Revenue in the second quarter was \$2,225,106  
21 compared to the same time last year, which was  
22 \$2,190,779. That's an increase of about 2 percent, so  
23 expenditures are going up a little faster than the  
24 increase is.

25                  Customer service, 37,216 permits were sold.

1       94 percent were purchased online. That stays pretty  
2       consistent. 98 percent of contractor permits were sold  
3       online.

4             Homeowners online sales for the quarter, 70 percent,  
5       which is a 3 percent increase from the previous quarter.  
6       Online inspections or online inspection requests are  
7       83 percent. That's a 1 percent decrease from the last  
8       quarter.

9             During this quarter, customers made 76 percent of  
10      all electrical license renewals online, which is a  
11      3 percent decrease from the last quarter.

12            As far as our key performance measures -- did  
13      somebody have a question?

14                   CHAIRPERSON PREZEAU: Nope.

15                   SECRETARY THORNTON: So scorecard  
16      percent of inspections within 24 hours, we have a goal of  
17      86 percent. In 2018, it was 84 percent. In 2019, it's  
18      down to 79 percent.

19            Percent of inspections performed within 48 hours,  
20      95 percent in 2018, down to 91 percent in 2019.

21            Number of focused citations and warnings for  
22      contractor licensing, the field issued 765 in 2018. In  
23      2019, they issued 514.

24            ECORE and audit in 2018 did 1,271, for a total of  
25      2,036. In 2019, audit and ECORE did 1,045. That's a

1 total of 1,559. What is that? About -- down about  
2 almost 500 from the quarter -- the year before.

3 Inspection numbers per inspector per day, in 2018,  
4 it was 11; 2019, it's 11.3.

5 Electrical disconnect corrections in 2018, it was  
6 11,204; in 2019, 11,560.

7 Licenses processed, turnaround time, the goal is  
8 100 percent the same day. In 2018 we made 98 percent; in  
9 2019, 97 percent.

10 Turnaround time for average plan review, the goal is  
11 less than a week and a half. In 2018, it took two weeks;  
12 2019, we're at 1.7 weeks. So we've gotten a little  
13 better there.

14 Plan pages reviewed electronically, in 2018, 184 out  
15 of a total of 1,140 are electronic plans. Examining has  
16 increased dramatically. In 2019, 1,108 out of 1124. So  
17 just about 100 percent of them were done electronically.

18 Licensing during the quarter, there were 7,328  
19 electrical licenses processed, which includes  
20 applications and renewals for electrical contractors,  
21 electricians, trainees, and administrators.

22 The turnaround time remains at about 90 percent the  
23 same day. This is due to staff turnover and a recent  
24 move to a new facility and a 12 percent increase in the  
25 total documents processed.

1           The new building that we're in is Point Plaza East,  
2           which is across -- a couple-three blocks up the road.

3           So other -- no new testing labs.

4           So other things from the board for updates and  
5           programs: costs of training, new electrical inspectors,  
6           number of electrical plans reviewed and inspector  
7           compensation contrast.

8           So -- and I have one more document to pass around to  
9           everybody. That's the wage one I was telling you about.  
10          We've got the updated wage comparison between other  
11          municipalities that do inspections for wage package.

12          The one other thing that I want to kind of put on  
13          the board's radar is that with our number of new  
14          inspectors and such, we're looking to put some effort and  
15          some resources into equipment and training and trying to  
16          get our new inspectors all the training they need.

17          So we're looking at training rooms, smart boards,  
18          things that allow us to train people long distance rather  
19          than bringing us all together in one place.

20          So questions?

21                       CHAIRPERSON PREZEAU: I don't know  
22          that I understand how to read this.

23                       SECRETARY THORNTON: Oh, you're  
24          looking at the -- so if you look at -- in the second  
25          column is just the person that rounded up the information

1 for us.

2 The low column is the beginning wage. The high  
3 column is the top wage. So you might start at 5,482, but  
4 you can go to 6,660, and really the right-hand column is  
5 the, you know -- the important column.

6 CHAIRPERSON PREZEAU: This is monthly?

7 SECRETARY THORNTON: Yes. Hopefully  
8 not annually.

9 CHAIRPERSON PREZEAU: We have a  
10 problem.

11 SECRETARY THORNTON: Or annually,  
12 yeah.

13 BOARD MEMBER BAKER: And is that for  
14 electrical inspectors?

15 SECRETARY THORNTON: Yes.

16 BOARD MEMBER BAKER: Supervisors.

17 SECRETARY THORNTON: No. Electrical  
18 inspectors.

19 CHAIRPERSON PREZEAU: So before we  
20 drill down into this, any questions for Steve about any  
21 of the secretary's report up to this point?

22 BOARD MEMBER JENKINS: I don't have a  
23 question but --

24 CHAIRPERSON PREZEAU: I'm sorry?

25 BOARD MEMBER JENKINS: -- a request

1       for more information.

2                               CHAIRPERSON PREZEAU:   You request  
3       more --

4                               BOARD MEMBER JENKINS:   -- information  
5       about -- I'm looking to see how many apprentices versus  
6       trainees are operating in the 01 work field, reporting  
7       hours in the 01 work, how many we have, trainees versus  
8       apprentices.

