

DEPARTMENT OF LABOR AND INDUSTRIES

STATE OF WASHINGTON

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ELECTRICAL BOARD MEETING

TRANSCRIPT OF PROCEEDINGS

(Via Skype)

July 30, 2020

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1 BE IT REMEMBERED that an Electrical Board meeting was  
2 held on Thursday, July 30, 2020, via Skype, at 9:06 a.m. before  
3 CHAIRPERSON TRACY PREZEAU; BOARD MEMBERS ALICE PHILLIPS, JASON  
4 JENKINS, JOHN BRICKEY, MIKE NORD, DON BAKER, ERICK LEE, IVAN  
5 ISAACSON, KERRY COX, RYAN LAMAR, BOBBY GRAY, DAVE WARD, DYLAN  
6 CUNNINGHAM; TECHNICAL SPECIALIST MUTCH, TECHNICAL SPECIALIST  
7 VANCE; and SECRETARY STEVEN THORNTON, SECRETARY MOLESWORTH. Also  
8 present was ASSISTANT ATTORNEY GENERAL PAM THOMURE, representing  
9 the Board, and BETHANY RIVERA, Board assistant.

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

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CHAIRPERSON PREZEAU: With that, it is 9:05 a.m.  
I would like to call the July 30, 2020, quarterly meeting of  
the Washington State Electrical Board officially to order.

Welcome everyone. Before we get into the agenda and  
start the construct of the meeting, I just want to  
familiarize everybody a little bit with the Skype platform.

Couple of things I would ask of the board members and  
all the folks that are either joining us telephonically and  
or joining us via the Skype platform, unless you are  
speaking, please mute your audio so that -- to limit  
crosstalk -- for our court reporter -- and any background

1 noise. That would be greatly appreciated.

2 I would ask -- in the bottom left-hand corner of a PC  
3 screen -- I'm not sure what this looks like on a different  
4 device -- there is a small circle with -- it looks like a  
5 text message box inserted inside of that. You can send -- if  
6 you click on that, you can send instant messages.

7 Please be advised that, for board members, this is not  
8 a way to submit comments or enter any sort of commentary on  
9 the official record. It might be helpful, though, for board  
10 members, once we get into the agenda, particularly the  
11 section regarding appeals, if you have questions that you  
12 want to ask either of the parties involved, that you  
13 certainly could identify that you have a question either  
14 using that function or -- especially since very few folks are  
15 using their video screen, I can't tell if you have questions,  
16 but obviously you can unmute your mic to accomplish that.

17 In the sort of the middle bottom of your screen, you  
18 will see four additional circles. The first one should look  
19 like a camera. If you want to be able to have other  
20 participants be able to see you, you can either -- you can  
21 unmute your camera so that video stream is available. If you  
22 have sketchy internet, you may want to keep your video hidden  
23 so as to bolster the audio reception.

24 The second circle is a microphone. It's where you  
25 would mute and unmute yourself. So as I said again, just a

1 reminder that if you're not speaking, please keep yourself on  
2 mute.

3 The third circle from the right is -- looks like a  
4 computer monitor. If you click on that, Bethany, you will  
5 see that one of the options within that menu that's presented  
6 to you is attachments.

7 Bethany has uploaded the agenda for today's meeting  
8 into that function so any of the board members or any of the  
9 guests or members of the public who did not receive that  
10 agenda ahead of time via the electrical board website, you  
11 can download the agenda from there.

12 And I think that is -- you can also -- in the very top  
13 of my screen, there's a list of 27 participants. If you  
14 click on the participants button, it will give you a view  
15 frame. On my computer, it's the left-hand side. It will  
16 indicate to you all of the folks who are present this morning  
17 and if they've signed in by name or if it's just a telephone  
18 number that's listed.

19 So with that, I would like to call roll to ensure  
20 that -- to get into the record that we have a quorum. I'm  
21 just going to read board members' names who I know are  
22 present and -- or I guess what I probably should do is read  
23 board members' names. And if you are present, please signify  
24 by saying "present" or "hello" or "good morning" or whatever.

25 Jason Jenkins.

1 BOARD MEMBER JENKINS: Present.  
2 CHAIRPERSON PREZEAU: David Ward.  
3 BOARD MEMBER WARD: Present.  
4 CHAIRPERSON PREZEAU: Mike Nord.  
5 BOARD MEMBER NORD: Present.  
6 CHAIRPERSON PREZEAU: Ryan Lamar.  
7 BOARD MEMBER LAMAR: Present.  
8 CHAIRPERSON PREZEAU: Don Baker.  
9 BOARD MEMBER BAKER: Present.  
10 CHAIRPERSON PREZEAU: Dominic Burke. He's not  
11 present. I already know that.  
12 Bobby Gray.  
13 BOARD MEMBER GRAY: Present.  
14 CHAIRPERSON PREZEAU: Thank you, Bobby.  
15 Alice Phillips. Alice may be joining us a little bit  
16 late.  
17 Dylan Cunningham.  
18 BOARD MEMBER CUNNINGHAM: Present.  
19 CHAIRPERSON PREZEAU: Erick Lee.  
20 BOARD MEMBER LEE: Present.  
21 CHAIRPERSON PREZEAU: Ivan Isaacson.  
22 BOARD MEMBER ISAACSON: Present.  
23 CHAIRPERSON PREZEAU: Kerry Cox.  
24 BOARD MEMBER COX: Present.  
25 CHAIRPERSON PREZEAU: And, Kerry, you have to

1 depart by 1:00 p.m.; is that correct?

2 BOARD MEMBER COX: Yes, I do.

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

5 John Brickey.

6 BOARD MEMBER BRICKEY: Present.

7 CHAIRPERSON PREZEAU: Did I miss any board  
8 members?

9 (No response.)

10 CHAIRPERSON PREZEAU: That makes 12, so we  
11 definitely have a quorum.

12 So thank you for joining us via the Skype platform. I  
13 know this is very unusual for board members. I know that we  
14 conducted our April meeting via Skype but had a very limited  
15 agenda given, and were hopeful that we could actually conduct  
16 this meeting in person accustom to our norms; however, that  
17 is not possible so we continue to use the Skype platform.

18 And today we have an agenda that is commiserate with  
19 what we're used to. We do not have a safety -- an official  
20 safety message this morning, which is Agenda Item No. 1,  
21 other than the fact that we're convening this meeting via  
22 Skype because of the impacts of a global pandemic.

23 I just want to make sure that, if folks are joining us  
24 in a office setting that are -- or with multiple participants  
25 in one location, that you are observing Governor Inslee's

1 guidelines and any county and municipal guidelines with  
2 respect to COVID-19.

3 With that I would like to move on to Agenda Item No.  
4 2, which is to approve the transcripts of the April 30, 2020,  
5 meeting. Chair would entertain a motion.

6 BOARD MEMBER NORD: Board Member Nord, motion.

7 BOARD MEMBER JENKINS: Board Member Jason Jenkins,  
8 second.

9 CHAIRPERSON PREZEAU: So it's been moved and  
10 seconded to approve the transcript from the April 30, 2020,  
11 quarterly meeting of the Washington State Electrical Board.

12 Any discussion on the motion?

13 (No response.)

14 CHAIRPERSON PREZEAU: Seeing none, all those in  
15 favor, please signify by saying aye.

16 (Chorus of ayes.)

17 CHAIRPERSON PREZEAU: Opposed?

18 (No response.)

19 CHAIRPERSON PREZEAU: Motion carries.

20 Thank you, everyone, and thank you, Board Member Nord.

21 Again, practice makes perfect, right. For the  
22 purposes of a good record and to assist our court reporter,  
23 please identify -- any board members and certainly any staff,  
24 secretary of the board, if you're going to go on the record,  
25 please identify yourselves for the purposes of making a good



1 record and for the court reporter.

2 I know that the next agenda item is departmental  
3 updates. Pam, perk your ears up a bit. It is my  
4 understanding that the parties of record in the appeal, the  
5 matter of William Berst versus the Department of Labor &  
6 Industries are present. Because they are joining remotely  
7 and because the parties are here, I am inclined to elevate  
8 that agenda item.

9 Would you concur with that recommendation?

10 AAG THOMURE: I would.

11 CHAIRPERSON PREZEAU: All right. Very good.

12 So, Mr. Berst, you joined us telephonically, and I  
13 asked you previously to mute your phone. If you, sir, could  
14 unmute your phone.

15 Can you hear me, Mr. Berst?

16 MR. BERST: Yes, I can.

17 CHAIRPERSON PREZEAU: Very good.

18 And it appears -- just to update the record, it  
19 appears that Vice Chair Alice Phillips has joined us as well.  
20 Alice, are you with us? Alice, you're muted if you're with  
21 us.

22 BOARD MEMBER PHILLIPS: There you go. Can you  
23 hear me now?

24 CHAIRPERSON PREZEAU: Yes, ma'am. We can hear you  
25 now.

1 BOARD MEMBER PHILLIPS: Awesome.

2 CHAIRPERSON PREZEAU: Thank you.

3 And is Assistant Attorney General, Ms. So, I know you  
4 were -- I confirmed your audio previously. Are you still  
5 with us, ma'am?

6 AAG SO: Yes. I am available here on audio and  
7 video now.

8 CHAIRPERSON PREZEAU: Very good.

9 So while the parties -- just to give you a moment to  
10 prepare, since we've elevated the appeals Agenda Item No. 4  
11 in front of the departmental update to expedite the matter,  
12 just to update the board members on -- there's a couple of  
13 other agenda items additionally under agenda item 4, which is  
14 appeals. All right.

15 And the first matter on our agenda has to do with the  
16 matter of Andy Alcazar, and it is my understanding that the  
17 parties in that appeal have reached an agreement and a  
18 settlement plan. But because of some limitations that  
19 COVID-19 is placing on the parties, it has precluded the  
20 parties from actually signing and completing that document.

21 Do I have that correct, Pam?

22 AAG THOMURE: Yes, you do. And I believe that  
23 Mr. Barnes is also on the line if you have any questions  
24 about confirming that.

25 MR. BARNES: Yes, I am on the line. And that is a

1 correct recitation of where that case stands.

2 CHAIRPERSON PREZEAU: So, Mr. Barnes, we will  
3 probably keep that on the agenda -- on our agenda moving  
4 forward understanding, until such time that we are notified,  
5 that the proposed final settlement, if you will, has been  
6 officially agreed to in the forms of signatures by the  
7 parties.

8 Is that reasonable?

9 MR. BARNES: Yes, it is, your Honor.

10 CHAIRPERSON PREZEAU: And then, Mr. Barnes, you're  
11 also the assistant attorney general on record in the matter  
12 of Action Electric; is that correct?

13 MR. BARNES: That is also correct.

14 CHAIRPERSON PREZEAU: And it's my understanding  
15 that the department has rescinded their intent to revoke the  
16 license for Action Electric. And is -- are you -- is one of  
17 the reasons that you are here with us this morning perhaps to  
18 request that the board dismiss that matter for the purposes  
19 of recordkeeping?

20 MR. BARNES: Yes, it is, your Honor. I have sent  
21 dismissal orders over a couple of times in order to get them  
22 to sign it so I could present it to the board, and I have not  
23 received anything in return.

24 CHAIRPERSON PREZEAU: Okay. So it is your  
25 recommendation, Mr. Barnes, to help provide closure and a

1 good record, that it would be -- it would be recommended that  
2 this body consider an official motion to dismiss the matter  
3 of Action -- the intent to -- the matter of Action Electric  
4 and the revocation of their license; is that correct?

5 MR. BARNES: That is correct.

6 CHAIRPERSON PREZEAU: All right. With that, the  
7 chair would entertain a motion to dismiss the matter of  
8 intent to revoke Action Electric's licensure.

9 BOARD MEMBER JENKINS: Jason Jenkins, board  
10 member. So moved.

11 CHAIRPERSON PREZEAU: Thank you, Jason.

12 Is there a second?

13 BOARD MEMBER WARD: Dave Ward, board member.  
14 Second.

15 CHAIRPERSON PREZEAU: Very good.

16 So it's been moved and seconded to dismiss the matter  
17 of intent to revoke Action Electric's license.

18 Any discussion on the matter?

19 (No response.)

20 CHAIRPERSON PREZEAU: Seeing and hearing none, all  
21 those board members in favor of the motion, please indicate  
22 by saying aye.

23 (Chorus of ayes.)

24 CHAIRPERSON PREZEAU: Any opposed?

25 (No response.)

1                   CHAIRPERSON PREZEAU: Motion carries. Thank you,  
2 Mr. Barnes. I think -- I don't think we need anything  
3 further from you this morning. Thank you.

4                   MR. BARNES: Thank you, your Honor. Have a good  
5 day. Bye.

6                   CHAIRPERSON PREZEAU: You too.

7                   So we are now squarely on agenda item 4, C -- as in  
8 Charlie -- the Berst appeal. And we have confirmed that  
9 Mr. William Berst has joined us telephonically and Assistant  
10 Attorney General Ms. So has joined us as well.

11                  And I am going to read an introduction for the appeal  
12 and then confirm with the parties they understand the  
13 process, and then we'll hear from the parties.

14                  So good morning. My name's Tracy Prezeau. I'm the  
15 chair of the electrical board. The matter before us today is  
16 an appeal in the matter of William Berst versus the  
17 Department of Labor & Industries, docket number  
18 05-2019-LI-0173. This hearing is being held pursuant to due  
19 and proper notice to all interested parties in Washington  
20 State via Skype on July 30, 2020, at approximately 9:21 a.m.

21                  This is an appeal from a proposed decision and order  
22 issued by the office of administrative hearings on January 2,  
23 2020. It is my understanding that decision upheld citation  
24 and notice EBEJO00372 issued by the Department of Labor &  
25 Industries on January 16, 2019.

1           It is further my understanding the appellant has  
2 timely appealed that decision to the electrical board. And  
3 at this time the appellant, Mr. Berst, is present  
4 telephonically.

5           And, Mr. Berst, you will be representing yourself; is  
6 that correct? You have not brought an attorney with you?

7           MR. BERST: That is correct.

8           CHAIRPERSON PREZEAU: Very good. Thank you, sir.

9           And the department is present and is represented by  
10 Assistant Attorney General Ms. So.

11          AAG SO: Yes, present.

12          CHAIRPERSON PREZEAU: Very good. Thank you.

13          The electrical board is the legal body authorized by  
14 the legislature to not only advise the department regarding  
15 the electrical program but to hear appeals when the  
16 department issues citations or takes some other adverse  
17 action regarding an electrical license certification and/or  
18 electrical installations.

19          The electrical board is a completely separate entity  
20 from the department and as such, will independently review  
21 the action taken by the department.

22          When the department issues penalties that are  
23 appealed, the hearing is assigned to the office of  
24 administrative hearings to conduct the hearing pursuant to  
25 the Administrative Procedures Act.

1           The administrative law judge, or ALJ, who conducts the  
2 hearing then issues a proposed decision and order. If either  
3 party appeals, that decision is subject to review by the  
4 electrical board. Please keep in mind that while a review is  
5 de novo, we sit in the same position as the administrative  
6 law judge and will review the entire record as provided to  
7 the board regardless of whether a certain piece of evidence  
8 is referenced by administrative law judge; however, we are  
9 bound by the evidence in the record, and no new evidence can  
10 be submitted at this hearing.

11           Each party will be given approximately 15 minutes  
12 today to argue the merits of your case. Any board member may  
13 ask questions, and the time may be extended at the discretion  
14 of the board.

15           At the conclusion of the hearing, the board will  
16 determine if the findings and conclusions reached by the  
17 administrative law judge are supported by the facts and the  
18 rules pertaining to licensing, supervision and certification.

19           Mr. Berst, do you have any questions about this  
20 process before we begin the hearing, sir?

21                   MR. BERST: No, ma'am.

22                   CHAIRPERSON PREZEAU: Okay. And, Ms. So, do you  
23 have any questions about the process before we begin the  
24 hearing?

25                   AAG SO: No.

1                   CHAIRPERSON PREZEAU: Very good.

2                   So with that, Mr. Berst, you are the appealing party,  
3                   and as such you have the burden of proof and -- to establish  
4                   that the proposed decision issued by the administrative law  
5                   judge is incorrect, and therefore we will hear your arguments  
6                   first, sir.

7                   And before you start, I just want to remind all the  
8                   board members, as you reviewed the appeal packet, there were  
9                   three citations that were heard by the administrative law  
10                  judge. But for the record, the appellant has only appealed  
11                  the one citation that is issued directly to Mr. Berst, which  
12                  is -- which is citation EBEJO00372.

13                  Before we begin, I just want to make sure that all  
14                  board members understand what I just said. Any questions  
15                  from board members?

16                  (No response.)

17                  CHAIRPERSON PREZEAU: Very good. So with that,  
18                  Mr. Berst and Ms. So, I'm sorry for the delay.

19                  Mr. Berst, if you would please -- you have  
20                  approximately 15 minutes to present your case, and that time  
21                  can be extended if necessary.

22                  MR. BERST: Thank you. As far as what we were  
23                  cited for, I have no argument with. My beef is with the  
24                  process of notification.

25                  The owner of the RVB Electric, who I'm the



1 administrator for, claims that he did not receive any of the  
2 notices of citation -- the first, second or final notice.  
3 Whether he did or not, I don't know. He swears up and down  
4 he did not get them. Therefore, if he didn't get them, I  
5 could not have been notified or he wouldn't have known to  
6 notify me.

7 My rub is, if I'm going to be fined the same amount as  
8 RVB Electric, then I should be afforded -- the same  
9 information that was sent to them should have been sent to  
10 me. But apparently Labor & Industries does not do that,  
11 which in my opinion, is incorrect.

12 That's really the gist of the whole appeal.

13 CHAIRPERSON PREZEAU: Very good, Mr. Berst. Is  
14 that -- does that end your argument, sir?

15 MR. BERST: That's really the -- my total  
16 argument, yes.

17 CHAIRPERSON PREZEAU: Very good. Thank you. And  
18 just please remain with us until the board has rendered a  
19 final decision, but I'm going to ask Assistant Attorney  
20 General Ms. So to deliver her arguments.

21 AAG SO: Thank you. May it please the board, the  
22 board should affirm the ALJ's initial order that affirmed the  
23 citation and the penalty associated to the citation to  
24 Mr. Berst for three reasons -- for several reasons.

25 One, Mr. Berst is the admin of the electrical

1 contractor RVB Electric. And, two, this RCW that he is cited  
2 for for violating is RCW 19.28.0615B, which provides that the  
3 electrical administrator for an electrical contractor must  
4 ensure that all installations are in conformity with the laws  
5 and the regulations in the state of Washington.

6 Here this is -- this case is about the installation of  
7 panels at a work site. The work site had 480 volt feeders  
8 going into the building, and the panels that were installed  
9 were 250 volts. We got evidence on the record regarding the  
10 installation of 250 volts. And that instead of 250-volt  
11 panels, it should have been the 650 volts.

12 This is not a case about the notifications,  
13 specifically, and about the violation of RCW 19.28.0615B  
14 regarding for -- Mr. Berst.

15 And for those reasons the department would ask that  
16 the board affirm the initial order that affirms the citation  
17 to Mr. Berst and the associated penalty.

