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DEPARTMENT OF LABOR AND INDUSTRIES

STATE OF WASHINGTON

ELECTRICAL BOARD MEETING

TRANSCRIPT OF PROCEEDINGS

Thursday, July 25, 2019

BE IT REMEMBERED, that an Electrical Board meeting was held at 9:00 a.m. on Thursday, July 25, 2019, at the Department of Labor & Industries, 7273 Linderson Way SW, Tumwater, Washington, before CHAIRPERSON TRACY PREZEAU, BOARD MEMBERS JASON JENKINS, DAVID WARD, DAVE CORNWALL, ALICE PHILLIPS, MIKE NORD, DYLAN CUNNINGHAM, DON BAKER, RYAN LaMAR, BOBBY GRAY, and SECRETARY/CHIEF ELECTRICAL INSPECTOR STEPHEN THORNTON. Also present was ASSISTANT ATTORNEY GENERAL PAM THOMURE representing the Board.

WHEREUPON, the following proceedings were held, to wit:

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

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

Thursday, July 25, 2019
Tumwater, Washington

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CHAIRPERSON PREZEAU: Okay. It's 9:03, and I would like to call the July 25, 2019, Electrical Board to order.

Item 1. Approve Transcripts from April 25, 2019,
Electrical Board Meeting

CHAIRPERSON PREZEAU: And the first order of business is to -- I would entertain a motion to approve, with emphasis by our esteemed court reporter, the transcripts from last -- the April meeting.

Motion

BOARD MEMBER NORD: Motion.

BOARD MEMBER JENKINS: Second.

CHAIRPERSON PREZEAU: It's been moved and seconded to approve the minutes -- the transcript from the April 25, 2019, Electrical Board meeting. All those in favor, signify by saying "aye."

THE BOARD: Aye.

CHAIRPERSON PREZEAU: Opposed? Very good.

Motion Passed

1 CHAIRPERSON PREZEAU: So before we do Departmental/
2 Legislative Update, safety review ... which needs to be
3 added to the agenda, please, Bethany.

4 So Steve, is that something you could do?

5 SECRETARY THORNTON: Yeah. We can go over, you know,
6 if we were to have some kind of a drill -- earthquake
7 drill, fire alarm, whatever, exits are out -- you can go
8 out these (indicating) doors. You go left to the rotunda,
9 then you can go either direction out of the building. If
10 you go right, you can go down the hallway. There's exits
11 at both ends of the building. So if we were to have to
12 get out of the building, that's the best way to go about
13 it.

14 CHAIRPERSON PREZEAU: Very good. And where do you
15 normally muster in the event --

16 SECRETARY THORNTON: And then you congregate in the
17 far parking lot. And at both parking lots away from the
18 building, there's a painted line in the parking lot. And
19 you go out beyond that line. It's possibly 100 feet out
20 there past the building. There will be all kinds of
21 people collected there. Just go where the group is at.

22 CHAIRPERSON PREZEAU: Thank you, Steve.

23

24 Item 4. Appeals

25 ///

1 CHAIRPERSON PREZEAU: And then I believe that the
2 parties are here in the appeal matter, and I'm somewhat
3 inclined to hear that out of order since everybody is
4 here, to let those parties not have to sit around and
5 listen to us if they don't want to.

6 So it's my understanding that under -- so if move
7 appeals from 3 to 2, and before we hear the matter that is
8 slated on our docket in Advanced Drilling and Mr. Robert
9 Laymon, Pam, do you want to update the Board members on
10 the PNW matter?

11 ASSISTANT ATTORNEY GENERAL THOMURE: Sure.

12 The Department filed a motion for reconsideration on
13 the PNW matter that was basically asking for it to come
14 back and have the Board reconsider its decision.

15 Those motions for reconsideration must be filed
16 within I believe ten days of the final order being signed.
17 That was done in a timely manner.

18 As you know, the Board as -- or the Chair as the
19 presiding officer does have the authority to make
20 decisions on procedural issues that would include motions
21 on some matters.

22 The rules also provide that if no action is taken on
23 the Department -- on the motion for reconsideration within
24 20 days, then it is deemed denied. So if you do nothing,
25 then the motion's deemed denied, and then the appellant in

1 that case, PNW or the Department, has the authority then
2 to file to the superior court for review of this Board's
3 decision.

4 So Tracy reviewed the motion for reconsideration, and
5 the decision was made in her capacity as the presiding
6 officer to just let it ride and not take any further
7 action. Therefore, it was deemed denied, and the
8 Department as the non-prevailing party then is making or
9 has made a decision about whether they choose to appeal
10 that decision or not.

11 CHAIRPERSON PREZEAU: And the reason I did that
12 mostly was the motion came to me, through Pam, very close
13 to the Board meeting. And I didn't want to -- I don't
14 like to as the Chair make decisions in the interim,
15 particularly when they're very close in the calendar of
16 when the next Board meeting is. I try not to -- because
17 it just doesn't feel right, right?

18 So because it didn't -- by doing nothing, it didn't
19 strand any -- either party, and the Department -- the
20 appellant can seek remedy by going to superior court. And
21 in the event that that happens, that really would bring it
22 back here.

23 So I felt like that was the right thing to do after
24 consulting with Pam.

25 And then -- but I did sign the final order for the

1 Electrical Services and Sean Mochinski after Pam reviewed
2 it.

3 Bobby.

4 BOARD MEMBER GRAY: Thank you, Madam Chair.

5 Through the Chair, if I could ask Pam, would -- could
6 the basis for asking for reconsideration introduce any new
7 evidence, number one? And number two, if it does go to
8 superior court, would they be able to hear any additional
9 evidence?

10 ASSISTANT ATTORNEY GENERAL THOMURE: So no new
11 evidence would be presented at that time. Under the civil
12 court rules you could move for reconsideration only for
13 certain areas. One is procedural irregularities in the
14 proceedings. And so there was some question in terms of
15 whether the hearing was here handled procedurally
16 correctly, i.e., should there have been a full hearing
17 on the matter, on the merits? Should witnesses have been
18 presented?

19 So that was I believe the basis of the Department --
20 the main basis of the Department's motion.

21 There's a couple other things in the rule in terms
22 of what they can bring. So the superior court -- how --
23 if the Department appeals to superior court, and let's say
24 the superior court says, "You're right, Procedurally this
25 wasn't handled correctly," then the superior court could

1 -- they could say, "Yes, it was." They could remand it
2 back to this Board to kind of redo the hearing.

3 If that were to occur, then yes, the complete hearing
4 would be redone, and I believe additional evidence would
5 be presented to the Board members.

6 CHAIRPERSON PREZEAU: Which is why I didn't take any
7 action. Because it felt like, again, it was too close to
8 this meeting, and I don't like to silence your voices in
9 the matters. And because it didn't -- it seemed the
10 logical decision.

11 Any other questions about either the PNW matter or
12 the final order for Electric Services and Sean Mochinski?

13 Cool.

14

15 Item 4.a) Advanced Drilling LLC and Robert Laymon

16

17 CHAIRPERSON PREZEAU: So we are ready to hear the
18 Advanced Drilling LLC and Robert Laymon appeal. So if
19 the parties involved in that matter, Mr. Laymon and
20 Ms. Kellogg, would please come up to the front two tables,
21 that would be terrific.

22 Ms. Kellogg, you've been through this before.

23 Mr. Laymon, I'm the Chair of the Electrical Board,
24 and I have to -- oh, please sit. And I have to read this
25 script to make a good record.

1 But for the purposes of our court reporter, would
2 both parties please state and spell your name before I
3 read my script.

4 Ms. Kellogg.

5 ASSISTANT ATTORNEY GENERAL KELLOGG: Nancy Kellogg.

6 CHAIRPERSON PREZEAU: Spell your last name please.

7 ASSISTANT ATTORNEY GENERAL KELLOGG: K-E-L-L-O-G-G.

8 CHAIRPERSON PREZEAU: Thank you.

9 Mr. Laymon.

10 MR. LAYMON: Robert Douglas Laymon. R-O-B-E-R-T,
11 D-O-U-G-L-A-S, L-A-Y-M-O-N.

12 CHAIRPERSON PREZEAU: Thank you very much.

13 Okay. Good morning. My name's Tracy Prezeau. I'm
14 the Chair of the Electrical Board.

15 The matter before us today is an appeal in the matter
16 of Advanced Drilling, LLC, and Robert Laymon versus the
17 Department of L & I, docket number 02-2018-LI-00687. This
18 hearing is being held pursuant to due and proper notice to
19 all interested parties in Tumwater, Washington on July 25,
20 2019, at approximately 9:13 a.m.

21 This is an appeal from a proposed decision and order
22 issued by the Office of Administrative Hearings on March
23 29, 2019. It is my understanding that decision upheld
24 citations and notice numbers ESIMZ00384 and ESIMZ00385
25 issued by the Department of Labor and Industries on

1 August 25, 2017. It is further my understanding that
2 the appellant has timely appealed that decision to the
3 Electrical Board.

4 At this time the appellant, Mr. Laymon, is present
5 and is representing himself in this matter.

6 The Department is present and is represented by
7 Assistant Attorney General Ms. Kellogg.

8 The Electrical Board is the legal body authorized by
9 the legislature to not only advise the Department
10 regarding the electrical program but to hear appeals when
11 the Department issues citations or takes some other
12 adverse action regarding an electrical license or
13 certification and/or installation. The Electrical Board
14 is a completely separate entity from the Department and as
15 such will independently review the action taken by the
16 Department.

17 When the Department issues penalties that are
18 appealed, the hearing is assigned to the Office of
19 Administrative Hearings to conduct the hearing pursuant
20 to the Administrative Procedures Act. The ALJ who
21 conducts that hearing then issues a proposed decision and
22 order. If either party appeals, that decision is subject
23 to review by the Electrical Board.

24 Please keep in mind that while our review is de novo,
25 we sit in the same position as the administrative law

1 judge and will review the entire record regardless of
2 whether a certain piece of evidence is referenced by the
3 ALJ.

4 We are bound by the evidence in the record and no new
5 evidence can be submitted at this hearing. Each party
6 will be given approximately 15 minutes today to argue the
7 merits of your case. Any Board member may ask questions.
8 And the time may be extended at the discretion of the
9 Board.

10 At the conclusion of the hearing, the Board will
11 determine if the findings and conclusions reached by the
12 ALJ are supported by the facts and the rules pertaining to
13 licensing, supervision, certification, et cetera.

14 And before we begin, Mr. Laymon, I just want to make
15 sure you understand our process this morning. So you are
16 the appealing party, so you have the burden of proof in
17 front of this tribunal. And so we'll hear -- you will
18 present your case this morning first. And then we'll hear
19 from Ms. Kellogg. And then usually get rebuttal, rebuttal
20 and -- and then once you're done with that, then
21 discussion will occur amongst the Board members, and we
22 will process the information and potentially render a
23 decision today.

24 And you can certainly -- the parties can ask
25 questions of the Board members, and the Board members can

1 ask questions of the two parties. But once we start our
2 deliberations, we prefer that we don't -- there's not a
3 lot of interruption from either your or Ms. Kellogg.

4 Does that make sense?

5 MR. LAYMON: It does make sense.

6 I have to tell you right now, I have a hearing issue.
7 I can't hear with background noise, and I'm having a real
8 hard time hearing you with these fans. But I'm going to
9 try my best to stay up with you.

10 CHAIRPERSON PREZEAU: Okay. Good. I appreciate
11 that.

12 And Ms. Kellogg, you've been here before, so you --
13 do you have any questions about the process?

14 ASSISTANT ATTORNEY GENERAL KELLOGG: No questions.
15 Thank you.

16 CHAIRPERSON PREZEAU: Very good.

17 So with that, Mr. Laymon, if you -- and I just want
18 to make sure you understand. We have -- all the Board
19 members have this same packet that you brought with you
20 today and all the information that's in there, and no new
21 evidence can be included. So in the event that you spoke
22 to the Fricks between the January 29, 2019, hearing at the
23 -- in front of ALJ Schuh, if you have new information, we
24 can't hear any of that today. Are we good?

25 MR. LAYMON: I have no new information.

1 CHAIRPERSON PREZEAU: Very good.

2 ASSISTANT ATTORNEY GENERAL THOMURE: Madam Chair,
3 perhaps Ms. Kellogg, could address the issue of how she
4 wants to handle summary judgement versus the merits. She
5 did file a summary judgement motion.

6 (Addressing Ms. Kellogg) If you could just address
7 how you'd like the Board members to handle that.

8 ASSISTANT ATTORNEY GENERAL KELLOGG: I did file a
9 motion for summary judgement which is a motion that asks
10 the Board to make a decision based on agreed facts and
11 applying those agreed facts to the law. And I did that
12 because there are two issues in this case, and the IAJ
13 deal -- dealt mostly with the second issue.

14 And so my summary judgment was involving the
15 temporary wiring of the well pump to the well controller
16 in order to pump out the chlorine. And there was some
17 confusion, and the Chair was unable to make a decision on
18 that matter, and so it was rolled over to the Board.

19 So I will be addressing that issue that's part of
20 the motion for summary judgement, but I will also be
21 addressing a second issue.

22 So I'd like to go ahead and resolve the case here
23 without just doing the motion. I'd like to make argument
24 on both of those issues.

25 ASSISTANT ATTORNEY GENERAL THOMURE: So we'll proceed

1 on the merits.

2 CHAIRPERSON PREZEAU: So we'll hear the appeal, and
3 the Board should disregard the motion for summary
4 judgement?

5 ASSISTANT ATTORNEY GENERAL KELLOGG: No. They can
6 consider the motion, but I will also make argument on the
7 merits on the second issue that the IAJ dealt with.

8 CHAIRPERSON PREZEAU: So you're reserving both.

9 ASSISTANT ATTORNEY GENERAL KELLOGG: Yes.

10 CHAIRPERSON PREZEAU: Very good.

11 Do Board members understand that?

12 And this was -- I didn't make a motion -- I didn't
13 rule on the motion for summary judgement for the same
14 reason I didn't make a decision on the PNW case because
15 the motion for summary judgement came very close to the
16 Board, and I wanted the Board members to have the ability
17 to weigh in on both matters if they were both in play at
18 this point.

19 Does that make sense? Very good.

20 And Mr. Laymon, does that make sense?

21 MR. LAYMON: I didn't hear you all that good. But I
22 think so.

23 CHAIRPERSON PREZEAU: So basically even though the
24 Department made a motion for summary judgement on the
25 matter of the allegation that you made the connection

1 between the well pump and the permanent wiring originating
2 from the pump house and -- but we are going to -- in
3 addition to whether or not the allegation that you
4 installed the branch circuit, we're going to hear the
5 argument -- we're going to hear arguments from both of you
6 regarding both of those allegations.

7 Does that make sense?

8 MR. LAYMON: I heard that. Yes.

9 CHAIRPERSON PREZEAU: Very good.

10 MR. LAYMON: So Mr. Laymon, would it help if we
11 actually physically moved your table forward?

12 MR. LAYMON: I think I could sit beside you and these
13 fans would make it hard to understand. It's not that I
14 can't hear; it's that I can't discern the different
15 sounds. It's the background noise issue; it's not
16 deafness.

17 ASSISTANT ATTORNEY GENERAL THOMURE: I'm just
18 wondering if -- if it's right above you if that's causing
19 some interference, if you want to move forward, or if
20 that's possible or not.

21 THE COURT REPORTER: It'll help me.

22 CHAIRPERSON PREZEAU: It'll help you?

23 THE COURT REPORTER: (Nodding affirmatively.)

24 CHAIRPERSON PREZEAU: Yeah, Mr. Laymon, why don't you
25 physically move that table closer to ...

1 (Pause in proceedings.)

2 Very good. Perfect.

3 All right. Milton, you good?

4 THE COURT REPORTER: Yeah.

5 CHAIRPERSON PREZEAU: Very good.

6 And no, we're not turning the air conditioning off.

7 All right, Mr. Laymon, please present your case.

8 MR. LAYMON: The case is pretty simple. I was
9 accused of doing work I didn't do. It's pretty well
10 simple.

11 The electrical inspector met a homeowner that was in
12 Alaska when the work was being done, and he assumed I had
13 done some work that I didn't do. He later figured out
14 that he was mistaken.

15 The electrical inspector called me and indicated I
16 had done it wrong. I didn't do it wrong. So I figured he
17 was just kind of calling up to harass because that's
18 happened in the past when we first got licensed. Under
19 our license, we have a -- (inaudible) -- into the system.
20 So I just assumed it was just another one of those phone
21 calls that you're better off to ignore, and I just said,
22 "Yeah, I'll get right on that" because I figured it was
23 just a harassing phone call. And I didn't do anything.

24 And so then later on, they wrote me a ticket for it.

25 And so I went to the hearing, and I explained that I

1 didn't do the work, had nothing to do with the work. And,
2 of course, they didn't believe me.

3 Went into a second hearing in which -- I want to say
4 Ms. Keller?

5 ASSISTANT ATTORNEY GENERAL KELLOGG: Kellogg.

6 MR. LAYMON: Pardon?

7 ASSISTANT ATTORNEY GENERAL KELLOGG: Kellogg.

8 MR. LAYMON: -- Kellogg threatened to subpoena some
9 records. So I gave them the records.

10 The records indicated -- or e-mails indicated that
11 we were never supposed to do the job, that the homeowner
12 was going to do the job.

13 The homeowner pulled the permit to do the job. I
14 talked to the homeowner. They wanted to do the
15 electrical. We don't care; we're not into the electrical
16 anyway. We're just a pump company.

17 So basically we went out and installed the pump.
18 The homeowner made the connection. Homeowner ran the
19 wire. Homeowner did the work.

20 When the homeowner called for the inspection, the
21 husband came back from Alaska, and he assumed that I had
22 done the work. So when something wasn't done properly, I
23 was accused of being the person that didn't do it properly
24 when it wasn't me.

25 We went to the hearing, and they said it wasn't me.

1 I said it wasn't me. Everybody who knows anything says it
2 wasn't me. I'm still here in front of you being accused
3 of doing the work I didn't do.

4 That's basically all I can tell you.

5 CHAIRPERSON PREZEAU: Thank you, Mr. Laymon.

6 Ms. Kellogg.

7 ASSISTANT ATTORNEY GENERAL KELLOGG: Good morning.

8 The facts in this case are relatively simple. The Fricks,
9 Mr. and Mrs. Frick wanted a well installed on their new
10 property, so they called Advanced Drilling and Robert
11 Laymon who installed a well without a permit.

12 There were two issues in this case, as I mentioned.
13 One of them is a temporary wiring of the well head to the
14 electrical current. And this is something that Mr. Laymon
15 does not dispute. And so for that particular issue, it's
16 a legal question as to whether or not a permit is
17 required.

18 The second issue is who installed and wired the
19 controller to the well. As Mr. Laymon indicated, Mr.
20 Frick had done some of the work on the land.

21 If you take a look at Exhibit 2, page 1, there's a
22 picture, and it shows what this new property looked like.
23 And Mr. Frick did purchase a permit for running the
24 electrical line from the meter box which is to the very
25 right-hand side -- and you can't quite see it -- in the

1 picture in Exhibit 2, page 1, and ran the line from the
2 meter box to a subpanel in the pump house. The pump house
3 is the little structure that appears to the left.

4 And as you can see to the very, very left of the
5 picture, the black vertical cylinder is the well itself.

6 So Mr. Frick did purchase a permit to go to the pump
7 house. There was no permit for installing the well
8 controller, no permit for running the line through the
9 ditch. As you can see on page 2 there is a ditch with
10 conduit which contains the lines from the controller that
11 go to the pump.

12 Mr. Laymon needed to run the chlorine out of the
13 pump, and so he connected the wires from the well head to
14 the controller in order to pump out the chlorine. That
15 also needed a permit.

16 So when the inspector arrived on the site, the
17 inspector noticed that there was no permit for the
18 controller or for the lines that went to the well and
19 asked Mr. Frick, "Who did this work?"

20 Mr. Frick had not been there at the time that the
21 work was done, and he just assumed that it was Mr. Laymon.

22 So the inspector called Mr. Laymon, and Mr. Laymon
23 said, "Oh, I forgot. I'll get a permit." And he did.

24 So the first issue here is the legal issue. And that
25 is the one, Can you temporarily connect wires to power and

1 then disconnect them without having a permit? The
2 Department's position is no, you cannot.

3 Under 19.28.101, an inspector must inspect all
4 wiring. An electrical contractor must purchase and post a
5 permit before it can install any electrical wires. That's
6 under 19.28.041. All wiring must be in strict conformity
7 with the electrical laws. That's 19.28.010 and WAC
8 296-46B-901.

9 The only way that you're going to be able to tell if
10 the wires are in conformity with the law is if this is an
11 inspection performed. There is nothing in the law that
12 says you can temporarily wire and then disconnect and not
13 have a permit. So the Department's position is that just
14 on that issue alone the citations are supportable.

15 But there is that second issue. And the second issue
16 is whether Mr. Laymon installed the well controller and
17 then wired the well controller to the well. That is the
18 issue of fact. There is no doubt that one needs a permit,
19 and there's no dispute that a permit was required for that
20 kind of work.

21 Mr. Laymon denies that he did this work. Ms. Frick
22 who did some connections denies that she did this work.
23 She only connected the wires that were already run. And
24 as you may recall from her testimony, she came to the
25 property. She needed water. There was no water when she

1 flipped -- or turned the faucet on. So she went out to
2 investigate it, and she just connected the wires that she
3 could tell from the well controller chart needed to be
4 connected in order to get the water.

5 Mr. Frick also denied that he did this work. And if
6 you take a look at his testimony, for example, the
7 Electrical Board appeal packet page 246, he's asked the
8 question at line 6: "So in Exhibit 2, page 3, this box to
9 the left-hand side, is that like a well controller?"

10 CHAIRPERSON PREZEAU: I'm sorry, whose testimony is
11 this?

12 ASSISTANT ATTORNEY GENERAL KELLOGG: This is the
13 testimony of Mr. Frick that appears on 246.

14 CHAIRPERSON PREZEAU: Thank you.

15 ASSISTANT ATTORNEY GENERAL KELLOGG: And the answer
16 is: "This is a well control panel here. It has three
17 circuits and a ground coming in from the well. It has a
18 wire going from here to the pressure switch, from the
19 pressure switch back to the subpanel."