9               I'd be curious to keep that going from now until  
10       2023 to see what's happening to that number.

11                              SECRETARY THORNTON:   Okay.

12                              BOARD MEMBER JENKINS:   Thank you.

13                              CHAIRPERSON PREZEAU:   Okay.   So  
14       interestingly enough, this compensation of electrical  
15       inspectors, which has been a consistent focus of this  
16       board -- and, interestingly enough, this conversation has  
17       certainly extended well beyond my tenure on this board --  
18       I was going all the way back to January 25th, 2001, the  
19       electrical board meeting minutes from January 25th, 2001,  
20       and the very first item of discussion has to do with  
21       inspector compensation.

22               And the challenge is, you know, I know that many of  
23       the composition of this body currently has not changed.  
24       There's been consistent carryover, but we've been talking  
25       about this with this iteration of the board, if you will,

1 quite extensively, and including -- I don't remember what  
2 year it was we did -- the department engaged in a class  
3 in compensation rate case for the inspectors.

4 SECRETARY THORNTON: Probably about  
5 2014, 2015, somewhere.

6 CHAIRPERSON PREZEAU: And what I  
7 remember from our previous discussions, which is great  
8 having this list of comparables in front of us, is, it's  
9 my understanding that -- was this the list that was  
10 created before that class in comp rate case was put  
11 through or is this current reality today?

12 SECRETARY THORNTON: This is current  
13 today.

14 CHAIRPERSON PREZEAU: Because I think  
15 the -- I think that the secretary made a statement on a  
16 previous meeting that had to do -- the -- this wage  
17 comparable list that was assembled in conjunction with  
18 that class in comp rate case had the department listed as  
19 last in terms of inspector compensation.

20 SECRETARY THORNTON: Right.

21 CHAIRPERSON PREZEAU: The class comp  
22 after we jumped the inspectors to a different salary  
23 band, my recollection is, your statement was, we went  
24 from last to maybe second to last or --

25 SECRETARY THORNTON: Well, I think we

1       went from 27th to 25th. Now, we're back to 26th.

2                       CHAIRPERSON PREZEAU: The challenging  
3       part about this is, there have been other divisions  
4       within state government that have used some pretty  
5       creative ways to increase their folks' compensation.

6               Specifically, not too many years ago, the State  
7       Patrol was struggling with not so much recruitment for  
8       their academy but retention.

9               So what was happening was, as soon as cadets would  
10      graduate the State Patrol academy, they would leave the  
11      State Patrol's employment and would go to a peacekeeping  
12      force that was either county or municipal based because  
13      the compensation was higher.

14              So they actually -- through the Washington State  
15      legislature the amending statute, they indexed the  
16      compensation for State Patrol employees, presumably our  
17      troopers, but it might be inclusive of other  
18      classifications, that their compensation would be indexed  
19      to the five largest peacekeeping agencies in the state of  
20      Washington.

21              So can we do that for the inspectors? The challenge  
22      is that the way that I understand the rules governing  
23      collective bargaining of state employees, the inspectors  
24      currently are in a coalition bargaining.

25              In order to leave that coalition bargaining, as I



1 understand it, you have to have 450 or more bargaining  
2 unit members. We don't -- this -- the electrical program  
3 doesn't meet that threshold.

4 I also engaged with the director. Can we do  
5 something in rule. Right? Because if you look at the  
6 fund balance, it's actually pretty comparable to what it  
7 was in October. It's pretty close.

8 SECRETARY THORNTON: And it will  
9 probably drop some in the next two or three months just  
10 because it's winter, but then it will climb back up  
11 again.

12 CHAIRPERSON PREZEAU: Do we have some  
13 leeway in rule to say something like, when the fund  
14 balance exceeds so many months of operating budget, could  
15 we allocate some of those funds to inspector bonuses,  
16 some other creative way of compensation?

17 So the challenge is -- which is probably why  
18 Chairman Devish was -- in 2001 was also struggling with  
19 this same issue, which is the State's level of  
20 compensation is not commiserate with other authorities  
21 having jurisdiction, one of the most frustrating things  
22 that I've encountered, quite honestly.

23 SECRETARY THORNTON: Seems to be a lot  
24 of roadblocks.

25 CHAIRPERSON PREZEAU: It's not for a

1       percolating effort of trying, and I'm not saying the door  
2       is closed. I'm saying I have exhausted all of the  
3       creative remedies outside of repeating the class in  
4       compensation rate case process that I am currently aware  
5       of to help the inspectors achieve a level of compensation  
6       that is commiserate with their value to the state of  
7       Washington.

8                       SECRETARY THORNTON: And it takes a  
9       lot of documentation and substantiation through the  
10      normal process, and then it gets approved for the next  
11      biennium.

12              So it's, you know, two to three to five years down  
13      the road by the time it gets here. Then it's pretty much  
14      eaten up with inflation or whatever.

15                   CHAIRPERSON PREZEAU: Cost of living.

16                   SECRETARY THORNTON: Yep. Seems like  
17      it's an ongoing chore.

18                   CHAIRPERSON PREZEAU: The other thing  
19      I want to actually talk to the director about is,  
20      especially given that the legislature has recognized  
21      within the prevailing wage laws, if we moved away from  
22      collecting surveys and going through that process of  
23      establishing the prevail rate, at least for -- well, for  
24      electricians and for other crafts, they've gone to  
25      recognizing collective bargaining agreements that exist

1       within specific counties as -- as the benchmark for  
2       establishing prevailing wage.