18 CHAIRPERSON PREZEAU: Thank you, Ms. So.

19 MR. BERST: May I add something?

20 CHAIRPERSON PREZEAU: One moment please,  
21 Mr. Berst.

22 Ms. So, does that conclude your argument?

23 AAG SO: Yes.

24 CHAIRPERSON PREZEAU: Very good.

25 Mr. Berst, yes, you may add something now, sir.

1                   MR. BERST: Yes. If I had been notified with the  
2 same information that was supposedly sent to RVB Electric, it  
3 would never have gone as far as it had gone. I knew  
4 absolutely nothing about the problem until some time after  
5 the fact -- the last final notice that was supposedly sent to  
6 RVB Electric when Joe Benson called me to tell me that there  
7 was a problem.

8                   So if I had been sent those notices that were sent to  
9 RVB Electric, it would have never gone as far as it had, and  
10 it would never had been -- a final notice would never have  
11 been -- need to be sent, because I was in business on my own  
12 for 40 years and never had a problem with Labor & Industries,  
13 these types of situations. So I feel it -- because I wasn't  
14 notified and given the same information, I couldn't do  
15 anything until almost too late.

16                   I did mention in my deposition, or whatever it's  
17 called, when I went before the administrative judge that I  
18 had failed to call Joe Benson back and tell him that we had  
19 ordered the part. And that's probably my mistake there -- my  
20 biggest mistake.

21                   But I'd say if I had been sent the same notices, it  
22 would never have gone as far as it had. And I told the  
23 manager of RVB Electric Roman Boyar that, if this ever  
24 happened again, that he'd be looking for a new administrator.

25                   But because I failed -- had my head in the clouds,

1 I'll use that term -- when I put those panels in, I had  
2 stated that I had never actually installed 480 panels before,  
3 although, I had worked with a lot of existing 480 panels and  
4 done 480 work otherwise. And I just wasn't thinking at the  
5 time even though I knew that on the door of those panels it  
6 would say that it was supposed to be 120/240-volt panels.  
7 That is my mistake, so any way...

8 CHAIRPERSON PREZEAU: Mr. Berst, this is Tracy  
9 Prezeau again. Were you furnished a copy of the transcripts  
10 from your hearing with the administrative law judge?

11 MR. BERST: Yes, I was.

12 CHAIRPERSON PREZEAU: Okay. Because I'm going to  
13 reference that transcript. Board members are given that  
14 transcript as part of the information we receive to conduct a  
15 thorough hearing this morning.

16 And on page 87 of that transcript, you indicated --  
17 and I'm going to quote you, sir -- that you failed to look on  
18 the panel boards. And this is in reference to the address  
19 800 Milwaukee in Algona, Washington, if I have that correct.  
20 You go on to say that you should have.

21 Do you remember saying that, or do you recall reading  
22 that?

23 MR. BERST: Yes, I -- like I said, I have no  
24 argument with that. But like I said, it would never have  
25 gone -- I mean, we had the opportunity to correct the problem

1 before we were cited or a citation was sent. But because I  
2 wasn't given the information, I didn't know that there was  
3 even a problem at the time.

4 So what I'm saying is the board needs to inform the  
5 Department of Labor & Industries that, if they're going to  
6 send out citation information, they also need to send it to  
7 the administrator, not just to the company. Because if  
8 indeed he didn't get the copies, which I do find a little  
9 hard to believe, then I would have the copy, and I could have  
10 approached him and said "Hey, we have a problem here. Let's  
11 get it fixed."

12 But I wasn't given that information so -- and we do  
13 have the opportunity to fix the problem before we are cited.  
14 But because I wasn't informed of it, the citation was issued.  
15 And I just don't think it's quite fair because I wasn't given  
16 the same information, but I get fined the same.

17 CHAIRPERSON PREZEAU: Thank you, Mr. Berst.

18 And at this moment -- at this time, what I would like  
19 to do is ask the parties and Assistant Attorney General So  
20 and Mr. Berst to allow for the board members to have  
21 deliberation on the hearing.

22 So I'm going to welcome any questions or comments from  
23 board members and would ask that -- of all those board member  
24 members please identify yourself before going on the record.

25 BOARD MEMBER BAKER: Madam Chair, Board Member

1 Baker. I'd like to jump in if that's possible.

2 CHAIRPERSON PREZEAU: Yes. Please, Don, go ahead.

3 BOARD MEMBER BAKER: I would direct all the  
4 parties to the board packet, page 83. I'm going to start  
5 there and walk you through my thought process. Starting with  
6 line -- let's start with line 22. This is a question and  
7 answer from the attorney to William Berst.

8 The question was "And do you know if RVP installed  
9 these panels?"

10 His response was "Yes. I was the installer."

11 "And why did you choose a 250-volt panel?"

12 "I was kind of hoping you'd ask that question. The  
13 reason I asked him the question about his 480 volt experience  
14 is because I don't have a whole lot of 480 volt experience.  
15 It's true that I should have understood that the panels are  
16 250 volt, I know that, but it just went over my head and for  
17 some reason or another and I installed the 250-volt panels."

18 "Like I say, I haven't had much experience with 480  
19 volt. I work with panels that have 480 volt in them, but I  
20 haven't done installation of them. I mean, I'll go in and  
21 I'll put in a breaker to supply a feeder, as I did for the  
22 panels that I put in."

23 Question, line item 12, "And for this installation  
24 that you did for the panels, do you know, if you can  
25 remember, if you got an inspection when it was first

1 installed?"

2 Answer, "Yes, we did. And that inspection was by  
3 Roger Renken."

4 So now I direct you to board packet page 147,  
5 Exhibit 1, page 2 of 2. I'm sorry, turn the page. Board  
6 packet page 149, Exhibit 2, page 2 of 2. I'll give you a  
7 second to get there.

8 CHAIRPERSON PREZEAU: Thank you, Don.

9 BOARD MEMBER BAKER: So on this -- this is the  
10 back page of the inspection that shows the inspections that  
11 took place on that site. If you look towards the middle of  
12 the page, it shows that the inspection was requested --  
13 actually, it shows two inspections there that were requested.  
14 One was on the '17 that was -- on December 14, 2017, it was a  
15 ceiling cover inspection. It has nothing to do with this  
16 appeal.

17 The other was created on 2/8/2018, and it was  
18 requested for inspection on 2/9. That was warehouse forklift  
19 chargers. That's what we're referring to here is these  
20 warehouse forklift chargers. If you look down below, you can  
21 see the inspections that took place. Chris Fontana was there  
22 in 2017. Roger Renken was there on the 15th of February,  
23 2018.

24 If you look below, you can see the results of that  
25 inspection. It's under "details" there. "February 15, 2018,

1 circuit, altered, exposed, 480 volt, 100 A. Approved  
2 complete. EMT to jboxes, hardwired to chargers."

3 So to that point, they did everything correct. They  
4 installed everything, and they got it inspected, inspector  
5 came out and inspected everything.

6 But you can see, if you look back up at the top in the  
7 middle under inspections, on October 1, 2018, Joe Benson went  
8 out there for a completely unrelated issue. Joe Benson  
9 should be nominated for inspector of the year. Joe's out  
10 there inspecting, and he sees a couple of panels that are  
11 installed incorrectly, and he followed through with that.

12 He's talking with John Converse -- if I'm pronouncing  
13 that correctly -- and inquired as to who installed those  
14 panels. He's doing a little bit of investigation because he  
15 recognizes the safety issue of this involved with having 250  
16 volt equipment installed on 600 volt feeders.

17 You turn the page to board packet 151, he got ahold of  
18 Nancy Babst and said "Hey, could you open up that permit?"  
19 He found out that it was RVB Electric, and he wrote a  
20 correction against that permit, permit number 29407928.

21 The next page on 152 is the correction. "Forklift  
22 panel boards are 250 volt rated but are on 480 volt feeders.  
23 They need to be replaced." That correction was written on  
24 October 22nd.

25 You turn the page, board packet page 153, you can see



1           that the Department of Labor & Industries, they kick out a  
2           response every 15 days if a correction doesn't get replied  
3           to. This went out on October 22nd. It went to 2803 Grand  
4           Avenue. That is RVB's listed address. And they simply say  
5           "Hey, we got a correction. We noticed you haven't replied to  
6           that. It requires your attention." At the very bottom of  
7           that notice, it says "If you have any questions, please  
8           contact the electrical inspection office," and it gives a  
9           phone number.

10                    You go to the next page, 154, November 14, almost 15  
11           days later, L&I's computerized system sends out another  
12           notice because they didn't get a response from RVP -- RVB.  
13           And now it says "You have not responded to our notice that we  
14           sent you on October 22nd. This is follow-up." And it says  
15           that "You are required to pay a penalty fee of 46.80."  
16           They're asking them to correct the safety violations  
17           immediately, and they're asking them to contact them within  
18           five days. Again, at the bottom of the page, it gives a  
19           phone number and says "If you have any questions, give us a  
20           call."

21                    Turn the page. November 29th, almost 15 days later,  
22           the department sends out another notice. It says "This is  
23           your final notice." They send it to same address that's  
24           listed in their system asking them to please contact them.  
25           Gives them the phone numbers again.

1           If you go to the next page, December 12, you see an  
2 e-mail that Joe Benson, who I'm nominating for inspector of  
3 the year, who caught this infraction, says "Hey, we've tried  
4 to get ahold of RVB Electric to get this resolved with no  
5 response from them." He's sending this to the facilities  
6 manager, and he's letting them know that, hey, you've got a  
7 real problem in your facility. You need to turn those off,  
8 and find an electrical contractor who can repair those for  
9 you because this is a serious safety violation. Joe's  
10 following up on the December 12.

11           So this isn't a matter of somebody making a mistake  
12 and installing the wrong panels. We all make mistakes, and I  
13 appreciate the appellant admitting that and recognizing that.  
14 This is a matter of not responding to the department and the  
15 notices they sent out and the failure to respond to that  
16 timely. And there was plenty of notice given to the  
17 contractor for that.

18           And I will tell you, board members, that I am an  
19 administrator in the state of Washington. I have been since  
20 1990. And I get notices directly from the department when --  
21 any time a citation is sent to the company that I'm an  
22 administrator for. So I know the department has a policy in  
23 sending those out, you just have to make sure you have the  
24 correct information listed with the department so they can  
25 notify you properly.

1           So I share all that with you because I'm going to  
2           propose that we support the initial order by the law judge.  
3           If you go back to board packet page 18, line item --

4                   CHAIRPERSON PREZEAU: Hang on, Don. Give us a  
5           chance to get there. Appreciate your thoroughness. What  
6           page again, sir?

7                   BOARD MEMBER BAKER: It's page 18, and it's bullet  
8           point 6.1.

9                   And I'm proposing, as a motion, that we uphold the  
10          order by the law judge and affirm the initial order as it's  
11          written.

12                   CHAIRPERSON PREZEAU: So it's been moved by Board  
13          Member Baker to uphold the citation and affirm the proposed  
14          final order issued by the administrative law judge,  
15          recognizing there can be discussion on the motion after I get  
16          a second, if there is a second.

17                   AAG THOMURE: Tracy, can I ask for clarification  
18          from the motion maker?

19                   CHAIRPERSON PREZEAU: Okay.

20                   AAG THOMURE: So Mr. Baker referred to 6.1 on  
21          page 18 of the board packet, and that says -- number six says  
22          "initial order."

23                   I think it would be important for the board to have  
24          clarity whether the motion includes the entire proposed order  
25          and decision, not just the items on page 18 listed under

1 subsection 6, because those are the findings of fact and  
2 conclusions of law on the other pages.

3 CHAIRPERSON PREZEAU: Very good.

4 Don, is it the intent of your motion to uphold the  
5 proposed final order issued by the administrative law judge  
6 in the matter of William Berst versus the Department of Labor  
7 & Industries?

8 BOARD MEMBER BAKER: It is.

9 Thank you for the clarification, Pam. That is my  
10 intent.

11 CHAIRPERSON PREZEAU: So now that we clearly  
12 understand the intent of Board Member Baker's motion,  
13 recognizing there can be discussion after a second, if there  
14 is a second, is there a second to Board Member Baker's  
15 motion?

16 BOARD MEMBER PHILLIPS: Board Member Alice. I'll  
17 second the motion.

18 CHAIRPERSON PREZEAU: Thank you, Alice.

19 It has been moved and seconded to uphold the proposed  
20 final decision issued by the administrative law judge in the  
21 matter of William Berst versus the Department of Labor &  
22 Industries issued on January 2, 2020.

23 Discussion by board members on the motion?

24 BOARD MEMBER JENKINS: Board Member Jason Jenkins.  
25 I just want to make note that, when he appealed this packet,

1           there was a couple, I'll say, discrepancies in the findings  
2           of facts that -- you know, just to hear him out as far as  
3           making sure that he's heard -- his voice is heard, but  
4           there's a couple of minor issues.

5           I think the bigger issue that we run into is, yes,  
6           everything was done correctly as far as the sending the  
7           information. They've all done their due diligence to try to  
8           get information to the supervising electrician there. And on  
9           top of that, this might be a great opportunity for RVB to  
10          reevaluate how they're sending documents to and from their  
11          employees.

12          This is unfortunate if he has not been getting  
13          information from -- his responsibility is not changed because  
14          of that.

15          Another thing I want to make sure I said, kind of --  
16          it sticks to me a little bit is the way Mr. Berst kind of  
17          downplayed the seriousness of the breakers being inside the  
18          panel and how they would probably trip anyway. And I really  
19          want to reiterate that that's -- that's assuming a lot of  
20          danger, which I really disagree with, and I just want to make  
21          sure I said that before we continue on.

22          But I also agree with Don Baker's suggestion.

23                 CHAIRPERSON PREZEAU: You mean motion?

24                 BOARD MEMBER JENKINS: Motion, sorry, yes.

25                 CHAIRPERSON PREZEAU: All right. Any other

1 discussion from board members?

2 (No response.)

3 CHAIRPERSON PREZEAU: All right. Seeing and  
4 hearing none, I would -- I'm going to conduct this -- the  
5 motion itself verbally unless it appears through the verbal  
6 voting methods that we need to conduct a roll call vote.

7 Do board members understand?

8 (No response.)

9 CHAIRPERSON PREZEAU: All those in favor of Don  
10 Baker's motion of upholding the proposed final decision from  
11 the ALJ in the matter of William Berst versus the Department  
12 of Labor & Industries, please signify by saying aye.

13 (Chorus of ayes.)

14 CHAIRPERSON PREZEAU: Any opposed?

15 (No response.)

16 CHAIRPERSON PREZEAU: So it appears that motion  
17 has passed unanimously to uphold the citations issued to  
18 Mr. Berst in this matter, and so the board has rendered its  
19 decision.

20 And, Ms. So, as the prevailing party, have you  
21 prepared an order that reflects -- possibly reflects the  
22 actions of the board this morning?

23 AAG SO: At this time, no.

24 CHAIRPERSON PREZEAU: Okay. If you would be kind  
25 enough to work with Mr. Berst in the crafting of that final

1 order. Because the way the process works is once -- once you  
2 have -- as the prevailing party, once you have crafted that  
3 proposed final order that accurately reflects the actions  
4 taken by the electrical board this morning, I would encourage  
5 you to work with Mr. Berst to get -- hopefully to get  
6 agreements on that proposed final order.

7 If the parties in this matter agree to that proposed  
8 final order, then you can submit it to the secretary of the  
9 board. You can certainly work with our Assistant Attorney  
10 General Pam Thomure as well if you -- if the parties have  
11 questions about that process.

12 In the event that the parties in this matter are  
13 unable to come to agreement on a proposed final order that  
14 accurately reflects the action of the electrical board this  
15 morning, then the matter will automatically be placed on our  
16 agenda for the October quarterly meeting of the electrical  
17 board. And the parties will be asked to be present to defend  
18 their position regarding, not the merits of the appeal  
19 itself, but the merits of the proposed final order.

20 Do those instructions make sense, AAG So?

21 AAG So: Yes.

22 CHAIRPERSON PREZEAU: And, Mr. Berst, do you --  
23 did you understand what I just -- did you understand what the  
24 board just did?

25 MR. BERST: Yes. But I don't understand why they

1 did it but...

2 CHAIRPERSON PREZEAU: I recognize that, but I just  
3 want to make -- but you do understand the process and that  
4 the board this morning affirmed the citations originally  
5 written to you by the Department of Labor & Industries that  
6 were affirmed by the administrative law judge in that  
7 proposed order?

8 MR. BERST: Yeah, I understand what's been done.

9 CHAIRPERSON PREZEAU: Okay. Very good.

10 So what I've asked Assistant Attorney General So to do  
11 is what happens next is you will -- I will ask that you work  
12 with Ms. So. She will craft a proposed final order. It will  
13 likely look very similar in construct to what you have  
14 received from the administrative law judge following your  
15 hearing.

16 And if you disagree with the construct of that  
17 proposed final order, if you believe that it does not  
18 accurately reflect the action of upholding the citation and  
19 affirming the penalties this morning from the board, then if  
20 there is a dispute in the construct of that proposed final  
21 order, then we will place it on the agenda for the October  
22 meeting of the Washington State Electrical Board and will ask  
23 that you and Ms. So, if she remains the attorney of record  
24 representing the department, to appear at that board meeting  
25 to argue why the proposed final order either does or does not



1 accurately reflect the actions of the board this morning.

2 My hope, quite honestly, is that, Mr. Berst, you and  
3 Ms. So will be able to come to agreement on that proposed  
4 order and that will be signed and the matter at least -- this  
5 matter in the jurisdiction of the electrical board will come  
6 to an end.

7 So, Mr. Berst, do you -- you know how to -- or I  
8 should say, Ms. So, do you know how to get ahold of  
9 Mr. Berst?

10 AAG So: Yes.

11 CHAIRPERSON PREZEAU: Okay. Very good.

12 Ms. So, do you have any questions for us this morning?

13 AAG So: No, no.

14 CHAIRPERSON PREZEAU: Mr. Berst, do you have any  
15 questions for the board at this moment or do you  
16 understand -- you understand what happened; right?

17 MR. BERST: I understand what happened, but I  
18 don't think they heard what I was saying. So anyway I'll  
19 work with Ms. So, but I assume there's going to end up being  
20 an appeal before a judge so...

21 CHAIRPERSON PREZEAU: And certainly it would be  
22 ill-advised for me to advise you on your appeal rights other  
23 than there are -- you definitely have appeal rights.

24 MR. BERST: Right.

25 CHAIRPERSON PREZEAU: Very good. I just want to

1 make sure you -- specifically as a layperson and not as legal  
2 counsel, that you understand the process. It's incredibly  
3 important for me to make sure that that is -- to affirm with  
4 you that you understand the process.

5 MR. BERST: I do.

6 CHAIRPERSON PREZEAU: Very good. Thank you, sir.  
7 And thank you for joining us this morning.

8 Ms. So, I'll -- I don't think you have any other  
9 business before the board.

10 I mean, both Mr. Berst and Ms. So, you're welcome to  
11 remain with us if you care to. In the event that you have no  
12 further interest in doing so, there's no need for you to  
13 remain in the meeting today.

14 MR. BERST: All right. Thank you.

15 AAG So: Thank you.

16 CHAIRPERSON PREZEAU: Thank you very much. All  
17 right --

18 BOARD MEMBER BAKER: Madam Chair?

19 CHAIRPERSON PREZEAU: Yes, Don.

20 BOARD MEMBER BAKER: One final comment on the  
21 matter. Washington State electrical inspector Joe Benson in  
22 this case did a fantastic job, that he was out there on that  
23 site inspecting something completely unrelated and he noticed  
24 something in that facility that was a real safety hazard, and  
25 he followed through on that accurately and appropriately and

1 saw it all the way to the end and got that corrected. That's  
2 a testament to what we want our inspectors to be doing on our  
3 sites.