20 Question: "Did you do any of that work?"

21 Answer: "I did not."

22 He also testifies on the next page, page 247 on line
23 10 where the question is asked: "So did you lay any wire
24 in this ditch that appears on page 2?"

25 Answer: "I did not."

1 Question: "And did you run any wire up the conduit
2 of the --"

3 Answer: "I did not."

4 Then on page 249, he testifies again at line 18 when
5 the judge asked the question: "When Mr. Simmons asked you
6 who did the work, what did you consider to be the work he
7 was asking about?"

8 Answer: "The control panel and to the well, and I
9 knew I had run a line to the control panel, but had not
10 hooked it up. It was not there when I left. It was there
11 when I got back."

12 So that leads you to believe that there wasn't a
13 control panel in the pump house when Mr. Frick left. And
14 he clarifies that on page 251 on line 8 where the question
15 is asked: "So it's my understanding of your testimony
16 though in this case that the well controller was not put
17 in by yourself?"

18 Answer: "I was not there when it was installed. I
19 was in Alaska. I was out in the bush. I had very
20 sporadic text coverage out there. It was a trip I could
21 not delay."

22 So it's clear from Mr. Frick's testimony that he did
23 not install the well controller, neither did he do the
24 wiring to the well itself.

25 Now, the ALJ dealt with this dispute of fact under

1 Finding of Fact 4.20 which appears in your Electrical
2 Board packet at page 80. And the judge says on the second
3 line: "No entity or individual has been identified by
4 anyone that had anything to do with the electrical work
5 connecting the well other than the Fricks, Advanced
6 Drilling and Mr. Laymon. I would expect the Fricks to
7 clearly say so if they had hired someone in addition to
8 Advanced Drilling to do that work or did it themselves.
9 The disputed work is work that is within the scope of the
10 licenses maintained by Advanced Drilling and Mr. Laymon.
11 The disputed work is work that Advanced Drilling and Mr.
12 Laymon often -- although by no means always -- do when
13 installing a pump. Given that Mr. Frick told Mr. Simmons
14 that Advanced Drilling did the work, given that Mr.
15 Frick's later retraction is vague, given that Mr. Laymon
16 did not deny doing the work until after receiving
17 citations, given that no one else has been identified as
18 the person or entity that did the disputed work, and given
19 that Advanced Drilling pulled wire from the well head to
20 the well controller and made temporary connections at the
21 well head and at the well controller to test the
22 installation, I find that Advanced Drilling did the
23 electrical work that connected the well head to the
24 electrical power apart from the reconnections later by
25 Mrs. Frick."

1 So in addition to the ALJ analysis, one could
2 conclude from the testimony that Mr. -- it's more probable
3 than not that Mr. Frick's testimony should be given
4 greater weight than Mr. Laymon's.

5 For one thing, Mr. Frick was not shy about getting
6 permits and having inspections. He testifies on page 244
7 about the work that he has done on that property, starting
8 at line 19, there is a question: "Did you purchase an
9 electrical permit on or about May 3rd, 2017, for your
10 property?"

11 Answer: "You have the dates. I do not. I purchased
12 numerous permits. We did all of our own work. I know I
13 performed a permit for the master panel, the RV panel
14 coming off the power grid, and got that inspected. Then I
15 had an inspection for a master cut-off switch, which had
16 to be 30 feet from the residence. Then I had a permit for
17 the subpanel in the well house and all the well work. I
18 permitted everything I thought I had to have permitted.
19 And up until the last inspection, everything went real
20 good. I really got a good working relationship with the
21 inspector who had been out there. I learned quite a bit.
22 It was a good experience."

23 So if you contrast that with Mr. Laymon's experience
24 with permitting, Mr. Laymon is on his second occurrence.
25 He had one warning and one prior occurrence. And the firm

1 also had a prior warning.

2 Mr. Laymon is the administrator of the firm. It is
3 his job to know when a permit is required. It is his job
4 to ensure that the firm purchases a permit. And Mr.
5 Laymon did neither in this case.

6 Citation ESIMZ00385 was issued to Mr. Laymon for a
7 violation of 19.28.061, subsection (5), subsection (d)
8 because he failed to ensure that all permits were
9 purchased for the firm. This is a second occurrence with
10 a \$500 penalty. That appears in your packet at Exhibit
11 10.

12 The firm was issued citation ESIMZ00384, and that's a
13 violation of 19.28.101 which was a failure to get a
14 permit. First occurrence, \$250. And that appears as
15 Exhibit 9.

16 The Department asks that both of the citations be
17 affirmed for two reasons. The first reason is the first
18 issue, there's no dispute that the well head was connected
19 to power temporarily, and that requires a permit; and the
20 disputed fact that Mr. Laymon installed a controller and
21 also the wiring that went out to the well. The testimony
22 shows that it's more probable than not that Mr. Laymon
23 laid those wires and installed the well controller.

24 Do you have any questions?

25 CHAIRPERSON PREZEAU: Any questions for Ms. Kellogg?

1 BOARD MEMBER BAKER: So the controller and the branch
2 wiring from the controller out to the well head, the
3 Department is pointing their finger at Mr. Laymon saying
4 he installed that?

5 ASSISTANT ATTORNEY GENERAL KELLOGG: Yes.

6 And Mr. Frick indicated he did not install that. And
7 there's no one else identified that's working on that
8 besides the Fricks and Advanced Drilling.

9 BOARD MEMBER BAKER: So in my mind, that's the big
10 question right here right now for me is who actually did
11 that.

12 I see Mr. Laymon shaking his head no, that he didn't
13 do that.

14 ASSISTANT ATTORNEY GENERAL KELLOGG: So that's one
15 of the questions.

16 BOARD MEMBER BAKER: But I'm looking for the
17 evidence.

18 ASSISTANT ATTORNEY GENERAL KELLOGG: So --

19 CHAIRPERSON PREZEAU: Let me help you out. Let me
20 help you out.

21 So I really poured into this case because it was
22 riveting actually.

23 BOARD MEMBER BAKER: We should have got coffee.

24 CHAIRPERSON PREZEAU: I'm sorry?

25 BOARD MEMBER BAKER: We should have got coffee.

1 CHAIRPERSON PREZEAU: Yeah. Well

2 And I'm looking on Electrical Board appeal packet
3 page 258, line 4 -- excuse me -- line 3. And this is
4 testimony, direct examination by Ms. Kellogg of Mrs.
5 Frick. And Ms. Kellogg asked her on line 3: "What work
6 did you perform?"

7 Answer: "I helped my husband do a lot of the
8 electrical installation that he did, and we needed water
9 for the mobile home when they brought it in, and so after
10 they did the testing and left, I had to make sure I had
11 water, so we had to hook up to the water."

12 Question: "When you say they, who are you referring
13 to?"

14 "Advanced Drilling."

15 Question: "Okay. What is it that Advanced Drilling
16 did, to your knowledge?"

17 Answer: I wasn't there when they did the work. When
18 I came home from work, there was no water, so I turned on
19 the panel and it didn't work, so I had to follow some
20 wires, and I hooked up different wires and followed the
21 pattern on the control panel and got water."

22 I don't believe, unless anyone can point me, that
23 there is anyplace in this record where any entity actually
24 observes Mr. Laymon and Advanced Drilling installing the
25 branch circuit, installing the pump controller, installing

1 the conduit that runs to the mast head -- or to the well
2 head. I believe that -- unless somebody can show me
3 somewhere in this record where it indicates that Mr.
4 Laymon did that work -- Mr. Frick wasn't there. Mrs.
5 Frick's testimony is that -- how I interpret this --
6 Advanced Drilling came, did the test and left. And she
7 wasn't even there. That's what I understand to be true.

8 Is there anybody that can show me any credible
9 evidence in here that says that Mr. Laymon did the branch
10 circuit wiring?

11 BOARD MEMBER LaMAR: I got the same observation.

12 CHAIRPERSON PREZEAU: Okay.

13 BOARD MEMBER NORD: And I agree.

14 CHAIRPERSON PREZEAU: Okay. So I don't think that
15 there's anything in here that indicates that Mr. Laymon
16 did that work without a permit. And I believe the record
17 actually indicates in the -- I believe it's the January
18 transcript, January 29, 2019, and I don't remember if it's
19 Mr. Bierward or if it's Mr. Simmons' testimony that
20 indicates that the Fricks' permit that they purchased to
21 do the pump house and the receptacles and the stuff in the
22 pump house including the pump controller actually would
23 cover the branch circuit that goes from the controller to
24 the well head.

25 BOARD MEMBER LaMAR: If I understand you correctly,

1 you're saying the Fricks' permit.

2 CHAIRPERSON PREZEAU: Yes.

3 BOARD MEMBER LaMAR: Okay.

4 CHAIRPERSON PREZEAU: And given the vagueness of Mrs.
5 Frick's testimony, I think it's highly possible, but
6 again, there's no direct testimony, but it is highly
7 possible that Mr. and Mrs. Frick actually ran the branch
8 circuit themselves and not -- but again, there's no
9 concrete evidence that indicates to me that Mr. Laymon
10 violated -- or that Mr. Laymon installed the branch
11 circuit.

12 BOARD MEMBER BAKER: So we're on the same page. And
13 I'm asking the same question.

14 CHAIRPERSON PREZEAU: Yep.

15 BOARD MEMBER BAKER: But if you look at the
16 Department's exhibit of the electrical permit that the
17 Fricks pulled, if you look at that permit --

18 CHAIRPERSON PREZEAU: Hang on, hang on.

19 BOARD MEMBER BAKER: Page 123. -- this looks
20 exactly like what I'd expect the homeowner permit to look
21 like.

22 (Addressing court reporter) Milton, you can clean
23 that up a little bit maybe.

24 Running electrical lines from meter box to existing
25 well house. They didn't run from the meter box; they ran

1 from the panel in their house. This is a permit that a
2 homeowner pulled. This is the language that an industry
3 person outsider would use.

4 Then they have \$101.60 for a feeder that's 0 to 200
5 amps. That's the feeder that goes from the mobile home or
6 modular home out to the well house. A feeder by
7 definition is a circuit that doesn't terminate -- it
8 terminates at another overcurrent device. It's not the
9 last overcurrent device in the system, right? So that's
10 the feeder. It went out to the well house, the subpanel
11 that was referred to.

12 Then right below you see an additional feeder, the
13 \$30.10. What's that? Well, there's no --

14 CHAIRPERSON PREZEAU: That's the line to the --

15 BOARD MEMBER BAKER: That's the line going to the
16 well head. It's really not a feeder; it's a branch
17 circuit.

18 CHAIRPERSON PREZEAU: You know what's interesting
19 about the pictures? If you look at the pictures of the
20 installation itself, the Department's exhibit, the conduit
21 going up the well head is not supported, which -- like a
22 contractor --

23 BOARD MEMBER BAKER: There's a lot of stuff, right?

24 CHAIRPERSON PREZEAU: There's no straps on any of the
25 conduit that comes out of the pump controller and goes

1 down underneath, right? And there's no straps on the
2 flexible nonmetallic conduit that goes to the pressure
3 switch, which --

4 BOARD MEMBER BAKER: So it's apparent to me that the
5 homeowner pulled the permit to do the installation
6 including the branch circuit -- to the branch circuit out
7 to that well head.

8 CHAIRPERSON PREZEAU: I do believe it is not in
9 dispute -- and this is where I have trouble -- it is not
10 in dispute that Mr. Laymon hooked up the pump to the
11 power, the branch circuit that was likely installed I
12 believe by the Fricks. And the problem with that is
13 technically he needs a permit to do that.

14 BOARD MEMBER BAKER: Let me share one more thing.

15 CHAIRPERSON PREZEAU: Very good.

16 BOARD MEMBER BAKER: So in the WAC rules, 296-46B-925
17 all the way down to section 14.

18 CHAIRPERSON PREZEAU: Hang on.

19 BOARD MEMBER BAKER: 296-46B-295 (sic).

20 CHAIRPERSON PREZEAU: 925?

21 BOARD MEMBER BAKER: 925.

22 CHAIRPERSON PREZEAU: Okay.

23 BOARD MEMBER BAKER: Section (14) Assisting a
24 householder. A friend, neighbor, relative, or other
25 person including a certified electrician may assist a

1 householder in his or her residence in the performance of
2 electric work on the condition that the householder is
3 present -- you have to define "present" because it sounds
4 like Mr. Frick was in Alaska, and Mrs. Frick might have
5 been at the grocery store or something -- when any
6 electrical work is performed and the person assisting does
7 not accept any money or any other forms of compensation --
8 which we know he did not because his initial proposal
9 didn't say anything about doing electrical work. His
10 invoice didn't list any electrical work. There's no
11 evidence that he ever received any compensation for doing
12 any electrical work.

13 Making a temporary connection to a well head so he
14 can pump out chlorine in my mind does not require to pull
15 a permit when the homeowner already has a permit in place
16 for the electrical work. The homeowner has assumed
17 responsibility for the electrical work. And him making a
18 temporary connection does not constitute the requirement
19 of pulling -- (inaudible).

20 CHAIRPERSON PREZEAU: So -- (inaudible)

21 BOARD MEMBER BAKER: That's an overreach by the
22 Department.

23 ASSISTANT ATTORNEY GENERAL THOMURE: I just want to
24 make sure you guys don't talk over each other.

25 CHAIRPERSON PREZEAU: Okay.

1 So the other thing is -- so thank you for that
2 because I hadn't found that.

3 BOARD MEMBER BAKER: Yeah.

4 CHAIRPERSON PREZEAU: But if you look at the -- in
5 19.28 in the definitions, there's a definition of basic
6 electrical work, which basic electrical work otherwise
7 known as Class A electrical work is exempt from permitting
8 and inspections.

9 So basic electrical work means the work classified in
10 (a) and (b) of this subsection as Class A and Class B
11 basic electrical work. (a) "Class A basic electrical
12 work" means the like-in-kind replacement of a: Contactor,
13 relay, timer, starter, circuit board, or similar control
14 component; household appliance; circuit breaker; fuse;
15 residential luminaire; lamp; snap switch; dimmer;
16 receptacle outlet; thermostat; heating element; luminaire
17 ballast with an exact same ballast; ten horsepower or
18 smaller motor; or wiring, appliances, devices, or
19 equipment as specified by rule.

20 And it is my understanding that there is Department
21 policy that goes back several years that in the event a
22 03A administered contractor pumps the pump, pumps the
23 chlorine out using a generator for non-permanent power
24 does not require a permit or inspection.

25 And so I poured over this hoping that -- because

1 Mr. Laymon brings that up in the testimony from January
2 29, 2019, and even asks the question: If I hooked it to a
3 gen set rather than -- if I hooked it to a gen set, would
4 it require a permit?

5 And the answer's no.

6 So then I reviewed the record again to determine if
7 the record actually indicates that he hooked it to the
8 permanent power. And I believe it does.

9 The challenge that I am having is had this been a
10 like-in-kind replacement of a existing well pump, if the
11 pump was 10 horsepower motor or less, it's Class A work.
12 And given that you can replace -- some of the things that
13 are allowed under Class A work that don't require a permit
14 or inspection actually includes getting inside a panel.
15 You can replace a circuit breaker. You can replace a
16 fuse. All of the things that are included in here
17 encompass -- making splices, accessing a panel. That's
18 even more difficult or it needs greater attention to
19 safety than splicing a hot and a neutral and a ground.

20 And so my challenge is: I believe that there is a
21 hole in the WAC and the RCW. And I don't -- I guess I
22 need to read 925 one more time.

23 BOARD MEMBER JENKINS: Madam Chair?

24 CHAIRPERSON PREZEAU: Yes.

25 BOARD MEMBER JENKINS: On the other flip side of all

1 that, on page 274 of our packet, the first paragraph, --

2 CHAIRPERSON PREZEAU: Hand on.

3 BOARD MEMBER JENKINS: -- the second -- line 2
4 towards the end. "... I hooked the wires together with a
5 wire nut and ran the chlorine out of the well, and then I
6 unhooked it and left"

7 So I -- if the Department's direction is correct,
8 making a connection is simply -- that's the violation --
9 that's the violation that happened.

10 As far as the wiring that goes to the building, my
11 other issue I have is when you go out there, and he says
12 he hooks the wires up to the pump, runs it and leaves --
13 or disconnects and leaves, there's a bunch of other wiring
14 that was not connected to that apparently through
15 testimony. So someone had to have connected all those key
16 connection points.

17 CHAIRPERSON PREZEAU: Mrs. Frick did that.

18 BOARD MEMBER JENKINS: But prior to the -- prior to
19 the testing someone had to make all those connections,
20 test the pump, go back and disconnect all those because
21 she came back later and reconnected them again.

22 So my problem is -- because that's what I understand
23 anyway. Because the pump wasn't running, they tested it,
24 and she came back and found out the pump didn't run, to
25 turn the switch on; therefore, she had to go back and make

1 all these connections to make it happen now.

2 So someone had to go out there, make the connection
3 to the pump and all of the rest of the connections all the
4 way back to the actual panel, and then disconnect them all
5 if he's pumping out the water to the system. And
6 unfortunately there's nothing that talks about that
7 interim there. There's no more evidence in there as far
8 as who made all of the initial connections and
9 disconnected them.

10 So my problem I have as an electrician, if I walk out
11 there to a pump and I have two wires sitting out there, I
12 make those two wire connections and assume everything's
13 working and turn the switch on, that's kind of a violation
14 of my license, go wait a second, what happens -- where did
15 this circuit come from? What fed this? Is the pump
16 controller connected? Is it safe? Is there a wire
17 sticking out attached to some pipe somewhere?

18 As an electrician, I would be going back and
19 verifying is the pump connected? is the controller
20 connected? is all this stuff ready to go for me to test it
21 out to run power to it?

22 So there's my opinion of it. There's a problem with
23 either the installation was done unsafely or it was all
24 done by Mr. Laymon's testing the system out, disconnected
25 this thing, well, now your permit covers this, and so you

1 can install it. So either one, it's an unsafe testing
2 procedure or there's a problem with who actually installed
3 all those devices.

4 So regardless of all that because of this statement
5 here in that paragraph, it's a violation of the WAC code.
6 I can't see any way around that. Made a connection to the
7 utility, disconnected it, ran it. It's a violation. The
8 rest of the stuff is just -- it's kind of irrelevant in my
9 opinion.

10 CHAIRPERSON PREZEAU: Thank you, Jason.

11 I think -- Pam, do you want to inform the Board of
12 the possible options that we discussed.

13 ASSISTANT ATTORNEY GENERAL THOMURE: So I have two
14 things that I could inform the Board of. One, what type
15 of evidence under the APA you have in terms of what you
16 can rely on in terms of findings of fact.

17 The Board does have the option also under the APA to
18 affirm or not affirm the decision. There is an option
19 that if you feel there is evidence that is missing that
20 you think is critical to the decision, the Board can
21 remand it back to the Office of Administrative Hearings to
22 -- for there to be additional testimony, additional
23 evidence taken into the record.

24 Is the Board interested in terms of what your job is
25 in terms of the findings of fact? I can read that to you

1 if you like.

2 I think this is -- I think it's somewhat important.
3 So under RCW 34.05.461(4) it says: Findings of fact shall
4 be based exclusively on the evidence ... in the
5 adjudicative proceeding ... on matters officially noticed
6 in that proceeding. Findings shall be based on the kind
7 of evidence on which reasonably prudent persons are
8 accustomed to rely in the conduct of their affairs.
9 Findings may be based on such evidence even if it would be
10 inadmissible in a civil trial. However, the presiding
11 officer -- in this case, the Board -- shall not base a
12 finding exclusively on -- and I'm going to paraphrase --
13 hearsay evidence unless the Board determines that doing so
14 would not unduly abridge the parties' opportunities to
15 confront witnesses and rebut the evidence.

16 So I just point that out in terms of what you're
17 supposed to look at.

18 CHAIRPERSON PREZEAU: Okay. Thanks, Pam.

19 Questions of Pam?

20 BOARD MEMBER BAKER: Madam Chair?

21 So for me, the facts are that the Fricks pulled an
22 electrical permit --

23 CHAIRPERSON PREZEAU: Let me just -- real quick.

24 So Electrical Board appeal packet page 406. And this
25 is direct examination of Mr. Simmons by Mr. Laymon.

1 Starting on page -- or starting on line 5, Judge Schuh --
2 S-C-H-U-H: "That's not the question. The question was if
3 Mr. Frick said Mr. Laymon did not do the electrical work
4 here?"

5 Mr. Simmons -- S-I-M-M-O-N-S: "If Mr. Frick said
6 that Mr. Laymon did not do the electrical work, I would
7 not have issued Mr. Laymon a citation."

8 Judge Schuh: "Thank you. Next question?"

9 Question by Mr. Laymon: "If Mr. Frick's testimony
10 was that he was under the impression I had done the work,
11 he jumped to the conclusion that I had done the work since
12 the work was done, and he found out later that I hadn't
13 done the work, if that was his testimony, would you have
14 issued me a citation?"

15 Which I think that actually is -- it says it's Judge
16 Schuh. I think that's actually Mr. Layman.

17 Ms. Kellogg: "Again, calls for speculation."

18 Judge Schuh: "And it's good to have that in the
19 record, but I will overrule the objection. Please answer
20 the question."

21 Mr. Simmons' answer: "No."

22 It's clear to me that if Mr. Simmons knew that
23 Mr. Laymon did not do the work which was determined by
24 the Fricks' testimony, that he would not have issued
25 either of the citations. That's the inspector for the

1 state of Washington.

2 Next page.

3 Oh, well, I should add. So Mr. Simmons on line 23
4 says: "No."

5 Question by Mr. Laymon: "You weren't here for
6 Mr. Frick's testimony, correct?"

7 Answer: "No."

8 Question: "If I was to tell you that Mr. Frick said
9 in his testimony that he assumed I did the work and that
10 it was brought to his attention later that it wasn't me,
11 would you sit here now and say I shouldn't have received
12 the citation?"

13 Answer: "If Mr. Frick was sure ... you did not do
14 the work, then I would not have issued you a citation, if
15 that answers your question."

16 "It does. Thank you very much."

17 The Chair would entertain a motion.

18 BOARD MEMBER LaMAR: I just -- I have a question, a
19 comment.

20 So with the testimony showing that Mr. Frick has a
21 supposedly wonderful history of pulling permits, it makes
22 me wonder why he would actually hire somebody out to do
23 electrical if he does his own. And -- (inaudible). I
24 don't think the State actually made its argument.