3               So we ask the director, hey, since the legislature  
4       has recognized that, could we possibly tie inspector  
5       wages to prevailing wages for electricians within regions  
6       or counties or -- again, Directors Sacks -- I will never  
7       speak for him, but he politely said, "No. You can't do  
8       that."

9               So I guess my point is myself and others --  
10      certainly, you know, have -- and the department -- I  
11      don't have any -- I don't have any creative answers at  
12      this point after exhausting every one that was possible  
13      that I was aware of until Thursday of last week.

14              It's only going to get exacerbated by the shortfall  
15      of -- when we talked about this previously, right, I  
16      mean, for many years people were saying that we have a  
17      shortage of skilled crafts people, and now it's reaching  
18      very alarming levels, not only for electricians and  
19      inspectors, but also if for ironworkers and -- I mean,  
20      all the crafts, and unfortunately, I don't --

21                      SECRETARY THORNTON: And our vacancy  
22      rate is gradually creeping up. Now we're up to, you  
23      know, 18 to 20 vacancies every month. Two years ago it  
24      was probably around 14, but all of us older folks that  
25      are retiring, we're retiring faster than we can hire the

1 new guys.

2 So the vacancies gradually are creeping up, even  
3 though we recruit and interview year-round. So doesn't  
4 look to get any better for a while for sure.

5 BOARD MEMBER BAKER: How is the  
6 recruitment going? Have you hired any inspectors in the  
7 last two weeks?

8 SECRETARY THORNTON: In the last two  
9 weeks?

10 BOARD MEMBER BAKER: Few weeks, month,  
11 whatever.

12 SECRETARY THORNTON: Well, I mean,  
13 I -- we have hired some. Probably, oh, I would guess  
14 50 percent of the ones we've offered positions to, after  
15 they've gone home and done the math and called us back  
16 and said, "No, sorry. We can't afford that kind of a  
17 reduction."

18 So a lot of the guys we're getting to come to work  
19 are in the 55 to 65 range, and the younger guys are kids  
20 in college, you know, house payments, car payments, that  
21 kind of stuff.

22 It's just really tough on them to look at the  
23 benefit package to even come close to compensating for  
24 the wages when they're used to spending X amount of  
25 dollars, and it's just not there anymore. You have to

1 make other choices, so --

2 BOARD MEMBER BAKER: Just in  
3 comparison, you probably know this, but in King County, a  
4 wireman -- just a journeyman wireman is going to make  
5 \$115,000 a year base salary. Your \$5,604 is \$67,000 a  
6 year.

7 I don't know how -- I don't know how the new chief  
8 is going to get wiremen to come over and work in the  
9 department at that much of a reduction in base  
10 compensation.

11 SECRETARY THORNTON: And you have to  
12 mine every person you can find and find somebody who  
13 likes the public and likes this kind of a job and doesn't  
14 put as much of a price tag on money as most do.

15 Those are the people we can be successful with, but  
16 there's not a lot of them out there, you know.

17 CHAIRPERSON PREZEAU: Yeah. I mean,  
18 you know, recognizing that there are, you know -- when  
19 you work in the electrical -- when you work in the  
20 construction industry, you only get paid for hours you  
21 work.

22 Inspectors -- I mean, I'm not saying -- I'm not  
23 saying this as an excuse, by any means. I'm saying,  
24 there are other forms of compensation that inspectors  
25 receive that -- in the form of paid time off or paid

1       holidays or sick leave or other pieces that -- vacation,  
2       holidays, right, that are not -- that are additional  
3       benefits that can be converted to monetary benefits that  
4       don't exist currently in the construction industry  
5       generally.

6               But even given those, we obviously still have -- I  
7       mean, the vacancy rate -- I mean, I thought -- when you  
8       said two years ago it was 14, I thought you were going to  
9       say 16 because that's number that I -- but the problem  
10      is, the trend is going in the wrong direction.

11                       SECRETARY THORNTON: The problem with  
12      the --

13                      CHAIRPERSON PREZEAU: Some within the  
14      program that are looking at, well, let's look at the  
15      qualifications of inspectors and, you know, who's  
16      eligible to apply and be considered to be an inspector.

17               And I'm not incredibly interested in watering down  
18      those requirements because we're struggling with levels  
19      of compensation.

20               Now, that being said, I -- you know, I am interested  
21      in, you know -- does -- are there opportunities for the  
22      electrical program and maybe other programs within L&I  
23      that have, you know, industry inspectors or industry  
24      experts where we maybe can look at -- maybe they don't  
25      have four years of holding an EL01 but they bring some

1 significant military experience.

2 So it comes back to this conversation of what is  
3 equivalent.

4 SECRETARY THORNTON: Right.

5 CHAIRPERSON PREZEAU: So that  
6 equivalency conversation that we are going to entertain  
7 in April may have an impact or not on the inspector  
8 qualifications. What is the equivalent to having an 01  
9 certificate for four years?

10 Again, I'm not interested in -- sometimes when you  
11 struggle to find -- to fill a vacant employment position,  
12 sometimes folks, you know, will throw money at it, and  
13 sometimes they will water down the qualifications.