4 I know we have a new chief in today. I just want to  
5 make sure that it's on record that Inspector Joe Benson did  
6 an incredibly good job with recognizing this and getting it  
7 corrected because that's exactly what this program is all  
8 about.

9 CHAIRPERSON PREZEAU: Thank you, Don.

10 And I think -- well, I will echo those comments, and  
11 the parties in the matter have -- are no longer with us, so I  
12 appreciate that capstone in recognizing the value of the  
13 electrical program, and I definitely agree with you.

14 But because the parties have left and we've concluded  
15 that agenda item, I would like to move -- move forward or  
16 move backwards, however your perspective is, and go back to  
17 Agenda Item No. 3, which is the departmental updates.

18 And as Board Member Baker accurately recognized, we  
19 have a new chief electrical inspector, Wayne Molesworth.

20 So Mr. Molesworth, you are our new secretary to the  
21 board as well. Welcome, sir, this morning. And the floor is  
22 yours to provide a departmental update following Agenda Item  
23 No. 3.

24 SECRETARY MOLESWORTH: Good morning, Madam Chair  
25 and board members. I want to say what an honor it is to

1       assume this position, and I look forward to serving the board  
2       as secretary. I appreciate all the support that I've gotten  
3       so far.

4               I've been in the position 30 days and have definitely  
5       seen the advantages of the program personnel that we have in  
6       place and the people sitting here that have helped us put  
7       these things together through the department, so I'm happy to  
8       be a part of it.

9               As far as Item A, COVID-19 impacts to the electrical  
10       program, we've had several impacts; one of which would be  
11       the -- of course, the identification of high-risk inspectors,  
12       inspectors that are over 65 that may have medical issues that  
13       come up had been restricted and isolated themselves at home  
14       and do not go out in the field and do field inspections.

15              We have a concentration of inspectors in both Regions  
16       3 and 6 that have identified as high risk, and so in those  
17       regions we'll see in the -- in the data that we collect as  
18       far as inspections that they are running behind.

19              But the nice thing about our department is that, when  
20       others run behind, other people in other regions and ECORE  
21       have rushed to assist them and help them to maintain a  
22       certain level of customer service in those areas, so it's  
23       been a pleasure seeing that work out.

24              We had a couple of other things, for example, the  
25       hiring freeze was put on. We submitted applications to

1 exempt us from the hiring freeze for licensing staff so that  
2 we could continue to submit licensing. We've got a couple of  
3 vacancies in our licensing department that we are currently  
4 working to get filled so that we can see those numbers rise a  
5 little bit and continue to issue licenses on a very timely  
6 basis.

7 The furloughs that came about were another issue, and  
8 we submitted an exemption from furlough because -- hopefully,  
9 we recognize that we have a key part of ensuring that the  
10 construction industry moves forward and that the repair of  
11 the economic recovery for the construction industry depends  
12 on all of us.

13 We made the point that, if an inspection isn't  
14 completed, that we can shut down five or more trades or at  
15 least move their schedules back. And with the arguments that  
16 we made, we were exempted from furlough for inspection staff  
17 and necessary administrative staff as well, so that worked  
18 out fairly well for us.

19 As you might -- might think that access for  
20 inspections have been driving us a little crazy as well  
21 because we have to ensure that our inspectors feel safe when  
22 accessing inspections that are actually occupied by families  
23 or businesses that are still in progress that have a number  
24 of staff there, and so access has been a little bit of a  
25 problem.

1           But with that comes that we have actually moved  
2 forward with promoting more of the VEI-type inspections --  
3 the virtual electrical inspections and also added to the  
4 regions that have high-risk staff, what they are calling, an  
5 alternate electrical inspection process, which includes being  
6 able to FaceTime with contractors -- which is not a VEI  
7 process because that's very specific -- but being able to  
8 look at jobs that are quite a bit simpler -- disconnect on an  
9 air-conditioning system, a -- you know, things like that, as  
10 well as having conversations with the contractors and also  
11 being able to take pictures of items that we're able to  
12 identify hazards with on a very simple-type inspection.

13           This has allowed us to keep those inspectors at home  
14 busy as well and it's still in process getting ramped up, but  
15 I think we'll get there, and it is a big help.

16           And so those are some of the ways that we've been  
17 impacted. The industry itself from our different inspection  
18 processes in other regions are still receiving good service.

19           We're in the process of developing a way to move FTs  
20 around in this type of a situation from areas that may be  
21 exceeding their goals to areas that may be much less than  
22 successful so that we can kind of even out that customer  
23 service across the state so we are delivering a nice, even  
24 customer service to all of our customers.

25           Are there any questions about that?

1 (No response.)

2 CHAIRPERSON PREZEAU: Thank you, Wayne.

3 BOARD MEMBER COX: Board Member Cox has a  
4 question.

5 CHAIRPERSON PREZEAU: Very good, Kerry. Go ahead.

6 BOARD MEMBER COX: Chief Molesworth, there's  
7 obviously the official VEI. But what you were speaking of,  
8 is that something that the local inspectors from the offices  
9 are doing independently to do these inspections working  
10 directly with the contractors -- is that how that -- rather  
11 than the central team out of Tumwater? Is that how I  
12 understand it?

13 SECRETARY MOLESWORTH: You're correct. They're  
14 very controlled and assigned by the supervisor and the lead.

15 But it's a very controlled process where I receive a  
16 log weekly of the inspections that are actually completed  
17 with pictures if pictures are used, which we're working on  
18 what that looks like totally. But so far we've received some  
19 good pictures that actually are able to identify what that  
20 is.

21 And at this point, we're willing to use those with  
22 contractors in good standing because it does help them, it  
23 helps us and it keeps the job sites moving, and we're able to  
24 inspect clearly on the pictures that I've received so far.

25 But it's a very controlled process and different than

1 the structure that the VEIs are set up on.

2 BOARD MEMBER COX: So if this were an  
3 electronically obtained permit and the contractor goes online  
4 when the job is finished or at least needs to request a  
5 inspection, how is that contractor contacted to make  
6 arrangements to do this? Are they called by the inspector  
7 and said "Hey, can we do a Skype session"? How is that  
8 communicated?

9 My point here is, what can contractors do? Can they  
10 indicate something on the inspection request that said, you  
11 know, we could do an electronic one if you want to? How is  
12 that interaction happening?

13 SECRETARY MOLESWORTH: So that's part of the  
14 outreach that we're actually developing is that how can we  
15 make that easier for the contractors and make them aware that  
16 we're able to do those in the regions at the current time.  
17 The plan is not to leave it that way, you know, when this is  
18 all come to an end but to do it for the time being, so we're  
19 working that out right now.

20 Right now the inspectors are making phone calls to the  
21 contractors asking if they can do that and at the same time  
22 making them aware that they should be calling them when they  
23 have inspections like this that they want to do with video so  
24 that they can respond to them while they're still on the job  
25 site, similar to VEI.



1           But that's an issue that -- you know, this is just  
2           come about in the last couple of weeks that we've started to  
3           put this together, so that's something that we're moving  
4           forward on as far as how will they be able to contact us and  
5           let us know.

6                     BOARD MEMBER COX: Very good. Thank you.

7                     CHAIRPERSON PREZEAU: Any other questions for the  
8           chief -- the new chief from board members?

9           (No response.)

10                    CHAIRPERSON PREZEAU: So, Wayne, before you go on  
11           to the next piece about the allowance for basic classroom  
12           courses, I just want to get in the record that we still are  
13           maintaining more than a quorum of the board. We have 13  
14           board members signed in.

15                    If any of the board members need to leave for whatever  
16           reason, if you would let us know of your departure so that we  
17           can keep track of the quorum because I would like to maintain  
18           a good record that all of our -- any actions taken by this  
19           body are taken by -- with a full quorum in place. So just  
20           please, if you have to depart, let us know. Please let the  
21           chair know ahead of time.

22                    So, Wayne, do you have an update on the allowance for  
23           basic classroom courses?

24                    SECRETARY MOLESWORTH: Yeah. So when we talked  
25           about trainees, we're allowing trainees to do virtual classes

1 right now because of the situation with COVID-19, making sure  
2 that they can still obtain their required classes but also  
3 allowing them time outside of their -- if they're inactive or  
4 they're not able to renew because of the lack of classes,  
5 we're allowing them to continue to work while they -- while  
6 they get their classes completed.

7 That comes to an end on September 1st, and Rod and I  
8 are currently talking about whether or not we extend that  
9 with an additional timeline as to once they are considered --  
10 and hopefully I'm using the right terminology. I'm still  
11 getting used to the terms. But once they become inactive,  
12 then they'll have 30, 60 days to whatever we decide to  
13 actually complete those so that people aren't waiting to  
14 complete their classes but they're doing it in a timely  
15 fashion.

16 Right now some of the providers have indicated that  
17 they are backed up and have been doing classes daily and  
18 still have a backlog of trainees requiring classes before  
19 they can renew.

20 Rod -- if I could, if Rod has anything to add to that,  
21 I would appreciate his comments as well.

22 CHAIRPERSON PREZEAU: Technical Specialist Mutch,  
23 do you have any further comments on this?

24 TECHNICAL SPECIALIST MUTCH: No. I think Wayne  
25 covered that really well. We --

1                   CHAIRPERSON PREZEAU: And, Rod, state and spell  
2 your name for the purposes of the court reporter. Sorry.

3                   TECHNICAL SPECIALIST MUTCH: Sorry about that.  
4 I'm Technical Specialist Rod Mutch, M-U-T-C-H.

5                   So, yeah, I don't really have anything additionally to  
6 add. Wayne covered that well.

7                   I have been in contact with some of the providers,  
8 listening to their input. And so the challenge with giving  
9 an extension to allow trainees additional time to get their  
10 classes completed is -- human nature says, if I have a  
11 deadline, I wait until the last two weeks to meet the  
12 deadline. And so extending that deadline out -- you know,  
13 while it's necessary, also creates a backlog at the end.

14                   So it's finding that balance and the challenges,  
15 what's the best message to get out there "Hurry up and get  
16 your classes done. Don't wait until the end." But at the  
17 same time providing enough cushion for them -- for the  
18 providers to be able to get everybody through.

19                   So that's kind of what we're dealing with right now.

20                   CHAIRPERSON PREZEAU: Thanks, Rod. And it sounds  
21 to me like a terrific electrical currents article, right, in  
22 keeping the industry updated. I appreciate the department's  
23 nimbleness on this.

24                   I was involved in some conversations with your  
25 predecessor, Wayne, now retired previous Chief Electrical

1 Inspector Steve Thornton and Technical Specialist Mutch and  
2 Technical Specialist Larry Vance, L-A-R-R-Y V-A-N-C-E. It's  
3 very -- feels very odd to have those basic classroom training  
4 requirements being conducted virtually.

5 Having been familiar with the original legislation  
6 that was passed by the Washington State legislature creating  
7 the basic classroom training requirements, the idea was  
8 that -- for folks learning the industry versus journey-level  
9 workers that are taking, participating and completing  
10 continuing education classes, basic classroom instruction are  
11 for trainees who are learning the craft, you know, as non  
12 journey-level workers, that in-classroom training is -- the  
13 industry seems to agree is incredibly essential.

14 But the converse of potentially no training at all  
15 in -- because of COVID-19. And allowing those workers to  
16 continue to operate in the industry creates -- jeopardizes  
17 potentially public safety and life and property, so I  
18 appreciate the department's nimbleness on that.

19 And, Rod, I agree with you. It's a challenge. As  
20 Wayne has indicated, the course providers, even after  
21 instituting virtual basic classroom training courses, there  
22 still appears to be a backlog because there's some potential  
23 limitations on that.

24 And so finding that right balance -- and I encourage  
25 the department to continue to communicate with those basic

1 classroom training course providers, which I'm sure that you  
2 currently are doing and will continue to do to ensure that  
3 access to that valuable education service, even though  
4 delivered virtually, continues to expand as we navigate these  
5 uncharted waters and that those non journey-level  
6 participants -- workers in the electrical industry -- gain  
7 access to that critical instruction.

8 Any other questions from board members for our new  
9 chief, Wayne Molesworth?

10 BOARD MEMBER BAKER: I have a question. This is  
11 Board Member Baker. I hold a contractor seat.

12 Welcome aboard, Wayne.

13 I heard chatter in the industry, not only in  
14 Washington but also in Oregon, that there could be some  
15 reciprocal agreement maybe in the works. Could you talk  
16 maybe to that -- the validity of that.

17 SECRETARY MOLESWORTH: I think that we actually  
18 are talking about that a little bit further into the agenda,  
19 but I would be more than happy to talk about it if you'd  
20 like.

21 And I -- you have to excuse me. I've been in the  
22 chair a little over 30 days, so I'm not completely briefed on  
23 everything, but I have been watching the different e-mail  
24 chains that have gone by and had discussions with both  
25 Technical Specialist Mutch and Vance about this issue. And

1           it appears that we're moving forward.

2                   I know this was an issue last time that was accepted  
3 by the board and from the last rulemaking and that we  
4 determined that, after it was looked at from a legal aspect,  
5 that we didn't have the statutory ability to actually -- no,  
6 I'm sorry. I'm confusing that with another one. I  
7 apologize. But that we would move forward.

8                   There was some concern about the proposal but that it  
9 would benefit, you know, the construction industry and labor,  
10 especially in those areas that adjoin at the south.

11                   I'm probably going to ask again if Mr. Vance could  
12 actually speak to this a little bit more clearly because he's  
13 got more detail that might be of use to you.

14                   CHAIRPERSON PREZEAU: Larry Vance, are you with us  
15 this morning?

16                   TECHNICAL SPECIALIST VANCE: I am, Madam Chair.  
17 For the record, my name is Larry Vance, V-A-N-C-E.

18                   I've been working with Oregon --

19                   CHAIRPERSON PREZEAU: Larry. Hang on just a  
20 second, Larry. Is this -- Agenda Item No. 5 on our agenda is  
21 WAC 296-46B-940. Are we in that agenda item, sir?

22                   TECHNICAL SPECIALIST VANCE: For the purposes of  
23 the question, no. I mean, this is just about -- this is just  
24 information about a potential agreement with Oregon so...

25                   CHAIRPERSON PREZEAU: Very good. Thank you.

1                   TECHNICAL SPECIALIST VANCE: And so there was some  
2                   legislation here a couple of sessions back that implemented  
3                   an apprenticeship requirement here in Washington. And one of  
4                   the purposes of that, according to proponents, was -- is to  
5                   reach a place where our licensing systems were more similar  
6                   so that we could enter into some sort of a reciprocal  
7                   agreement with Oregon. So this has been going on for a  
8                   number of years.

9                   Where we're at right now is there has been a lot of  
10                  work on both sides of the river for this. There's a draft  
11                  agreement that's been out there that's been approved by their  
12                  electrical board. They have a little different governing  
13                  structure down there. But essentially it's just a document  
14                  that's sitting there for all to see and it's -- it's what  
15                  we've been talking about.

16                 But essentially the agreement is for those who  
17                 completed an 8,000-hour apprenticeship or those who hold a  
18                 Washington master electrician's license or Oregon supervising  
19                 electrician license. So it's very similar to having  
20                 16,000 hours of experience and passing an additional  
21                 examination.

22                 So those are the thresholds that the agreement's based  
23                 on, and both states are looking toward maybe implementing it.  
24                 Oregon has -- they're going through their formal rulemaking  
25                 process currently. They have already had a public hearing on

1           their permanent rule. They may choose to accelerate and  
2           issue a temporary rule, which would allow them to possibly  
3           accelerate the agreement.

4                     Their temporary rule is similar to our emergency rule  
5           process that we use for temporary electricians and those sort  
6           of things in the past. So if there's a -- or if there's an  
7           urgent need then -- and they feel that there's an urgent  
8           need, but we're still working through those issues in  
9           Washington.

10                    But it's -- I guess, what I could say is that all  
11           indications show that we've made great progress.

12                    CHAIRPERSON PREZEAU: Thank you, Larry.

13                    And I just wanted to confirm. The department has  
14           received an official petition, has it not, on or around  
15           June 22nd from a stakeholder requesting the department engage  
16           in some additional rulemaking? And I think the intent of  
17           that petition is to strive to harmonize WAC 296-46B with some  
18           reciprocity requirements.

19                    Do I have that accurately summarized?

20                    TECHNICAL SPECIALIST VANCE: Yes, yes. And  
21           with -- all the petition does is it harmonizes Washington  
22           administrative rules with Oregon's administrative rules in a  
23           couple various -- we appear to have some rather onerous  
24           requirements, and all the petitioner is doing is seeking to  
25           harmonize them with Oregon.



1           And it's nothing that -- on the Oregon side, they  
2 actually have to complete their administrative rulemaking in  
3 order to sign the agreement because the agreement conflicts  
4 with the current administrative rule having to do with the  
5 percentage of passing score on examination.

6           The agreement, as currently drafted, would allow  
7 somebody to reciprocate that passed the Washington exam.  
8 According to current administrative rule in Oregon, anyone  
9 reciprocating would be required to have a 75 percent passing  
10 score. Washington has a 70 percent passing score.

11           So they're harmonizing that, making an allowance in  
12 their administrative rules to accept our passing score, which  
13 makes administrating this rule a lot easier and more fair.

14           And the rule petitioner, they're kind of following the  
15 same suit. The difference is, in Washington, we could sign  
16 this; we could administrate this rule under our current  
17 rules. We would just be -- we would be -- the rules would be  
18 excluding some folks until they were changed, meaning that  
19 there's an exclusion, for instance, that if anyone had ever  
20 attempted and failed to pass the Washington State exam, that  
21 they're forever unable to reciprocate. Oregon's requirement  
22 is two years.

23           I think the proponent is seeking to -- the petitioner  
24 is seeking to align with Oregon at two years, meaning that,  
25 you know, if someone's passed the Oregon exam and five years

1 ago they attempted the Washington exam and didn't follow  
2 through and pass it, should they be discriminated against?  
3 The petitioner is asking, you know, is two years long enough.

4 Really the protection is in there to keep people from  
5 going around a licensing system. And there's another  
6 provision in there.

7 And I don't know, Tracy, is it appropriate to talk  
8 about these at this time or how -- what are you feeling?

9 CHAIRPERSON PREZEAU: Well, I mean, I think the  
10 question about reciprocity is -- certainly is one of great  
11 and genuine interest from this body. It's a conversation  
12 that we have had more than once, and I am incredibly  
13 interested in understanding how we can achieve reciprocity  
14 for 01 certificate holders in the state of Washington with  
15 the state of Oregon.

16 And unless my assistant attorney general tells me  
17 otherwise, I would welcome this conversation.

18 TECHNICAL SPECIALIST VANCE: Okay. Do we want to  
19 look at it as agenda No. 5 because really what we're getting  
20 into -- what I'm getting into right now -- I just want to  
21 alert you, what I'm getting into right now is essentially the  
22 petition to change -- to make changes to WAC 296-46B-940.

23 CHAIRPERSON PREZEAU: Yeah, and the challenge here  
24 this morning, Larry, is that that petition to the department,  
25 the timing doesn't meet the board's 45-day notice

1 requirement.

2 TECHNICAL SPECIALIST VANCE: Sure.

3 CHAIRPERSON PREZEAU: And so I'm not -- I'm  
4 reluctant to share any documents that are in the department's  
5 possession regarding this Agenda Item No. 5 because they were  
6 not submitted to the board meeting those requirements. And  
7 unless Pam starts waving wildly, I'm going to keep along  
8 this.

9 You know, unfortunately, as much as I would love to  
10 allow for those documents to be reviewed, they were not  
11 issued to the board members previously and they're not  
12 available to members of the public, who have joined us  
13 telephonically, particularly.