25 CHAIRPERSON PREZEAU: I agree.

1 reverse the ALJ's initial order and -- I'm on page 82 of
2 the Board packet under Initial Order 6.2. Non-compliance
3 Citation ESIMZ00384 it says is affirmed and Advanced
4 Drilling LLC is liable for payment. I would say "is not."
5 The citation is denied? Is that the right term? And is
6 not liable for payment of the civil monetary penalty of
7 \$250 for that violation.

8 At 6.3, Non-compliance Citation ESIMZ00385 is denied
9 and Robert D. Laymon is not liable for payment of the
10 civil monetary penalty of \$500 for that violation.

11 CHAIRPERSON PREZEAU: Before there is a second, I
12 want to talk to the maker of the motion because there's
13 some additional things to consider.

14 In findings of fact 4.9, because we -- in order to
15 make a -- right? -- proper record, --

16 BOARD MEMBER BAKER: I know.

17 CHAIRPERSON PREZEAU: -- we need to clarify
18 statements in the proposed final order that are
19 inconsistent with the motion, the intent of your motion.

20 And so I would like to suggest to you that you --
21 before it gets seconded -- amend the motion to also in
22 addition to what you just said strike findings of fact
23 4.9 --

24 BOARD MEMBER BAKER: I agree.

25 CHAIRPERSON PREZEAU: -- strike finding of fact 4.10.

1 And I'm not 100 percent sure what to do with finding of
2 fact 4.20.

3 And my -- for clarity -- or for simplicity, I'm
4 asking for your consideration in striking that entire --
5 striking 4.20 as part of your motion.

6 BOARD MEMBER BAKER: I will amend my motion to
7 include striking finding of facts 4.9 and 4.10. And I
8 have to read 4.20 again.

9 BOARD MEMBER CUNNINGHAM: Madam Chair?

10 CHAIRPERSON PREZEAU: Yes.

11 BOARD MEMBER CUNNINGHAM: If I recall correctly in
12 the record, Mr. Laymon acknowledges that he did
13 temporarily -- (inaudible) -- So I don't think that is
14 disputed. 4.10.

15 CHAIRPERSON PREZEAU: Okay. Yep. Okay. So retain
16 this one.

17 And what do you -- Don, as the maker of the motion,
18 have you finished reading 4.20?

19 BOARD MEMBER BAKER: Yeah. What do you see in 4.20
20 that you think needs to be struck?

21 I agree 4.10 he did provide testimony that he made
22 that connection.

23 CHAIRPERSON PREZEAU: Well, I guess the only thing
24 that I can find -- I mean, I don't know that Mr. Frick's
25 later retraction is vague.

1 BOARD MEMBER BAKER: I just don't think --

2 CHAIRPERSON PREZEAU: Well -- so here's the problem.

3 BOARD MEMBER GRAY: The last sentence.

4 CHAIRPERSON PREZEAU: So here's the problem. It
5 says, "... and given that Advanced Drilling pulled wire
6 from the well head to the well controller" -- that is not
7 in the record -- "and made" -- so that -- my proposal to
8 you as I'm doing this in real-time is striking the
9 sentence "and given that Advanced Drilling pulled wire
10 from the well head to the well controller." But it should
11 retain "made temporary connections at the well head,"
12 strike "and at the well controller," "to test the
13 installation," and then strike "I find that Advanced
14 Drilling did the electrical work that connected the well
15 head to electrical power, apart from the re-connections
16 later made by Ms. Frick."

17 BOARD MEMBER BAKER: Okay. How are we going to give
18 that to Milton (the court reporter)?

19 CHAIRPERSON PREZEAU: Yeah. So that's -- so let me
20 just see if we've got this before there's a second.

21 The motion in front of the Board --

22 ASSISTANT ATTORNEY GENERAL THOMURE: Can I make a
23 suggestion?

24 CHAIRPERSON PREZEAU: Please.

25 ASSISTANT ATTORNEY GENERAL THOMURE: That you also --

1 you go through the rest of the findings and conclusions to
2 make sure there's not any other suggestions of
3 modifications so that when the motion -- the maker of the
4 motion makes the motion, he can make a clear motion of
5 what needs to --

6 CHAIRPERSON PREZEAU: Okay.

7 ASSISTANT ATTORNEY GENERAL THOMURE: If he's willing
8 to --

9 CHAIRPERSON PREZEAU: So let's do this. Let's do
10 this.

11 Thank you, Pam. That's much simpler.

12 So Don, your motion --

13 BOARD MEMBER BAKER: On the initial order.

14 CHAIRPERSON PREZEAU: -- is -- let's just do them one
15 at a time.

16 BOARD MEMBER BAKER: We're just going to deal with
17 the initial order.

18 CHAIRPERSON PREZEAU: So your initial motion -- we'll
19 have more -- your initial motion is to -- at 6.1, "The
20 Department of Labor and Industries' action is denied."

21 BOARD MEMBER BAKER: Correct.

22 CHAIRPERSON PREZEAU: 6.2, "Non-compliance Citation
23 Number ESIMZ00384 is denied and Advanced Drilling, LLC, is
24 not liable for payment of a civil monetary penalty of \$250
25 for that violation."

1 And then 6.3, "Non-compliance Citation Number
2 ESIMZ00385 is denied" -- or "reversed" I guess -- "and
3 Robert D. Laymon is not liable for payment of a civil
4 monetary penalty of \$500 for that violation."

5 BOARD MEMBER BAKER: Correct.

6 ASSISTANT ATTORNEY GENERAL THOMURE: And could I
7 suggest that if the Board affirms or seconds and that
8 motion passes, that the corresponding findings and
9 conclusion of law will then be modified to --

10 CHAIRPERSON PREZEAU: That's my intent.

11 ASSISTANT ATTORNEY GENERAL THOMURE: -- be consistent
12 with the Board's decision.

13 CHAIRPERSON PREZEAU: That's my intent. That's our
14 intent.

15 So is there a second on the motion?

16 BOARD MEMBER NORD: Second.

17 CHAIRPERSON PREZEAU: Discussion on the motion?

18 BOARD MEMBER JENKINS: I have a comment.

19 On 4.10, if you can't remove that because that's what
20 happens --

21 CHAIRPERSON PREZEAU: That's not in the motion right
22 now.

23 BOARD MEMBER JENKINS: I know. I know.

24 CHAIRPERSON PREZEAU: Okay. We're going to -- so
25 discussion on the motion?

1 BOARD MEMBER JENKINS: If the motion passes, then
2 4.10 would be in conflict with that motion then.

3 CHAIRPERSON PREZEAU: Agreed.

4 We're going to take that up separately.

5 BOARD MEMBER JENKINS: Okay.

6 CHAIRPERSON PREZEAU: We're just going to do them
7 cookie cut, one at a time for simplicity's sake and it'll
8 make a good record.

9 BOARD MEMBER JENKINS: Okay. I just --

10 CHAIRPERSON PREZEAU: So discussion on the motion?

11 BOARD MEMBER CUNNINGHAM: So we're spending a lot of
12 time focusing on the disputed part of this whole thing,
13 and Jason touched on it earlier when he talked about the
14 hooking it up really is an act that needs to be permitted,
15 then we're -- we're looking off to the side focusing on
16 the wrong issue.

17 BOARD MEMBER JENKINS: Yes.

18 BOARD MEMBER CUNNINGHAM: So we never really drilled
19 down into Jason's point before. What's undisputed is --

20 CHAIRPERSON PREZEAU: I understand.

21 BOARD MEMBER CUNNINGHAM: -- hooked it up and
22 disconnected it.

23 CHAIRPERSON PREZEAU: Which is --

24 BOARD MEMBER CUNNINGHAM: So we're talking about
25 making a motion to get rid of his fines, but the reality

1 is, is that permissible? Should we be discussing whether
2 hooking it up and disconnecting it, you know, requires a
3 permit or not? Or do we even have the authority to
4 discuss --

5 CHAIRPERSON PREZEAU: Well, what I'm basing my
6 decision on, my individual decision is the testimony I
7 read -- the last testimony that I read, which indicates
8 that under direct examination or -- yes -- of Mr. Simmons,
9 the inspector who originated the citations, if had he
10 known that Mr. Frick's testimony under oath was that
11 Robert Laymon did not do the work, he would not have
12 issued the citations, period.

13 So for me, that's the inspector that actually
14 physically saw all of the work, and had he known that --
15 had Mr. Frick who was in Alaska when presumably the work
16 was performed told him "My wife did it" or "I did it and I
17 forgot" because -- you know. Then he would not have
18 issued any citations. So that's what I'm hanging my hat
19 on is the person from the Department who actually -- the
20 only person from the Department who actually physically
21 saw this installation and said if I had that piece of
22 information even though ...

23 BOARD MEMBER CUNNINGHAM: Okay.

24 CHAIRPERSON PREZEAU: Right? So I guess my point is,
25 Do I think that there probably -- this needs to be

1 clarified so that things like this don't happen in the
2 future? My answer to that is yes.

3 But I'm going with this.

4 ASSISTANT ATTORNEY GENERAL KELLOGG: May I speak to
5 that issue?

6 ASSISTANT ATTORNEY GENERAL THOMURE: There's -- I'm
7 sorry, there's a motion and a second, and that needs to be
8 resolved before there's -- and they're in the discussion
9 phase. So they have to -- unless the Board wants ...

10 CHAIRPERSON PREZEAU: No.

11 BOARD MEMBER JENKINS: The only issue I have with
12 that is that inspector would be assuming that all the work
13 including the temporary connections would have been done
14 by the Fricks. So made the connections, had he known
15 that, yeah, there would be no citation because they did
16 all the work. And all he would have done for testing was
17 turn the pump on, pump it out, turn it back off, and no
18 electrical wiring. But the inspector says, Well, yeah,
19 you did that work. Why would there be any permit
20 required?

21 That's why I think the last one is I don't take any
22 weight on that.

23 Like I know where you're coming from. I'm just going
24 -- the other issue I have is if the temporary hooking up
25 and disconnecting is not considered a violation now, what

1 about future installations? Is that going to be -- is
2 that going to affect, well, now, I'm okay with doing that?
3 I can temporary connect wires all I want and disconnect
4 them because I got told it's okay. Well, according to the
5 State and according to the rules I know, it's not okay.
6 And so for us to ignore that and say, well, we're going to
7 remove all the violations, remove all the fees is in
8 contra -- contradiction to what the state requires as far
9 as temporary hooking it up, disconnecting it is electrical
10 work. Therefore, if we remove the violation, it's just
11 allowing that process to continue, and we'll see this
12 again and again and again in the future every time someone
13 -- (inaudible) -- and disconnects something.

14 CHAIRPERSON PREZEAU: Well, and I -- I appreciate
15 that point. And I have similar concerns, which is why I
16 think that what is probably -- what I would be advocating
17 to the Department is clarifying in rule what is a --
18 because I don't believe that in the definitions -- because
19 I think I looked at this -- there's -- in the statute
20 there are no definitions of "temporary" or "permanent,"
21 and I don't believe there's much direction in the rule.

22 So I think that the way that I'm looking at this
23 specific case is not to establish precedent but to
24 identify a need for clarity in the rule to ensure the --
25 to safeguard, you know, obviously -- because we heard in

1 April that -- in March of 2019 electrical regulations in
2 the state of Washington turned 100 years old. So
3 Washington -- I'm very proud of that, right? as we all are
4 and should be.

5 We want to make sure that electrical installations
6 regardless if they are performed by a homeowner or a
7 contractor, regardless of what they're, you know, 01, 02,
8 03A, that they are safe and consistent with the National
9 Electrical Code. I agree with you.

10 But in my mind, I look at this case as an unfortunate
11 situation that kind of fell through a hole in lack of
12 clarity, and I am not -- I'm hopeful that that will be
13 resolved in a permanent way so that this situation -- so
14 that we continue to safeguard the proper installations and
15 public safety and all that and -- but not have somebody
16 fall through this hole again.

17 Bobby.

18 BOARD MEMBER GRAY: Thank you, Madam Chair.

19 I support the motion. The "ah-ha" moment for me I
20 think was clearly explained when we looked at the permit.
21 Because there was not an additional feeder installed.
22 There was an additional branch circuit installed. And had
23 that word been changed, I don't think we'd be discussing
24 this at all. So I -- I missed that. And I think that's
25 exactly right.

1 Thank you, Madam Chair.

2 CHAIRPERSON PREZEAU: Thanks, Bobby.

3 Any other discussion on the motion? The motion in
4 front of the Board is to reverse the ALJ's proposed final
5 order and -- excuse me -- and deny the Department's
6 actions and reverse both of the non-compliant citations,
7 one given to Advanced Drilling, LLC, and the one given to
8 Robert D. Laymon.

9 Does everybody understand the question?

10 All those in favor, signify by saying "aye."

11 THE BOARD: Aye (the majority).

12 CHAIRPERSON PREZEAU: Opposed?

13 BOARD MEMBER JENKINS: Nay.

14 CHAIRPERSON PREZEAU: The motion carries.

15

16 Motion Carried

17

18 Now let's take a look at the order.

19 ASSISTANT ATTORNEY GENERAL KELLOGG: May I have a
20 clarification on the ruling?

21 CHAIRPERSON PREZEAU: Yes, ma'am. Yes --

22 ASSISTANT ATTORNEY GENERAL KELLOGG: The motion for
23 summary judgement has not been addressed, and that is
24 whether or not there is a permit required for temporarily
25 wiring at the well head.

1 The Department's position is that a permit is
2 required. I haven't heard an actual decision on that.

3 CHAIRPERSON PREZEAU: That's a valid question.

4 ASSISTANT ATTORNEY GENERAL THOMURE: So if I can
5 clarify from a legal perspective.

6 CHAIRPERSON PREZEAU: Please.

7 ASSISTANT ATTORNEY GENERAL THOMURE: The motion for
8 summary judgement, a party may move for summary judgement
9 on the basis that based on the record there is no material
10 issue of fact, and that the Board should affirm the ALJ's
11 decision.

12 The motion right now has just reversed the ALJ's
13 decision. And I would suggest to the Board that that
14 impliedly denies summary judgement because you did look
15 at -- there is disputed fact upon which this Board
16 disagreed with the ALJ.

17 It would be only appropriate to rule on the summary
18 judgement motion if the Board agreed with the ALJ because
19 that's what the motion was for. So I think by
20 implication, the Board has dealt with the summary
21 judgement motion, i.e., the Board has said on the merits
22 there is not sufficient evidence to support the ALJ's
23 decision; therefore, there cannot be disputed --
24 undisputed facts that support the ALJ's decision.

25 Am I making myself clear?

1 THE BOARD: (Various members of Board) Yes.

2 CHAIRPERSON PREZEAU: Yes. I agree with you. Thank
3 you.

4 ASSISTANT ATTORNEY GENERAL KELLOGG: So presumably I
5 will be making an order for Laymon. The question is: Do
6 I put in the order that no permit is required for
7 temporarily wiring? Or do I say in this case, it's going
8 to be -- I don't know.

9 CHAIRPERSON PREZEAU: So let me see if we cannot
10 directly answer that question at this moment only because
11 I think it's going to get answered once we walk through
12 the order.

13 Does that make sense?

14 ASSISTANT ATTORNEY GENERAL KELLOGG: Yes.

15 CHAIRPERSON PREZEAU: Mr. Laymon, you have a
16 question?

17 MR. LAYMON: I just want to help you guys out and let
18 you know that the electrical work I do in the well
19 installing the pumps doesn't require a permit. So the
20 work is approved to be done and it isn't a permitted thing
21 to work in that well head installing the pump. Just to
22 help you out to let you know that I stayed in the well
23 head in the area that did the work that wasn't -- that
24 doesn't require a permit to install.

25 And one of the reasons it doesn't require a permit to

1 install is you can't inspect the work I do down in the
2 well, so there's no sense in having somebody come out and
3 inspect it.

4 ASSISTANT ATTORNEY GENERAL THOMURE: May I?

5 CHAIRPERSON PREZEAU: Uh-huh.

6 ASSISTANT ATTORNEY GENERAL THOMURE: What I would
7 suggest to the Board members is that you review the
8 findings and conclusions that need to be modified
9 consistent with the Board's decision. If the Department
10 has concerns about causing precedent that you've
11 identified, then the Department can then prepare a written
12 order which would reflect how the Department thinks those
13 concerns should be dealt with in light of the Board's
14 decision.

15 If Mr. Laymon and Ms. Kellogg can agree with the
16 terms of that order, then that can be presented to the
17 Board and it's a moot issue. If they can't, then they
18 can come back to this Board for presentment.

19 I'm suggesting to let the Department craft language
20 consistent with the Board's decision that would deal with
21 that issue that Ms. Kellogg has raised. And if Mr. Laymon
22 agrees -- maybe he doesn't -- then they can bring it
23 back. But they really -- I think the parties are in a
24 better position to identify what needs to be preserved
25 for that issue versus this particular appeal before the

1 Board.

2 CHAIRPERSON PREZEAU: So if I understand you
3 correctly, what you are proposing to the Board is that our
4 work under this appeal is likely completed, and that if
5 the parties agree, that they would work together to craft
6 a proposed final order that best reflects the Board's
7 actions and comments this morning.

8 ASSISTANT ATTORNEY GENERAL THOMURE: That's one
9 option, yes.

10 CHAIRPERSON PREZEAU: So that we don't have to
11 actually go through this and figure out what is
12 inconsistent in the proposed final order, that we can --

13 ASSISTANT ATTORNEY GENERAL THOMURE: You don't have
14 to. You can.

15 CHAIRPERSON PREZEAU: Mr. Laymon, would you be
16 willing to work with the Department through Assistant
17 Attorney General Nancy Kellogg to draft a proposed final
18 order which is very similar to the work that you did in
19 appealing this -- these citations to the Board? Do you
20 know what document I'm speaking about?

21 MR. LAYMON: I'm willing to work with anybody. I
22 don't think it will -- Mrs. Kellogg can stand me, so I
23 don't think we'll get anywhere. But I'm willing to try.

24 ASSISTANT ATTORNEY GENERAL KELLOGG: For the record,
25 I have no problem with Mr. Laymon.

1 CHAIRPERSON PREZEAU: I didn't think so.

2 So Ms. Kellogg, just to get on the record, are you
3 willing to work with Mr. Laymon in crafting a proposed
4 final order that more accurately reflects the actions and
5 the comments by Board members this morning?

6 ASSISTANT ATTORNEY GENERAL KELLOGG: Yes.

7 CHAIRPERSON PREZEAU: Very good.

8 Is that what the Board wants to do? Instead of
9 spending time reading through this and making it confusing
10 for Milton and -- because we like Milton a lot.

11 So the Board says yes, let the parties go forward and
12 craft the order. And if the order is --

13 Thank you. The Board has made its decision.

14 And Mr. Laymon as the prevailing party, you have not
15 prepared an order, but we have established that you will
16 work with the Department through Assistant Attorney
17 General Nancy Kellogg to do so.

18 If the parties are able to actually create something
19 today, it would benefit -- I understand the likelihood of
20 that is very slim, but I have to read this -- then let us
21 know if you need additional time or have reached an
22 agreement.

23 Please be advised that if you do not reach an
24 agreement today on the proposed final order, then this --
25 the order -- presentment of the order itself, not the

1 merits of the case, but the order itself will be
2 automatically set for presentment at the next regularly
3 scheduled Board meeting which is in October here in
4 Tumwater. If an agreed order has not been received by
5 that date, the parties will be expected to file their
6 proposed orders and appear again and advise why their
7 proposed order best reflects the Board's decision.
8 Hopefully this will not be necessary. If you are able to
9 reach agreement as to the form of the order before the
10 next meeting, please forward to the Secretary of the
11 Board's office, and they will ensure it gets signed and
12 copies provided to the parties.

13 Does that -- Mr. Laymon, does that make sense?

14 MR. LAYMON: Absolutely.

15 CHAIRPERSON PREZEAU: Very good.

16 Ms. Kellogg, does that make sense?

17 ASSISTANT ATTORNEY GENERAL KELLOGG: Yes.

18 CHAIRPERSON PREZEAU: Very good.

19 Any questions?

20 BOARD MEMBER GRAY: Thank you, Madam Chair.

21 Just to reiterate, what is the brick for lack of a
22 better term that will ensure that this order doesn't set
23 precedent for the Department regarding temporary testing
24 of that equipment?

25 And just so I'm clear, I'm concerned that one way or

1 the other, whichever way it goes, that it would, in fact,
2 establish -- I think that was a excellent question that
3 counsel asked on how do I write this. Do I say that it's
4 not -- we don't require a permit to do this, or we do
5 require a permit? So how do we keep that from happening?

6 ASSISTANT ATTORNEY GENERAL THOMURE: Well, I can't
7 speak to how the Department is going to craft language if
8 that's the Department's position. The reality of the
9 situation is that this was the decision. The citations
10 were issued by the Department. The Board had voted to
11 reverse those findings. The Board has expressed concerns
12 about what precedent that's going to set. But the reality
13 is you reversed the ALJ's findings. And I simply was
14 suggesting that if the Department is concerned that this
15 decision may set some sort of precedent -- it's not a
16 reported decision at this point -- that they be allowed to
17 see if they can craft language that is consistent with the
18 Board's decision but also preserve their ability to argue
19 this in a different case. And I was just suggesting that
20 the Department is in a better position to do that than
21 perhaps the Board and to perhaps allow them an opportunity
22 to see that -- but you made your decision, and where it
23 goes from there, that's up to the Department.

24 BOARD MEMBER GRAY: Thank you. Yes, we made a
25 decision on this particular case, though. We have not

1 made a decision on the overall application.

2 ASSISTANT ATTORNEY GENERAL THOMURE: Correct.

3 BOARD MEMBER GRAY: And I think that --

4 CHAIRPERSON PREZEAU: Agreed.

5 BOARD MEMBER GRAY: -- was well pointed out I think.

6 So I think the facts -- the evidence that we saw here, in
7 fact, the testimony by the inspector representing the
8 Department was that a citation in this case would not have
9 been issued. It doesn't necessarily mean that a citation
10 may not be allowed to be issued in future applications.

11 CHAIRPERSON PREZEAU: Thank you for those comments,
12 Bobby. I'm glad you got that on the record.

13 BOARD MEMBER BAKER: Madam Chair?

14 CHAIRPERSON PREZEAU: Don.

15 BOARD MEMBER BAKER: To Bobby's point, and I'll go
16 back to 296-46B-925, section (14), I think there's no
17 question that a permit's required for that work.