14 I'm not interested in watering down the  
15 qualifications for obvious reasons, but if there is an  
16 equivalency that would give -- particularly somebody who  
17 is recently separated from the military that has  
18 comparable experience but doesn't meet the exact language  
19 of being an inspector --

20 SECRETARY THORNTON: And that's part  
21 of the conversation we had a little bit ago about, you  
22 know, looking into technology and training.

23 Maybe there's some ability to, you know, put  
24 somebody in a training plan, but that takes more manpower  
25 to train them, and that's not necessarily a financially

1 good way to go.

2 But it might get some, you know, people that -- in  
3 the door that we can train to do this rather than having  
4 to dump them right out into the field.

5 Problem with that is the workload is still there.  
6 Still do, you know, 260,000 inspections next year. So,  
7 yeah, it's -- no matter where you turn, there's  
8 challenges.

9 CHAIRPERSON PREZEAU: Yeah. And I  
10 thought I had the tiger by the tail. I was like, we'll  
11 run the State Patrol bill and we'll designate the fiscal  
12 notes for the additional costs to come out of the  
13 electrical funds so there's no fiscal impact, right.  
14 Like, it will be great. Got it. Finally.

15 Doesn't work.

16 BOARD MEMBER COX: So, Steve, can  
17 increasing the number of virtual inspection inspectors  
18 help offset those numbers at all -- that program is  
19 working well -- if we increase that?

20 SECRETARY THORNTON: It does. There  
21 are some things to be cautious of there. There's a very  
22 important part of our job that needs to be done in the  
23 field, the compliance part and that stuff that -- a lot  
24 of what we're looking at virtually right now is stuff  
25 that may or may not have ever been inspected before, you



1 know.

2 So it's self-generating some of its own work. Some  
3 of it's stuff we would have had to go and look at.

4 BOARD MEMBER COX: If it saves on  
5 drive time and can do that many more inspections for  
6 those that could be done --

7 SECRETARY THORNTON: Sure. If you  
8 looked at those numbers we had, the one that went up was  
9 stops per day. Went from 11 to 11.3.

10 And, you know, that's all around -- the farther  
11 behind you get, the more concentrated the work gets. So  
12 you can get to more in a day, but there's just that many  
13 more waiting tomorrow.

14 And the virtuals -- there is no drive time for -- as  
15 such, but even when you look at that, we only get 13 --  
16 maybe two stops a day more than just from the  
17 documentation part, and we can only schedule every half  
18 an hour.

19 BOARD MEMBER COX: So it's really only  
20 gaining us two stops a day?

21 SECRETARY THORNTON: Yeah, roughly.

22 CHAIRPERSON PREZEAU: So what might be  
23 interesting -- and I don't know what the department's  
24 archives look like, but -- and I didn't bring copies of  
25 this -- these minutes from the January 25th, 2001, board

1 meeting. They were not done well, just for the record.

2 In the department update -- this was when Patrick  
3 Woods -- you guys remember him, the Irish singer guy?

4 I used to -- he was the assistant director for  
5 specialty compliance, gave an update on electrical issues  
6 the department is currently dealing with.

7 One of those Patrick introduced -- and I'm not --  
8 "an assistant director of human resources for the  
9 Department of Labor and Industries to speak about the  
10 inspector's salary issue.

11 "Mr. Nuriddin, N-u-r-i-d-d-i-n, explained -- this is  
12 the assistant director of human resources -- explained  
13 the challenges the department faces in obtaining a pay  
14 raise for inspectors.

15 "He assured the board that data is being collected  
16 and his office is actively working to resolve the pay  
17 differential situation that currently exists between  
18 inspectors and other electrical workers.

19 "Joe Devish, who is the former chair, noted the pay  
20 differential is a No. 1 concern for the electrical board  
21 and voiced the board's frustration with the process.

22 "A subcommittee was formed to help the department  
23 address the problems surrounding this issue. Those  
24 members are Chair Joe Devish, Vice Chair Mike Hendrix,  
25 public member Charlie Treanor, T-r-e-a-n-o-r, along with

1 department staff."

2 Do we know what the work of that subcommittee was?

3 At this point I'm like, hey, if they maybe came up with  
4 an idea that ran out of steam, if we have those archives,  
5 at this point I'm willing to chase anything.

6 BOARD MEMBER BAKER: That's 15 years  
7 old; right?

8 CHAIRPERSON PREZEAU: I know, but, you  
9 know, there might be something in there.

10 BOARD MEMBER BAKER: Could be  
11 something that died offline.

12 CHAIRPERSON PREZEAU: Because Joe  
13 Devish -- I don't know if folks in this room know who he  
14 was.

15 BOARD MEMBER BAKER: I know who he  
16 was.

17 CHAIRPERSON PREZEAU: He's a giant.  
18 He used to -- because the board controlled -- not  
19 advisory on continuing education. It's my understanding  
20 he used to personally review those applications and make  
21 recommendations to the board.

22 SECRETARY THORNTON: Could very well  
23 be.

24 CHAIRPERSON PREZEAU: So I would ask  
25 the department, if at all feasible, try to chase down the

1 work of the subcommittee that was established at the  
2 January 25th, 2001, electrical board.