14 So I would welcome your detailed report regarding  
15 where we're at in terms of that rulemaking. I know you've  
16 already made comments to that end. And I would imagine that  
17 I'm joined by a balance of the board members in  
18 understanding, if there's anything that we can do to help  
19 urge this process along but also be mindful of the open --  
20 the restrictions or the guidelines, the thresholds of the  
21 Open Public Meetings Act, which we are still bound by  
22 portions of under Governor Inslee's proclamations.

23 So if you could provide us with some more detailed  
24 updates without relying on any unsubmitted documentation,  
25 that would be greatly appreciated.

1 TECHNICAL SPECIALIST VANCE: I can do.

2 So the other -- there's another provision in there  
3 that's caused some angst with Oregon in our administrative  
4 rules, and that revolves around a requirement that if you  
5 have -- that if you've ever attempt -- if you've taken and  
6 passed the Oregon exam while being a resident of Washington,  
7 you're not eligible to reciprocate that license and -- to  
8 Washington.

9 And really what the map looks like -- the map changed  
10 as far as how apprenticeships interact among states. There's  
11 an area of southwestern Washington that has -- that's an  
12 Oregon apprenticeship. But they have a large number of  
13 apprentices that live in Washington, and they also have  
14 jurisdiction for apprenticeship in that area of Washington.

15 So why that provision is in there, I'm not sure.  
16 There was a time when there was nothing but Washington  
17 apprenticeships in Washington, and that changed years ago.  
18 So I think it's just possibly an outdated -- an outdated  
19 provision. And another provision that was -- that was not in  
20 alignment was a waiting requirement --

21 AAG THOMURE: May I interrupt?

22 CHAIRPERSON PREZEAU: Yes.

23 TECHNICAL SPECIALIST VANCE: Yes.

24 AAG THOMURE: I'm sorry. I just wanted to make  
25 sure for purpose of the open public meeting that we're having

1           that Mr. Vance is talking about rulemaking updates, which was  
2           on the agenda from the department. I'm concerned that the  
3           petition that he's describing regarding discussion of  
4           reciprocity, that's not been identified. Reciprocity was not  
5           identified anywhere on the agenda as a topic of discussion.

6                        So my concern, Madam Chair, would be did the public  
7           have adequate notice of this subject for purposes of this  
8           meeting.

9                        Larry, if you're addressing the actual rulemaking that  
10          has to do with reciprocity, I think if you could clarify  
11          that, that would be helpful for purposes of this meeting.

12                       TECHNICAL SPECIALIST VANCE: It's kind of -- what  
13          I'm relaying, Pam, is conversations I've had with officials  
14          in Oregon when they compare our rules and their rules  
15          throughout this process. It does parallel with a petition  
16          we've received --

17                       AAG THOMURE: And I don't dispute that. I just  
18          wanted clarity for the board's sake that this document was  
19          just sent to the board members yesterday.

20                       And we have a rule on the books that says, if you're  
21          going to discuss any party -- and we hold appellants to the  
22          same rule that it currently -- that if there's a petition,  
23          that goes to the department, and the department has to  
24          obviously respond to that petition.

25                       But for purposes of the board and the board addressing

1           it, what I'm concerned about is whether the public has notice  
2           of that so that they have an opportunity to provide feedback  
3           to the board regarding this topic.

4                     If there's rules in process that you're -- or you're  
5           thinking about doing a rule, then just clarify that is --  
6           what I'm suggesting, is clarify it under the rulemaking, not  
7           under this new kind of document that the board has just seen  
8           that wasn't timely submitted to the board.

9                     Does that make sense?

10                    TECHNICAL SPECIALIST VANCE:   It does make sense.  
11           It does make sense.

12                    So with the information that we've received from  
13           Oregon -- from our counterparts in Oregon about essentially  
14           just a level playing field between the states for the  
15           purposes of this -- a potential reciprocity agreement.

16                    CHAIRPERSON PREZEAU:   And, Larry, let me just --  
17           this is Tracy.  Let me just -- I think I know how to make  
18           this bridge.

19                    So the petition that you received matches up with  
20           Agenda Item No. 5 because the rulemaking has to do with  
21           Washington administrative code 296-46B-940; is that correct?

22                    TECHNICAL SPECIALIST VANCE:   That is correct.

23                    CHAIRPERSON PREZEAU:   So let the record reflect,  
24           Pam, that the Agenda Item No. 5, right, WAC 296-46B-940  
25           that's listed on the agenda, although, doesn't specifically

1 say "rulemaking" -- unless I -- let me pull that up.

2 Petition for rulemaking, right, the Agenda Item No. 5.

3 So, Pam, is that -- are you more comfortable now  
4 understanding specifically that what Larry has been speaking  
5 to about reciprocity falls under Agenda Item No. 5, specific  
6 to WAC 296-46B-940, rulemaking?

7 AAG THOMURE: So my concern is when that specific  
8 agenda item was added to the agenda. I think we should get  
9 clarity from that from Beth.

10 However, my understanding is that agenda 5, up until  
11 maybe just two days ago, was that there was an update for WAC  
12 296-46B rulemaking update, not specifically for 940.

13 So I'm just suggesting that if we're -- I would need  
14 to clarify when that agenda item was actually modified  
15 because we have to provide notice of the agenda so many days  
16 in advance of the meeting. And perhaps I missed it, which is  
17 entirely possible these days and I apologize if I did.

18 And that's why I was suggesting -- from my  
19 perspective, I thought the agenda item was just the general  
20 rulemaking update, which is what my concern was.

21 So perhaps, Beth, maybe just, if I missed it, clarify  
22 if that was on the agenda more than ten days ago that the  
23 agenda went out. Is that what happened or not?

24 MS. RIVERA: I'm going through and -- I think on  
25 my drafts so that may take a minute.

1                   AAG THOMURE: Because I just got it, I think,  
2 yesterday. But, again, I could be wrong. And I'm happy to  
3 be wrong, don't get me wrong.

4                   BOARD MEMBER BAKER: Madam Chair, this is Don.  
5                   My question about reciprocity has been satisfied here.  
6 I just wanted to know if there was conversations. It sounds  
7 like there is. We're in process. There's a lot of little  
8 details that we got to work through. So sometime in the  
9 future, we may see more come up on reciprocity, which is  
10 great.

11                  CHAIRPERSON PREZEAU: Very good. And to your  
12 points, Assistant Attorney General Thomure, I have an e-mail  
13 from Bethany Rivera dated July 14, and it is addressed to all  
14 of the current board members participating as well as several  
15 administrators from the Department of Labor & Industries.

16                  It contains several attachments including an agenda  
17 for this meeting, and it includes Agenda Item No. 5 Wac  
18 296-46B-940 petition for rulemaking.

19                  So that would meet the ten-day threshold if that makes  
20 you more comfortable, Pam.

21                  AAG THOMURE: It does. Thank you.

22                  CHAIRPERSON PREZEAU: So, Larry, if you want to  
23 continue with Agenda Item No. 5 on the petition for  
24 rulemaking WAC 296-46B-940, now that we have officially  
25 confirmed on the record that that agenda item was submitted



1 in a timely fashion.

2 TECHNICAL SPECIALIST VANCE: Thank you, Madam  
3 Chair.

4 The provision that -- in regards to waiting before  
5 you're eligible for reciprocity between the two states --  
6 Oregon is six months, and Washington's one year, according to  
7 our administrative rules.

8 The petition seeks to eliminate a waiting period. If  
9 a person can lawfully work in Oregon, why can't they lawfully  
10 work in Washington with a proper certificate or license?

11 We don't -- we don't see any -- we don't see any  
12 potential there for any public safety or any cause for  
13 concern about that. In fact, we looked at the petition and I  
14 don't think that --

15 CHAIRPERSON PREZEAU: Larry, this is Tracy. I  
16 apologize to interrupt.

17 But just a gentle reminder, if you are not speaking,  
18 please mute either your computer audio or your telephone if  
19 you're joining either way. We're getting some background  
20 noise, so hopefully -- please just, again, general reminder.  
21 Thank you for muting your phones.

22 Sorry to interrupt, Larry. Please continue.

23 AAG THOMURE: And, Madam Chair, we do have -- I do  
24 see that one person on the phone is not muted. And my  
25 concern is, we've got a court reporter taking down what's

1 being said, so we need to ensure that that person mutes their  
2 phone because we're hearing background noise. Thank you.

3 CHAIRPERSON PREZEAU: Mr. Vance, please continue.

4 TECHNICAL SPECIALIST VANCE: Thank you, Madam  
5 Chair.

6 So with the progress in Oregon, with the progress that  
7 they've made in their rulemaking with the -- I haven't heard  
8 back from Oregon about their public hearing, whether they  
9 had -- there was any controversy there.

10 They've somewhat indicated that they're considering a  
11 temporary rule to accelerate the process of signing the  
12 agreement and sending it to Washington. When they do that,  
13 we are able currently to sign the agreement. It's just that  
14 our rules will not be real friendly for administering it.

15 So we're looking at this from the standpoint of  
16 what -- should we follow Oregon's suit. If we file a CR101  
17 and begin permanent rulemaking based on this petition, we're  
18 lucky if we can have that permanent rulemaking complete  
19 within nine months. Everything has to -- the planets have to  
20 align to do that.

21 We do also have the option, if there's substantial  
22 reasons for an emergency rule, that emergency rule can be  
23 filed simultaneously with the permanent rulemaking, which  
24 would create a bridge while that permanent rulemaking goes  
25 through the process. It may take several emergency rules in

1 order to keep things intact, but it is doable.

2 But what the department's considering right now is  
3 whether or not -- whether or not having a -- having a  
4 reciprocal agreement or having these rules changed is an  
5 emergency. So does it meet the emergency criteria, which has  
6 to do with public safety, the welfare of the citizens and  
7 health aspects.

8 So I'm -- you know, as an electrician myself, I do see  
9 that portability helps both myself and my livelihood and also  
10 the people that employed me. But I'll leave that up to  
11 others to make any argument that having an emergency --  
12 having a reciprocal agreement in place is an emergency that  
13 can't wait nine months.

14 CHAIRPERSON PREZEAU: So, Larry, what I -- what I  
15 hear you saying or what I am inferring that you are saying is  
16 that it may be helpful to the department to understand what  
17 the members of the electrical board -- how they feel about  
18 the pending reciprocity agreement between Washington State  
19 and the state of Oregon regarding 01 certificate holders and  
20 whether or not the -- would it be helpful if you  
21 understood -- if the department understood if the electrical  
22 board members were supportive of engaging in emergency  
23 rulemaking so as to potentially expedite this pending  
24 reciprocity agreement between the two states of Washington  
25 and Oregon.

1 Do I understand that correctly?

2 TECHNICAL SPECIALIST VANCE: Yes.

3 CHAIRPERSON PREZEAU: All right. One of the  
4 things that I --

5 BOARD MEMBER JENKINS: Madam Chair, Jason Jenkins,  
6 board member. May I please add to this a little bit being  
7 that I'm actually working and living in the southern portion  
8 of Washington?

9 And I want to affirm, if you want to call it that,  
10 that we in the Washington/Oregon area here, I think it would  
11 be a very beneficial and very -- I think it does affect  
12 general welfare of the people in both the Washington/Oregon  
13 border here to be able to have that allowance to have the  
14 reciprocal agreement put in place.

15 The way I understand it -- and maybe I'm wrong, but I  
16 understand it is that this emergency rule may go into play,  
17 and that would allow us a bridge between the time that the  
18 rulemaking gets started to the point it can end, and this  
19 would allow to bridge the gap so we can get things started  
20 sooner versus later.

21 Due to this whole pandemic and because of people being  
22 restricted in working in certain areas and maybe not being  
23 able to just effectively get paid to do work in certain  
24 areas, I think this would be a huge advantage and almost, I  
25 would say, a need to have this thing put in place as soon as

1 possible considering our -- certain climate of our system  
2 today.

3 Thank you.

4 CHAIRPERSON PREZEAU: Thank you, Jason.

5 Larry, do you have any sense for how long we've been  
6 talking about a pending reciprocity agreement between the  
7 states of Washington and Oregon?

8 TECHNICAL SPECIALIST VANCE: It's been years. I  
9 know in -- I know when we ended all reciprocal -- when we  
10 were advised to end all reciprocal agreements and we did so  
11 back in 2009, I think it was, we hadn't had a reciprocal  
12 agreement with Oregon for a number of years at that time. So  
13 we -- there's been talk of a reciprocal agreement with Oregon  
14 for, I'm going to say, more than a decade.

15 I mean, it's -- we've been talking about this, so to  
16 be this close is very encouraging. Reciprocal agreements are  
17 interesting in the fact that it's sometimes the most minor  
18 things that can hold them up, and we just want to be in a  
19 position to show the best will -- the best goodwill to move  
20 forward.

21 CHAIRPERSON PREZEAU: Yeah, and I would agree with  
22 that and I -- you know, I recognize that the electrical board  
23 generally advises the electrical program with a handful of  
24 exceptions, one of which has to do with RCW 1928051 that has  
25 to do with examinations.

1            "It shall be the purpose and function of the board to  
2            establish in addition to general electrical contractors  
3            license such classifications of specialty contractors  
4            licenses it deems appropriate."

5            And it goes on indicating that the electrical board,  
6            one of its prime functions is the regulation of examinations  
7            and the creations of licensure. And given that reciprocity  
8            is -- you know, it doesn't mention that specifically, but  
9            because reciprocity is gaining licensure potentially without  
10           examination, I would like to argue that this is squarely  
11           within the wheelhouse of the function and purpose of the  
12           board.

13           And given the fact that this has been a topic of  
14           conversation in front of the board for, Mr. Vance, to your  
15           estimate, a decade, I think most -- I will not speak for all  
16           the board members, but I think the board is incredibly  
17           interested in continuing forward and finally reaching a  
18           reciprocity agreement with Oregon for all the reasons that  
19           Board Member Jenkins illustrated and others.

20           And what I'm hearing from you is that it would be  
21           helpful to the department to understand where this body sits  
22           in terms of potentially directing or recommending the  
23           department consider entering an emergency rulemaking so as to  
24           expedite this process.

25           So given that, I would be very interested to

1 understand what other board members think about recommending  
2 or directing the department to draft emergency rules with  
3 respect to attaining a reciprocity -- an official signed  
4 reciprocity agreement between the states of Washington and  
5 Oregon.

6 If there -- if board members are supportive of this  
7 notion, certainly at any time the chair would entertain a  
8 motion or hear comments from board members.

9 BOARD MEMBER BAKER: More of a question, Madam  
10 Chair. This is Board Member Baker again.

11 The question's for Larry. Just for clarity, we're  
12 talking about a reciprocity agreement for an 01; is that  
13 correct?

14 TECHNICAL SPECIALIST VANCE: That is -- yes. That  
15 is the reciprocity agreement that Oregon has proposed to  
16 Washington.

17 BOARD MEMBER BAKER: Okay. I just want to make  
18 sure we're not talking about specialties like 02s or anybody  
19 else. We're talking specifically about 01s?

20 TECHNICAL SPECIALIST VANCE: That is correct.

21 BOARD MEMBER BAKER: Okay.

22 Yeah, if you're looking for a motion to engage in  
23 emergency rulemaking process for reciprocity, Madam Chair,  
24 I'd make that motion.

25 CHAIRPERSON PREZEAU: Thank you, Don. And thank

1           you for clarifying that specific -- the pending reciprocity  
2           agreement between Washington and Oregon only impacts 01  
3           certificate holders.

4                        So it has been moved by Board Member Baker to  
5           recommend to the department to engage in emergency rulemaking  
6           to expedite the process of finalizing a reciprocity agreement  
7           between the states of Washington and Oregon, specific to  
8           Washington administrative code 296-46B-940.

9                        Is there a board member second to that motion?

10                      BOARD MEMBER JENKINS: Board Member Jason Jenkins.  
11           I second the motion.

12                      CHAIRPERSON PREZEAU: Very good. So it has been  
13           moved and seconded to make that recommendation to the  
14           department.

15                      Any board members -- any discussion on that motion  
16           from board members or any questions?

17           (No response.)

18                      CHAIRPERSON PREZEAU: Seeing no questions or no  
19           comments, I would ask that board members that agree with the  
20           motion please -- and again I'm going to conduct all of these  
21           votes audibly unless they are -- unless we need to call for a  
22           roll call vote.

23                      So board members voting in the affirmative directing  
24           the department to engage in emergency rulemaking regarding  
25           WAC 296-46B-940 for the sole purpose of expediting a



1 potential reciprocity agreement between the states of  
2 Washington and Oregon regarding 01 general journey-level  
3 certificate holders, please indicate by saying aye.

4 (Chorus of ayes.)

5 CHAIRPERSON PREZEAU: Any opposed?

6 (No response.)

7 CHAIRPERSON PREZEAU: Hearing none, motion carries  
8 unanimously.

9 SECRETARY MOLESWORTH: Madam Chair, this is Wayne  
10 Molesworth.

11 CHAIRPERSON PREZEAU: Yes, sir.

12 SECRETARY MOLESWORTH: Forgive my lack of  
13 knowledge about the overall process. Would it be appropriate  
14 if I would make a comment just to sum up the stance I have on  
15 this particular issue just as an overall "how we would  
16 approach this"?

17 CHAIRPERSON PREZEAU: Sure.

18 SECRETARY MOLESWORTH: Okay. Thank you.

19 I want you to know that we always approach this type  
20 of an issue very cautiously, and it will always be my intent  
21 to guide the agency and the program to ensure that, when we  
22 put things like this in place or develop things like this,  
23 that we're also protecting the integrity of the knowledge  
24 base in the industry in the state of Washington.

25 I've been involved with other programs where I've

1 started to see that some of that might be eroding, and it  
2 will always be our intent to make sure we have things in  
3 place that don't allow that.

4 And I think from Larry's explanation with the  
5 apprenticeships and 8,000 hours and items like that that you  
6 can see that that's going to help us to do that as well as we  
7 need to consider the enforcement or the knowledge of RCWs and  
8 WACs for people that aren't familiar with them becoming  
9 reciprocated in the state of Washington.

10 So we will continue to work on those issues, but I  
11 think from the discussion you can tell the department is also  
12 in favor of a reciprocity moving forward. So thank you.

13 CHAIRPERSON PREZEAU: Thanks, Wayne.

14 And with that, unless there's any argument otherwise,  
15 we should be on agenda item 6.

16 I do want to check in with our court reporter to see  
17 if she needs to take a break.

18 THE COURT REPORTER: Yeah, we can take a few  
19 minutes if you don't mind.

20 CHAIRPERSON PREZEAU: All right. So with that,  
21 what I would like to do is to give our court reporter a  
22 break.

23 My computer says it is 10:46 a.m. I would like to  
24 recess this meeting for 10 minutes and come back on the  
25 record at 10:56 a.m.

1           So with that, we are at recess for 10 minutes, and we  
2           will reconvene in 10 minutes.

3           (Recess from 10:46 a.m. to 10:56 a.m.)

4                         CHAIRPERSON PREZEAU: So, again, this is Chair  
5           Prezeau. It is 10:56 a.m. I would like to bring back from  
6           recess the July 30, 2020, quarterly meeting of the Washington  
7           State Electrical Board.

8                         And before we get -- resume or begin agenda item 6, I  
9           would like to confirm for the record that we have -- still  
10          have a quorum of electrical board members, so I'm going to  
11          call roll more time.