18 In this case --

19 CHAIRPERSON PREZEAU: Generally speaking.

20 BOARD MEMBER BAKER: -- if someone's making a
21 connection, a permit's required. When you're dealing with
22 a homeowner or a residence, a dwelling unit, I think the
23 law allows for somebody like Mr. Laymon to make that
24 connection along with permits pulled and you're following
25 the statute, 296-46 When you start stepping outside

1 of a dwelling unit, it's not a homeowner, now it's a
2 completely different situation. But I think there's laws
3 already in place that govern that.

4 Does that make sense?

5 CHAIRPERSON PREZEAU: Yeah. So you're reading from
6 WAC 296-46B-925, subsection (14).

7 BOARD MEMBER BAKER: Correct.

8 CHAIRPERSON PREZEAU: Thank you for that. And --

9 BOARD MEMBER BAKER: Because I don't know -- think
10 the law needs to be changed. Everybody needs to
11 understand that that's the protocol we're working under.

12 CHAIRPERSON PREZEAU: Bobby.

13 BOARD MEMBER GRAY: And I agree completely. I just
14 don't want to leave the impression that the Board is
15 trying to either interpret or change that law in any way.
16 So that's ...

17 CHAIRPERSON PREZEAU: Or misapply.

18 BOARD MEMBER GRAY: Or misapply it, correct.

19 CHAIRPERSON PREZEAU: Agreed.

20 Any other comments by Board members?

21 Okay. Everyone understand what's happening going
22 forward?

23 ASSISTANT ATTORNEY GENERAL KELLOGG: Yes.

24 CHAIRPERSON PREZEAU: Thank you very much for your
25 time today.

1 inspection process when we're done, when we're through
2 talking here.

3 Another thing that we're doing is electronic plan
4 review. Right now all of our plans examiners are doing
5 reviews electronically. We still have one left that does
6 the paper copies that come in. But overall, we're turning
7 more and more to technology. The one downside of that is
8 that it kind of cuts the ties between us and the industry
9 personally. They don't always get to know who we are.

10 Two of the hot topics right now are reciprocity and
11 the emergency rule and the temporary electricians.

12 On the temporary electrician issue, you know, we put
13 in the emergency rule that put back the ability to have a
14 temporary electrician from another state, and we had a
15 limit put in there for the size or the number of licensed
16 electricians on the job before you could employ these
17 temporaries just to make sure that there was enough
18 oversight on the job site by people that were licensed in
19 the state, that there wasn't much going to go on that
20 wasn't up to speed.

21 Does the Board have any comments on that? Ryan.

22 CHAIRPERSON PREZEAU: Ryan.

23 BOARD MEMBER LaMAR: Yes. I just want to know if
24 we're going to be tracking what states people are coming
25 from, just doing some sort of patterns of conduct to see

1 how well they're succeeding or where they're struggling so
2 we can understand those states' practices.

3 SECRETARY THORNTON: And we really don't. There's
4 been very little activity so far. I think we've got one
5 contractor signed up, and we've got two electricians, and
6 it's almost halfway through the 90-day period.

7 So even when you open the door, there's just not very
8 many electricians out there looking for employment right
9 now.

10 BOARD MEMBER LaMAR: That's too bad.

11 SECRETARY THORNTON: Yeah. I mean, we have some
12 similar problems ourselves with keeping inspectors, hiring
13 them originally. Yeah, the 01 market is pretty well
14 saturated at this point. There's not many out there
15 coming from anywhere.

16 CHAIRPERSON PREZEAU: So just -- Larry Vance,
17 technical specialist for the Department is now in front of
18 the Board. But -- I was going to ask him to come up here.
19 So he's here.

20 For a couple of reasons ... is because I've talked
21 to Larry about this rulemaking on several different
22 occasions. And I think he -- not to be insubordinate or
23 anything, but he's closer to it just through delegation
24 of duties.

25 And what -- if I understand our previous

1 conversations, Larry, and I also had conversations with
2 Pam because I wanted to make sure that with respect to
3 this emergency rule which is a separate -- so there's this
4 emergency rule for temporary certificates to reinstate
5 those. Because we -- the Board has previously advised the
6 Department on a previous temporary certificate rule that
7 we agreed with that. And then based on information
8 because they were tracking how many people came. I don't
9 know if they track it by state, which is -- and Larry is
10 indicating yes. So that's the answer to your question.

11 And then we have this possible reciprocity -- very
12 exciting -- reciprocity agreement with Oregon. And the
13 reason that I talked to Pam and I talked to Larry about
14 these substantively is because in the statute it says that
15 the Electrical Board's responsibility, one of our primary
16 responsibilities is to advise the Department on
17 rulemaking. And the normal practice or the historic
18 practice consistent with the statute is that before the
19 Department actually files the CR103E or whatever I'm
20 supposed to say -- because there's a CR101, right? to
21 start the rulemaking process, whether it's emergency
22 rulemaking or regular rulemaking, before the Department
23 usually files sort of paperwork in the rulemaking process,
24 they come in front of the Board and ask our opinion before
25 that happens.

1 And they didn't do that. And the reason they didn't
2 do that as I understand it is because if they filed them
3 before the Electrical Board meeting today, and depending
4 on what the Board's opinion is of these two proposed
5 rules, if we advise the Department that we want these
6 rules, then they become part of the rulemaking package
7 that is happening right now that we've already reviewed
8 in April -- January.

9 MR. VANCE: Yeah.

10 CHAIRPERSON PREZEAU: Previously.

11 MR. VANCE: Right.

12 CHAIRPERSON PREZEAU: And the reason that the Oregon
13 reciprocity document is allowable is that the rulemaking
14 that the Department and stakeholders went through put a
15 placeholder in there for reciprocity with Oregon in the
16 event that we could actually get an agreement. So we
17 already approved in theory the reciprocity agreement, the
18 idea of it. And when we advised the Department previously
19 formally on the record that move these rules forward and
20 strike these words -- because we did that. And the
21 emergency rulemaking on the temporary, again, is
22 consistent with the statute even though the Department
23 didn't bring it to us first, nothing -- the law's not been
24 violated.

25 They did that also because -- you know, just to

1 reiterate what the Chief just said is the 01 market is
2 fairly saturated, and there's not -- there is a high
3 demand for electricians, whether you're talking about
4 general journey-level electricians or residential
5 electricians, any of the specialties. And the challenge
6 is quite honestly just from what I know because of the
7 work that I do is you can -- if you were an electrician
8 in Arkansas, and there is no work in Arkansas, and you
9 were looking to travel to get work, you could work in San
10 Francisco or the Bay area and make something like \$80 an
11 hour and with a fringe-benefit package that pushes you
12 over \$100 an hour, or you could come to Washington state
13 and you could make something like -- depending on where
14 you were at -- \$35 an hour and a total fringe benefit
15 package of \$50 an hour, roughly.

16 So the idea here -- and we have a robust electrical
17 construction economy in this state right now. And so it
18 is my understanding the intent of the Department is to use
19 any and all reasonable avenues to ensure that we can staff
20 our robust electrical construction economy.

21 And I told Larry on the phone when he was asking me
22 about this, particularly this temporary, he's like, "Is
23 the Board going to be mad that we didn't do this in the
24 chronologic -- the historical chronological order?"

25 And I said, "I don't know. I can only speak for

1 myself." But we've approved this previously, and this
2 actually has better safeguards on it because we learned
3 from the last process.

4 So to call your attention to the final page, page 3,
5 and this is subsection (E), subsection (iii), and then,
6 you know, (C) and 12(A),(B), (C), (D), (E) and (13), it's
7 my understanding that these are some of the provisions
8 that were put in place that may or may not have been --
9 some of the safeguards that were put in this rule that may
10 or may not have been identically captured in the previous
11 rule that the Board supported, and given those -- so I
12 just wanted to share that with you because I've had more
13 conversations with the Department in the interim regarding
14 both of these. I'm actually incredibly excited that these
15 two are here today. And the Board has previously -- we've
16 talked a lot about reciprocity in the past. And the fact
17 that we -- one of the things that's in front of us is a
18 potential reciprocity agreement with Oregon is incredibly
19 exciting.

20 And I think -- just because I just can't stop talking
21 -- I think that it is well crafted. There are maybe a
22 couple of bugs -- one of those bugs, for full
23 transparency, one of the bugs is -- make sure I get this
24 right, Larry -- is in the state of Oregon in order to -- a
25 passing score on their general journey-level certificate,

1 the equivalent of an 01, is 75 percent. And in Washington
2 state, it is 70 percent.

3 And former Chair Ashford of this Board advocated for
4 years for us to increase the exam pass rate to 75 percent.
5 So she might after her departure from this Board get what
6 she fought for for the longest period of time because what
7 I understand to be true is the Department here in
8 Washington does not keep track of exam percentage pass
9 scores; they keep track of did you pass, did you not pass.

10 So if Oregon stands on pay -- which they probably --
11 it's defensible because, as you know, we can only
12 reciprocate with other states that have equal or stronger
13 licensing and testing requirements. And Oregon has the
14 same threshold or responsibilities.

15 So we're going to have to work that out somehow.
16 And -- but my thought is let's -- my suggestion to the
17 Board is that we -- my recommendation is that we approve
18 this reciprocity agreement and the temporary permits or
19 certificates so that it can be implemented on August
20 23rd which is -- 2019 -- which is when the rest of the
21 rules take -- (inaudible) -- so that we can move this
22 forward, and then we will work with January intent with
23 the Oregon program to iron out the exam pass rate
24 percentage scores.

25 ///

Motion

1

2

3 BOARD MEMBER JENKINS: So moved.

4 CHAIRPERSON PREZEAU: It's been moved and seconded to

5 advise the Department to move forward -- that the Board is

6 in agreement with the two -- the emergency rule --

7 creating -- recreating temporary certificates and the

8 Oregon proposal for reciprocity with Washington.

9 Discussion on the motion?

10 All those in favor, signify by saying "aye."

11 THE BOARD: Aye.

12 CHAIRPERSON PREZEAU: Opposed? Motion carries.

13

14

Motion Carried

15

16 CHAIRPERSON PREZEAU: Thank you, Mr. Vance.

17 MR. VANCE: There was -- regarding the 75 percent

18 pass rate, what we have in our database is we actually

19 have a pass -- it appears that they passed the exam. We

20 don't have any records of their failure in our licensing

21 database. We can, however, go into PSI who is our exam

22 providers' database, and we can see their score.

23 What this does -- this is the only kind of the bug in

24 this for us is that we know when someone passed the exam

25 in Oregon, they got a 75 percent. When somebody passed

1 the exam in Washington, we know they got a 70 percent. We
2 don't know if they got a 75.

3 So we have to go into the testing database and
4 manually look up their score. That's what it does for us.

5 Now, we've had several testing providers, going
6 backwards: PSI; and before that, it was LaserGrade.
7 Before that, it was -- I can't remember who it was.

8 CHAIRPERSON PREZEAU: Bubble test.

9 MR. VANCE: You get back to the bubble test days. I
10 took the bubble test, and your scores are written up in
11 the top corner after it's corrected and circled. I mean,
12 it --

13 CHAIRPERSON PREZEAU: With a number 2 pencil.

14 MR. VANCE: Something like that.

15 And so things get a little bit shaky on our side of
16 our river so to speak in our ability to go back and see
17 someone's score. If we can't prove their score, or if
18 they can't prove their score --

19 CHAIRPERSON PREZEAU: And they're not a graduate of
20 an apprenticeship program.

21 MR. VANCE: And they're not a graduate of an
22 apprenticeship program, or they don't have -- they don't
23 hold a master electrician certificate, if they didn't go
24 through apprenticeship, they've still got to prove that 75
25 percent no matter where they came through.

1 CHAIRPERSON PREZEAU: Yep.

2 MR. VANCE: And so it's a manual thing on our side.
3 It gets kind of laborious for us. We don't expect, you
4 know, thousands and thousands of manual look-ups. Some of
5 them might get interesting, though.

6 CHAIRPERSON PREZEAU: I'm pretty sure I took the --
7 well, I took the exam in 2003. I'm pretty sure it was
8 LaserGrade.

9 MR. VANCE: It was LaserGrade.

10 CHAIRPERSON PREZEAU: I'm pretty sure they sent me a
11 letter --

12 MR. VANCE: Right.

13 CHAIRPERSON PREZEAU: -- that had my pass rate.

14 MR. VANCE: That had your score on it.

15 CHAIRPERSON PREZEAU: So if I was not a graduate of
16 -- (inaudible). If I can find that letter, I'm going --

17 MR. VANCE: And we would likely have that information
18 in their file. But everything isn't always perfect.

19 CHAIRPERSON PREZEAU: Do you have a file on me?

20 MR. VANCE: I may.

21 ASSISTANT ATTORNEY GENERAL THOMURE: Do you really
22 want them to add on the record --

23 MR. VANCE: They have a file on me too.

24 CHAIRPERSON PREZEAU: I'm sure they do.

25 MR. VANCE: And the interesting thing with that, just

1 to kind of give you an update of where the temporary
2 electrician rule is, we're more than three weeks into that
3 beyond the effective date of that rule. We have one
4 contractor that's applied to employ temporary electricians
5 to date. And they -- that contractor is currently
6 employing two temporary electricians. We've only had two
7 applications for a temporary electrician certificate. So
8 that's currently where it's at.

9 Looking back at what happened in the 2016/2017 period
10 is we actually went an entire month without there even
11 being an applicant when it first started when it became
12 effective. So it takes a little bit of time for it to
13 take off.

14 And then 18 applicants over the next month. So I
15 think that Tracy was saying that there's just not a huge
16 supply of electricians out there. I mean, while we've
17 done what we can to make it as -- the least regulatory
18 burden we'll say.

19 CHAIRPERSON PREZEAU: Can you widen the lane?

20 MR. VANCE: Yeah, widen the lane.

21 There's just not people coming down the road from the
22 standpoint of I think if they're making economic decisions
23 like you spoke of. Where do I go? If I'm going to
24 travel, where do I go? I go where --

25 CHAIRPERSON PREZEAU: The money is.

1 MR. VANCE: Right, right. So it's -- yeah.

2 We have -- and Steve will get into our vacancy rate
3 and everything else. And we're in that market too. So --
4 yeah.

5 CHAIRPERSON PREZEAU: Jason.

6 BOARD MEMBER JENKINS: And an added bonus to this all
7 is that we have a lot of journeymen that are on the
8 border, and they just simply don't do Washington work
9 because they figure it's too much -- they've got their
10 apprenticeship; they've got their high scores. They just
11 think it's too much work to go through this whole process
12 and take a test. This'll open the door for those just to
13 get their license and start picking up some of the work
14 that's needing to be done. I think there's a huge bonus
15 involved there.

16 CHAIRPERSON PREZEAU: I totally agree with that.

17 MR. VANCE: There was some commentary too at the
18 Oregon Electrical Board.

19 CHAIRPERSON PREZEAU: And their meetings are
20 televised.

21 MR. VANCE: They record them, the minutes, yes.

22 CHAIRPERSON PREZEAU: So you can actually go on-line
23 and watch the proceedings.

24 BOARD MEMBER LaMAR: We don't want that.

25 CHAIRPERSON PREZEAU: I'm not suggesting that. I'm

1 saying --

2 BOARD MEMBER LaMAR: (Inaudible.)

3 MR. VANCE: There was some testimony that was -- that
4 talked about the fact that our exam is given in two
5 parts. Their exam is given in one part, one sitting. You
6 have to pass the entire exam in one sitting. If you fail
7 the exam, you have to take the entire exam again.

8 CHAIRPERSON PREZEAU: Do they do the same thing where
9 the questions are on the National Electrical Code, and
10 then they have a section --

11 MR. VANCE: It's a single exam --

12 CHAIRPERSON PREZEAU: I get that, warehoused in a
13 single exam, but they also test the applicants on Oregon
14 rules and laws?

15 MR. VANCE: They do have those and are comingled with
16 their examination.

17 But what the testimony was is that Washington should
18 -- (inaudible) -- just give one exam if this reciprocity
19 thing is to fly.

20 And in response to that, I was having a conversation
21 with our licensing person, Phyllis Cooper, who has been
22 here forever. And she says, Why would they be concerned
23 about the examination section that's based on the
24 Washington laws and rules? We have two sections on our
25 exam: the National Electric Code and theory; the other

1 section is on Washington laws and rules.

2 So those rules don't apply in Washington and Oregon,
3 so I think when Oregon asks us for a score, what we're
4 going to give/provide is a score for the NEC and theory
5 section of our exam. I can't see why they would be
6 concerned with -- would we recalculate the average? I
7 mean, we don't want to turn this into a murder trial, but
8 really what they're trying to do is see if someone, you
9 know, has an understanding of the National Electric Code
10 and electrical theory and score 75 on that section.

11 And I'm not putting you -- I'm not -- for Jason
12 Jenkins, I'm not putting him on the spot because of his
13 understanding of practices in Oregon, but that's a
14 conversation that we'll have to have as far as how we
15 execute this reciprocity.

16 BOARD MEMBER JENKINS: The only benefit that I see
17 behind that and them looking at the WAC rules is the extra
18 section is that they test on Oregon rule also. And so
19 there's a little bit of a benefit to knowing that they're
20 applying appropriate rules to appropriate state, so they
21 can pass that portion of it, they know that there is a
22 differentiation, yeah, a difference between the two, and
23 they can make those decisions. There's kind of a maybe an
24 added bonus if they do require that portion also.

25 MR. VANCE: It would just be -- would we just take

1 the total number of questions, the number of questions
2 missed, calculate the percentage and provide that or, you
3 know, we've got part A; they got a -- they scored a 67.
4 And on part B which has far more questions on it, they got
5 a --

6 CHAIRPERSON PREZEAU: 85.

7 MR. VANCE: Yeah. So when you average those averages
8 together, what it can do is it can drop somebody below a
9 bar that -- it's a --

10 BOARD MEMBER JENKINS: I'm liking the number for
11 number, question numbers for question numbers. But I'm
12 not sure how we're going to --

13 CHAIRPERSON PREZEAU: Well -- and we're probably not
14 going to solve this today. But it's good discussion,
15 especially because 19.28.051 which is the section about
16 examinations and fees reads as follows: It shall be the
17 purpose and function of the board to establish, in
18 addition to a general electrical contractor's license,
19 such classifications of specialty electrical contractors'
20 licenses as it deems appropriate with regard to individual
21 sections pertaining to state adopted codes in this
22 chapter. In addition, it shall be the purpose and
23 function of the board to establish and administer written
24 examinations for general electrical administrators'
25 certificates and the various specialty electrical

1 administrators' certificates.

2 And it goes on to address, you know ...

3 So the reason I point that out is we are mostly an
4 advisory board to the Department with the exception of
5 examinations and continuing education. So this
6 conversation likely needs to be, Bethany, on the agenda
7 going forward please as a placeholder in the event Oregon
8 responds to our -- the action of the Board today and come
9 August 23rd when the rules are implemented that we are
10 going to end up having more detailed conversations about
11 our 01 examination specifically and maybe the 01 master
12 might get thrown into this and what Oregon, the electrical
13 program wants in order to ensure reciprocity going
14 forward.

15 Does that make sense?

16 MR. VANCE: Yes.

17 CHAIRPERSON PREZEAU: Cool. Thank you.

18 Any other questions for Larry? Terrific.

19 SECRETARY THORNTON: So one thing to be aware of in
20 their proposal is that it does say "substantially
21 similar." So I think it gives you maybe some -- a little
22 bit of negotiation room there for a little bit of give and
23 take between the two.

24 CHAIRPERSON PREZEAU: That's nice. Thank you for
25 pointing that out.

1 All right. So do you have more on Departmental/
2 Legislative Update?

3 SECRETARY THORNTON: Just the virtual inspection
4 report out that Tony Bierward, the supervisor, will give
5 for us. And we're not going to have an actual inspection.
6 We're doing those out of Vancouver today. So we have
7 branched that out and trying it in multiple locations
8 other than right here in the building.

9 CHAIRPERSON PREZEAU: Cool.

10 SECRETARY THORNTON: We'd bring people here to get
11 them trained initially. We've had the opportunity to try
12 it in a couple of different offices remote from here.

13 So -- and I'll let Tony take it over from here.

14 CHAIRPERSON PREZEAU: And Tony, will you just state
15 and spell your name for Milton (the court reporter).

16 MR. BIERWARD: Sure. My name is Tony Bierward. Last
17 name B as in boy I-E-R-W-A-R-D.

18 And as Steve said, I'm just currently supervising the
19 virtual electrical inspection program. We have been at
20 this, the actual inspections, for a year. It started in
21 June of last year. We kind of wrapped up our first year
22 this June. And we found a lot of things we were doing
23 that worked. We found a lot of things that we were doing
24 that didn't work. Took all the feedback from the
25 contractors, everybody involved.

1 A lot of times -- I don't know how familiar, how much
2 Steve has been able to fill you in on the process. But
3 just to give you a quick overview of it, these inspections
4 are what we call an on-time-and-dependable type
5 inspection. They're inspections that last 15 minutes. So
6 they're not designed to be your complex big in-depth type
7 inspections. They're just these inspections that can help
8 the Department meet their statute there of the time frame
9 of when the inspections should be done.

10 So we're looking for smaller inspections, inspections
11 that might take a inspector to drive 30 minutes. So we're
12 looking at cell sites. We're looking at over in Eastern
13 Washington the lengthy sites; it takes our inspector 20
14 minutes to go through the check-in, the escorting and then
15 the check-out process, let alone the inspection time. We
16 go into prisons for the same purpose. It would be virtual
17 because, again, you have a process. We have to be cleared
18 to go into that prison. We have to meet them usually at a
19 sallyport. We have to be escorted in, escorted out. So
20 again, it's a big beneficial factor for our contractors
21 and for us as the Department to go through and do the
22 inspection process much quicker than relying on all those
23 time frames. And it allows our inspectors more time to do
24 the more complex inspections that it would take more time
25 rather than feel like they're being rush, rush, rushed all

1 the time.

2 So in doing so, what we accomplished was over 1,200
3 inspections in the last year. So we did over 1,200
4 inspections.

5 And just to give you an idea, when the program first
6 started, we started out with our load bank folks. The
7 load bank inspections were inspections that were being
8 pushed to the back, if you will, not our priority at the
9 time. So they were not meeting the 48 hour statute that's
10 there.