3 SECRETARY THORNTON: We can look into  
4 that, but the math is 20 years done.

5 CHAIRPERSON PREZEAU: I know. I know.

6 SECRETARY THORNTON: Yeah.

7 CHAIRPERSON PREZEAU: All right. Any  
8 other questions? Thank you, Steve.

9 Any other questions for the secretary -- or what are  
10 we doing? Secretary's report.

11 SECRETARY THORNTON: I'm good.

12 CHAIRPERSON PREZEAU: You're good?

13 SECRETARY THORNTON: Yep.

14 CHAIRPERSON PREZEAU: Okay. So we are  
15 under certification/CEU quarterly report and the return  
16 of technical specialist Vance, who I -- presumably that  
17 is happening.

18 Pam has handed me the appeal sign-in sheet from  
19 the -- and the only entities signed in for -- to speak on  
20 appeals were Mr. John Barnes, who is the attorney general  
21 of record for the appeal, and Andy Alcazar who was the  
22 appellant.

23 Update: The parties have an oral settlement. In  
24 order for Mr. Barnes to complete the crafting of a  
25 proposed final order, needed to retreat to his office, so

1 we will schedule for April the presentment of the  
2 proposed final order at the April meeting in the event  
3 the parties are not able to come to agreement.

4 Very good. Mr. Vance?

5 MR. VANCE: Yes. Hi. This month's  
6 report here, based on the last year, gave all of you in  
7 the electrical board packet. It's the exam pass rates by  
8 attempts.

9 In looking at the 01 -- 01 exam, there's been no  
10 appreciable change in the pass rate. Something  
11 interesting I did a few minutes ago, just -- I started  
12 adding up a column just to see what it added up to.

13 And in the -- in the year previous, 1,060  
14 electricians passed the 01 exams. So that would be 1,060  
15 new electricians, probably a few retests in there, but,  
16 you know, folks --

17 CHAIRPERSON PREZEAU: Passed or sat?

18 MR. VANCE: Passed. Those are how  
19 many passed. So if we look at the 584, there would be  
20 584 plus 610 --

21 CHAIRPERSON PREZEAU: Yep.

22 MR. VANCE: -- would be the number  
23 that sat. So that comes out to 1,194. So 1,149 sat and  
24 1,060 became electricians, so that's --

25 CHAIRPERSON PREZEAU: But only 484

1       passed? Oh, the first time.

2                       MR. VANCE: Right.

3                       CHAIRPERSON PREZEAU: Got it.

4                       MR. VANCE: So first time in the last  
5       year, 1,194 sat. When the dust settled, there was 1,060  
6       new electricians.

7               And if you look, there's some -- a few frequent  
8       fliers. If you look at the note -- at the attempt  
9       numbers, for instance, the oldest person we have on here,  
10      somebody is making their 11th attempt at the exam, and  
11      they did not -- they did not pass the exam again.

12              So two people were making their eighth attempt. Six  
13      people were making their seventh attempt. So it's -- the  
14      good news is that a lot of people are passing. You know,  
15      almost 49 percent passing on the first attempt.

16              And this is a mix of candidates from across the  
17      United States as well as on-the-job training candidates  
18      and apprenticeship graduates, so it's a wide spectrum.

19                     CHAIRPERSON PREZEAU: So, Larry, I  
20      think at the last meeting, you know, we had some, again,  
21      conversation about un-bifurcating the exam and things of  
22      that nature, but really the -- I think the request that  
23      we made was, "Hey, would you talk to PSI and ask them if  
24      they can warehouse the exam percentage pass/fail rate?"

25              I think it was just a pass rate. Did you engage PSI

1 on whether or not they have the capability of doing that?

2 MR. VANCE: Yes. Phyllis Cooper  
3 reached out to them. We're going to miss Phyllis.

4 CHAIRPERSON PREZEAU: Yeah. I thought  
5 Phyllis retired.

6 MR. VANCE: She is going -- today is  
7 her last day after 37 years with the department. Today  
8 is her last day.

9 CHAIRPERSON PREZEAU: Did we get her a  
10 cake?

11 MR. VANCE: We've had a gathering.  
12 We've had some festivities.

13 CHAIRPERSON PREZEAU: Good.

14 MR. VANCE: She's been here forever.

15 CHAIRPERSON PREZEAU: I can't believe  
16 that somebody authorized her retirement.

17 MR. VANCE: I don't know.

18 SECRETARY THORNTON: I don't think  
19 there was any ask in the whole thing.

20 MR. VANCE: If you want to know  
21 anything about this program, Phyllis was the -- she is  
22 the person to ask. I mean, she's -- she's been 37 years  
23 in the electrical program, and pretty amazing.

24 She's taken the paper -- this program from the stone  
25 ages essentially clear to all of our online services.

1 She's intimately involved in that. She's just a  
2 wonderful worker.

3 But more of her wonderful work, she reached out to  
4 PSI and asked the question. PSI said, you know, We can  
5 do that. We can do that, but here's what it looks like.  
6 We need to establish a line in the sand, meaning that  
7 everybody that's in the process today goes through the --  
8 you know, the two-section exam. Everything after this  
9 date, all new applicants after this date, you now get a  
10 single score.