12                         Jason -- Board Member Jenkins, are you present?

13                         BOARD MEMBER JENKINS: Yes. I'm here, Madam  
14          Chair.

15                         CHAIRPERSON PREZEAU: Dave Ward, are you present?

16                         BOARD MEMBER WARD: Present.

17                         CHAIRPERSON PREZEAU: Mike Nord, are you present?

18          Mike Nord, are you present? You're muted, Mike, if you're  
19          present.

20          (No response.)

21                         CHAIRPERSON PREZEAU: Okay. Come back to that.

22                         Ryan Lamar, are you still with us?

23          (No response.)

24                         CHAIRPERSON PREZEAU: Just a reminder to board  
25          members, calling roll. If you are muted, you may want to

1 take a moment and unmute your audio as I continue to call  
2 roll.

3 Board Member Baker, are you present?

4 BOARD MEMBER BAKER: Yes, ma'am.

5 CHAIRPERSON PREZEAU: Board Member Bobby Gray, are  
6 you present?

7 (No response.)

8 CHAIRPERSON PREZEAU: Vice Chair Alice Phillips,  
9 are you present?

10 BOARD MEMBER PHILLIPS: Present.

11 CHAIRPERSON PREZEAU: Board Member Dylan  
12 Cunningham, are you present?

13 BOARD MEMBER CUNNINGHAM: Present.

14 CHAIRPERSON PREZEAU: Board Member Erick Lee, are  
15 you present?

16 BOARD MEMBER LEE: Present.

17 CHAIRPERSON PREZEAU: Board Member Ivan Isaacson,  
18 are you present?

19 BOARD MEMBER ISAACSON: Here.

20 CHAIRPERSON PREZEAU: Board Member Kerry Cox, are  
21 you present?

22 BOARD MEMBER COX: Yes, ma'am. I'm here.

23 CHAIRPERSON PREZEAU: Thank you.

24 Board Member John Brickey, are you still with us?

25 (No response.)

1                   CHAIRPERSON PREZEAU: So confirming -- I'm not --  
2                   there are other board members present. That's terrific. But  
3                   we have audibly confirmed 9 of 15 board members. We maintain  
4                   a quorum. Just unsure --

5                   BOARD MEMBER NORD: Madam Chair?

6                   CHAIRPERSON PREZEAU: Yes.

7                   BOARD MEMBER NORD: Okay. This is Board Member  
8                   Nord. For some reason, I was unmuted but unable to speak, so  
9                   I had to call back in.

10                  CHAIRPERSON PREZEAU: Very good. But you're  
11                  obviously confirming that you're still with us.

12                  BOARD MEMBER NORD: I'm still with you.

13                  CHAIRPERSON PREZEAU: Very good. So maybe that's  
14                  the issue with Board Members Ryan Lamar and Bobby Gray and  
15                  maybe John Brickey. If you --

16                  BOARD MEMBER NORD: Yes. It seems that after a  
17                  period of time, even if you're unmuted, you are muted.  
18                  Because I've made several seconds to motion that you didn't  
19                  acknowledge, so apparently for about an hour I've been muted  
20                  while unmuted.

21                  CHAIRPERSON PREZEAU: Which might be -- so I  
22                  appreciate that, Mike. Apologies.

23                  It might be that -- it might be that Bethany may have  
24                  inadvertently -- I think she's controlling this meeting --  
25                  may have muted board members in an attempt to mute folks

1 joining us strictly telephonically.

2 But in this case, I would -- I know that we're  
3 struggling a little bit with the virtual platform, but I just  
4 want to confirm for the record that we have myself, Jason  
5 Jenkins, Dave Ward, Mike Nord, Don Baker, Vice Chair Alice  
6 Phillips, Dylan Cunningham, Erick Lee, Ivan Isaacson, Kerry  
7 Cox all have audibly confirmed that they have returned to the  
8 meeting being called following the ten-minute recess for the  
9 purposes of our court reporter.

10 And if you are a board member and I didn't call your  
11 name and you have regained audio and want to indicate that  
12 you are still with us, I'll give you a moment but that we  
13 continue to have a quorum.

14 (No response.)

15 CHAIRPERSON PREZEAU: So with that, we are on  
16 agenda item 6, which has to do with proposed rulemaking  
17 regarding WAC 296-46B-995.

18 Pam, do you want to -- do you want to weigh in on this  
19 agenda item?

20 AAG THOMURE: Sure. Hopefully you guys have all  
21 had a chance to sort of look at what Tracy and I worked on.  
22 I think everybody is aware that Tracy and I and many of the  
23 board members have had long -- or had discussions about the  
24 provisions of WAC 296-46B-995 from the perspective of making  
25 it clear what appellants have to do or should do for appeals,

1 kind of, clarifying some of the archaic kind of language,  
2 making it more, I think as Tracy would say, user friendly.

3 So Tracy and I had meetings. We had meetings with  
4 people from the department in terms of some of the problems,  
5 some of the pros, some of the timelines.

6 And so then I took a lot of that information and sort  
7 of crafted a draft. The draft timelines, I just stuck in  
8 timelines kind of from what we had talked about. I think  
9 that's all flexible. We then also sent out a copy to sort of  
10 our subcommittee members -- Mike Nord, Bobby Gray -- to kind  
11 of take a look at kind of what we had looked at.

12 So needless to say, there has been a lot of work put  
13 into this. And what we've supplied to the board is sort of  
14 the copy that has all of the track changes from the original  
15 rule in it.

16 Bobby, I did not include some of your comments because  
17 I think I responded to those. Hopefully you've joined us by  
18 now.

19 BOARD MEMBER GRAY: Yes ma'am.

20 This is Bobby Gray. I am in. I went back out and  
21 came back in as Mike suggested, and so I've been involved in  
22 the meeting all along. I just was not able to evidently  
23 speak.

24 AAG THOMURE: Okay. Good.

25 And thank you, Rod, for educating me about how to

1 print a copy without all the markups.

2 And I submitted that to the board members because --  
3 so you can kind of maybe see how it would look. Now, this  
4 isn't formatted. There's probably typos. There's probably  
5 lots of the technical things.

6 But I think what Tracy and I wanted was for the board  
7 members to review this in general principle. And as you  
8 know, the department is the one that has to initiate the  
9 rulemaking. It is our hope and desire that this sort of  
10 substantive recommendation from the board can be a strong  
11 recommendation to the department to engage in rulemaking to  
12 clean up 995.

13 I know it's been one of Tracy's goals -- I think since  
14 I've been working with you -- to try to do something. And so  
15 that's why we took the time, I took the time to really put  
16 together something that we hope that will make it easier for  
17 the department to move forward. We hope that it's in a  
18 format that will take less work on the department's  
19 perspective.

20 But I really -- what we're looking for is board  
21 feedback of whether you, the board, are in favor of this  
22 and/or your comments.

23 CHAIRPERSON PREZEAU: And with that -- thank you,  
24 Pam.

25 With that, I want to acknowledge that Board Member



1 Ryan Lamar followed Board Member Nord's advice and called  
2 back in and has rejoined us as well, so we also have Board  
3 Member Lamar rejoining us as well.

4 And just to add to Pam's comments, as there -- well,  
5 it's an accurate reflection of this work, and I want to thank  
6 her and some other assistant attorney generals that we  
7 consulted with in the crafting of this draft to this point,  
8 along with Board Member Bobby Gray and Board Member Mike  
9 Nord, part of that subcommittee to review the draft changes  
10 that -- or the working document, if you will.

11 Just to remind board members, the real genesis of this  
12 recrafting or trying to clean up WAC 296-46B-995 is  
13 specifically the appeal language.

14 The appeal language for the electrical board is --  
15 when I -- nine years ago when I became chair of this body, it  
16 became evident in working with Pam that even legal counsel  
17 who were involved in various types of appeals in front of the  
18 electrical board would routinely call Pam or seek advice,  
19 because even to legal counsel, the language in WAC  
20 296-46B-995 was inherently confusing and unclear to legal  
21 counsel which -- and certainly Pam has spoken with lots of  
22 different parties in various matters of appeal in her tenure  
23 as AAG to the board.

24 This specific section of our Washington Administrative  
25 Code is -- has been incredibly confusing and potentially an

1           intimidating process, not only for legal counsel but  
2           certainly also for pro se appellants as well. Some of the  
3           appeal language or the processes regarding different appeals  
4           avenues to the electrical board existed in various parts  
5           within the rule. It was not warehoused in one specific  
6           article within the Washington Administrative Code.

7                     One of the things we really tried to focus and  
8           concentrate on was moving -- proposing moving into Article  
9           995 all the pertinent process policy language regarding  
10          whether it was an appeal of a matter that was referred to us  
11          from the Office of Administrative Hearings, whether it was an  
12          original appeal in a matter that involves suspension or  
13          revocation of a license or certificate. There was a couple  
14          of other options as well to appeal in front of the electrical  
15          board.

16                    And our goal was really to try to certainly not  
17          rewrite the practice and -- nor change the -- change that  
18          practice or change the policy. It was really to -- this work  
19          is really a reflection of providing common sense clarity to  
20          the appeal language as, you know, practiced in front of the  
21          board and what the process of appealing to the electrical  
22          board looks like.

23                    And really so as to -- it's a fairness issue. It is  
24          an access issue. If a party receives citations, let's say  
25          from the department, and is considering appealing those

1 citations, as they have a right to do as all board members  
2 understand, it is possible that appellants -- potential  
3 appellants would review the language in -- the existing  
4 language in WAC 296-46B-995 and be intimidated by entering  
5 into that process, even though they might feel that their  
6 potential appeal would have merits but were intimidated by  
7 the process.

8 And so our real goal, if I -- and, Pam, you correct me  
9 if I'm wrong -- was to provide appropriate access  
10 particularly -- well, for all, but particularly for pro se  
11 potential appellants to more clearly understand the process  
12 so that in the event that the department took some type of  
13 action, that the Washington Administrative Code specific to  
14 appeals in front of the board would not be a consideration  
15 into that potential appellant's decision-making process about  
16 whether to appeal the decision.

17 It's really about -- and it fits very much -- probably  
18 some of the board members may not know this history. When I  
19 started on the board in 2005, regardless of who -- if the  
20 department issued a citation, when that matter went in front  
21 of the office -- or was assigned to the Office of  
22 Administrative Hearings and was heard by an administrative  
23 law judge, the burden on proof -- originally in the rules,  
24 the burden of proof rests with the appealing party and not  
25 with the department. That was -- it was dictated by language

1 in the rule.

2 With electrical board members' input, we changed that  
3 rule, and I think rightfully so, to be commiserate with  
4 standard judicial practice, right, which is the department --  
5 if they take that -- if they cite a party, that they now have  
6 the burden of proof in front of the administrative law judge  
7 and the Office of Administrative Hearings. Or if it's an  
8 original hearing in a revocation or suspension, they continue  
9 to have the burden of proof.

10 The electrical board felt very -- myself included --  
11 felt very strongly about that, that our appeal language would  
12 be consistent with customary judicial practice. And that's,  
13 I think, the spirit by which I have been working in  
14 partnership with Pam and other attorneys general and  
15 certainly the subcommittee that reviewed the work -- the  
16 draft document that we're working off of at this moment.

17 And I told -- this is going to come up a little later  
18 in Agenda Item No. 10 under board updates. But, you know,  
19 this is -- this is my last electrical board meeting, and it  
20 is incredibly important to me, as I explained to Governor  
21 Inslee, that -- I asked for an opportunity to get WAC  
22 296-46B-995, this appeal language to this point before -- I  
23 felt it was the one last piece of policy that I really wanted  
24 to try to accomplish before departing as a board member and  
25 certainly departing as a chair.

1           And it is not a finished document by any means, but it  
2           is -- reflects a tremendous amount of work particularly done  
3           by Assistant Attorney General Thomure. I just want to  
4           recognize that.

5           And I think it's at a place where, if the board  
6           members agree, we could recommend to the department to take  
7           up this work specifically in terms of some of the timelines,  
8           as Pam indicated. We should put some placeholders in those  
9           timelines that need to be vetted through a -- likely through  
10          a formal rulemaking process.

11          And if the board members -- I certainly would take any  
12          questions or hear any comments. And if the board members  
13          agree that this document is -- has enough crafting and work  
14          invested to it, to recommend advisory -- an advisory capacity  
15          to the department to enter into official rulemaking to make  
16          these -- to vet these changes and -- or to go through the  
17          process engaging the board and relevant stakeholders.

18          Starting that process, I think that would be helpful  
19          if the board members agreed with that.

20                 AAG THOMURE: Chair -- Madam Chair, could I  
21                 clarify one point?

22                 CHAIRPERSON PREZEAU: Please.

23                 AAG THOMURE: Sure. I think the appropriate  
24                 procedure would be to recommend that the board files a  
25                 petition -- as the person did for the earlier agenda item --

1 and that we could recommend that the board attach this and  
2 file the petition with the department.

3 I think procedurally that might be the way to  
4 accomplish it, unless Larry Vance tells us otherwise.

5 CHAIRPERSON PREZEAU: Thank you, Pam.

6 Technical Specialist Vance, you have any thoughts or  
7 recommendations on this agenda item 6?

8 TECHNICAL SPECIALIST VANCE: I would -- a petition  
9 can come from anyone or anybody, so that is something that  
10 could be done.

11 CHAIRPERSON PREZEAU: Thank you, Larry.

12 Any board members have any questions or comments or  
13 concerns at this point?

14 BOARD MEMBER JENKINS: Madam Chair, Jason Jenkins,  
15 electrical board member.

16 I want to say that when -- seeing discussion you had  
17 earlier about where this has been confusing for some people  
18 to pursue a -- what they would consider an unjust situation,  
19 when they looked into how to appeal their citation, they just  
20 gave up because of the actual process and what it's going to  
21 take to do such.

22 I think this is a very good direction to head. I  
23 think that what you've done is, to put it bluntly, awesome.  
24 This is a good document, the way it's been laid out. After  
25 going through it, I'm really impressed and -- the efforts

1 that have been put into this.

2 And I would definitely support either you or the  
3 entire board putting a petition to get this to move forward.

4 CHAIRPERSON PREZEAU: Thank you, Jason. Any other  
5 comments from board members?

6 (No response.)

7 CHAIRPERSON PREZEAU: Seeing none, then, Jason,  
8 back to you. Would you -- Chair would entertain a motion.

9 BOARD MEMBER JENKINS: I would like to make a  
10 motion that the board document or provide a petition to --  
11 for rulemaking to adjust WAC Rule 296-46B-995 and move this  
12 document forward.

13 CHAIRPERSON PREZEAU: All right. It has been  
14 moved to -- that the electrical board recommend to the  
15 department through rulemaking petition regarding WAC  
16 296-46B-995.

17 Is there a second to that motion?

18 BOARD MEMBER NORD: Second by Board Member Nord.

19 CHAIRPERSON PREZEAU: Very good. So it's been  
20 moved and seconded for the electrical board to petition the  
21 department to engage in rulemaking regarding WAC 296-46B-995  
22 the appeals language.

23 Any discussion on the motion or any questions from  
24 board members?

25 (No response.)

1                   CHAIRPERSON PREZEAU: And just so -- before I take  
2 the vote, just reminding folks that as Technical Specialist  
3 Vance indicated, that stakeholders can petition the  
4 department at any time to engage in rulemaking.

5                   And so what would potentially happen moving forward  
6 would be if this -- if the board members affirm this motion,  
7 would put the department on notice that the board is  
8 requesting an official petition to engage in the rulemaking  
9 regarding WAC 296-46B-995.

10                  Presumably the board would submit these documents --  
11 these draft documents regarding -- reflecting the work that  
12 has been conducted in the interim regarding WAC 296-46B-995  
13 to help guide the department in that rulemaking process.

14                  And then certainly understanding -- board members, I'm  
15 sure at this point, fluently understand that your role  
16 involved in that rulemaking process -- that the petition just  
17 begins the official process and allows for stakeholder input  
18 so that this work can start officially on the record with the  
19 filing of a CR 101.

20                  Did I get that correct, Pam?

21                  AAG THOMURE: Yes, you did.

22                  CHAIRPERSON PREZEAU: Very good. So with that,  
23 the chair will ask all board members that agree with the  
24 motion to -- for the Washington State Electrical Board to  
25 direct the department to engage in rulemaking specific to WAC



1 296-46B-995.

2 If you are in agreement, please indicate by saying  
3 aye.

4 (Chorus of ayes.)

5 CHAIRPERSON PREZEAU: Thank you. Any opposed?

6 (No response.)

7 CHAIRPERSON PREZEAU: Hearing none, the motion  
8 passes unanimously. Thank you very much.

9 Congratulations, Pam. Congratulations, Bobby Gray.  
10 And, Mike Nord, thank you for your work on the subcommittee.

11 This is -- for me this is a really big deal, and I'm  
12 ecstatic that this body affirmed that motion and affirmed so  
13 unanimously.

14 As I said before, this was my final policy piece that  
15 I really wanted to accomplish for my tenure as a board member  
16 and as chair. So thank you for affirming that, and thank you  
17 for affirming that unanimously. I look forward to  
18 participating in that process going forward as a interested  
19 stakeholder.

20 So with that we are -- unless I'm missing something --  
21 Pam, we're under agenda item 6, [sic] which is the  
22 secretary's report.

23 I'd like to yield the floor back to the Chief  
24 Electrical Inspector Molesworth.

25 SECRETARY MOLESWORTH: Thank you, Madam Chair.

1           First of all, I'd like to thank you for all your years  
2 of service. And I've attended several meetings and found it  
3 very impressive the way you facilitated these meetings  
4 throughout your tenure, so thank you for your services to the  
5 board. I appreciate it.

6           CHAIRPERSON PREZEAU: I'm still chair, for the  
7 record. I'm still chair.

8           SECRETARY MOLESWORTH: I know. I know. Sorry.  
9 You haven't left yet --

10          CHAIRPERSON PREZEAU: No.

11          SECRETARY MOLESWORTH: -- and continue to  
12 facilitate these meetings, sorry.

13           So I'd like to start this -- the secretary's report by  
14 stating that a lot of the numbers that you see may look a  
15 little strange. There may be some questions. We're more  
16 than happy to answer those questions. We've been affected by  
17 the global pandemic. And since this is for this last  
18 quarter, we've been right in the middle of it.

19           So I'm going to go ahead and go through this. And if  
20 you guys have questions, I'll be more than happy to answer,  
21 but I just want to preface it with that.

22           The electrical board fund on June 30, 2020, was  
23 \$10,027,369, which is about 4.3 times the average monthly  
24 operating expenditures. The average monthly operating  
25 expenditures for fiscal year 2020, which as a reminder is

1 usually -- oh, sorry.

2 CHAIRPERSON PREZEAU: Hang on, Chief Molesworth.  
3 I just want to make sure board members have a chance to get  
4 the secretary's report in front of them in the event that --  
5 is there a board member that is in need of the actual  
6 secretary -- the physical, secretary's report?

7 (No response.)

8 CHAIRPERSON PREZEAU: Okay. Very good.

9 I just wanted to confirm that, Wayne, before you  
10 continued on. Please continue. Thank you.

11 SECRETARY MOLESWORTH: No problem. And correct  
12 me -- I'm virtually reading this into the record, right,  
13 because the minutes I reviewed over the past few meetings  
14 that's the way it looked to me, so that's how I'm continuing.

15 So just a little reminder that, usually our fiscal  
16 year runs July 1st through the following June 30th. And so  
17 that's the -- that's where this data was taken from.

18 But the average monthly operating expenditures for  
19 fiscal year 2020 were \$2,315,637 compared to \$2,146,402 for  
20 fiscal year 2019, which is an increase of about 7.9 percent.