11 So we concentrated on that industry at first. And
12 then I would say after two, three months, then we expanded
13 our program and went more out to start taking in all the
14 different types of inspections. And when I say different
15 types of inspections, it's easier for me to tell you that
16 there's three types of inspections that we just won't do
17 at this phase. We're still in a pilot phase. One of
18 them is if it's requiring a service approval, we won't do
19 the inspection because in this area utilities are still
20 used to seeing our approval sticker before they'll
21 energize.

22 CHAIRPERSON PREZEAU: And we talked about that before
23 too.

24 MR. BIERWARD: Yeah. So we won't do those types of
25 inspections. We won't do any inspection that requires a

1 certificate of occupation by the building official. Same
2 type of instance; they're used to seeing our sticker out
3 there. And the third one we came across that I don't know
4 if it was thought of at the time, but we experienced it is
5 an elevator room. Because we have a policy within the
6 Department that in an elevator room, we'll put a approval
7 sticker on the disconnect for the elevator motor
8 controller so that the elevator folks know that we've been
9 there and we have approved it to that point.

10 So those are the three right now that we will not --
11 or we don't get involved in.

12 So to give you a little bit of statistics on out of
13 those 1,200, we did 562 inspections that were load bank
14 inspections. We did 196 inspections that were
15 streetlighting inspections. And when we dove into the
16 streetlighting part, we found that our guys would have to
17 put a harness on and go up in a boom truck to look at some
18 of these things, some of these installations, and that
19 requires PPE gear, requires the harness, requires possible
20 fall protection. So we can take that out of the loop.
21 That's a lot of time imposed on our inspectors out in the
22 field. We can do that while they have all that gear on
23 and put it up in the bucket truck. We Skype in to them --
24 and I'll get into that in just a little bit. But we Skype
25 in to them, and as long as they are safe and they're

1 belted off, we go ahead and do the inspection. We can
2 look at the luminaire up in the air and go from there.

3 So it really helped out in a couple of streetlighting
4 projects that we had.

5 We did 167 underground inspections that included
6 ditches, looper grounds, grounding electrodes, things like
7 that, slabs. And a lot of those were out at the Quincy
8 area that we're talking about.

9 We did 90 HVAC inspections. The HVAC contractors,
10 we're trying to get into that a little bit more. That
11 poses a problem for our inspectors. Most of the HVAC
12 installs are a homeowner install, and what happens is we
13 have to make access with the homeowner. That means the
14 homeowner has to take time off work a second time. And
15 with the virtual inspections, that's not the case anymore.
16 So we really try to emphasize that with the contractor
17 that while you're there wrapping up the job, you can
18 request an inspection -- because you can request the
19 inspections 30 minutes in advance of the time you want.
20 Same day, 30 minutes in advance. And if there's a time
21 slot available, we will Skype in to them, do the
22 inspection, it's a done deal.

23 And then they -- they don't have to tell the
24 homeowner, "Labor and Industries will contact you and set
25 up an access" and so on and so forth.

1 And they're like, "Oh, I've got to take more time off
2 work."

3 It's like now you don't have to. So it's a big
4 benefit for the contractor and again to us as well.

5 So 90 HVAC systems, we're trying to break into that
6 a little bit deeper and get in there more with those
7 folks.

8 Also, the sign companies out there. Because anybody
9 that does sign work knows that their crews are working
10 usually up high. Once again, sometimes by the time we can
11 get there, those signs have already been installed. And
12 so this way we can be a little bit more in tune with the
13 inspection while they're hanging channel ladders or
14 getting things ready.

15 So we did 60 inspections with what we call device
16 replacements. A lot of apartments -- older apartments
17 have companies that come in and they're just going through
18 and they're changing all the devices, be it receptacles,
19 switches and lights. You know, they're upgrading
20 everything to LED, the new switches and so on. Again,
21 these are apartments that are living -- you know, they
22 have people living in them. So trying to reestablish an
23 access once they've come through, we can do it the same
24 day that they've installed these devices so that they can
25 get the occupant back into their apartment. So another

1 good aspect for us what we do.

2 45 circuit inspections we've done, whether that could
3 be a new circuit, an altered circuit, that type of thing.
4 We did 28 covers which is a wall cover, a ceiling cover.
5 We did 17 feeders, 11 septic systems. We worked on nine
6 different cell sites. We do floor heating, swimming pool
7 bonding, and the list goes on. Hot tubs, altered
8 services. We do altered services if they come up. And we
9 did one propane tank.

10 And the Chief asked me about that, Well, what did we
11 do? Because that's a hazardous location. And so it was a
12 replacement only, so everything was still there. The
13 seal-offs didn't get disturbed or anything. It was more
14 of a disconnect/reconnect. So a pretty simple inspection.
15 Done some temporary power to the poles and some --

16 (Whereupon, proceedings were
17 interrupted by sirens/
18 audible noise going off at
Labor & Industries.)

19 CHAIRPERSON PREZEAU: What does that mean? That's
20 not a fire?

21 SECRETARY THORNTON: No.

22 MR. BIERWARD: I guess not.

23 CHAIRPERSON PREZEAU: (Inaudible) -- an emergency
24 exit? Is that what that means?

25 ASSISTANT ATTORNEY GENERAL THOMURE: Very exciting.

1 CHAIRPERSON PREZEAU: Are we okay?

2 SECRETARY THORNTON: Yeah, we're okay.

3 MR. BIERWARD: So those are an example of some of the
4 1,200 inspections that we did throughout the last year.

5 We were able to perform these inspections on an
6 average -- all the 1,200 of them, I averaged them out.
7 We did an average of 11 -- about 11 minutes is how long
8 these inspections took. Like I said, we were looking for
9 15-minute inspections.

10 So we can perform these inspections here at central
11 office. We've performed them remotely, which is why when
12 the Chief asked me if I could show you today, we are
13 performing them remotely down in the Kelso office today.
14 So we're working on different locations that these can be
15 done.

16 We also have performed the inspections in a vehicle,
17 not while it's moving obviously, but we try to put some of
18 the inspectors in the field and we had issues with that;
19 that didn't work out well.

20 And we've also done some of the inspections at home.

21 So we're pretty versatile as far as doing the
22 inspections. We're not limited to just any one area or
23 anything like that.

24 So when the program started, there's a lot of data
25 that we've collected. Some of it is from existing

1 materials that we had, you know, at our disposal. Some of
2 it's manual data that I collected for the purpose of this
3 program.

4 But one of the interesting items is each contractor
5 after each inspection, we would automatically send them a
6 survey. And the survey is just a three-question survey.

7 And what I'd like to talk about is the survey results
8 that came back. Out of the 12 -- over 1,200 inspections
9 that we did, 417 people replied to the first question.
10 The first question was: Was the scheduling software easy
11 to use? Because we schedule these different. The
12 contractor schedules these a little bit different than
13 what they're used to. And out of those 417 responses,
14 it's a 100 percent yes. So we have that we've achieved a
15 good easy way for them to schedule an inspection.

16 The second question that was asked was: Were you
17 satisfied with Skype for the inspection? And out of 416
18 total there, we had 410 that said "yes," six that said
19 "no." So we had a 99 percent yes.

20 The third question was: What would you do different?
21 That was our spot for feedback. And I didn't bring those
22 -- there's a lot of different feedbacks. Most of them was
23 -- or were to address a few issues that we have addressed,
24 so I didn't get into too much of that because it's very
25 lengthy on some of the feedbacks.

1 So that's where we were with the survey.

2 We currently shut that survey off. We feel we've
3 gathered all the data that we needed to move forward.

4 But I'd like to give you just a brief of what the
5 inspection looks like. It will be very brief as far as we
6 have inspectors -- or I mean, we have two inspectors that
7 we're using right now. So we're very limited. And we
8 also are in a very controlled environment right now.

9 Yes?

10 CHAIRPERSON PREZEAU: How many inspections can those
11 two inspectors perform in a day?

12 MR. BIERWARD: Anywhere from 13 to 15. So it's not
13 a lot.

14 CHAIRPERSON PREZEAU: Each?

15 MR. BIERWARD: Each, yes.

16 CHAIRPERSON PREZEAU: So the maximum capacity right
17 now is --

18 MR. BIERWARD: 26 to 30.

19 CHAIRPERSON PREZEAU: -- 30.

20 MR. BIERWARD: Yes.

21 And so we don't have permanent employees in place.

22 But what it looks like is a contractor who wants to
23 request one of these inspections, we have around 60 to 65
24 contractors that all went through an orientation with
25 myself. We now have branched out and we're starting to

1 push what we call our Web content. It's not on our Web
2 site yet, so if you go on our Web site, you won't see it.
3 But it's kind of -- because we want to do a soft opening.
4 We got two inspectors. We can't over -- we don't want the
5 program on this end to fail with too big of a workload and
6 not enough manpower. So we're doing a soft opening, if
7 you will, with -- we're pushing the information to the
8 contractors now just by a punch of the e-mail button
9 versus me doing any type of an orientation with them. But
10 all the contractors, the 55 to 60 contractors that we have
11 on board right now, I personally did at least a 30-minute
12 orientation with them to give them a brief overview of the
13 new scheduling system because, again, these don't schedule
14 the same way.

15 Once we do that, we're using Skype. It's the
16 application that has been the user that we can use for all
17 different devices, whether it be Apple or Android devices.
18 So we use Skype. They go onto our scheduler. It's a link
19 right now. They just hit the link. It's a live link.
20 They go onto our scheduler, and they fill out nine
21 required fields, and they get a confirmation that comes
22 up, and they also get an e-mail notification confirmation
23 from us that it's good to go.

24 We see it on our end on a big calendar, and that's
25 our third-party software that we're using called

1 Appointment Plus. We see it on there, and we know that
2 it's -- we get a confirmation just like they did. And
3 then if it's say at 10:00 in the morning, we Skype them
4 right at 10:00 in the morning; we perform the inspection.

5 The difference in the inspection is the electrician
6 out on site is holding the camera. So they kind of feel
7 like a cameraman in a movie or something, like, Wow, I'm
8 not used to doing this. But we have them reverse the
9 camera so that -- you know, we want them to see what we're
10 seeing as well. We have little difficulties with that
11 from time to time, but we get there.

12 And for the most part it's been a very enjoyable
13 pilot. It's been a great program to be a part of. I
14 believe it is something that we're going to see in the
15 future as far as a lot more people doing it across the
16 state and across the country.

17 There was an article in the NFPA that talked about --
18 I think it was Jim Meer who is with Clark County who is
19 heading that committee, and they're going to meet in
20 Seattle in August because the NFPA wants to develop some
21 standards for -- they call it remote inspections.

22 I've reached out to Jim Meer, and I'm trying to --
23 he's on vacation right now. But I've reached out to him,
24 and I'm hoping that I can be a part of that to help
25 contribute to possibly, you know, develop these standards.

1 CHAIRPERSON PREZEAU: That's excellent news.

2 MR. BIERWARD: So --

3 CHAIRPERSON PREZEAU: Can I ask you a couple more
4 questions, Tony? I don't want to interrupt your --

5 MR. BIERWARD: No. Go ahead.

6 CHAIRPERSON PREZEAU: So at the April Board meeting,
7 the Chief reported that there is some issues with the Web
8 site, which you've just updated us on, but the idea was
9 that that should be ready to go live like your soft
10 opening, it would be ready to go live by November.

11 MR. BIERWARD: We've moved that date up. It's going
12 to be September.

13 CHAIRPERSON PREZEAU: Okay, very good.

14 And then when you said 1,200 virtual inspections, and
15 at the April meeting, the Chief reported it was 900. So
16 am I understanding that to be from the beginning till now?

17 MR. BIERWARD: That's correct.

18 We average -- this is not a very good printout
19 (showing). But this is kind of where we were at. This
20 would show you the bar, the graphic bar of our
21 inspections. You see the one spike?

22 CHAIRPERSON PREZEAU: Yep.

23 MR. BIERWARD: The one spike was the streetlight.
24 That project came on as kind of the, unannounced to us, a
25 contractor that had done a project over on the east side

1 of the mountains, and one of our ECORE folks caught him
2 doing it without a permit. So a lot of that work was
3 already, and for us to do the inspections rather than do
4 them progressively as we would normally do in an operation
5 as the rule says after, you know, one to three days type
6 inspection, we went in and we gave them as much time as we
7 could without affecting our other customers. And that's
8 why that one large spike is there.

9 We have another large streetlighting project that's
10 about to unfold in Yakima that they've been working on for
11 over a year. So that's going to hit us here pretty soon
12 as well.

13 CHAIRPERSON PREZEAU: And then -- so are you aware
14 of the City of Portland's model around virtual or remote
15 inspections?

16 MR. BIERWARD: I am aware of some of it, yes.

17 CHAIRPERSON PREZEAU: It's my understanding -- and I
18 haven't done a lot of research -- but that it's possible
19 that that -- the City of Portland's remote inspection
20 process is pretty excellent?

21 BOARD MEMBER JENKINS: (Nodding affirmatively.)

22 CHAIRPERSON PREZEAU: And we might be able to learn
23 from some of the things that they are doing.

24 MR. BIERWARD: Most of the remote -- or most of the
25 other entities that I've researched are very limited.

1 They're not as widely based as this program is as far as
2 we're opening it up for inspections, okay? Portland
3 requires -- I believe it's for reinspections only. And
4 correct me if I'm wrong but, you know, if we open this up
5 just to reinspections, that's very limited. We're wide.
6 We're not saying it's just reinspections. We'll do
7 reinspections. We'll do first inspections. We'll do any
8 inspections.

9 CHAIRPERSON PREZEAU: Except those three --

10 MR. BIERWARD: Except those three, yeah.

11 So this is a much larger -- and that's why I try to
12 caution everybody on is there's a lot of programs out
13 there, but they're very limited. Some are limited to --
14 I've seen that are limited to like hot water tanks, you
15 know. We'll do hot water tanks. Well, that's very
16 limited.

17 We have a program here within our own division that
18 works a little bit on the elevator side; that's elevators,
19 and they were only working with one contractor. They have
20 over 5,000 contractors.

21 When this goes out and it's pushed out, there's going
22 to be a lot questions, so we have to be, you know, ready
23 to handle those questions. But I view this as a much
24 bigger program than the City of Portland. I'm not saying
25 that they haven't done a good job or anything, but --

1 CHAIRPERSON PREZEAU: I think it's their Web site.

2 So you might want to have a look at that. I think --

3 MR. BIERWARD: I've seen their Web site, yeah.

4 CHAIRPERSON PREZEAU: -- it's how they market it.

5 MR. BIERWARD: Yeah. They market it with a video.

6 So they have a nice little short-, you know, -but-to-the-
7 point video. It's a very clear, concise video.

8 And we're working with that now as far as with our
9 team because our Web site is changing, and it's hopefully
10 going to be released in November. And that's why the
11 Chief had given that directive that November -- or
12 November we're hoping to launch our program.

13 CHAIRPERSON PREZEAU: Well, and the Chief even
14 reported -- and I'm going to read from the April
15 transcript, page 7, line 3, "We're using volunteers" --
16 this is regarding your program. "We're using volunteers,
17 and we're combining the plan review staff and the virtual
18 inspection staff and putting them in one common area so
19 that we can be a little more flexible in the staff that's
20 available to do that."

21 So, you know, I heard what you said about, you know,
22 it's in Vancouver today and, you know, but there's still
23 only two inspectors that conduct these. So we're --
24 that's like a choke hold it appears ... with the
25 information that I have.

1 MR. BIERWARD: These positions are unfunded. So I
2 wouldn't be surprised if the Chief may come to somebody
3 somewhere down the line and ask for more positions, you
4 know. And -- but he was asked by the Governor to get this
5 thing -- the experiment, you know, put it out there as a
6 pilot and we'll see how it works. And that's what we're
7 doing. So ...

8 CHAIRPERSON PREZEAU: No, and I applaud that. And I
9 like the three restrictions. I think those are probably
10 -- there might be some additions to that list in the
11 future as we encounter them.

12 But I almost think that this is -- so I know that the
13 Chief hasn't reported on the vacancy rate at this meeting,
14 but it usually -- last meeting it was 16. But we've
15 averaged more like 18, 19 generally.

16 But I think this puts the Department apparently in
17 the catbird seat. And what I mean by that is I understand
18 that everybody's competing for 01 master and 01 general
19 journey-level electricians. And I understand the economy
20 and, you know, going where the money is. Well,
21 additionally is maybe kind of interesting because if I
22 could be an inspector and do virtual inspections from my
23 house instead of commuting somewhere, that's a recruitment
24 tool that possibly might help with our vacancy rate and
25 also might assist the Department in the expansion of this

1 inspection -- virtual inspection program. Because I
2 really don't like having to get in my car and drive to
3 bloody anywhere.

4 BOARD MEMBER GRAY: Think of the greenhouse gases
5 you're saving by not getting in a vehicle and using fossil
6 fuel.

7 CHAIRPERSON PREZEAU: Yeah. On the days that I get
8 mad, I might consider becoming a virtual inspection
9 inspector from my house.

10 Cool. Anything else?

11 MR. BIERWARD: So just to wrap it up, the
12 inspections, we are launching -- we're hoping to launch by
13 September 1 with the soft launch which -- actually then
14 it'll be on our Web site.

15 We're launching right now to the contractors, pushing
16 some things out to them. We're pushing our Web content
17 which they would see on our Web site. But we're pushing
18 it out to contractors. That got sent out. I sent that to
19 the supervisors to go ahead and promote it as much as they
20 can by word of mouth, and then push that out to them so
21 they have the tools so they can navigate through and use
22 the system.

23 And then towards the end of August, first part of
24 September, it'll be on our current Web site. And then we
25 hope to -- not a lot of advertising and so on. Again,

1 it's still part of our soft opening, if you will, until
2 the new Web site gets developed and released, which it's
3 in its final stages. And it's expected to be released at
4 the end of -- or sometime in November to the best of my
5 knowledge.

6 CHAIRPERSON PREZEAU: Very good.

7 Anybody -- any Board members have any --

8 MR. BIERWARD: So if you have any questions, I'm
9 happy to entertain them.

10 CHAIRPERSON PREZEAU: Cool. Thank you, Tony.
11 Appreciate it. Great work.

12 SECRETARY THORNTON: Tracy?

13 CHAIRPERSON PREZEAU: Yes.

14 SECRETARY THORNTON: One more thing on the updates is
15 that we will be leaving this building. The electrical
16 section is going to move over to a building just up the
17 street. Now, we'll probably still use this room for the
18 Board meetings, but we'll be up the road, oh, about --
19 what is it? -- four or five blocks to a new building. A
20 little more room.

21 One of the good parts about moving from here over
22 there is we get the chance to set up an area for
23 electronic plan review and virtual inspections that's
24 suited just for that purpose. Up till now we've kind of
25 been sticking them wherever we could find an open space.

1 So we'll make sure that we're set up in a good manner when
2 we get over to the new building.

3 CHAIRPERSON PREZEAU: Cool.

4 BOARD MEMBER BAKER: Question.

5 CHAIRPERSON PREZEAU: Yep.

6 BOARD MEMBER BAKER: So Tracy brought up
7 telecommuting for virtual inspections. Is that something
8 the Department's looking at trying to --

9 SECRETARY THORNTON: Yeah, we're looking at anything
10 and everything right now.

11 Tony was on light duty for a while, so he was doing
12 them from his house.

13 So, you know, it depends on what kind of coverage you
14 have at your house, that kind of stuff. And -- so there's
15 -- yeah, there's not much that we're not willing to look
16 at as far as that goes.

17 And as far as the vacancy rate that we were talking
18 about, yeah, it's at 18. And we've had four quit in the
19 last month and leave to go back out into the field.

20 CHAIRPERSON PREZEAU: Did you have a chance to do
21 exit interviews with them?

22 SECRETARY THORNTON: Yeah, yeah.

23 CHAIRPERSON PREZEAU: Is their primary reason
24 monetary?

25 SECRETARY THORNTON: Yeah, they just -- yes, it's

1 monetary. And they are the younger group, so they're
2 still able to get out and do that kind of work ... so they
3 think ... for a while anyway. And so -- yeah.

4 It's something that we hear quite a bit and in
5 particular when we're at the lower end of the pay scale
6 anyway. And then when the economy gets to going, this
7 could -- it's hard for some of them to resist.

8 CHAIRPERSON PREZEAU: Understood.

9 SECRETARY THORNTON: Tony.

10 MR. BIERWARD: Just one example, what Don was
11 mentioning, we have tested this quite a bit and performed
12 the inspections from home. But bigger is we do after
13 hours and weekends.

14 And just to give you a quick example, we have one
15 tonight. It's somewhere between -- they're not quite sure
16 when they're going to be ready for us. But we'll text
17 them at 12:30 tonight, and we'll do the inspection
18 somewhere between 12:30 and 2:30 actually in the morning.
19 So we do them at night and on the weekends. So I forgot
20 to throw that in.

21 CHAIRPERSON PREZEAU: Excellent.

22 SECRETARY THORNTON: And Don, in addition to remote
23 from people's houses, we've also had three instances for
24 guys who come back on light duty, haven't been released to
25 go to the field yet, we can train them, and that's how we

1 got started in Kelso is that we had two guys coming back,
2 one from knee surgery, one from shoulder surgery I think,
3 and couldn't go out in the field, so we brought them up
4 here and trained them. And then Tony went down to Kelso
5 and, you know, we kind of went through the process
6 remotely to see what kind of issues we might have.

7 And we get a fair amount of people that have
8 surgeries and then come back on light duty. So it could
9 be something that that group could just be our alternates
10 and our backups to the two that we hire.

11 BOARD MEMBER BAKER: Tony mentioned the lighting
12 inspections they were doing, and the guys have to harness
13 up and go up in the manlift.

14 SECRETARY THORNTON: Yeah, streetlighting, yeah.

15 BOARD MEMBER BAKER: Has the Department considered
16 getting some drones and doing inspections with drones?

17 SECRETARY THORNTON: Well, I --

18 BOARD MEMBER BAKER: In situations like that where
19 you don't have to -- you just operate a drone and --

20 SECRETARY THORNTON: Well, and I've made that comment
21 before that maybe not in my tenure, but don't be surprised
22 if we are doing them with drones. And that raises all
23 kinds of red flags of where we go with them and what we
24 look at and all -- you know. I mean, it's possible. I
25 mean, in this day and age, like I said, not much that's

1 not possible.