11 And oddly, part of the information that came back,  
12 they said it's no problem to do, but let us tell you  
13 this: We just did this in Michigan, and now we're  
14 undoing it because of the blowback that people got --  
15 that Michigan got based on, you know, "Jeez, if I just  
16 pass this -- if I fail the state rules side, I got to sit  
17 for the entire exam again," so --

18 CHAIRPERSON PREZEAU: But PSI did  
19 indicate that they can warehouse the pass score.

20 MR. VANCE: As far as warehousing the  
21 pass score, they have -- PSI has the -- not clear on your  
22 question. As far as a percentage?

23 CHAIRPERSON PREZEAU: Yeah.

24 MR. VANCE: We have that currently  
25 when we go look it up, but we don't have anywhere in our



1       licensing database that stores that information. So we  
2       go to the PSI side. All they report to us is pass/fail.

3                   CHAIRPERSON PREZEAU: Up or down.

4                   MR. VANCE: Right. If it's more than  
5       70 percent, they give us a P. But we can go through the  
6       exam report side and see the person's score.

7                   CHAIRPERSON PREZEAU: Is that a  
8       laborious process?

9                   MR. VANCE: Yes. Yes. To a certain  
10      extent. And that's -- we're able to do that for persons  
11      that took the exam through PSI.

12                  It's my understanding that we have information from  
13      our previous exam provider Laser Grade. Prior to Laser  
14      Grade, we don't.

15                  So I was looking at my licensing record with  
16      Phyllis, and I was saying, "Hey, if I wanted to  
17      reciprocate with Oregon" -- and I have in the past -- I  
18      said, "and they wanted my test score, how would we figure  
19      that out?"

20                  And she's looking, and she goes -- she points in the  
21      top of this bubble sheet and there's a number written  
22      there with a circle around it, and she says, "I wrote  
23      that there. That's your score."

24                  So that's the kind of records we have for people of  
25      my era that took it in a big room of people on one side

1 or the other side of the mountain.

2 So we would be at somewhat of a disadvantage or  
3 greatly at a disadvantage to try to prove to anybody what  
4 our score was.

5 CHAIRPERSON PREZEAU: Thank you, Rod.

6 When I say "warehouse," I guess what -- I should  
7 have been -- I should have chosen my words more  
8 carefully.

9 So I guess maybe in trying to marry up the Oregon  
10 requirements and the reciprocity piece and not making it  
11 laborious to the department to figure out, oh, somebody  
12 who sat at the 01 exam three years ago through PSI has a  
13 P but no -- and I didn't keep their letter that says,  
14 "This is your score," but PSI keeps the scores so that  
15 you can look it up on -- in a certain database that the  
16 department has access to.

17 So what I'm saying is, when they ship you the P or  
18 the F, can they ship you a P with a -- this is the score  
19 so that it's easier to -- that score to follow the  
20 individual so it's not laborious for the department, in  
21 the event that somebody is asking for records, to be  
22 reciprocal with another state?

23 MR. VANCE: So that was not the  
24 question that was asked.

25 CHAIRPERSON PREZEAU: Yeah.

1                   MR. VANCE: There would be several  
2 things with that. Likely there would be system changes  
3 even with -- to bifurcate the exam, there's system  
4 changes that are required to our agency-owned  
5 applications.

6                   Currently with our agency-owned applications, we've  
7 got years of backlog of changes that we would like to  
8 make. This agency is going through business  
9 transformation, taking a 30-some-year-old insurance  
10 database and migrating it to a modern platform.

11                  CHAIRPERSON PREZEAU: The workers'  
12 comp.

13                  MR. VANCE: Yes. So we all have  
14 needs, but those needs are being, let's just say,  
15 prioritized, and we may not be the priority.

16                  But having said that, anything that we start to do  
17 here, I mean, we just want to make sure that, you know,  
18 we understand that it could be a year or two to get the  
19 application changes made with -- on the department's  
20 side.

21                  And also I'm not at -- I can't say that it can be  
22 done or not because I'm not an expert when it comes to  
23 information technology, so -- or systems.

24                  CHAIRPERSON PREZEAU: And given the  
25 email I got from my contemporary at the Oregon Electrical

1 Board, Heather Miller, I'm not sure that we need to  
2 take -- need to change the way we're doing business at  
3 this moment.

4 MR. VANCE: Okay. Yeah.

5 CHAIRPERSON PREZEAU: Any --

6 MR. VANCE: No. I mean, just -- it's  
7 just -- it's interesting. I think Oregon does record  
8 those scores. We don't record those scores. We just  
9 focus on the pass/fail.

10 You know, did you make a 70 or better? You pass.  
11 And what you have in your pocket is proof that you  
12 passed. So it will be interesting to try to mesh those  
13 two things, see how that meshes.

14 CHAIRPERSON PREZEAU: Very good.

15 Questions for Larry? Seeing none, where is my agenda?

16 Public comment regarding items not on the agenda.  
17 So we had two people signed in that they wanted to  
18 address the board. The first one is Edwin Larry Andrews  
19 II, of Andrews Mechanical, Inc. And as you get settled  
20 in, Mr. Andrews, if you would please spell your name for  
21 the purposes of our court reporter.

22 MR. ANDREWS: Sure. My name is Edwin  
23 L. Andrews II, and I go by Larry. It's E-d-w-i-n, L,  
24 Andrews, A-n-d-r-e-w-s, the second.