21 Average monthly revenue for fiscal year 2020 was  
22 \$2,137,157 compared to \$2,283,924 for fiscal year 2019, a  
23 decrease of about 6.4 percent.

24 And here we want to note that most all of the decrease  
25 can be contributed to the month of April of 2020. April's

1 revenue was about 50 percent below average due to the  
2 COVID-19 and the governor's stay-at-home directive. Revenue  
3 recovered nearly to normal in May and June and continues to  
4 recover.

5 As far as customer service, we had 34,153 permits were  
6 sold last quarter. 99 percent of the 3- -- or 33,947 were  
7 processed online, which is consistent with last quarter. A  
8 hundred percent of contractor permits were sold online, which  
9 is consistent with the previous quarter. And homeowners  
10 online sales for this quarter is 98 percent, which is a 19  
11 percent increase from the previous quarter.

12 Online inspection requests is 79 percent, which is a 3  
13 percent decrease from last quarter. And during this quarter,  
14 customers made 92 percent of all electrical license renewals  
15 online, which is a 13 percent increase from last quarter.

16 I think we can see why the increases in those  
17 particular issues.

18 CHAIRPERSON PREZEAU: Definitely.

19 SECRETARY MOLESWORTH: Moving on to the key  
20 performance measures, scorecard goals and indicators, the  
21 percentage of inspections performed within 24 hours of the  
22 request, the goal being 86 percent, and fiscal year 2020 it  
23 was 78 percent, a decrease of 6 percent for fiscal year 2019  
24 at 84 percent.

25 CHAIRPERSON PREZEAU: And, Wayne, I would imagine

1           that a lot of that has to do with the impacts of stay-at-home  
2           orders, the same reason that you're seeing increases in  
3           online renewals and online inspection requests. That's  
4           likely that -- and to your comments from the departmental  
5           update, right, that's probably a numerical reflection of  
6           that?

7                                 SECRETARY MOLESWORTH: Absolutely. This reflects  
8           the high-risk inspectors staying at home, us trying to  
9           implement measures that will allow us to do inspections in an  
10          alternate method. And so I expect that you'll see this  
11          recover, you know, to a normal state. But, yes, it's because  
12          of that.

13                                Percent of inspections performed within 48 hours of  
14          requests, again, this year was 90 percent compared to last  
15          year at 94 percent. That's a 4 percent decrease and, of  
16          course, for the same reasons.

17                                Number of focus citations and warnings, contractor  
18          licensing, worker certification, no permit, failing to  
19          supervise trainees, anticipated totaled number is 4,136.

20                                This year in the field, we wrote 1,655. And with  
21          ECORE and audit, they did 3,079 for a total of 4,734. Again,  
22          this is a decrease from last year, and last year's numbers  
23          were 6,050.

24                                The reason for the decrease here is also that, because  
25          of the orders from COVID-19 by the governor, we have been

1 limited to actually doing compliance. And ECORE will not be  
2 doing regular compliance until we reach phase three in the  
3 different counties because of those restrictions, as well as  
4 field inspectors have been instructed to focus on compliance  
5 that is in front of them during their inspections and not  
6 searching out the compliance.

7 Did I hear a question? No? Okay.

8 So number four is inspection stops per inspector per  
9 day. This is just a workload indicator. We -- in FY 2020,  
10 it was 11.8, and that's a slight increase over fiscal year  
11 2019 of 11.2. This is probably reflective of additional  
12 alternate inspection methods as well as the VEI inspections  
13 that have been taking place.

14 Serious electrical corrections that were the result of  
15 disconnection, this year was 40,389 compared to last year of  
16 44,442.

17 Licensing processes, the turnaround time, the goal is  
18 100 percent during the same day. This year was 95 percent,  
19 compared to last year at 96 percent. In licensing, we have  
20 had some vacancies, and we have had to submit application for  
21 the ability to hire -- exempt from the hiring freeze.

22 Turnaround time for average plan review, the goal is  
23 less than 1.5 weeks. In this year, we're looking at 2.4  
24 weeks is what the average has been compared to last year at  
25 1.8. My projection is that you're going to see this go down

1 even below the 1.8.

2 We just hired a new supervisor for plan review that  
3 has been very involved in the online plan review system.  
4 We're filling two vacant positions in plan review that have  
5 been vacant for some time, and also we've added one other.  
6 So when all positions are filled, we will have five. And  
7 plan review has never had more than four plan reviewers at  
8 the same time, so we're looking to really improve that  
9 response time.

10 BOARD MEMBER CUNNINGHAM: Chief Molesworth, this  
11 is Board Member Cunningham. Question about how that  
12 turnaround time is calculated.

13 First I'd like to indicate that we really, from the  
14 engineering side of things, greatly appreciated the  
15 efficiency of the online submittal process. And the  
16 turnaround time has, over the last year or two, shrunk down  
17 to that, you know, approximately two weeks time frame. Of  
18 course, with the circumstances this year, it's stretched way  
19 out.

20 One thing that that -- the submittal process is really  
21 a two-step process. We submit documents, and then receive an  
22 invitation to upload our drawings to the portal for review.

23 So is the calculation of the turnaround time from the  
24 initial receipt of our preliminary documents and initial  
25 payment to when the review is complete, or is it from when

1 the drawings are uploaded to the portal to being turned  
2 around and approved?

3 The reason why I ask is that I think it's mostly a  
4 consequence of the unprecedented circumstances we've had this  
5 year. We've had projects where we submitted our initial  
6 documents. And then eight to ten weeks later, we get an  
7 invitation. So that's not calculated into this 2.4 week  
8 turnaround?

9 SECRETARY MOLESWORTH: So, Mr. Cunningham, I'm  
10 sorry to say that, being in the position the short time as I  
11 have, we've had some other issues going on. I can't tell you  
12 that from my point of view. But if Mr. Mutch or Mr. Vance  
13 would like to chime in for that, that would be terrific.

14 But I will tell you that we're reviewing those types  
15 of things, especially now with the -- with the online system  
16 going into place so that we're not using an old type of  
17 gauge.

18 CHAIRPERSON PREZEAU: Great question. I just want  
19 to say if either Technical Specialist Vance or Technical  
20 Specialist Mutch has any -- anything to add to help answer  
21 Board Member Cunningham's question.

22 TECHNICAL SPECIALIST MUTCH: So I can tell you  
23 what the old process was. We just instituted --

24 CHAIRPERSON PREZEAU: And, Rod, identify yourself  
25 for the court reporter. Thank you.



1                   TECHNICAL SPECIALIST MUTCH: Sorry. This is  
2                   Technical Specialist Rod Mutch.

3                   The online plan review process has been in the works  
4                   for some time. It includes some reports that the electronic  
5                   system can provide. And as far as the new electronic system  
6                   and counting the backlog, I'm not sure exactly how it worked,  
7                   but I can tell you how the old one worked.

8                   When the plans were actually physically received and  
9                   the plan review staff takes them in, that's when the clock  
10                  starts, and it ends when the plans are either approved or  
11                  denied. So I believe the new system is similar to that.

12                  So, Dylan, when you submit those plans electronically  
13                  and they're received, I believe that's when the clock starts.  
14                  But I don't know that for sure, and we can check on that for  
15                  the next meeting.

16                  BOARD MEMBER CUNNINGHAM: This is Board Member  
17                  Cunningham.

18                  Technical Specialist Mutch, I believe that is what's  
19                  happening. The real question ultimately was, I believe, the  
20                  initial documents are sitting in a queue for however long it  
21                  takes for plan review to get to them, and that's adding to  
22                  the total turnaround time even though it's not being totaled.

23                  TECHNICAL SPECIALIST MUTCH: That may be true. So  
24                  that's something we can check on with the reporting of the  
25                  the new online system.

1                   BOARD MEMBER CUNNINGHAM: In the analog world,  
2 when we were submitting these plans physically, all of our  
3 submittal documents, the initial payment and the drawings  
4 would all go in together through mail or FedEx. And so you  
5 would have an initial check-in process that sometimes would  
6 take a week or two, and then we would either be admitted in  
7 and assigned an EPR number or plans would be sent back, and  
8 then that total turnaround time would begin calculating.

9                   And I think right now what's happening is we submit  
10 and -- in the case of this year with the COVID-19 pandemic, I  
11 think this is taking -- I understand there's been some  
12 turnover as well and some reduction in staffing, and I think  
13 all of those things have coalesced to create a backlog of six  
14 or eight weeks before we upload even and then the turnaround  
15 time starts counting.

16                   Thank you.

17                   TECHNICAL SPECIALIST MUTCH: Okay. Yeah, we may  
18 need to look at how we're reporting that backlog in light of  
19 that.

20                   I can tell you also that the reason the backlog -- one  
21 of the reasons the backlog is higher is because, when the  
22 stay-at-home order closed schools, we were faced with a rush  
23 of submittals for projects at schools because no one was at  
24 school. So that really increased the workload for the plan  
25 review staff as well as the vacancies so --

1 BOARD MEMBER CUNNINGHAM: We have a seasonal  
2 backlog that grows because the SPI funded school projects  
3 jumped to the front of the line, so that pushes non-SPI  
4 projects back. And that's cyclical. Every year that  
5 happens.

6 CHAIRPERSON PREZEAU: So, Dylan, this is Tracy.  
7 Would you be willing to -- between today and the next  
8 meeting -- you willing to work with the department to more  
9 clearly understand the nature of the backlog and get an  
10 accurate -- get a more accurate understanding of what the  
11 turnaround time is for the average plan review process and  
12 certainly provide your input to the department regarding your  
13 experience as an engineer?

14 BOARD MEMBER CUNNINGHAM: Yes. I'll gladly --  
15 Madam Chair, I'll do that. Would it be appropriate to work  
16 with the supervisor of electrical plan review? I believe  
17 that a new individual has been put into that role recently.

18 CHAIRPERSON PREZEAU: I certainly will let Chief  
19 Molesworth answer that question.

20 SECRETARY MOLESWORTH: Yeah, I was about to let  
21 you guys know that Joe Evankovich is our new plan review  
22 supervisor. And if you would like to drop me an e-mail, I  
23 can send you his contact information and make sure Joe knows  
24 that you'll be contacting him to work together on -- looking  
25 at this.

1           As well as, one of the things we're going to strive  
2 for is making some of our processes -- all of our processes a  
3 little bit more customer-centric, where our customers have  
4 the ability to have input on how our processes work and how  
5 it affects them.

6           And so this is a great start to that to be able to  
7 work in that path to ensure that we're not creating problems  
8 out there for our customers but still being able to fulfill  
9 our mission.

10           BOARD MEMBER CUNNINGHAM: Yeah, I will work with  
11 supervisor Evankovich. We already work with him closely in  
12 his capacity as a plans examiner for years now, so I'll go  
13 ahead and contact him directly and include you in that  
14 correspondence.

15           SECRETARY MOLESWORTH: Perfect.

16           BOARD MEMBER CUNNINGHAM: Thank you.

17           CHAIRPERSON PREZEAU: Thanks, Dylan. Appreciate  
18 it.

19           SECRETARY MOLESWORTH: Absolutely. Moving on with  
20 the report, number eight is plan pages reviewed, both  
21 electronically and the total number. In 2020, we did 4,891  
22 electronically and a total of 5,264. Previous year we only  
23 did 2,195 electronically and a total of 6,414.

24           So this last year we did put that process in place,  
25 and it seems to be working very well. And I think that

1           you'll notice that Joe has some really good ideas for making  
2           it even more effective for our customers.

3                   And then we get to the percent of warnings by focused  
4           violation type.   Licensing, 8 percent; certification made up  
5           22 percent; permits were 40 percent; lack of trainee  
6           supervision, 29 percent; and overall all focused citations  
7           made up 26 percent.

8                   So as you can see, due to problems with the reporting  
9           system, percentage of warning data is from the previous  
10          secretary's report.   We're working on getting that system  
11          online and getting the data corrected, so we will have  
12          additional data hopefully by the next report period.

13                   Licensing, during this quarter, we were 5,304  
14          electrical licenses processed, which includes applications  
15          and renewals for electrical contractors, electricians,  
16          trainees, modified trainees and administrators.

17                   The turnaround time for processing licenses and  
18          certificates has remained at 90 percent the same day.   This  
19          is due to COVID-19 telework agreements and reduced staff due  
20          to surgeries and vacant positions.   Phone calls have remained  
21          steady and staff have been fielding an above average amount.

22                   I do want to add to this that we need to applaud our  
23          licensing staff, being understaffed and also at the same time  
24          being able to maintain a 90 percent same day really deserves  
25          some recognition so -- done a good job moving this forward.

1           This is also something that we may want the board to  
2 look at in the future as far as supporting us or making  
3 recommendation as far as moving some of our paper  
4 applications into a online-only application to help  
5 streamline some of these processes.

6           We're under the impression that we're probably at that  
7 point in technology where that should be feasible, but it  
8 would still leave them the ability to go into an office and  
9 be able to do that if they didn't have the technology  
10 available to them. But as far as we would be concerned, we  
11 would promote it and have it online, but something to  
12 consider moving forward.

13           No new testing labs to report.

14           And then we get to the other program updates. There  
15 was a request for inspector compensation contrast, state  
16 versus municipalities. And as we know, there are  
17 municipalities that are making more money for the inspector  
18 wages in comparison to ours.

19           The thing that I try to have people help remember is  
20 that they have different processes for increasing wages than  
21 we do. And those processes sometimes are a barrier for us to  
22 reach those places, but we are looking at class and comp  
23 packages in the future. That all depends on how COVID will  
24 affect how we send those requests forward because we may be  
25 limited, you know, with the budget the way it is and the

1 state economy the way it is what we can ask for.

2 I don't have in front of me the actual state wages for  
3 comparison. But when I did a study of this, probably about  
4 four or five years ago now, you can see that we were towards  
5 the bottom, and we were usually about 15 percent to 20  
6 percent below some of the higher paid municipalities.

7 We also study -- instead of just inspector ratings, we  
8 also compare where journeyman wages are at, where different  
9 contracts are at. And as we know with some of the union  
10 contracts, we have contracts that negotiate yearly increases.  
11 And so we have to take that into consideration when we're  
12 actually putting our class and comp packages together because  
13 \$2 this year actually becomes \$8 in four years, and so we  
14 have to be careful how we report that and we report that  
15 accurately.

16 CHAIRPERSON PREZEAU: Wayne, if I can interrupt  
17 for a moment. I think -- just because of the unique  
18 situation of, you know, being the chief and at the helm for  
19 30 days, just a little bit of background, a couple of pieces.

20 It's my recollection -- and other board members can  
21 certainly correct me if it's wrong -- is your predecessor  
22 reported to the board that they -- prior to the last  
23 classification and compensation rate increase that was  
24 afforded to the inspection field staff, the electrical  
25 program, that the chief went to mark it and did an assessment

1 of compensation of municipal inspectors and did a, you know,  
2 compensation -- class and compensation package review.

3 And prior to the last increase that was a result of  
4 that official classification and compensation rate case  
5 through the Office of Financial Management and others, I  
6 believe that the same inspectors ranked last in terms of  
7 compensation on that original list before the classification  
8 and compensation rate increased.

9 And then following that -- implementation of that  
10 last, you know, wage and benefit increase received by the  
11 field inspection staff, when reviewing that very same list,  
12 hey where did that put state inspectors following that  
13 increase, I think we went from last to maybe second to last  
14 or third to last.

15 And I, you know, believe that those are records that  
16 were assembled by your predecessor likely in consultation  
17 with your technical specialist. That information you  
18 probably have, right, somewhere in -- within the department.

19 And because this is your first board meeting and I'm  
20 excited for that opportunity, is this board -- just to give  
21 you a little background, this board has been incredibly vocal  
22 and interested in -- and concerned by not only -- well,  
23 vacancies within the program, whether it's inspection field  
24 staff or plan review or audit or ECORE. And previous chiefs  
25 have given regular updates to this body regarding what's the



1 level of vacancies.

2 If my -- if I think back to previous meetings, we're  
3 averaging somewhere around 16 inspector vacancies on any  
4 given day. That's an average. The number goes up and goes  
5 down. But not expecting that you have -- can address that.  
6 If you can, we'd welcome that conversation.

7 But just want to make note for the October meeting  
8 any -- if you could make some additional research or come  
9 back to that meeting with an update for board members  
10 regarding vacancy trends among inspection staff and what that  
11 looks like, and additionally if you can find the documents  
12 regarding -- that were put together, again, by your  
13 predecessor regarding state inspector compensation and how  
14 that relates to municipal inspector compensation, I think the  
15 board would appreciate that information.

16 And just -- but just to give you a little bit more  
17 time in the seat to prepare that -- those remarks. That  
18 would be terrific.

19 SECRETARY MOLESWORTH: Sure. This might be a good  
20 time to give you a little bit of my background. I  
21 actually --

22 CHAIRPERSON PREZEAU: Yes. That would be  
23 terrific. I was going to give you that platform as well --

24 SECRETARY MOLESWORTH: As far as this topic goes  
25 and -- and I can add to it if you want to know my full

1 background to let everybody know where I come from, but I was  
2 a part of putting together that class and comp package as the  
3 special projects manager for FSPS.

4 And so I actually was involved in tracking down all  
5 those wages for the different municipalities and where they  
6 were located. Right off the top of my head, I can't tell  
7 you -- I don't think we were exactly last, but we were close  
8 to the bottom. It takes at least a minimum of a 10 percent  
9 vacancy rate in order to get OFM to even look at us for a  
10 class and comp package.

11 One of my -- one of my messages with electrical over  
12 the past few years has always been to their supervisors, we  
13 are not hiring to fill seats. We are hiring to have  
14 electrical inspectors. And what we find is that because of  
15 the wages, we are hiring. In some cases -- and I hate to be  
16 blunt about this, but we're hiring an HR issue because we  
17 want to fill those seats so we can get electrical inspections  
18 done.

19 And my message is that, because we're on site and  
20 because we've put paper on the site stating that we have  
21 completed that inspection, doesn't mean that inspection has  
22 been done. So I want to make sure that our staff are  
23 following that and making sure that we aren't just hiring  
24 because we have a hiring; that we start over if we don't have  
25 qualified people on those hiring processes so that we can get

1           there.

2                    But doing that, we will be able to show OFM -- and  
3           don't get me wrong, if we have qualified people, they will  
4           hire them. But we need to show OFM that the wages do matter  
5           when actually going down this process of hiring good  
6           qualified inspectors. And I think the industry deserves  
7           that.

8                    Part of my background was that I was appointed the  
9           operations manager for Elevator to implement a lot of changes  
10          to Elevator. And we did the same thing there. They were not  
11          able to get to their annual inspections of 18,000  
12          inspections, so we strategically set up a process where we  
13          first did class and comp packages and did everything and used  
14          every element that we had available to us to get their wages  
15          increased.

16                   And then the two class and comp package we were  
17          successful at and got them in two years a 33 percent raise.  
18          Once that raise was in place, we actually filled a hundred  
19          percent of the positions, which nobody else had been able to  
20          fill over the course of the -- never in the history of that  
21          program.

22                    Because of that, we were able to put together a --  
23          (inaudible) -- package last year and ask for eight additional  
24          inspectors and two more administrative staff because of the  
25          workload. And we were granted that, and we have now hired

1           that in the program. And I expect that they're going to be  
2           able to reach their goal of inspecting all 18,000 inspections  
3           because of that strategic method of getting to that point.