2 Maybe the other option would be we don't have the
3 drones; you have them.

4 BOARD MEMBER BAKER: Oh, you're going to put it on me
5 now.

6 SECRETARY THORNTON: That's right, yeah, yeah. That
7 way I don't have to worry about what we're looking at; you
8 get to.

9 BOARD MEMBER BAKER: It's a licensing issue as well.

10 SECRETARY THORNTON: There you go. Yeah.

11 BOARD MEMBER BAKER: Can we go back and have a
12 conversation about compensation --

13 CHAIRPERSON PREZEAU: Yes.

14 BOARD MEMBER BAKER: -- for L & I -- for our
15 inspectors?

16 CHAIRPERSON PREZEAU: Sure.

17 BOARD MEMBER BAKER: I was talking with Steve earlier
18 about that.

19 It is disturbing that -- I get guys leaving.
20 Contractors like ourselves are probably hiring them from
21 you and putting them to work --

22 SECRETARY THORNTON: Or other jurisdictions.

23 BOARD MEMBER BAKER: Sure. Yeah, it's not us.

24 So why are our inspectors so underpaid? What is
25 wrong with this agency? It's --

1 CHAIRPERSON PREZEAU: It's not the agency.

2 ASSISTANT ATTORNEY GENERAL THOMURE: It's not the
3 agency.

4 BOARD MEMBER BAKER: So what can we do as a Board to
5 correct that problem? Because these guys coming in -- and
6 Steve shared with me, it's in the \$70,000 range for
7 compensation, a base wage. That's unbelievable.

8 CHAIRPERSON PREZEAU: Well, and if you remember when
9 -- so if you remember, this gets really complex really
10 quickly, which is why when before Jose Rodriguez retired,
11 he sat in front of this Board many times and reported,
12 much to the frustration of the Chair, that it was going to
13 take 18 months to finalize the classification and
14 compensation rate case to the Office of Financial
15 Management and to the legislature.

16 So my understanding is that there are certain salary
17 bands that currently exist. And inside those salary bands
18 -- so for state inspectors, they have a salary band that's
19 like this: 70,000 to whatever the top "J" pay rate is.

20 SECRETARY THORNTON: Yeah.

21 CHAIRPERSON PREZEAU: And that's because they use the
22 alphabet to designate these individual salary --
23 compensation levels within the band.

24 So when we did that class and comp rate change that
25 took 18 months, we jumped from this salary band

1 (gesturing) to this salary band (gesturing). So we
2 increased all the state inspectors and the leads and all
3 the folks that -- right? And it is my understanding that
4 most of the time with discretion of the Chief, if a brand
5 new inspector gets hired, the Chief has the discretion to
6 either start that inspector at this end (gesturing) of the
7 salary band, the low end, or the high end (gesturing).
8 And it's been kind of a practice to start them at the
9 highest possible wage rate within that salary band ...
10 because there's 18 vacancies on average.

11 SECRETARY THORNTON: And on that -- we're in band 59,
12 61 and 63 I believe. So you got inspectors, leads and
13 supervisors. And that band goes from A through L. We
14 start people at J, and they get one pay raise, and they're
15 at the top of the band; they're done.

16 And originally when we started, we were at like --
17 anyway, you would get a raise at six months, a year and a
18 half, and two and a half to get you to the top. But in
19 order to compensate for the lack of wages, we bumped that
20 up. The downside of that is you have no place to go to
21 get a pay raise after you start.

22 CHAIRPERSON PREZEAU: At this juncture.

23 So it is possible through either going through a
24 similar 18-month process with another classification and
25 compensation rate case, and I believe there are some in

1 the industry that are exploring a possible legislative
2 fix, and I'm not a lobbyist nor am I an attorney, so I
3 don't know if that's possible to bump the 57, 59, 63
4 salary bands through a bill. But I know that there are
5 people exploring that.

6 BOARD MEMBER BAKER: Is there something that the
7 Board should be doing to help correct that problem?

8 I see it as a real problem for the Department. And
9 if it's a problem for the Department, it ends up being a
10 problem for our industry.

11 CHAIRPERSON PREZEAU: Oh, I totally agree with you.
12 Right? And I think it's pretty clear that, you know, the
13 program success rises and falls really on what happens
14 out in the field. And we all have recognized that at
15 different points.

16 And it is also clear -- we haven't gotten to the
17 Secretary's Report, but it is also clear that, you know,
18 this program is self-funded, right? We don't -- we pay
19 for ourselves. And that's -- and reading from the
20 Secretary's Report, which we haven't got to yet, but it's
21 in front of the Board members, the electrical fund balance
22 on June 30, 2019, was 12 thousand 293 dollars and --

23 SECRETARY THORNTON: \$12 million.

24 CHAIRPERSON PREZEAU: \$12 million. 12.3 million
25 bucks, which is almost six times the average monthly

1 operating expenditure.

2 So there's -- that's a pretty sustained average since
3 we climbed out of what I refer to as the construction
4 depression. Because when you have 40 percent
5 unemployment, that is not a light recession.

6 BOARD MEMBER BAKER: That speaks to me that there's
7 funds there available to get these inspectors compensated
8 at a industry standard.

9 SECRETARY THORNTON: And then don't forget that our
10 fees are also as low as anybody's around. So ...

11 CHAIRPERSON PREZEAU: Yeah, we haven't increased the
12 fees --

13 SECRETARY THORNTON: No. I mean, yeah, we're --

14 CHAIRPERSON PREZEAU: -- since before -- I think the
15 last time we increased the inspection fees Ron Fuller was
16 the chief.

17 SECRETARY THORNTON: Yeah. We haven't done it since
18 I've been here. So it's ...

19 CHAIRPERSON PREZEAU: Bobby.

20 BOARD MEMBER GRAY: We were successful, were we not,
21 in supporting the effort, the conflict of interest
22 question that would allow them to work after hours as
23 instructors, were we not?

24 SECRETARY THORNTON: To a certain extent, yeah. They
25 can't have their own business. They can work for a,

1 quote, "third party" where they don't have anything to do
2 with the number of people in the room. They get --

3 CHAIRPERSON PREZEAU: They get compensated.

4 SECRETARY THORNTON: They get a flat fee, whether
5 there's one there or 25; it doesn't make any difference.
6 You know, community colleges, that kind of stuff. So ...

7 CHAIRPERSON PREZEAU: Yeah. And the Electrical Board
8 strongly supported that previous compensation and
9 classification rate case. And the Department knew that,
10 and Jose' Rodriguez knew that.

11 ASSISTANT ATTORNEY GENERAL THOMURE: Hasn't there
12 been a letter like to the Governor or -- just in terms of
13 support. I think that's the most that I know of that the
14 Board's ever ...

15 CHAIRPERSON PREZEAU: Yeah, we did engage in a
16 process. But we --

17 BOARD MEMBER BAKER: Can we put -- should we put
18 together a task force? Does it make sense for us to do
19 that? We're going to kick the beehive, just keep kicking
20 it until it gets resolved. This conversation -- for
21 years.

22 ASSISTANT ATTORNEY GENERAL THOMURE: I don't think
23 that the licensing or the electrical program is alone in
24 this issue.

25 BOARD MEMBER BAKER: I only care about licensing.

1 Let the rest take care of itself.

2 ASSISTANT ATTORNEY GENERAL THOMURE: The budget --
3 there's a state budget. The budget has to -- I mean --

4 BOARD MEMBER BAKER: But we've got money in our
5 account that we could fund it. We don't need help from
6 the budget.

7 CHAIRPERSON PREZEAU: So what I -- I like your
8 passion, Don, a lot, especially about this issue.

9 BOARD MEMBER BAKER: He needs to hire 18 inspectors.

10 CHAIRPERSON PREZEAU: My suggestion is that we -- you
11 know, we -- normally it's part of your report, the vacancy
12 rates and what's going on with that. So we will hear
13 about that again in October.

14 And it is highly possible that by October at the
15 Board meeting, I might have more information about some of
16 these possible other efforts that the Board may or may not
17 want to write letters of support for.

18 ASSISTANT ATTORNEY GENERAL THOMURE: So your question
19 is: Why can't you use this \$12 million to increase --

20 BOARD MEMBER BAKER: I'm a simple guy. And I'm
21 pretty sure the budget --

22 CHAIRPERSON PREZEAU: I'm pretty sure that's a
23 legislative fix. So let's discuss it again --

24 BOARD MEMBER BAKER: We've got a governor running for
25 president, take two minutes out of his busy schedule and

1 take a look at --

2 ASSISTANT ATTORNEY GENERAL THOMURE: We can't even
3 get him to -- (inaudible).

4 BOARD MEMBER BAKER: Milton ...

5 ASSISTANT ATTORNEY GENERAL THOMURE: Strike that.

6 CHAIRPERSON PREZEAU: So because we're still under
7 legislative update, I want to not hijack your secretary's
8 report or anything else. But I wanted to --

9 So I got a -- I had a chance to meet with Director
10 Sacks on August 8th, and one of the things that he
11 mentioned was -- we talked about Substitute Senate Bill
12 6126, which as you may recall has to do with the
13 apprenticeship only for 01 general journey-level exam
14 candidates or applicants and the implementation date is
15 July 1, 2023?

16 SECRETARY THORNTON: Yes.

17 CHAIRPERSON PREZEAU: So one of the things he
18 mentioned to me was -- in that discussion was, Hey, maybe
19 it would be a really super great idea if the Electrical
20 Board created a subcommittee and the Apprenticeship
21 Council created a subcommittee with the intent of working
22 collaboratively to ensure that those two -- the
23 apprenticeship division and the electrical program and --
24 the Apprenticeship Council and the Electrical Board could
25 work collaboratively to best implement that pretty

1 sweeping change.

2 And yesterday, I got an e-mail from Megan, and it's a
3 copy -- it's a forwarded e-mail between Jody Robbins who
4 is the --

5 SECRETARY THORNTON: Head of the Apprenticeship
6 program here.

7 CHAIRPERSON PREZEAU: -- head of the Apprenticeship
8 division to Steve and copied to Megan.

9 And it says -- could I read this?

10 SECRETARY THORNTON: Certainly.

11 CHAIRPERSON PREZEAU: Very good.

12 "Hi, Steve. Per our conversation in the hallway, I
13 am looking to convene a group of department, industry and
14 council representatives to meet with a similar group of
15 folks from Oregon to discuss the implication of Washington
16 01 apprenticeship only requirement. I will be reaching
17 out to my Apprenticeship Council for representation and
18 would like to include your Board Chair as well. I am
19 hoping our Washington team will represent the following
20 entities/departments: L & I electrical section, L & I
21 apprenticeship section, State Apprenticeship Council,
22 State Electrical Board, apprenticeship sponsor from
23 Southwest Washington likely Rod Belisle. The timing for
24 such a meeting will come within the next couple of months,
25 depending on everyone's availability.

1 "Thank you for your attention to this matter. And do
2 let me know if you have any questions or concerns."

3 So I reached out to -- after my meeting with Director
4 Sacks, I reached out to a -- I believe -- is Mark Riker
5 now the chair of the Apprenticeship Council?

6 SECRETARY THORNTON: Yeah, I'm not -- I don't --

7 CHAIRPERSON PREZEAU: I know he's on the
8 Apprenticeship Council, and it's -- I believe he's the
9 chair. And that's new. And I know Mark Riker from
10 previous work.

11 And so I reached out to him, and I said, "Hey, two
12 things. One is, would the Apprenticeship Council be
13 willing to" -- because it was before this e-mail. "Would
14 the Apprenticeship Council be willing and interested in
15 creating this sort of joint subcommittee?"

16 And he said, "Absolutely."

17 And they have a little more latitude. They can
18 actually -- this is interesting. They can actually make
19 -- the Apprenticeship Council can appoint a subcommittee,
20 and they can include people that are not on the council.

21 So in this -- you know, like subpoena industry
22 experts and say, "Hey, do you want to be on this
23 committee?"

24 We don't have -- in our bylaws, we don't have that
25 same latitude. So under the duties of officers, the

1 Chairperson shall preside at all meetings, functions and
2 affairs of the board and acts as the spokesperson for the
3 board outside of meetings, appoint all standing and
4 special committee members and designate the committee
5 chairperson for same, serve as ex officio member to all
6 committees, and exercise supervision over all affairs of
7 the Board.

8 And we've appointed subcommittees and previous chairs
9 have appointed subcommittees which I've served on, and I
10 am very interested in creating a subcommittee today and
11 identifying Board members who would be interested and
12 excited and willing to work on this subcommittee about
13 implementation of 01 -- working in partnership with the
14 Apprenticeship Council and the Department entities named
15 in the e-mail.

16 I got to write this down or else I'll forget.

17 So I know that there's lots of very passionate
18 members of this Board who would probably want to serve on
19 this committee. My intent, though, would be -- and I'm
20 looking for -- (inaudible) -- refute of this is I'm -- my
21 first thought was Board members that are either 01
22 certificate holders or 01 administered contractors because
23 they're the Board members who are going to be directly
24 impacted by this.

25 Now, that doesn't -- I'm not trying to disrespect

1 outside line workers or manufacturers or utilities or
2 engineers or communication workers or communication
3 providers, but -- so my inclination is that Jason is on --
4 I would like to ask you to serve on the subcommittee. I
5 would like to ask Bobby if you would serve on the
6 subcommittee. Eric Lee, who's the other 01 administered
7 -- or 01 certified electrician who is not here today, I
8 would like to ask him. Don. And also Dominic.

9 And I understand that the -- you know, this is a
10 volunteer Board, and you guys as contractors gave up time.
11 Everybody gives up time away from their regular job in
12 order to be here. And so, you know -- and Dominic's not
13 here either.

14 And so if Dominic is like, "Hey, I'm too busy," and
15 Don, if you're like, "Hey, I'm too busy; I can't do this,"
16 Bobby, you have a little more flexibility in your
17 schedule.

18 But my preference would be that's six Board members
19 so we would not constitute a quorum when we were serving
20 as a subcommittee, that you consider accepting today, Don,
21 on the record, and Bobby and Jason and me, that we're
22 going to serve on the subcommittee. And in the event that
23 you can't attend a meeting -- you can't attend meetings,
24 but if you're named, you -- you can or you can't. And I
25 will reach out to Eric Lee and Dominic and ask them if

1 they would consider being on the subcommittee. And at
2 least then the subcommittee is established and we can move
3 forward and participate on the Apprenticeship Council and
4 Jody Robbins and the Department and blah, blah, blah to
5 figure out what does this look like.

6 Does that make sense?

7 So Jason, you're in? Bobby, you're in? Don, you're
8 in?

9 BOARD MEMBER BAKER: What do you think the term of
10 that subcommittee will be?

11 CHAIRPERSON PREZEAU: Well, the e-mail indicates that
12 they believe the timing for such a meeting will come
13 within the next couple of months, depending on everyone's
14 availability.

15 So I think there's -- I infer from that that -- and
16 this was something that Director Sacks was pretty
17 interested in discussing, and I think that it's probably
18 one of the -- the sense I get is it's kind of a high
19 priority because we have to be figuring out the things
20 that need to get fixed.

21 Because some of it's legislative. Because there's --
22 and Technical Specialist Vance reported on this previously
23 at Electrical Board meetings that there's a couple of --
24 like the way the bill was written there is a disagreement
25 currently between the apprenticeship section and the

1 electrical program regarding whether or not -- let's say
2 come July 2, 2023, if I have 5,000 hours of on-the-job
3 training on affidavits stamped by the Department, the
4 apprenticeship section says, Hey, those hours will count
5 towards your 01 because they're on affidavits and -- even
6 though they weren't worked in a state-approved
7 apprenticeship program. The apprenticeship section says
8 those hours count. The electrical program says those
9 hours don't count.

10 And the reason that I understand they say they don't
11 count is because the language in the bill that is now law
12 says the hours must be worked in a state-approved
13 apprenticeship program. And there's -- there is a little
14 place in the statute that says -- and I don't remember
15 exactly where it is -- Larry, the -- or Chief -- where it
16 says the Department may evaluate somebody's program, on-
17 the-job training, experience after July 1, 2023, until
18 July 1, 2025, and in the event that somebody petitions
19 the Department because -- right?

20 So there's this -- but -- and then there's this
21 really subjective language in the statute now that says,
22 And that the Department deems that their experience is
23 substantially equivalent, then they will, you know, say
24 those hours count.

25 And who -- what government agency wants to be in a

1 position where they have to evaluate substantially similar
2 on an individual basis?

3 ASSISTANT ATTORNEY GENERAL THOMURE: What attorney
4 wants to litigate that?

5 CHAIRPERSON PREZEAU: Yeah.

6 So that's -- but that could be fixed very easily,
7 right? So there's some stuff that needs to get fixed.

8 Another thing that I spoke to Mark Riker about
9 because -- it's probably one of the things I discussed
10 with Director Sacks and Liz Smith, right? Elizabeth
11 Smith?

12 SECRETARY THORNTON: Uh-huh.

13 CHAIRPERSON PREZEAU: -- was hey, right now is
14 apprenticeship section policy, and it brings in the
15 Apprenticeship Council that you can't -- it's a violation
16 of apprenticeship standards -- electrical apprenticeship
17 standards -- 01 electrical construction apprenticeship
18 standards to mix trainees and apprentices.

19 So the problem is July 1, 2023, I'm Prezeau Electric,
20 and I'm building a mixed-use project anywhere in the
21 state. And I am a training agent to an 01 apprenticeship
22 program, so I have journey-level 01 electricians, I have
23 01 apprentices, I have 02 journey-level electricians, and
24 I have 02 trainees. And it's fine as long as those 02
25 trainees are up in the residential units, and the 01

1 apprentice is down in the commercial space. But if they
2 run out of work for the 01 apprentice in the commercial
3 space and say, "Go wire the units," and they're working
4 with an 02 trainee and that 01 apprentice is in a
5 state-approved apprenticeship program, that training
6 agent's in violation of the standards. And so that's got
7 to get fixed.

8 And the history behind that is fairly interesting
9 actually. So several years ago that policy didn't exist,
10 and it became policy because of a -- what do you call them
11 -- temporary hiring halls or, you know, like a Tradesmen
12 International or a Labor Ready or whatever. And so the
13 policy was implemented.

14 And I don't -- now that this -- things change. And
15 now that this bill has passed with an implementation date
16 going forward and all the things that have to get put into
17 place way before July 1, 2023, so that we don't strand
18 contractors and we don't strand electricians and we don't
19 strand apprentices and we don't strand trainees, and that
20 we achieve what the original intent of the bill was, and
21 this Board is uniquely familiar with that because we -- it
22 used to be that if you were a trainee, you -- before 2007,
23 you didn't have any basic classroom training requirements.
24 So -- we did that through a bill that was passed and then
25 subsequent rulemaking.

1 So in 2007 there was 8 hours per year for trainees.
2 In 2011 at another legislative fix, it went to 16 hours a
3 year. And in '13, it went to 24 per year ... and we all
4 know that. I mean, I'm reading from notes, which is why I
5 know those specific things. But you guys are familiar
6 with that.

7 Well, now it's gone to 144 a year. Because that's
8 the lowest RSI with the supplemental instruction threshold
9 that is approvable by the Council and the apprenticeship
10 division it's my understanding for an 01 apprenticeship
11 standards to be approved. And because of that we need to
12 fix the stuff that is standing in the way of that, both
13 legislatively and through policy. And that's going to be
14 the work of the subcommittee, or at least a portion of it.

15 Yeah, I know way more about this stuff now than I
16 ever wanted to, but it's actually pretty interesting.

17 So ... yeah.

18 SECRETARY THORNTON: So one other thing on the
19 apprenticeship and the trainee stuff. These (showing) are
20 some flyers that we printed up. They're at the front
21 counters of all the offices. And the inspectors all have
22 them. And one side tells the trainee what he needs to do
23 by 2023 because of this bill. The other side tells the
24 contractor what he needs to do. And so when we go to a
25 commercial job site, we'll post one of these on the job

1 site. So if you hear that you're finding all kinds of
2 these green notices from Labor and Industries, that that's
3 what they are. And then we have them at the front
4 counters in the offices for people that come in asking
5 questions about, Oh, I hear there's a law that comes in
6 that I can't work anymore or something, and so we'll give
7 them these also as information and making sure that we're
8 doing everything we can to spread the word to everybody
9 that this is coming, and you need to a) know it's coming,
10 and b) know how it's going to affect you so you can deal
11 with it the best that you can.

12 CHAIRPERSON PREZEAU: Perfect.

13 Anything else on legislative update?

14 SECRETARY THORNTON: I mean, I know that -- like you
15 were asking about the vacancy rate, like I said, it was
16 18. And that -- part of the four that have quit in the
17 last month will be registered in there. But the one that
18 quit yesterday won't for sure. So whether it hits 20
19 before we can hire one, I don't know. But it's running
20 right at that general area.

21 And the other thing is I think we've hired 100 --
22 about 125 inspectors since we started our training
23 program. And out of those, 1/5th no longer work here.
24 After we've sent them through the training program,
25 they've gone somewhere, back out to the field, to another

1 jurisdiction.

2 So Dennis Straylie (phonetic), our trainer is here.
3 And he kind of made that comment to us the other day that
4 of that many people that he's trained, almost one in
5 five's no longer here.

6 CHAIRPERSON PREZEAU: That's alarming.

7 SECRETARY THORNTON: Yeah.

8 CHAIRPERSON PREZEAU: Do we know -- and I know that
9 John Brickey's not here this morning who represents cities
10 that have jurisdiction. If we went to the market and did
11 a wage comparison between municipal inspectors and our
12 state inspectors, generally speaking, to your knowledge,
13 do municipal inspectors make more money than the state
14 inspectors?

15 SECRETARY THORNTON: Yes. When we did the wage
16 before, I think we surveyed 26, and we were 25.

17 CHAIRPERSON PREZEAU: Do you still have that
18 information?

19 SECRETARY THORNTON: Oh, I think we must somewhere,
20 yeah.

21 CHAIRPERSON PREZEAU: That would be -- would the
22 Board members like to see that?

23 THE BOARD: (A few nodding.)

24 CHAIRPERSON PREZEAU: Yeah. If we could -- if it's
25 not too onerous a request, I would really like to see

1 that. And it looks like other Board members are
2 indicating they would like to see that information as
3 well.

4 BOARD MEMBER BAKER: What's the recruiting process
5 for these 18 -- I know you've had the recruiting process
6 going for a long time. But how are you recruiting them?