25 I own Andrews Mechanical, Incorporated. We're a

1       mechanical company. I possess first class boiler  
2       license, journeyman plumber license in Idaho and  
3       Washington, post 06A license Washington master in  
4       Washington State, 07 journeyman license, and 07 master's  
5       license or the administrative license.

6             I have the same thing in Idaho. More than  
7       qualified. Plus, I'm a certified -- well, qualified pipe  
8       welder too. Numerous other certificates that take to do  
9       the job.

10            And we've got a crisis here. And I've been trying  
11       to work with the department for the past year and a half,  
12       and I've submitted proposals, and I listened to all you  
13       guys in the last couple meetings that I've been to.

14            I was a president of the HVAC association in '99  
15       when we were required to get licensed to do the work, and  
16       we were assured by the department that we would be able  
17       to continue to do the work that we have been doing.

18            Due to United States Government increasing  
19       efficiencies, we are not able to do the work we have been  
20       able to do in the past. And I've listened to all you  
21       talk here in the last couple minutes, and I listened to  
22       what -- the facts that you state.

23            And so many of them are so outrageous, it blows me  
24       out of the water because I deal with facts every day.

25            As an 07 licensed person in this state -- and this

1       was confirmed by Ron Fuller at the Avista State  
2       Stadium -- Auditorium -- that an 07 -- the whole building  
3       burns down. An 07 can go back in there and totally wire  
4       the whole building back as long as it's put back to its  
5       original shape.

6               Today, in the last six months, we've had the  
7       inability to even replace a motor. A motor that's  
8       running a conveyor that goes out, go down to Kaman  
9       Bearing and get a new Baldor motor and we put it in the  
10      conveyor, and guess what? It's a new efficiency motor  
11      that I can't buy the old one anymore.

12             And I can't even get that motor to run anymore  
13      because the overloads are too high for the motor that's  
14      the new one that's in there.

15             And it's been stated by the department that it's not  
16      like-for-like, so I'm not able to adjust or pull the  
17      heaters out, replace the heaters with the proper heaters  
18      or make a minor adjustment on the overloads with the  
19      screwdriver to change that.

20             And I've heard today the statement that the 07 isn't  
21      qualified to do this kind of work. The 07 can change out  
22      a 400 horse motor. He can redo the whole thing, the  
23      whole building, but we can't change from a 20-amp breaker  
24      to a 15-amp breaker in a furnace to keep the people  
25      running when it's 20 below over in Spokane and it takes

1 two to three days to get an electrician there.

2 And I'll have you know, I've been through numerous  
3 trainings for ground fault, so when I do take the breaker  
4 out of the panel that I take it out of, I look at the  
5 rating on the ground fault, and I dearly do replace back  
6 with the proper ground fault rating.

7 Okay. To me, that's just standard electrical  
8 procedure that an 07 should know. The only thing that I  
9 probably would look out in an industrial building is to  
10 see if they've changed the transformers because maybe  
11 since they've changed the transformers, the existing  
12 panel that I have breakers in probably isn't qualified.

13 Okay. Okay. But here's the problem. I go to a  
14 job, and I can't keep the company running anymore  
15 because -- I can get the motor. I can do all the work,  
16 but I can't do final thing, derate the motor so it can do  
17 the job.

18 So the company is down for a day or two to get an  
19 electrician. So they go lay off ten or fifteen people  
20 because a process can't go on.

21 This is the kind of stoppage you guys on this board  
22 is doing. I made several proposals this time that were  
23 more than commonsense proposals for the quality of an 07  
24 person could do, and they all got shot down.

25 And my business is getting shut down because we

1       can't do the work. And you know what? How many of you  
2       electricians would like to hop into a sewage sump and do  
3       the replacement there?

4             I can't get one of you in Spokane to come out and do  
5       the electrical on that. They say, "Well, you got the 07  
6       license. You go do it."

7             Well, I can't get the thing up and running because I  
8       got to derate the thing, and this deration is caused by  
9       the federal government.

10            For years we have never had this problem, but  
11       everybody that's driving to better efficiency, which is a  
12       great thing, has put us mechanics to a point where we  
13       can't do our job.

14            So we come to this board to tell you what we need so  
15       we can do this job, and we get shut down. We get shut  
16       down because, oh, I'm afraid you're going to take my  
17       right to work away. Oh, this is new work. We might get  
18       it.

19            We don't have enough electricians to do the work we  
20       need to do, let alone what we have been doing in the  
21       past. And I'm to the point of -- I got one thing passed  
22       through, and I was amazed after everything I've heard.

23            I think you're all great people, and you guys all  
24       have great ideas, but the job still needs to get done,  
25       and we're making it worse. We're not making it better.



1           These people -- they can't get the qualified people  
2           to do the work because they can't pay the money to get  
3           the person here.

4           Well, if the State demands paying 01s \$70 an hour  
5           and this State requires this man to have an 01 to do the  
6           work, he should be getting the \$70 an hour. That should  
7           be no question. There should be no question.

8           And we've got the manpower to do the work, but the  
9           State won't let me do the work anymore, and I'm coming to  
10          the point -- I've been really good about this. I follow  
11          all your rules, and I do everything I can by the book,  
12          but I'm getting to the point of restriction of trade  
13          here.