4                   And when asking inspectors "Why did you now come to  
5           us?" Their number one answer was "Wages. You're not as  
6           much, but you're very comparable now so that we can come to  
7           you, and I don't have to worry about giving up so much."

8                   And so I, on a regular basis, voice that opinion to  
9           management so that they know that a lot of other things do  
10          count. And I came to the agency for life balance and took a  
11          50 percent decrease in wages, but not everybody will do that.  
12          So we have to make sure that we're offering those things out  
13          there.

14                   But that's just a little bit of my background. And  
15          I'm hoping that strategically -- we won't be able to do  
16          exactly the same thing, but hopefully strategically we can  
17          move in that direction to accomplish getting a higher wage  
18          and being able to hire inspectors of a different caliber, in  
19          some cases, because we have a good group of inspectors right  
20          for the most part.

21                           BOARD MEMBER BAKER: Madam Chair, this is Board  
22          Member Baker.

23                   I want to weigh in on this because, as you step out of  
24          that chair position, I'm going to carry the torch for this  
25          compensation for as long as I can because I continue to be

1 appalled at the pay scale that these inspectors are getting.  
2 And as a contractor, it's really good for me because it gives  
3 me the advantage to go hire them and put them to work as  
4 project managers and foremen.

5 But I appreciate you saying that -- and recognizing  
6 that compensation is a big part of retention and acquiring  
7 talent. And I think a part of this conversation has to  
8 always be what is that void and what is that potential void  
9 going to be. That has been part of the conversation years  
10 past, and we've continued to watch that.

11 And I don't expect you to share those numbers today.  
12 But going forward, I think it's important to know, you know,  
13 what is -- what does that look like and how many inspectors  
14 are we currently looking for. How many are you planning on  
15 losing in the next five to ten years and what are we doing to  
16 acquire that talent.

17 You said something during that monologue earlier  
18 about -- I think you said "we're hiring an HR issue."

19 What did you mean by that?

20 SECRETARY MOLESWORTH: So -- (inaudible) -- that  
21 I've always chastised a little bit for making it. The reason  
22 I make that is because what happens is that sometimes we hire  
23 people with less -- (inaudible) -- you know, to come to a  
24 work and do a great job, right.

25 And so not always and very seldom does that happen,

1 but then we spend a lot of time once we recognize that  
2 figuring out how to coach and mentor them and bring them up  
3 to the standard they need to be. And in some cases they  
4 don't make it, in which case now it becomes an issue for us  
5 to how do we vacate that seat so we can hire somebody that's  
6 able to do the job.

7 And the processes with that, being a government  
8 agency, they own those positions. It's very difficult. And  
9 so now supervisors spend a lot of time with HR, and that's  
10 why I kind of referred to it that way.

11 But it's a difficult process, and our supervisors  
12 should be commended for the aggravation they go through  
13 sometimes with these different issues so...

14 BOARD MEMBER BAKER: That's what I thought you  
15 meant. I just was looking for some clarification.

16 The dollars spent on dealing with those individuals  
17 could easily be put in the right compensation package, and  
18 you wouldn't have those challenges; correct?

19 SECRETARY MOLESWORTH: That is correct to a point.

20 The dollars spent should be spent on I think training  
21 on how to hire right, and hiring is the most important thing  
22 that we do in this agency in my opinion. And being able to  
23 make good decisions and have good people -- how to recognize  
24 good people to be on your interview panels to give good  
25 feedback, those are things that I think we really need to

1 concentrate on.

2 And, yes, dollars spent -- although OFM doesn't look  
3 at it that way -- dollars -- because I've approached it that  
4 way, dollars spent on those issues would pay huge dividends  
5 if we could just spend it on wages. There's no doubt.

6 BOARD MEMBER BAKER: Thank you.

7 CHAIRPERSON PREZEAU: And, Don, I feel better  
8 knowing that -- or confirming yet again that you along with  
9 other board members will remain focused on this issue.

10 You know, as you said during the appeal earlier,  
11 right, and commended one of the -- and rightfully so -- one  
12 of the department's inspection staff for their good work,  
13 it's absolutely essential that -- you know, the success that  
14 this program, as everybody understands, rises and falls on  
15 the efficacy of that field staff, you know -- inspections,  
16 audits permitting and licensing, plan review -- the whole  
17 host of it, right.

18 And so, you know, obviously as we -- as the electrical  
19 program deals with what some dub the "silver tsunami," right,  
20 the retirement of the baby boomer generation, if you will,  
21 not only is ensuring that we have skilled, experienced field  
22 staff in all of those different divisions within the  
23 electrical program but also out doing electrical construction  
24 work is absolutely essential, right, for this industry.

25 So I applaud, you know, Chief Molesworth for his

1 attention to this and I know that there will be likely much  
2 more conversation around this subject matter going forward.

3 I'm just really happy that we continue to have a  
4 partner in our acting chief around this issue as we have  
5 previously -- as it remains one of the critical -- one of the  
6 most critical pieces that this body deals with.

7 And one of the things -- I certainly don't want to --  
8 if there are other board members that want to weigh in,  
9 that'd be terrific.

10 Wayne, I know that this -- well, I don't like to make  
11 assumptions. But when the electrical program started using  
12 online platforms for certificate and license renewals, they  
13 actually -- in 296-46B-909, in the administrative portion  
14 where it talks about fees, we had a two-tiered system in  
15 terms of -- it made it more cost efficient for trainees to  
16 renew their training certificate online. There was a slight  
17 savings to do that, and also with journey level certificates  
18 as well.

19 So I'm not sure if that's something that is -- could  
20 be looked at in terms of electronic plan review or in other  
21 processes that you're trying to -- as you take on your day 31  
22 at the helm. I just mentioned that in the hopes of being  
23 helpful that there might be some additional avenues in terms  
24 of the fee structure for various services the program  
25 provides to stakeholders in the form of incentivizing online



1 access through approved reduced fees to encourage that online  
2 activity.

3 SECRETARY MOLESWORTH: Absolutely. We can always  
4 look at incentives. A lot of times, it takes that to get the  
5 ball rolling, right, to get people moving in that direction.

6 I wanted to just jump back really quick and just  
7 mention, because I think they deserve a kudos as well -- but  
8 I've been involved with Labor & Industries for 29 years now,  
9 and the management we have in place right now for field  
10 services and public safety where we're housed is probably one  
11 of the most supportive for class and comp packages, wage  
12 increases that I have actually worked with or even been  
13 around.

14 So I know some of them were online here, and I want  
15 them to know also that we appreciate that, and the support is  
16 always greatly appreciated because it takes that. We have to  
17 create that relationship as well. We'll never be successful  
18 if we don't all work together so...

19 CHAIRPERSON PREZEAU: Team work makes the dream  
20 work.

21 SECRETARY MOLESWORTH: Exactly.

22 CHAIRPERSON PREZEAU: So, Wayne, does that  
23 conclude your secretary's report?

24 SECRETARY MOLESWORTH: Let me just make sure I  
25 don't have any other notes. I think we already talked about

1 the emergency rule for reciprocity.

2 The -- because I knew there was some interest around  
3 the flipping property, we're actually looking at that again  
4 and moving forward and looking for the support on it and  
5 making sure that we got the ability to actually go down that  
6 path from a legal standpoint -- so the statutory authority.

7 But that was really all I was going to mention with  
8 that is that that's in progress, still in play, and we're  
9 working hard with that as well.

10 CHAIRPERSON PREZEAU: Very good. Thank you.

11 BOARD MEMBER GRAY: Madam Chair --

12 CHAIRPERSON PREZEAU: Go ahead.

13 BOARD MEMBER GRAY: -- this is Board Member Gray.

14 Would it be out of order to follow up on agenda  
15 item 3B while the chief is still on the floor? I missed that  
16 sharp turn where we went from virtual training to  
17 reciprocity, and I had a couple of things I'd like to follow  
18 up on if that would be appropriate.

19 CHAIRPERSON PREZEAU: Yes, Bobby, certainly. Go  
20 ahead. Thank you.

21 BOARD MEMBER GRAY: Thank you, Madam Chair.

22 First of all, let me welcome you, Chief, to the  
23 department and your new role there.

24 You didn't mention it, but it's my understanding also  
25 your resume includes a tour of duty with Dodge and as a -- as

1 nearly a 20-year member of the technical committee on  
2 electrical safety in the workplace and -- (inaudible) -- the  
3 International Association of Electrical Inspectors has now  
4 sponsored a representative on that committee recognizing that  
5 it's not just electricians that sometimes are exposed to  
6 electrical hazards but our inspectors do as well. So anyway,  
7 I just wanted to mention that.

8 But what I really wanted to do was provide some  
9 individual feedback -- (inaudible) -- Technical Specialist  
10 Mutch. When it comes time for you to decide whether or not  
11 you -- (inaudible) -- virtual training for basic classroom  
12 courses.

13 And this is my perspective as a provider and  
14 instructor, and I would encourage anybody else on the board  
15 that has a different opinion that certainly --

16 CHAIRPERSON PREZEAU: Hey, hey, Bobby. Bobby.  
17 Bobby, this is Tracy. Let me interrupt you. Not to be rude,  
18 but there's a significant amount of background noise, and I  
19 don't -- I'm not asking you to mute your phone by any means,  
20 Board Member Gray, but if you're -- I would ask board members  
21 and even members of the public who are joining us  
22 telephonically to take a look at your microphone status. And  
23 if you're not Bobby Gray at this moment, please mute your  
24 microphone to eliminate that background noise. Thank you.

25 Please continue, Bobby.

1 BOARD MEMBER GRAY: Thank you, Madam Chair.

2 My personal experience -- and we've been doing this  
3 virtual training for a couple of months now. And my  
4 experience is, I just don't believe this method is going to  
5 be as effective for basic trainees as face-to-face classroom,  
6 stand-up-in-front-of-the-group training would be.

7 I mean, I think our meeting today is a good example of  
8 that where we had technical difficulties where two or three  
9 board members, myself included, was not able to speak when  
10 the appropriate time came.

11 So people are reluctant to ask questions when things  
12 aren't clear. They're going to be required to have a good,  
13 strong internet signal, or they're going to have problems  
14 following all of it.

15 And so my opinion is I just think it would be a  
16 mistake, at least at this point. And, of course, people that  
17 are younger than me, which is everybody, are much more fluent  
18 using this -- the social media platforms in order to work  
19 their way around. But even that, I think there's still  
20 problems in there.

21 And I just -- I just think it would be a mistake right  
22 now to extend that. I understand the situation we're in now,  
23 and we have to do what we have to do. But going forward, my  
24 personal opinion is I think we ought to take a good hard look  
25 at that before we allow that for basic training, not

1 necessarily for continuing education but the basic initial  
2 training.

3 So I just wanted to point that out. And, again, I'm  
4 sure there's others -- Jason or perhaps others that may look  
5 at this a little differently and so -- but that's been my  
6 experience.

7 Thank you, Madam Chair.

8 CHAIRPERSON PREZEAU: Thank you, Bobby.

9 BOARD MEMBER JENKINS: Madam Chair, this is Board  
10 Member Jenkins.

11 I just want to reiterate exactly what he was saying.  
12 I'm totally agreeing with that and -- (inaudible) -- be a  
13 limited amount of use.

14 You know, we do -- (inaudible) -- duty to pass this,  
15 but definitely really take a really hard look at how much we  
16 allow or don't allow in the future as far as beyond this  
17 pandemic. And there's little to no replacement of classroom  
18 in-person training.

19 And, you know, we do have some allowances and some  
20 things we -- that we may want to look at, but it's not  
21 something we want to run to and say that's the golden ticket  
22 or the silver bullet for our issues.

23 Thank you.

24 CHAIRPERSON PREZEAU: Thank you, Board Member  
25 Jason.

1                   And, Chief Molesworth, you want to weigh in?

2                   SECRETARY MOLESWORTH: Yeah. I'd just like to  
3 thank you guys for your comments, and I agree completely.

4                   This particular online training piece is really just  
5 to compensate for COVID-19 situations. I do not perceive  
6 this going forward for trainees in the future because I agree  
7 with you.

8                   The best place for new electricians is sitting in  
9 front of each other and an instructor and being able to have  
10 those conversations during breaks and just building that  
11 comradery as well in the industry, which we don't do as well  
12 over this kind of a medium.

13                   I want to tell you also that one of the things that  
14 we're struggling with is that -- my opinion of this is going  
15 to probably be varied from others, but when we talk about  
16 inspectors starting from home, we have the same problem as we  
17 do with trainee training like we're talking about now.

18                   I learned to be an inspector -- I learned to be a good  
19 inspector in the office for an hour to hour and a half in the  
20 morning, listening to other inspectors talk on the phone,  
21 have conversations on the whiteboard about what they saw the  
22 day before, asking each other's opinions. I did not become  
23 an inspector by starting from home and then, when I ran into  
24 a problem, calling somebody on the telephone; because that  
25 made me feel like I was dumb.

1           And sitting in a group with a group of people, you  
2           don't feel that way, and you're able to absorb a lot more  
3           information.

4           So moving forward, I hope that even though it's  
5           convenient for inspectors to start from home, I hope that we  
6           can convince them to realize the benefit for new inspectors  
7           and more seasoned inspectors as well running into new  
8           situations with new technology that we have that opportunity  
9           in the office to make -- to help train each other.

10          So I just want to add that part in so that we knew  
11          that this doesn't stop with just trainee education. There  
12          are benefits for all kinds of different facets of this in the  
13          industry that we have to be aware of.

14                   CHAIRPERSON PREZEAU: Totally agree with that.  
15          Thank you, Wayne.

16          And you know, Bobby, I agree with you and I agree with  
17          Board Member Jenkins regarding the concerns about, you know,  
18          providing -- because of the results of COVID-19 and the  
19          global pandemic, allowing trainees access to electrical  
20          instruction, and that basic classroom training virtually  
21          rather than not at all is better than not at all.

22          But I recognize and agree with you as someone who  
23          provides adult educational content unrelated to the  
24          technicalities of the electrical construction work, now,  
25          virtually it is a completely different experience not only

1 for the participants but for the facilitators.

2 The original intent of the legislation, having been a  
3 part of that, was never to allow for remote access for  
4 trainees to seek that basic classroom training; although, you  
5 heard me say before and I'll say it again today that, you  
6 know, recognize and applaud the department's flexibility in  
7 allowing access to remote training rather than no training at  
8 all.

9 And I -- you know, this is concerning to me as well as  
10 I heard it in your voice and in Board Member Jenkins's as  
11 well is, you know, I think it's -- I think it would be  
12 helpful if there's a majority of board members that agree is  
13 -- to entertain a motion to advise the electrical program to  
14 revert back to in-person basic classroom training for  
15 trainees when the governor's proclamations allow safe  
16 resumption of basic classroom training requirements.

17 And if there's a majority of board members that would  
18 be interested in that, chair would entertain a motion as  
19 such.

20 Board Member Jenkins: Jason Jenkins, board  
21 member. So moved.

22 CHAIRPERSON PREZEAU: Great. It has been moved to  
23 recommend to the department to resume in-person basic  
24 classroom training for electrical trainees when consistent  
25 with safety practices and governor proclamations.



1                   Is there a second to that motion?

2                   BOARD MEMBER GRAY: Board Member Gray. Second.

3                   CHAIRPERSON PREZEAU: All right. It has been  
4 moved and seconded to for that -- to recommend to the  
5 electrical program the prompt resumption of in-person basic  
6 classroom training requirements when to do so would be  
7 consistent with Governor Inslee's proclamations and local  
8 proclamations and the general safety of instructors and  
9 trainees.

10                  Any discussion on the motion?

11                  (No response.)

12                  CHAIRPERSON PREZEAU: Seeing and hearing none, all  
13 those in favor of the motion, please signify by saying aye.

14                  (Chorus of ayes.)

15                  CHAIRPERSON PREZEAU: Any opposed?

16                  (No response.)

17                  CHAIRPERSON PREZEAU: Motion carries.

18                  And just for the record, we continue to have a quorum  
19 of board members, so that is an appropriate directive.

20                  Wayne, did you have something you wanted to add?

21                  SECRETARY MOLESWORTH: Yeah. That gives us the  
22 flexibility to decide when, depending on the governor's  
23 proclamation as for what phase we're in.

24                  I think until we reach phase four, I don't think we  
25 have the open ability to do that. And so I'm just looking

1 for that verification that -- that will be up to us to make  
2 sure and abide with that and open it up when appropriate.

3 CHAIRPERSON PREZEAU: Very good. Thank you.

4 So I just want to check in with Svetlana, our court  
5 reporter. Are we still doing -- are you doing all right,  
6 Svetlana? Do you need a break? May we continue?

7 THE COURT REPORTER: Yeah, I'm good. If we can  
8 take a break in the next half hour, that'd be okay.

9 CHAIRPERSON PREZEAU: Okay. It is my hope that we  
10 might -- I'll be mindful of that. Thank you. Thank you,  
11 Svetlana.

12 Okay. So with that, unless, Wayne, you have anything  
13 additional to add, we should be under agenda item 8, which is  
14 certification report, which generally speaking is delivered  
15 by Technical Specialist Vance, right, and he's listed again.

16 And, Larry, while you get set --

17 SECRETARY MOLESWORTH: Madam Chair?

18 CHAIRPERSON PREZEAU: Yep, go ahead.

19 SECRETARY MOLESWORTH: While Larry's getting set  
20 up, if I could just give a brief synopsis of my history with  
21 L&I. Bobby mentioned Dodge. I think there's some  
22 interesting things that I could mention that would show what  
23 I bring to the program as well so...

24 CHAIRPERSON PREZEAU: Very good. Go ahead please.

25 SECRETARY MOLESWORTH: So being here for a long

1 time, I was an electrical inspector for 16 years and an  
2 electrical supervisor in Region 6, Spokane, for two years.

3 During that period of time, I set a goal that I wanted  
4 to be the chief at some point in my life and could see that  
5 that's where you had to go to be influential in making  
6 change. What I didn't see was good managerial skills.

7 I had owned three businesses, and I was seeing things  
8 that I thought I could be effective in changing to bring a  
9 better atmosphere to the program, although, the last two  
10 chiefs have done a really great job at doing that.

11 But I set out to get management experience, so I took  
12 a job as the Region 6 compliance manager for Dodge, like  
13 Bobby was referring to. And I like the way he mentioned tour  
14 of duty because it was a little bit of a war. But I did  
15 learn an enormous amount of skills in that position that I  
16 bring to electrical.

17 And also I spent -- after that six years, I became the  
18 special projects manager for FSPS, and I managed the  
19 recruitment and retention project, which we talked about with  
20 electrical, with the class and comp packages and several  
21 other things; and then the continuous improvement project  
22 with Elevator to implement 36 different recommendations by a  
23 third party study that was required by the legislature.

24 So Jose appointed me to the operations manager for  
25 Elevator in order to do that, and that was a good place for

1 me to learn a lot about how do we change different processes  
2 and become very familiar with the lead process and continuous  
3 process management, recognizing ways to -- and I also became  
4 a change management practitioner during that time, so I  
5 learned a lot of ways to help to manage change because, as we  
6 know, none of us like to change; we like what we're doing.

7 So I learned a lot in that period of time. And during  
8 that period of time, I actually applied for the chief's  
9 position twice and was unsuccessful. And I appreciated that  
10 because we got to have Rod Mutch as a chief for a couple of  
11 years and then Steve Thornton, which I thought both did a  
12 wonderful job.

13 And it also gave me the opportunity to learn a lot  
14 more and to experience the things in these last six years  
15 that I experienced to give me those tools to actually help  
16 the program become even more successful than it is today.