7 SECRETARY THORNTON: We have a recruitment open
8 continuously; it never closes. So you can go to the Web
9 site.

10 We're also recruiting on a regional basis. When we
11 -- we're getting ready to interview again in about two
12 weeks. In a 60-day period, we had 30 applications. Out
13 of those 30, we -- the interview committee and I sit down
14 and we go through the applications and look at experience,
15 weed out the ones that don't meet the minimum
16 qualifications, the ones we've already interviewed and
17 we're not going to hire. And so that 30 dwindled down to
18 16 that we figured we're going to go over these guys
19 interviews just so we can find out who they are. And out
20 of those 16 interviews, we'll probably get 12 that accept
21 and six to eight that show up, and we'll probably hire
22 two.

23 BOARD MEMBER BAKER: So does the Department keep
24 track of the costs for recruitment, interviewing and
25 training and onboarding inspectors?

1 SECRETARY THORNTON: We haven't done that yet, no.

2 It's -- the training plan itself is an eight-week
3 training plan, and guys go for a week, they come back,
4 they use what we've taught, then they go back for another
5 week. And we rotate. I mean -- and we don't like to make
6 them travel and stay at the training location, you know,
7 without letting them go home. But yeah, haven't actually
8 put a dollar amount on them, no.

9 BOARD MEMBER BAKER: When you do your annual budget,
10 you don't have a line item for --

11 SECRETARY THORNTON: No.

12 BOARD MEMBER BAKER: We've been talking about vacancy
13 for a long time. I'm just --

14 SECRETARY THORNTON: Right.

15 BOARD MEMBER BAKER: -- you know, there's a cost to
16 not be able to fill these positions and been incurring
17 that cost for years.

18 CHAIRPERSON PREZEAU: So let me just say this. It's
19 now almost noon. Our last break ended at 10:39. And I'm
20 not interested in drawing out the meeting. But we have a
21 couple more -- I'm not saying we're done with this
22 conversation, but I want to check in with Board members --
23 I brought my lunch because I made a Sockeye salmon filet
24 last night.

25 Do we need to take a break for lunch? Because we

1 know there's a cafeteria upstairs. And do we want to --

2 Milton, do you need a --

3 Do we need a break at this point anyway? There's
4 more to discuss. We haven't even gotten -- there's
5 potentially more: this conversation, we have the
6 secretary's report, we have the certification report, we
7 have public comment.

8 So we still have -- will we need to take a lunch
9 break? Well, let's do this: Can we eat in this room?

10 SECRETARY THORNTON: Sure.

11 CHAIRPERSON PREZEAU: I know that the cafeteria --

12 ASSISTANT ATTORNEY GENERAL THOMURE: All these years,
13 you have --

14 SECRETARY THORNTON: Everybody can eat in this room,
15 right? Right out of that bag.

16 CHAIRPERSON PREZEAU: I did not bring enough for
17 everyone.

18 So I propose we take a 25-minute break to allow for
19 comfort breaks. Plus, if somebody needs to get food. And
20 we will come back on the record at 25 minutes after 12:00.
21 Is everybody happy about that? And we will finish this
22 conversation, and we'll finish the rest of our agenda
23 items.

24 Okay, we are at break.

25 ///

(Lunch recess taken.)

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CHAIRPERSON PREZEAU: Okay. So it is 12:33, and we are back on the record of the July 25, 2019, Electrical Board meeting.

So real quick, and then we'll come back to the discussion we were having is Bethany was kind enough to make copies of the next five Electrical Board meetings and their locations. So I gave that to all the Board members. The surplus copies are on the table for public interest.

And I think that's -- so back on the discussion of recruitment and retention of inspectors and field staff.

I like your line of questioning a lot, Don, about -- and the Department's pretty good at capturing data. And I think what I heard in your remarks, Don, is that it might be a good idea if it's not too onerous to ask the Chief to delegate to somebody to sort of get their arms around a decent idea of what this -- when we -- what this costs the program, particularly the training for new inspectors and this whole process where they engage in recruitment, and then they get applicants, and then they vet those applicants. So that takes staff time. And then they put them through training. And that takes staff time. And then have 1/5th of them no longer be here. And what did that loss of 20 percent of folks that went through that

1 process, what did that cost the Department or what is that
2 cost per person.

3 SECRETARY THORNTON: And then we also have them, you
4 know, in remote locations or other locations than where
5 they're at, so they're on per diem, you know. So it costs
6 not only the full-time trainer, but what other costs we
7 incur. It would probably be a number that would surprise
8 us all. So ...

9 BOARD MEMBER BAKER: Yeah, I'd be interested in
10 seeing a line item in your budget or somehow track it to
11 know exactly what you're spending within your Department.

12 But the idea would be that if you were to satisfy
13 those needs, you would no longer have those expenses, then
14 those expenses could roll into a different --

15 SECRETARY THORNTON: Roll them into the pay side
16 instead of the -- yeah.

17 BOARD MEMBER BAKER: Maybe into the compensation,
18 sure.

19 You're always going to have a certain amount of
20 improvement in training obviously, right?

21 SECRETARY THORNTON: Sure, yeah.

22 And, you know, some of the other exit are not
23 necessarily exit interviews, but if we have somebody that
24 we've had a couple that we've really liked in the
25 interview process but we just couldn't convince them to

1 even get here yet, I try and do interviews with them why
2 they're not interested in coming here. So ...

3 BOARD MEMBER BAKER: In the advertising for the
4 position, is there a salary change that's listed as well?

5 SECRETARY THORNTON: Yeah.

6 BOARD MEMBER BAKER: Yeah, so you're probably --
7 there's a potential that you're not seeing a lot of
8 applicants just because they write you off because of the
9 salary range is too low.

10 SECRETARY THORNTON: Yeah. Or at least the ones
11 we're looking for.

12 I mean, if you look at the construction industry as a
13 whole manpower-wise as a pyramid, you know, there's a
14 certain percentage at the bottom that you guys hire and
15 send back home on a regular basis for a reason, and those
16 are not the people we want.

17 The next group are young guys who haven't realized
18 yet that they can't do that kind of work their whole life.

19 And then you get up towards the top of the pyramid
20 which are the people that are good at public -- you know,
21 good with the public. And those are the ones we want.
22 Those are the ones that run your jobs and the guys that
23 make you money.

24 So more than once we've offered somebody a job, and
25 when they went back to turn in their notice, their current

1 employer says, "Well, name your price. I mean, I just
2 can't let you go." So ...

3 CHAIRPERSON PREZEAU: And that pressure's only going
4 to get worse because --

5 SECRETARY THORNTON: Sure.

6 CHAIRPERSON PREZEAU: -- the silver tsunami that
7 people have been talking about for 15 years is finally on
8 us. And so supervisory -- affected supervisory personnel
9 will be able to name their price in the next five years.

10 SECRETARY THORNTON: And as an inspector you have to
11 be able to manage the workload, charge the fees, write the
12 citations, and talk to people, and have them be happy with
13 what you're doing, and that takes a lot of people out of
14 the mix, which is a hard sell when you go to state H.R.
15 because they think that anybody that meets the "min quals"
16 ought to be good enough.

17 ASSISTANT ATTORNEY GENERAL THOMURE: And then they
18 might have to testify.

19 SECRETARY THORNTON: Oh, yeah.

20 ASSISTANT ATTORNEY GENERAL THOMURE: And they get
21 cross-examined on --

22 BOARD MEMBER BAKER: And make a good record.

23 ASSISTANT ATTORNEY GENERAL THOMURE: But they have to
24 be cross-examined. "You've never been in the field."
25 "How many years?" You mean, you just came out?" "You've

1 actually never done the work." I've heard you guys say
2 that very often. "That ALJ just doesn't know what he's
3 doing."

4 BOARD MEMBER WARD: There's vacancies of 18 out of
5 how many?

6 SECRETARY THORNTON: About 140. So a little over 10
7 percent.

8 BOARD MEMBER WARD: Thank you.

9 CHAIRPERSON PREZEAU: Okay. So great.

10 BOARD MEMBER BAKER: So Stephen, the requirements for
11 your inspectors, my understanding is an 01 journeyman and
12 a 01 admin?

13 SECRETARY THORNTON: No.

14 BOARD MEMBER BAKER: Just a 01 journeyman.

15 SECRETARY THORNTON: Yeah. And four years
16 experience. We would prefer an admin. But at one time we
17 were looking at that as more of a requirement, and that
18 just made it to where we were really looking at the top of
19 the pyramid, and we -- yeah, we've pretty much taken that
20 out.

21 And nowadays, anybody that even looks remotely close
22 to what we want, we're going to interview them. Because
23 we learn a lot more in a scenario like this than we do on
24 paper.

25 BOARD MEMBER BAKER: So it's not a reach to say that

1 an 01 wireman in our industry right now, compensation just
2 on his check, not his benefits, he's a \$100,000 a year
3 guy.

4 Tracy?

5 CHAIRPERSON PREZEAU: It's based on county, right?

6 BOARD MEMBER BAKER: Yeah. Seattle for sure.

7 SECRETARY THORNTON: Oh, yeah.

8 BOARD MEMBER BAKER: Yeah. I mean, that's just an 01
9 journeyman. But if your inspectors you're recruiting, if
10 you're not in that range starting your base wages, you're
11 too low.

12 SECRETARY THORNTON: And we're not.

13 CHAIRPERSON PREZEAU: Great. I mean, not great, but
14 good conversation.

15 So one more thing before we move on to the next
16 agenda item because we should be under -- should be under
17 the Secretary's Report next, right?

18 SECRETARY THORNTON: Okay.

19 CHAIRPERSON PREZEAU: Oh, that's today's agenda. I
20 was reading off the one that was e-mailed to us.

21 Yeah, we can do that next. Is Larry here? Maybe
22 we're not going to do that next.

23 SECRETARY THORNTON: We'll do the Secretary's Report
24 next.

25 CHAIRPERSON PREZEAU: Okay. But before you do that, a

1 couple of --

2 So gubernatorial appointments to the Board. So I'm
3 thrilled that we not only have a quorum, but we have more
4 than a quorum. I've been worried about this meeting for a
5 long time because July -- because several Board members
6 had the opportunity to attend a conference in Hawaii, and
7 given the choice, I understand why they're in Hawaii.

8 Bobby was up for reappointment, and he's submitted
9 his application, and the Governor has taken no action,
10 which is fine. But they were -- they're meeting today.
11 They were supposed to meet on the 23rd. It got pushed.

12 The office -- the person who works in the Governor's
13 office of Board and Commissions was supposed to have the
14 Governor's ear on the 23rd to talk about these Board
15 appointments. And it got pushed. So it's today
16 apparently.

17 So the way that it works is Bobby, you're perfectly
18 capable -- perfectly legal to be here and have voice and
19 a vote.

20 The same with Don Baker. His appointment is pending.

21 Same with Jason.

22 And then we do -- Randy Scott, the public member
23 position is still vacant, and we're working on that.

24 And the manufacturer seat -- because Dave Cornwall is
25 not seeking reappointment. But glad he was able to come

1 today.

2 The person who we are supporting for -- or I am
3 supporting and he is supporting to replace him in the
4 manufacturer's seat is present today in the room. His
5 name is Ivan Isaacson. That's him over there
6 (indicating).

7 ASSISTANT ATTORNEY GENERAL THOMURE: All by himself.

8 CHAIRPERSON PREZEAU: All by himself.

9 So I just wanted to get that into the record.

10 Oh, and Kevin Schmidt's position, the telecom
11 contractor, we have an applicant for that, which his name
12 is Cary Cox. And I spoke to him back in April on the
13 phone. And that's who Kevin wanted to replace him. But
14 then Kevin moved to Ohio and, you know, that kind of took
15 his attention. He just -- he's out of town this whole
16 week, so he's not been -- or else he was planning on
17 attending like Ivan in the event that they got seated,
18 which they didn't.

19 Although, you got your name tag already, so that's
20 cool.

21 MR. ISAACSON: I saw that.

22 CHAIRPERSON PREZEAU: So hopefully that will all be
23 remedied today, and we should have a much fuller
24 delegation appointed for the October meeting. So that's
25 great.

1 Item 3. Certification/CEU Quarterly Report

2

3 CHAIRPERSON PREZEAU: Okay. Certification/CEU
4 Quarterly Report. Larry Vance.

5 MR. VANCE: Madam Chair, members of the Board, I'm
6 Larry Vance. I'm a technical specialist. I work for
7 Steve Thornton, the Chief Electrical Inspector.

8 Looking at the exam results -- you were all sent
9 copies of the exam results, two different reports. One is
10 the results by attempts. And I've reviewed that exam --
11 reviewed the results by attempts, and there's really not
12 -- there's no change there.

13 Journey level 01 exams are about -- still about 50
14 percent on first-time pass rate.

15 And then you'll see an increase in pass rate as they
16 enter their second attempt because, well, they got to
17 study a little bit on their first attempt. And --

18 CHAIRPERSON PREZEAU: And then it starts to go down.

19 MR. VANCE: And then it starts to go down, yeah.

20 So that's the interesting thing with the open-book
21 exam is that we do have these exam challenges that come
22 to the Department quite often, and it's always interesting
23 to see. They get a copy of the question and a copy of the
24 answer that are incorrect answer, and if they can
25 substantiate why that answer's correct, then we would

1 overturn that question. But generally what we get is a
2 code reference written there to the actual answer for the
3 question.

4 So it most likely can be a lack of preparation or a
5 lack of education that gets them, you know, to a point
6 where they're failing an open-book exam because it's a --
7 it's an opportunity to bring in all the answers and
8 display the fact that you can find those answers.

9 We are getting a lot of out-of-state activity,
10 out-of-state applications. Those are folks that would
11 come in, and if they didn't familiarize themselves with
12 the Washington laws and rules section, if they fail that
13 section, that would be a failing first attempt.

14 So as far as, you know, what the future brings, we
15 know that, you know, apprenticeship graduates, those who
16 -- (inaudible), they're in the 70 percentile range of hire
17 on first-time pass rates.

18 CHAIRPERSON PREZEAU: Most, not all.

19 MR. VANCE: Most, not all.

20 The one that was down that was holding the bottom
21 down is no longer in an apprenticeship in Washington. So
22 that's an interesting thing.

23 But they're not all equal by any aspect. But this
24 opportunity with the Apprenticeship Council and all these
25 conversations should do nothing but try to level that out.

1 It is always interesting -- I don't know if any of
2 the Board members had an opportunity to just peruse
3 through that very long report about exam delivered by
4 testing locations. You can see that there's people
5 testing for all kinds of things all over the United
6 States.

7 That's always an interesting conversation when one of
8 our licensing people tell somebody on the phone, you know,
9 Well, all you need to do is qualify for the exam. And
10 they could pass it before you even come here.

11 "Oh, you mean I can do that?"

12 "Yes."

13 Because there's still states that it's a paper-pencil
14 test, you know, a couple times a year, four times a year.

15 So having that kind of delivery capability I think is
16 really helpful in making our state accessible for others
17 coming.

18 We recently tuned up our out-of-state exam
19 application a little bit. Just -- we've all been going
20 through this exercise of rewriting our Web content, so
21 we've all maybe become a little bit better writers. So
22 every time we look at something, we're always trying to
23 rewrite it in the most -- so it has the highest level of
24 communication and greatest simplicity. So we did that
25 with our flow chart on our outside applications.

1 So it essentially drops you into three buckets. You
2 completed an 8,000 hour apprenticeship. Or you come from
3 a licensing state where you obtained your state license by
4 examination after meeting that state's requirements. Or
5 you come from -- and these are our most difficult folks --
6 you come from a state in which there is no licensing.

7 So when you come from -- when you're coming from a
8 state where there is no licensing, then it gets
9 interesting because our -- essentially our licensing
10 eligibility -- exam eligibility is built around supervised
11 experience. How do you ever get supervised experience
12 when -- well, the person supervising you is not a licensed
13 electrician because you don't have that system in your
14 state. So then our auditors have to look at equivalents,
15 and there's a provision in the law that allows that.
16 Essentially what it's saying is is that they have to be
17 equivalent to the requirements in Washington. So do we
18 have to hang our hat on the fact that you didn't have
19 supervision by a certified electrician? According to
20 Washington law there's only one kind of certified
21 electrician, and that's somebody that passed a Washington
22 state electrician examination.

23 So it's an interesting thing in this market. There's
24 a lot of people that do want to come to Washington. I
25 mean, there's been a lot of calls daily.

1 Our licensing staff is -- that's one of the things
2 that now with all of our e-commerce, so we have about 75
3 percent of the people renew on-line. There's a high
4 number of electrical trainees -- that become trainees
5 on-line. A lot of the normal licensing process is done
6 on-line. And they're tracking the hard stuff, the
7 out-of-state folks, the out-of-state military folks that
8 worked for six years in a camp in Antarctica, came from a
9 poor country. You know, that's the stuff that bogs
10 everybody down. It's not the easy stuff.

11 The golden ticket is an apprenticeship completion.
12 That always just tells you they got 8,000 hours, they had
13 supervision. You know, it just checks a whole bunch of
14 boxes in your mind.

15 And then you look at a state certification and, you
16 know, there's a group of -- about half the states in the
17 United States are licensing states. And those licensing
18 states have all come together pretty much. You know,
19 they're all pretty much 8,000 hours. They all meet 4,000
20 hours commercial/industrial. Not everyone. But I mean,
21 everybody's real close. So that's kind of -- that kind of
22 gives you a head nod.

23 Then you get an application from somebody that's
24 coming from a non-licensing state that says: I've been
25 working as an electrician. That's really what it says.

1 And then you've got something from their employer that
2 says: I've been employing so and so as an electrician.
3 Now you're kind of just -- you know. But that's half the
4 states. And those half of states also have apprenticeship
5 programs. But it's that group of people that are -- those
6 are hard. Those are hard.

7 CHAIRPERSON PREZEAU: Do you know how many states
8 have apprenticeship only for electrical besides Idaho and
9 Oregon?

10 MR. VANCE: I don't have that number. I know that
11 there's some --

12 CHAIRPERSON PREZEAU: I think we do.

13 Do you remember -- you did a report and you actually
14 produced a map of the United States, and you reported to
15 this body many years ago what the licensing certification
16 requirements were by state. Do you remember that?

17 MR. VANCE: We've got that map. But that's just
18 licensing, non-licensing. That's not apprentice,
19 non-apprentice -- or not apprenticeship. So it's --

20 Then you get into the, you know, the Federally
21 regulated apprenticeships, the state-regulated
22 apprenticeships. About half the states regulate their
23 apprenticeships. The other half are Federally regulated
24 or Federal apprenticeships. Not a lot of -- I mean, I
25 could go on-line and create my own apprenticeship and push

1 the button and I've got an apprenticeship on the Federal
2 Web site. It's more of a kind of a I'm registering what
3 I'm doing, you know.

4 CHAIRPERSON PREZEAU: Rather than here where it's
5 actually apprenticeship standards overviewed by the
6 apprenticeship section of the Apprenticeship Council and
7 the state association is apprenticeship -- the state
8 association of -- the State Apprenticeship Coordinators
9 Association.

10 MR. VANCE: Right, right. Yeah.

11 So there's a group called NASTAD (phonetic) or --
12 it's the National Apprenticeship -- I don't know the exact
13 acronym. But they are the association of folks that
14 regulate apprenticeship within their own states, and that
15 level of apprenticeship is -- it varies. It is intensive
16 as having a initial apprenticeship council and all of
17 those aspects. Like we've got something a little on the
18 lighter side of that.

19 We haven't heard any complaints about exam
20 availability or lack of testing sites. We have 18 testing
21 sites still active in the state.

22 And again, we're seeing a lot of people take
23 advantage of our national -- ability nationally to take
24 exams.

25 CHAIRPERSON PREZEAU: And then just because we're

1 under this certification, all the Board members, and
2 Steve, you have one of these too -- distributed some
3 handouts in advance of this discussion. And one of those
4 handouts is -- because at the last Board meeting when we
5 were talking about under this subject, you know,
6 recognizing that in this report it reflects that the --
7 while the first attempts total for an 01 exam in this
8 period, this rolling calendar year, is 1,108; residential
9 journey-level first attempts is 433; 03 first attempts,
10 there's 10; 03A, there's 5, you know; 06, there's 337.
11 I'm not going to read through all of them. I'm not going
12 to worry about that. But I thought -- and one of them,
13 the 07C, there's 3. And interestingly enough -- so this
14 is the -- what you're looking at with this handout
15 (showing), Rod Mutch created, technical specialist Mutch
16 created this. And it's from -- because you remember at
17 the last meeting we had this -- Dylan, I think you raised
18 the question, How many people live in these niches?

19 BOARD MEMBER CUNNINGHAM: Right.

20 CHAIRPERSON PREZEAU: So we actually have that
21 information. So he assembled the combined -- the numbers
22 for the number of contractors and electricians in August
23 2013 and all of the respective subspecialties and 01. For
24 August 2013, 216; August 2018 and July 2019. And I just
25 -- the second handout that we gave to you, this is page 3

1 of 4 of the Electrical Currents special edition in
2 November of 2007; I just happened to have it in my book,
3 so I was like, Hey, let's look back to 2007 and see --
4 because we've got 13, 16, 18 today. What does it look
5 like in 2007? And if you look in the 07C line in the
6 report produced by Rod Mutch, there were no 07C
7 administered contractors in August of 2013. But there
8 were 13 electricians. So they can work for another --
9 they can work for an 01 contractor doing whatever it is,
10 right? 07C is nonresidential maintenance.

11 And then -- but in August 2016, again, zero
12 contractors, 19 electricians; '18, zero contractors, 22,
13 zero and 23. And go back to 2007, the 07C had one
14 contractor, 16 electricians. And we had some discussion
15 about historically we got the Department through a public
16 process eliminated some of the appliance repair specialty
17 or something?

18 MR. VANCE: Yeah. Way back when there was an
19 appliance repair specialty.

20 CHAIRPERSON PREZEAU: Yeah. So I'm not -- you know,
21 so these -- these are just some information requested at
22 the last meeting by the Board to the Department.

23 And so what's interesting from my perspective is if
24 you look on the 2007 report, it said that the number of 01
25 electricians at the time this snapshot was taken was

1 17,086. And 2007, obviously before the great construction
2 depression, that was -- should be a pretty -- 2007 was a
3 pretty decent economy if I remember correctly. And we
4 didn't actually get back to that number of electricians in
5 Washington state because we're under it just barely -- or
6 excuse me -- we're over it in August of 2018, but we're
7 below that 17,000 number in August of 2016 which gives us
8 a little bit of a barometer of how many people left the
9 industry because they didn't think that they could be
10 sustained, right?