14          And I don't know what else to do because I've  
15          listened to you. I came over here. I traveled all the  
16          way from Spokane two days in a row. Cost me \$1,500 work  
17          I could have done today, and I listened to why I can't do  
18          the work anymore.

19          And it's -- to me, it's -- if I ran my business the  
20          way this board runs, I'd be broke because the companies  
21          out there would not have anything to do with me. Okay.  
22          And it's something you need to really look at.

23          I'm to the point now my business is going to suffer  
24          for at least another year and a half, two years, because  
25          of this process, or I'm going have to hire attorneys.

1           And I'm going to look at the cost and if the cost is  
2           where it is for restriction of trade, I will hire the  
3           attorneys if it cost me \$100,000.

4           Okay. And I hate to say that because I think you're  
5           all good people, good intentions, but you're not getting  
6           the picture here. The picture here is, we can't do the  
7           work anymore because of what -- the efficiency changes on  
8           the equipment.

9           And we were told in '99, when I was president -- I  
10          came over here and we all met together -- that, you know,  
11          this State doesn't want to stop you from doing the work  
12          that you have been doing, but the State's hands are tied  
13          so tight here that we can't do it again.

14          We're at the same point where we were in '99, and we  
15          had some people that made it happen for us, but the HVAC  
16          and the mechanics out there, if they're doing all your  
17          rules and following them strictly, they can't do the  
18          work.

19          And that's what it's come down to. And I've  
20          exhausted everything. I mean, I've talked to these two  
21          gentlemen here, and they've suggested that we put these  
22          proposals together, and they've bent over backwards to  
23          get them to you and I got shot down.

24          And so when I get shot down, there's hundreds of us  
25          out there that get shot down, and it's costing thousands,

1 millions of dollars of lost productivity.

2 When I go to Idaho to work, there's no question you  
3 get the job done. Okay. But when I come across this  
4 border and work in this state here, it's daunting to  
5 people -- to come too.

6 Okay. I don't know what else to do. I've been just  
7 handcuffed to such a point that -- and it's the feeling  
8 of a lot of us HVAC owners. It's just not me.

9 We've banded together to the point that, you know,  
10 to drop a 20-amp circuit to a 15-amp circuit because the  
11 whole thing is the blower motor -- and you've put such a  
12 hurdle up against us that the people -- we're getting to  
13 the point we just -- we just hand them a letter now and  
14 say, "You need to start calling the electrical board and  
15 the governor about this" because we can't get through to  
16 you guys what needs to be done so we can do the work that  
17 needs to be done.

18 I'm sorry. But that's just the truth.

19 I did see something come through today about going  
20 through eight floors with cable, and I was shocked. I  
21 was -- I was impressed there that that made it and that  
22 is something that -- it needed to be done.

23 Okay. If you have any questions, I'll be here until  
24 the end, but that's what I came here to say, and I feel  
25 that, since there isn't a mechanical HVAC representation

1 on this board, that you've lost the vote because there's  
2 nobody on this board that represents what we do.

3 If I had to do it over again in '99, I would have.  
4 I would have put forth effort to get somebody, but the  
5 people we worked with in '99, they made it happen.

6 And I -- I can't see it happening here. I mean, it  
7 just takes even two or three years, you'd still be in the  
8 same spot of where you are. Okay. Thank you.

9 CHAIRPERSON PREZEAU: Thank you,  
10 Mr. Andrews.

11 Before you leave, Mr. Andrews, are there any  
12 questions from board members for Mr. Andrews?

13 Thank you for your time. Appreciate it. Thank you  
14 for staying and participating all day as well.

15 The other person that is signed in is Mike Stone  
16 from NEMA.

17 MR. STONE: Actually, my item is on  
18 the agenda. I was going to speak in support of the TAC  
19 recommendations for 2020, so I'm happy. I'm good.

20 CHAIRPERSON PREZEAU: Okay. Anybody  
21 else who is not signed in for public comment want an  
22 opportunity to address the electrical board? Going once,  
23 going twice, three times. Okay.

24 Unless I'm missing something, Chair would entertain  
25 a motion to adjourn.

1 BOARD MEMBER PHILIPS: So moved.

2 BOARD MEMBER JENKINS: Seconded.

3 CHAIRPERSON PREZEAU: Been moved and  
4 seconded to adjourn the January 30th, 2020, meeting of  
5 the electrical board.

6 Seeing no discussion, all those in favor, please  
7 signify by saying aye.

8 BOARD MEMBERS: Aye.

9 CHAIRPERSON PREZEAU: Opposed?  
10 Thank you. We are adjourned.

11 (Proceedings adjourned at  
12 4:05 p.m.)

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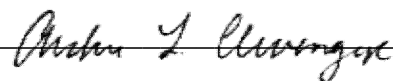
I, ANDREA L. CLEVINGER, a Certified Court Reporter in and for the State of Washington, residing at Olympia, authorized to administer oaths and affirmations pursuant to RCW 5.28.010, do hereby certify;

That the foregoing proceedings were taken stenographically before me and thereafter reduced to a typed format under my direction; that the transcript is a full, true and complete transcript of said proceedings consisting of Pages 1 through 262;

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;

That upon completion of signature, if required, the original transcript will be securely sealed and the same served upon the appropriate party.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of February, 2012.

  
(Court Reporter, CCR No. 3041)