11 And in 2007 there were 2,411 02's. And by the time
12 we get to 2013 there's 2,352. And then in '16 that goes
13 down to 1,826. And then it pops back up again. But I
14 think it doesn't completely capture what is happening, but
15 it's more data in the conversation moving forward
16 regarding the demand for electricians, general and
17 specialty, and number of contractors operating in those
18 band widths, and clearly they're increasing or decreasing
19 or staying the same.

20 Jason.

21 BOARD MEMBER JENKINS: And "active," does that mean
22 they have a current license that time? Was that a, call
23 it a licensing year?

24 MR. VANCE: "Active" means that they have -- that
25 they're current with their -- they've made payment for

1 their licensing fee. They might not necessarily have
2 fulfilled their continuing education credit. Because they
3 can renew an active without continuing education just so
4 that you don't have to take the exam.

5 BOARD MEMBER JENKINS: It's still considered active?

6 MR. VANCE: You're renewed inactive is what you are.
7 It's a "renewed inactive" status.

8 BOARD MEMBER JENKINS: And they count in these
9 numbers.

10 MR. VANCE: And those are not counted in those
11 numbers.

12 BOARD MEMBER JENKINS: So there you go. So some of
13 that might be just because of time frame for licensing.

14 CHAIRPERSON PREZEAU: Yeah.

15 MR. VANCE: It would depend on -- you know, if I'm in
16 a down economy, would I renew inactive or would I spend a
17 couple hundred dollars on continuing education when I
18 don't have a job? So ...

19 CHAIRPERSON PREZEAU: Any other questions for Larry?
20 Or anything else you want to chat about?

21 MR. VANCE: I -- just out of curiosity, I can't
22 remember if I included that in the Board packet or what.
23 But I had -- a couple of months ago, I put a map together
24 for -- it was an exercise for a meeting I was having, and
25 I thought I'd share it with the Board. Did I give you

1 enough copies of it? I don't know if there's enough
2 copies. I've got copies of it. I just didn't get --

3 CHAIRPERSON PREZEAU: Yeah, so Larry before the
4 meeting -- so you gave me two copies. I wrote on one.
5 And there's a clean one --

6 MR. VANCE: Oh. Well, I've got whole bunch -- I've
7 got 20 copies right here.

8 CHAIRPERSON PREZEAU: Oh, never mind ladies. We've
9 got --

10 MR. VANCE: I just didn't hand them to you.

11 CHAIRPERSON PREZEAU: This is a interesting -- I had
12 a chance to look at this.

13 MR. VANCE: And this is nothing more than a snapshot
14 of a day a couple months ago. And it's based on addresses
15 only.

16 So this is the number of active -- on a given day in
17 May, it's the number of active 01 master electricians and
18 01 journey-level electricians. These are people that can
19 do 01 journey-level work on that day and where their
20 mailing address is. And it's interesting --

21 CHAIRPERSON PREZEAU: Before you go any further, so
22 the Board members won't be confused, what does this color
23 mean? And the colors behind the numbers, so the blue and
24 the orange and the red, they don't mean anything really;
25 they just --

1 MR. VANCE: The colors were just kind of to
2 differentiate geographic areas. But essentially you can
3 see where people live and you can kind of see where
4 there's the most trees, the most sagebrush and the most
5 rocks and, of course, where the populations are.

6 I just found it interesting that, you know, if you
7 take the Clark County area down there -- this gets to with
8 our conversation about reciprocity -- there's 1,197 in
9 little Clark County there. Next door it's Skamania
10 County; there's only 12, you know. It must be a bad --
11 must have a bad rep if you're from Skamania County.

12 But then you look at -- there's another number up
13 here, the number out of the 17,628 electricians on this
14 day, that Oregon has -- there's 1,900 of those that live
15 in Oregon.

16 CHAIRPERSON PREZEAU: That have a Washington state
17 01 --

18 MR. VANCE: That have -- yeah.

19 So they would contribute. You'd add those to the
20 Clark County group down there and maybe spread them along
21 the river there a little bit, maybe put some of them over
22 in Eastern Oregon in ...

23 CHAIRPERSON PREZEAU: Garfield County ... where
24 there's three.

25 MR. VANCE: Well, below Benton County or like the

1 Hermiston area. I mean, there's some -- there's things
2 going on around the Hermiston/Umatilla area; Boardman,
3 Oregon.

4 But again, it's just -- I just found it interesting
5 and thought I'd --

6 CHAIRPERSON PREZEAU: No, this is really good.

7 And one of the things that -- a couple of things that
8 Larry pointed out to me that weren't apparently obvious,
9 so if you look at like the top of this, it says in --
10 highlighted in yellow, it says "Idaho 631." So that's the
11 same like just across the Washington-Idaho border there's
12 631 01 masters or 01 journey-level electricians that could
13 possibly come over and help.

14 And the thing that's really -- you see that little
15 red circle in Grant County? That's data center city. So
16 that's pretty bloody close to that state line.

17 And you already talked about Oregon and other states;
18 there's 932 folks that currently have the Washington state
19 01 or master. And there's 9 in Canada.

20 So there's -- the cavalry is potentially -- and
21 hopefully with our work today with the reciprocity, the
22 cavalry potentially is going to be able to come.

23 And with the temporary certificates, it just creates
24 more capacity for the cavalry to come.

25 Larry, thank you for producing this. It's very

1 interesting.

2 And I don't -- I'm not asking for this, but in the
3 event that you have a lot of idle time, which I'm sure you
4 don't, is it possible to do that with the 02's?

5 MR. VANCE: (No response.)

6 ASSISTANT ATTORNEY GENERAL THOMURE: Never mind.

7 CHAIRPERSON PREZEAU: Never mind.

8 Because actually it's funny is in a previous job, I
9 did that for a handful of counties. Grays Harbor,
10 Pacific, Lewis, Thurston and Pierce Counties, and Mason.
11 And we found five 02 electricians that were ad-hoc
12 electricians I think the Department refers to them as.
13 And so the ability to do more residential construction
14 with 02 journey-level workers was incredibly limited in
15 Grays Harbor County. And I know there's -- I mean -- but
16 there's Aberdeen and Hoquiam and Montesano, the county
17 seat. There's plenty of residential construction
18 happening and not enough electricians.

19 MR. VANCE: Right, not enough electricians.

20 You do have that two-to-one advantage -- two-to-one
21 ratio advantage. There's a lack of -- it's everywhere.
22 That lack of people is -- it doesn't matter if it's the
23 medical community or the construction community or the
24 truck-driving community or -- it's all we hear.

25 CHAIRPERSON PREZEAU: Inspector community.

1 MR. VANCE: Inspector community, right, yep.

2 CHAIRPERSON PREZEAU: Thank you, Larry.

3 Any other questions from the Board for Larry?

4 Thank you very much. And thank you very much for
5 this map. It's really helpful.

6

7 Item 5. Secretary's Report

8

9 CHAIRPERSON PREZEAU: Okay. Steve, I think we're to
10 you in the Secretary's Report.

11 SECRETARY THORNTON: Okay.

12 For the budget part of the Secretary's Report because
13 this is the end of the biennium, there are some bills and
14 some accounting things that will adjust these numbers as
15 they come in. But the fund balance as of June 30th was
16 \$12,293,000. That's about five and three-quarters, almost
17 six times the annual monthly revenue or what the operating
18 expenditures.

19 The average monthly operating expenditures for FY19
20 were \$2,136,073. In 2018, they were \$2,018,000. So it
21 went up about \$118,000 per month for the expenditures.

22 CHAIRPERSON PREZEAU: Which keeps -- it's been going
23 -- so last quarter it went up 5 percent. This quarter
24 it's going up 5.8 --

25 SECRETARY THORNTON: Yeah, this is 5.8.

1 CHAIRPERSON PREZEAU: -- percent which brings me back
2 to Don Baker's comments is: How much money are we
3 spending not recruiting but not securing and losing
4 inspectors? Which is not a criticism; it's just an
5 observation.

6 SECRETARY THORNTON: No, no. That's fact.

7 Average monthly revenue, in 2019, \$2,283,922 which is
8 compared to \$2,132,000 in FY19 (sic) which is an increase
9 of about 7 percent. So revenue went up 7 percent.
10 Expenditures went up 5.8.

11 CHAIRPERSON PREZEAU: Is that 7 percent increase
12 likely because it's summertime?

13 SECRETARY THORNTON: Very possibly. And that is
14 revenue. So yeah, permit sales. This is the busy time
15 of the year.

16 So customer service-wise, 43,255 permits were sold
17 last quarter. About 94 percent of them or 40,000 were
18 processed on-line, which is a 1 percent decrease from last
19 quarter, which it's been a while since we've seen a
20 decrease in those numbers. It's generally equal or about
21 a 1 percent increase.

22 98 percent of contractor permits were sold on-line.

23 Homeowner permit sales for the quarter were 63
24 percent on-line. That's a 3 percent decrease in homeowner
25 permits sold on-line.

1 On-line inspection requests, 84 percent are done
2 on-line. That's pretty consistent. During the quarter,
3 customers made 77 percent of all electrical licensing
4 renewals on-line, which is a 1 percent increase.

5 As far as our score card measures go, percent of
6 inspections within 24 hours, in 2018 we were at 82
7 percent; 2019, 84 percent.

8 Inspections performed within 48 hours, which is our
9 mandate, in 2018 it was 93 percent; 2019, 94 percent. So
10 it went up a little bit.

11 Number of focused citations and warnings, the field
12 in 2018 wrote 2,068. In 2019, 2,284.

13 Audit and E CORE, in 2018 wrote 2,998. In 2019,
14 3,766. So those totals are for 2018, 5,066; in 2019,
15 6,050.

16 Inspection stops per day went up. In 2018 we were at
17 10.6. 2019, 11.2.

18 BOARD MEMBER GRAY: Steve?

19 SECRETARY THORNTON: Yeah.

20 BOARD MEMBER GRAY: When we talked about the virtual
21 inspections, we were averaging about the same, like
22 13-something inspections a day for those virtual
23 inspections. That surprises me a little bit. I would
24 think that if you eliminate drive time between the jobs
25 that it would go up. Do you think that's because we're

1 just not getting the same number of requests that we would
2 normally? Is that going to --

3 SECRETARY THORNTON: No. I think it's because we
4 have blocked them out in half-an-hour increments to make
5 sure that we are done with this one and ready for the next
6 one right at the half-an-hour break where --

7 BOARD MEMBER GRAY: Okay. So you're limited to how
8 many you can actually do.

9 SECRETARY THORNTON: Yes, yeah.

10 CHAIRPERSON PREZEAU: Unless we have more inspectors
11 doing that.

12 BOARD MEMBER GRAY: Yeah. But these are average per
13 inspector. So ...

14 SECRETARY THORNTON: Well -- yeah. If you look at
15 these average numbers and figure that the inspectors are
16 driving 80 to 100 miles a day, yeah, there's none of them
17 sitting around.

18 BOARD MEMBER GRAY: No. I know. So I -- it just
19 seems to me we would be a lot more efficient with the
20 virtual than we would be ...

21 SECRETARY THORNTON: Yeah.

22 And yeah, I don't know how we would get it down any
23 farther than a half an hour. Because right now we've
24 limited it to 15 minutes for the inspection and 15 minutes
25 for the documentation part. Because that's a little more

1 complicated with virtual because we're not the guys
2 actually on-site so we have to leave a little better notes
3 for the guy who might come along behind us that says, Oh,
4 well, there's been no inspection here yet. And then to
5 find out that it was done virtually, and he doesn't have
6 any idea what we've looked at.

7 So those notes are a little more accurate than what
8 the inspector does in the field.

9 CHAIRPERSON PREZEAU: So what I'm excited to see or
10 looking forward to is, you know, in the event that the
11 Department executes on the time schedule that Tony
12 Bierward updated us on that the Web site, the more robust
13 soft roll-out or whatever happens in September, then we --
14 it's possible that we will see that reflected in these
15 numbers reported in October. Although, it's probably not
16 a huge enough -- not a large enough time frame. But we
17 might see an increase. But then January, April, July next
18 year we might ...

19 BOARD MEMBER GRAY: Yeah. And I guess I'm not sure,
20 I'm not convinced myself whether more inspections per day
21 is a positive indicator.

22 SECRETARY THORNTON: And a lot of times what it
23 indicates is that we're getting farther behind so the jobs
24 are accumulating in a geographic area because we're not
25 there as often as we should be. So we have less distance

1 to drive because there's more people sitting there waiting
2 for us.

3 BOARD MEMBER GRAY: Well, if that's the case, that
4 sort of makes sense. But if all we're doing is just
5 drive-by's and checking them off, that seems like --
6 that's a little concerning.

7 CHAIRPERSON PREZEAU: And to your point, last quarter
8 for this same respective period of time in 2018, the
9 inspector stops per day was the 9.8, and that same period
10 of time in '19 was 10.7, right?

11 I'm with you is -- one of the things we asked the
12 Chief about, it says -- I think there's a couple different
13 reasons for that. One of them being on site a little more
14 often when the contractors are there. So a lot of the
15 corrections are getting made while we're there. So we
16 don't actually have to cite them and then revisit the
17 site. We're trying to be a little more proactive on that
18 part of it, pointing out what needs to be fixed and
19 letting people fix them rather than write them down and
20 come back.

21 SECRETARY THORNTON: Okay, all right.

22 So electrical disconnect corrections. And this kind
23 of goes along with what Tracy was just saying. In 2018 we
24 wrote 46,232. In 2019 we wrote 44,422. So about 2,000
25 less. And I believe last year we did like 260,000

1 inspections. So most of that decrease was due to what we
2 said. We're trying to get there when the contractor's
3 there and pointing out what he's missed while he's there
4 rather than having to make the return trip and write it
5 down and track it and all that kind of stuff.

6 Licensing process turn-around time. Our goal is 100
7 percent. In 2018 we were at 98 percent the same day. In
8 2019 we're at 96 percent. And that particular group has
9 a large turnover also. They are kind of the bottom of the
10 monetary scale. So a lot of people that are overqualified
11 come into that group just to get started and then promote
12 out. So we're hiring in that group almost constantly.

13 Turn-around time for the average plan review, the
14 goal is a week and a half. In 2018 it was 2.1. 2019, 1.8
15 weeks. So that got a little better.

16 BOARD MEMBER BAKER: Excuse me, can I interrupt you
17 for a --

18 SECRETARY THORNTON: Certainly.

19 BOARD MEMBER BAKER: Do you all keep track of how
20 many submittals or applications you get for plan review
21 on a weekly or monthly basis?

22 SECRETARY THORNTON: Yep.

23 BOARD MEMBER BAKER: Can you include that with this
24 statistic do you think on how many applications you've
25 received in that period of time?

1 SECRETARY THORNTON: Okay.

2 BOARD MEMBER BAKER: And the associated question:
3 Has your Department seen an uptick in plan review requests
4 based on the question on the fact that the residential
5 market has been booming for so long and the bonds that
6 have all passed in schools and medical facilities that I
7 see coming out? I would anticipate that you guys are
8 going to see an uptick in --

9 SECRETARY THORNTON: And I don't know what the actual
10 number is, but I would say that's exactly correct, that it
11 has gone up for that very reason. The schools that are
12 there and the hospitals and such are older, so they're
13 having to upgrade those. And with all the new
14 developments, they're adding schools in those areas and
15 such. So yeah, the plan review section -- even though
16 they're electronic now which doesn't help a lot on our end
17 to get through the plan review process, but it certainly
18 helps the contractor to just be able to push a button and
19 send it to us, and we push a button and send it back so
20 that they can make their changes, and they just send it
21 right back. Where before you might be spending 50 bucks
22 to mail one back and forth because they're, you know, 100
23 pages, and a week's time each direction. So -- and that's
24 probably loaded us up more because we can't get through
25 them any faster, but you can get them to us quicker.

1 BOARD MEMBER BAKER: I'm just wondering if there's a
2 wave that's going to crash and if the Department needs to
3 be prepared for an increase in plan review requests over
4 the next couple years.

5 SECRETARY THORNTON: And we're looking at trying to
6 hire another plan reviewer. And right now we're kind of
7 in limbo because we're moving.

8 But that's one of the things that when they moved us
9 off of the third floor down to the first floor, they cut
10 our space down and our elbow room, and our monitors are
11 bigger than our desks and some stuff like that, which
12 we're going to fix when we go to the new building.

13 BOARD MEMBER BAKER: Thank you.

14 CHAIRPERSON PREZEAU: Who's paying for the move? Is
15 the electrical program paying for the move?

16 SECRETARY THORNTON: Some of it I paid for. The new
17 equipment monitors and that stuff. But the move itself,
18 the Department is moving. They're the ones who made the
19 decision to move. Well, it's all of the -- David's group.
20 Jose's old group. Elevator, FAS, Boiler, Electrical,
21 Licensing, all that whole corner of the building over
22 there is moving over to this other building. Other people
23 on some of the other floors are moving too.

24 One of the agencies over there was downsizing. We
25 needed more space, so we just flopped buildings is what we

1 did.

2 CHAIRPERSON PREZEAU: And then a follow-up question
3 is: Do you think the execution and service of the program
4 will experience any disruption during this move of the
5 central office?

6 SECRETARY THORNTON: Yes. You can't -- you can plan
7 all you want, but moving's moving.

8 CHAIRPERSON PREZEAU: Which is why I haven't done it
9 in 17 years.

10 SECRETARY THORNTON: Yeah. Oh, well, wait till you
11 do then.

12 BOARD MEMBER GRAY: Is the qualification for a plan
13 reviewer essentially the same as an inspector?

14 SECRETARY THORNTON: Yes. Generally it's somebody
15 with a fair amount of experience as an inspector.

16 BOARD MEMBER GRAY: So you try to hire from within so
17 that you can put another inspector out in the field.

18 SECRETARY THORNTON: Yeah. And more than likely, one
19 of the good ones. Because every vacancy we have always
20 ends up at the inspector level. You know, every time
21 somebody promotes -- and you never know where it's going
22 to end up because somebody may promote in Wenatchee, and
23 somebody from Kennewick may take his place, and somebody
24 from Vancouver may transfer to take his place, and the
25 hiring was in Wenatchee, but the vacancy ends up in

1 Aberdeen. So it's a constant -- well, and every time you
2 do one of those, that's another process that you have to
3 go through. So you get one guy retire, and you end up
4 hiring it five times before you get it filled all the way
5 to the bottom. So ...

6 Other questions? No? Okay.

7 Licensing-wise, during this quarter there were 7,760
8 electrical licenses and certifications processed. That's
9 the renewals for electrical contractors, electricians,
10 trainees and administrators.

11 The turn-around time for processing fell to 70
12 percent the same day. That's the same group that is --
13 always promotes out. So that group has been -- had lots
14 of vacancies also.

15 So we face hiring issues no matter what part of the
16 program they're in.

17 A combination of staffing shortages and the training
18 of new people are what creates that downturn. Even when
19 you hire somebody, it takes an experienced staff person
20 out of production to train the new people. So it seems
21 like it's just a constant slide the wrong direction.

22 And then the paperwork received because of the WAC
23 rule changes and the apprenticeship bill and the flood of
24 people turning in hours to try and get ahead of that 2023,
25 the ones that are going to audit because they look a

1 little shaky, those just all create more work. And we've
2 got fewer people to do them.

3 Phone calls have remained steady. And the staff have
4 been able to maintain their hold times to a minute or
5 less.

6 Testing labs. We've had no new testing labs.

7 So any other questions? Comments?

8 CHAIRPERSON PREZEAU: Seeing none, --

9 SECRETARY THORNTON: Everybody's ready to go.

10 CHAIRPERSON PREZEAU: -- thank you. Thanks, Steve.

11

12 Item 6. Public Comment(s)

13

14 CHAIRPERSON PREZEAU: So we're under agenda item --
15 before we get to the -- well, we can do this, the public
16 comment. The only people that signed in on the appeals
17 sign-in sheet are exactly what you expect. Assistant
18 Attorney General Nancy Kellogg and Mr. Laymon from
19 Advanced Drilling.

20 Nobody signed in to address the Board under public
21 comment.

22 Ivan, you're the only person that's still out there.
23 Do you want to address the Board?

24 MR. ISAACSON: No comments, Madam Chair.

25 CHAIRPERSON PREZEAU: One of the things I would like

1 to mention is we and still -- Pam and I are still -- it
2 hasn't left our radar screen -- working on the appeal
3 language and clarifying it in WAC 296-46B-995.

4 There's no -- nothing to update the Board or the
5 Department on that.

6 So hoping that -- you know, because it's not on fire.
7 But we will -- as the deadline gets closer and gets caught
8 on fire, then we'll probably have more to update you on.

9 And other than that, unless I'm missing anything?

10 BOARD MEMBER CORNWALL: Madam Chair, I'd like to
11 address the Board.

12 CHAIRPERSON PREZEAU: Oh, please. Yes, please.

13 BOARD MEMBER CORNWALL: This is my last meeting, and
14 I'm not seeking reappointment. I just wanted to say it
15 has been an honor and a pleasure to work with all of you.
16 And I thank you very much.

17 CHAIRPERSON PREZEAU: Well, likewise I'm sure. Thank
18 you very much. And thank you for finding such a suitable
19 replacement.

20 BOARD MEMBER CORNWALL: Well, yeah. Let's hope he
21 doesn't embarrass me.

22 MR. ISAACSON: Thanks for the vote of confidence.

23 CHAIRPERSON PREZEAU: Thank you for your service and
24 your dedicated service on this Board; it's greatly
25 appreciated.

1 Anything else?

2 The Chair would entertain a motion to adjourn.

3

4 Motion to Adjourn

5

6 BOARD MEMBER BAKER: I make a motion that we adjourn.

7 BOARD MEMBER NORD: Second.

8 BOARD MEMBER JENKINS: Second.

9 CHAIRPERSON PREZEAU: It's been moved and seconded to
10 adjourn the July 25, 2019, Electrical Board meeting.

11 Discussion on the motion? Seeing none, all those in
12 favor, signify by saying "aye."

13 THE BOARD: Aye.

14 CHAIRPERSON PREZEAU: Opposed?

15

16 Motion Carried

17

18 CHAIRPERSON PREZEAU: We are adjourned. Thank you
19 very much.

20 (Whereupon, at 1:30 p.m.,
21 proceedings adjourned.)

22

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