17 So that's just some of the different things I bring.  
18 We've already recognized a few different safety issues that  
19 we want to address with the program. And I hope I bring that  
20 to the program in a big way because our biggest concern for  
21 our inspectors is their safety out there. And without making  
22 sure they're safe, we can't bring good inspections to the  
23 public. So I'm hoping that we can implement a lot of  
24 different things that will help that as well.

25 But that was just a brief overview of what I've done.

1 If you guys have any other questions -- or ladies have any  
2 other questions for me, I'm always available. Feel free to  
3 give me a call, and I'm more than willing to talk with  
4 anybody. So thank you.

5 CHAIRPERSON PREZEAU: Thanks, Wayne.

6 And with that, Larry, are you ready to talk about  
7 certification and examinations?

8 TECHNICAL SPECIALIST VANCE: I am. I am. Thank  
9 you, Madam Chair. And for the record, I am Larry Vance,  
10 V-A-N-C-E. I'm a technical specialist with the Department of  
11 Labor & Industries.

12 As part of the board packet there, I included normal  
13 reports, exempts, statistics by test center and then exams,  
14 statistics by attempts. I also included a -- it's been  
15 interesting during the epidemic here that -- cancellation of  
16 exams that were scheduled, test center closings.

17 We've been really watching what's going on with our  
18 exam availability. And just like with continuing education,  
19 exam availability has taken a downturn from the standpoint of  
20 having to implement social distancing and some of those  
21 aspects.

22 Exams are being delivered. There's a lot of --  
23 there's a lot of tension around availability at this point.  
24 Exams are available. I think where we find the greatest  
25 tension is some of the longer exams, for instance, a master

1 electrician exam or an administrator exam, first attempt,  
2 where they have to schedule to take enough time to take the  
3 entire exam.

4 So there may be -- there's some issues there around  
5 convenience for exam applicants, meaning that they might not  
6 be able to take it in the same town they live in. They may  
7 not take it -- be able to take it in the time frame they want  
8 to take it. So there's some struggles going around that, and  
9 we're working with those issues.

10 The other thing that we got going on with exams is  
11 that, due to test centers closing due to COVID -- and exam  
12 eligibility is a one-year period. So if people lost  
13 eligibility due to the COVID epidemic, we're working with  
14 those folks on case by case too to make sure that COVID  
15 didn't shortchange their eligibility.

16 But there's no real change in the 01 electrician  
17 exam -- first-time exam pass rate; it's still hovering right  
18 around 50 percent. But there was about a thousand attempts  
19 at the 01 exam last year, which is pretty normal, the year  
20 period from previous.

21 But COVID is really stressing people's abilities to  
22 get certified in many ways, both from the -- getting their  
23 basic classroom instruction completed -- because if they're  
24 not able to complete that, then they're not able to apply for  
25 the exam. There's just a lot of moving parts here, and we

1 are licensing staff.

2 That's part of what can bog them down is these kinds  
3 of requests -- special requests such as, you know, I applied  
4 to -- I applied to take the exam but I was -- COVID robbed me  
5 of three months of eligibility, and I'd like another shot at  
6 it.

7 That actually takes then some special work with PSI in  
8 order to get them eligibility because the PSI has some --  
9 (inaudible) -- around a one year -- a one-year eligibility.

10 So a lot of short order cooking going on, and we're  
11 just trying to make sure that we're being fair.

12 CHAIRPERSON PREZEAU: Well, thank you, Technical  
13 Specialist Vance.

14 You know, in preparation for this meeting, I actually  
15 hadn't thought about the impact of the governor's  
16 proclamations related to COVID-19 and the pandemic and access  
17 to the exam. I was more focused on the basis classroom  
18 training requirements, the inspections, this meeting.

19 So I appreciate your attention -- your call to  
20 attention to that and your reporting that the department  
21 continues to operate in a way that is mindful of PSI and  
22 their employee's safety, mindful of exam applicants' safety,  
23 but still not trying to strand any capital or strand any  
24 applicants, right, in their pursuit of a journey level or  
25 specialty journey level examination and ultimately their

1 journey level or specialty journey level certificate.

2 So, you know, again, kudos to you and Technical  
3 Specialist Mutch and the new chief and the entire staff  
4 really for really shouldering these incredible burdens in  
5 terms of furloughs and being mindful of inspector safety and  
6 still providing inspections and, you know, plan review and  
7 all of the other -- and audit and licensing and certificate  
8 renewals and all of the other pieces that go into the  
9 day-to-day operation of a program.

10 And not only, you know, applaud -- you know, it's been  
11 amazing to see that the program continues to operate and that  
12 the program continues to operate with an eye towards fairness  
13 and access and safety as we -- as no surprise to me or anyone  
14 else but, you know, realizing some of the ways that this --  
15 this virus has touched the program and its "normal execution"  
16 is quite staggering actually. And so, you know, we'll see,  
17 you know.

18 I just -- it's incredibly important and -- you know,  
19 to me and to all the other board members and all the  
20 stakeholders that the program -- we all agree the program  
21 provides vital assistance and services to customers and  
22 stakeholders.

23 And the fact that that has had minor disruption that's  
24 been captured in the secretary's report and other places  
25 throughout the agenda it's -- again, it's a testament to the



1 program and its individuals' dedication to the pursuit of  
2 that program on a day-to-day basis, not excluding during  
3 unprecedented global pandemics.

4 So thank you for -- does that conclude your report,  
5 Technical Specialist Vance?

6 TECHNICAL SPECIALIST VANCE: It does, yes.

7 Thanks, Madam Chair.

8 CHAIRPERSON PREZEAU: Thank you very much.

9 Any questions from board members for Larry about the  
10 certification or exam report?

11 BOARD MEMBER GRAY: Madam Chair, this is Board  
12 Member Gray.

13 CHAIRPERSON PREZEAU: Yep, go ahead, Bobby. Thank  
14 you.

15 BOARD MEMBER GRAY: Thank you. Just a quick  
16 question for Larry.

17 On your exam statistic summary under electrician  
18 06A-HVAC, I don't see any line there or any row that says  
19 first attempt. Is that -- am I misreading that? Did  
20 something get chopped off there or --

21 CHAIRPERSON PREZEAU: Bobby, scroll the page down.  
22 I had the same thing. Keep scrolling. You'll see it's  
23 listed as the last --

24 BOARD MEMBER GRAY: Okay. Okay. Okay. Yes, I  
25 got it. Thank you.

1                   CHAIRPERSON PREZEAU:  It's the last entry in that  
2                   matrix.  Yep.

3                   BOARD MEMBER GRAY:  Yeah, I recant the question.  
4                   Thank you.

5                   CHAIRPERSON PREZEAU:  I'm just glad I'm not the  
6                   only one that had that -- that was looking at that, Bobby.  
7                   Thank you for that.  Terrific.

8                   And other board member questions about certification  
9                   exam reports?

10                  (No response.)

11                  CHAIRPERSON PREZEAU:  All right.  Very good.  I  
12                  recognize that maybe if we were all in person, we might have  
13                  more commentary, but it's only so long people can look at a  
14                  computer screen.  I understand that.

15                  We are now with agenda item 9, which is public  
16                  comment.  And, again, normally when we are in person, at this  
17                  moment, I would be given a sheet of all the names of the  
18                  folks from the public attending the meeting.  We'd call them  
19                  by name.  We don't have that ability on Skype.

20                  I am continually monitoring the participants that are  
21                  logged in by name and, again, we still have more than a  
22                  quorum of the electrical board members present.  There are  
23                  several phone numbers that -- that have joined -- there's  
24                  several guests that have joined us telephonically.

25                  So I'm going to do what I did in the April board

1 meeting, which is I'm going to ask for public comment. I'm  
2 going to give you three opportunities. I'm going to ask for  
3 that public comment. And if there -- if no one takes that  
4 advantage, then we'll move on to agenda item 10.

5 But not to curtail or in any way stifle public  
6 comment, if anyone who is attending for the purposes of  
7 engaging the electrical board on public comment, just be  
8 mindful that the board is interested in what -- any issues  
9 that you would care to bring in front of us.

10 But as a cautionary note, if it is possible that you  
11 want to engage the board on a matter that may come before the  
12 board, either I or Assistant Attorney General Pam Thomure  
13 will -- may ask you some questions about the content to  
14 clarify that.

15 So with that, here's my first attempt. Is there  
16 anyone joining the July 30th meeting of the Washington State  
17 Electrical Board under agenda item 9, public comment, that  
18 wishes to address the board under agenda item 10 [sic],  
19 public comment?

20 (No response.)

21 CHAIRPERSON PREZEAU: Second time. Is there  
22 anyone joining the July 30, 2020, Washington State Electrical  
23 Board meeting telephonically or via the Skype platform who  
24 wishes to engage the electrical board under agenda item 9,  
25 public comment?

1 (No response.)

2 CHAIRPERSON PREZEAU: Third and final time. Is  
3 there anyone who is joining the July 30, 2020, Washington  
4 State Electrical Board meeting either via the Skype platform  
5 or telephonically who wishes to engage the Washington State  
6 Electrical Board via public comment?

7 (No response.)

8 CHAIRPERSON PREZEAU: So, Pam Thomure, do you  
9 believe that that is adequate -- at least meets, if not  
10 exceeds, the Open Public Meetings Act providing access for  
11 public comment to this meeting?

12 AAG THOMURE: Under the current proclamations  
13 issued by the governor of the state of Washington, yes, I  
14 agree.

15 CHAIRPERSON PREZEAU: Very good. Thank you very  
16 much, Pam, for that confirmation.

17 So our last agenda item is agenda item 10, which is  
18 board updates.

19 And for board members -- and I said this earlier, this  
20 is my last official -- this is my last time attending a  
21 Washington State Electrical Board meeting as a board member  
22 or certainly as your chair unless Governor Inslee decides to  
23 change course and consider actually reappointing me to the  
24 board, but I haven't received any correspondence as such.

25 And as I said earlier when we were under agenda item 6

1 discussing WAC 296-46B-995, that was my last policy goal to  
2 achieve, and I thank the board members for their unanimous  
3 recommendation of petitioning the department to engage in  
4 official rulemaking regarding the appeal language, so I  
5 appreciate that.

6 I currently have in front of me the bylaws for the  
7 Washington State Electrical Board, and I'm reading from  
8 Article 4, which details officers.

9 And it says "The board shall elect by written ballot  
10 or voice vote one of its members by a simple majority to  
11 serve as chairperson and one member to serve as vice  
12 chairperson."

13 Currently, that's myself and Alice Phillips,  
14 respectively.

15 "The elected chairperson and vice chairperson shall  
16 assume the office immediately upon election and shall serve  
17 until their membership on the board has expired. The  
18 chairperson and vice chairperson position may come up for a  
19 vote at a regularly scheduled board meeting by any member in  
20 good standing of the board."

21 "A vote to remove the chairperson or vice chairperson  
22 shall be by written or voice ballot and by a simple majority  
23 of board members shall be required. If voted out of office,  
24 he or she shall immediately relinquish their position, and a  
25 replacement shall be elected. The replacement shall

1 immediately take the elected position and continue with the  
2 meeting if appropriate."

3 I have only served on this board since -- proudly  
4 since 2005, and I witnessed one change in position as chair,  
5 and certainly Alice Phillips will remember when she was  
6 elected vice chair. And before I will -- the chair will  
7 entertain a motion to potentially nominate a new chair. I  
8 don't believe we need to go through the process of actually  
9 stripping me of the chair responsibility.

10 As I said earlier, is -- what I've witnessed in the  
11 past is a -- when a previous chair, Chair Gloria Ashford's,  
12 tenure was coming to an end, the board members were asked --  
13 a motion was made to elect a new chair. And I -- because of  
14 that language in the bylaws that once elected, that new chair  
15 takes that position. And we have fulfilled all the agenda  
16 items.

17 So in the event that this body elects -- likely event  
18 that this body elects a new chair today, the reason I --  
19 that's important is because -- it's particularly important --  
20 it's always important, but it's particularly important for  
21 this board to have a chair as the chair is considered the  
22 presiding officer and engages with the program, engages with  
23 the chief and in this case his technical specialists and  
24 assistant attorneys general in matters of appeal or original  
25 appeals or appeals coming from the Office of Administrative

1 Hearings in the interim to help expedite the meeting -- the  
2 appropriate meeting agenda going forward.

3 So we could not elect a -- I just want to advise the  
4 board members. It is possible that you not elect a chair  
5 today for my replacement, but that would leave this board  
6 without a -- without a chair to be the presiding officer.  
7 Those duties would fall on Vice Chair Alice Phillips as  
8 stipulated in the bylaws.

9 As an outgoing board member, I'm not going to try to  
10 influence or persuade that process. Before the chair would  
11 entertain any motion, if one exists, there's a couple of  
12 things I would like to say.

13 If I can take a moment of personal privilege and that  
14 is, it has been a terrific honor to be -- to serve the  
15 electrical board for -- as a board member for 15 years, as  
16 the chair for the last 9. The work that we do, I think, is  
17 incredibly important. I'm really proud of the record that we  
18 have created during my tenure and during the -- really the  
19 entire tenure of the existence of the electrical board.

20 I applaud all the current board members, those seeking  
21 reappointment, there's a handful of you; and those  
22 potentially not seeking reappointment. I would certainly ask  
23 in going forward that if -- for current board members to  
24 continue this incredibly important work, and I know that you  
25 will, and to support your new chair in terms of continuing to

1 be present at the meetings as you all have done.

2 And when your official term as an appointed board  
3 member reaches its end, if you would strongly -- I  
4 emphatically implore you to strongly consider reappointment  
5 to the board whenever possible. In any event that -- in the  
6 event that you're unable to or maybe the governor's unwilling  
7 to consider that reappointment, that you would recruit and  
8 advocate for a qualified replacement.

9 During my time on the board, we've struggled at  
10 certain points with filling seats. Currently, only one  
11 vacant seat, which is the public member position. I worked  
12 really hard to try to recruit a viable qualified candidate.  
13 I've been told no three times now and still am actively  
14 seeking a qualified candidate so that we have -- so this body  
15 has a full appointed contingent moving forward.

16 I know that this vital work of the board will continue  
17 because it's part of the culture of this board. It's been  
18 baked into the board, going forward.

19 And I just want to thank all of the current board  
20 members. I want to thank the electrical program staff. And  
21 I especially want to thank my Assistant Attorney General Pam  
22 Thomure for your guidance; your advice; your counsel, even  
23 outside of regular business hours; your friendship and your  
24 professionalism and pledge that, you know -- just because I  
25 am leaving the board doesn't mean that I am leaving the



1 industry.

2 I'm one of those 5,000 folks who renewed their  
3 electrical certificate online, so I'm good for another three  
4 years and may show up -- may participate with future meetings  
5 of the electrical board particularly and especially in  
6 support of the rulemaking process revolving around the appeal  
7 language in WAC 296-46B-995.

8 So with that, certainly if there are -- if there's a  
9 board member who would be so inclined as to --

10 BOARD MEMBER PHILLIPS: Madam Chair?

11 CHAIRPERSON PREZEAU: Alice, is that you?

12 BOARD MEMBER PHILLIPS: Yes. This is Board Member  
13 Phillips.

14 I would like to make a motion and nominate Jason  
15 Jenkins to serve as the board chair.

16 CHAIRPERSON PREZEAU: Thank you, Vice Chair  
17 Phillips.

18 So your motion is to nominate Jason Jenkins to serve  
19 as chair in the Washington State Electrical Board?

20 BOARD MEMBER PHILLIPS: That's correct.

21 CHAIRPERSON PREZEAU: Is there a second to Alice's  
22 motion?

23 BOARD MEMBER NORD: Second by Board Member Nord.

24 CHAIRPERSON PREZEAU: Thank you, Mike.

25 It's been moved and seconded to elect Jason Jenkins as

1 chair of the Washington State Electrical Board.

2 Discussion on the motion?

3 AAG THOMURE: Madam Chair?

4 CHAIRPERSON PREZEAU: Yes, Pam.

5 AAG THOMURE: I do think -- I want a moment to  
6 have some comments before we adjourn the meeting if you don't  
7 mind.

8 I do think Board Member Jenkins -- correct me if I'm  
9 wrong -- doesn't he have to accept the nomination?

10 CHAIRPERSON PREZEAU: Well, that might be under  
11 Robert's rules. But in the bylaws -- well -- that's a --  
12 okay.

13 Board Member Jason Jenkins, do you accept the  
14 nomination?

15 Board Member Jenkins: Board Member Jason Jenkins.  
16 Yes, I accept the nomination.

17 CHAIRPERSON PREZEAU: Very good. Thank you, Pam.

18 Other discussion on the motion?

19 (No response.)

20 CHAIRPERSON PREZEAU: Seeing none, all those in  
21 favor of electing Jason Jenkins as chair of the Washington  
22 State Electrical Board, please signify by saying aye.

23 (Chorus of ayes.)

24 CHAIRPERSON PREZEAU: Any opposed?

25 (No response.)

1                   CHAIRPERSON PREZEAU: Motion carries unanimously.  
2                    Congratulations, Jason Jenkins, you are now the chair  
3                   of the Washington State Electrical Board. And in accordance  
4                   with the bylaws, if we were together, I would hand you the  
5                   gavel. So I don't have a gavel to hand you, so I'm going to  
6                   hand you this pen via Skype. And, Jason, you now are the  
7                   chair of the Washington State Electrical Board.

8                    And we have completed -- we've completed all agenda  
9                   items as far as I am aware of, and the floor, sir, is yours.  
10                  Thank you.

11                  BOARD MEMBER/CHAIRPERSON JENKINS: Thank you very  
12                  much, Tracy, for the many years of your service and  
13                  contributing your time and effort. We really appreciate  
14                  that. There's no way of replacing you, your talent and/or  
15                  your expertise.

16                  I really hope to somewhat fill your shoes but -- with  
17                  the help of the board members that are currently here, I  
18                  think that we'll do an okay job, but there's no way of  
19                  filling your shoes. You've been such a strong person in this  
20                  electrical board. I really, really appreciate your efforts.

21                  CHAIRPERSON PREZEAU: Thank you.

22                  If I may, Chair Jenkins, thank you for taking the  
23                  nomination. Thank you, board members, for your unanimous  
24                  approval of Jason. I look forward to reading the  
25                  transcripts, and I know Jason will do a terrific job and

1 Alice will continue to do a terrific job as the vice chair as  
2 well as staff and our assistant attorney general, Pam  
3 Thomure.

4 Thank you to all the board members, and thank you to  
5 the program and to the department. It's been an honor. And  
6 with that, I will mute my microphone.

7 AAG THOMURE: Wait, wait. No.

8 BOARD MEMBER/CHAIRPERSON JENKINS: Yes, Pam?

9 AAG THOMURE: You know, I'm so used to saying  
10 Madam Chair. I'm not sure what the correct phrase is for --  
11 sir chair?

12 BOARD MEMBER/CHAIRPERSON JENKINS: You got me on  
13 that one.

14 AAG THOMURE: All right. We'll figure it out.

15 If I could just have a couple of moments. I wanted to  
16 take an opportunity to let you guys know that not only do I  
17 consider it a privilege to advise the entire board, but I  
18 have had the great privilege of working with Tracy as the  
19 chair for all of these last nine years.

20 And I want you guys to know that there is a lot of  
21 work that she and I do before the board meetings in terms of  
22 getting ready for appeals, a myriad of things. And I have to  
23 applaud Tracy for her dedication, her diligence. She reads  
24 every single word, and she thinks about it.

25 And one of the things I admire most about working with

1 Tracy, as well as -- is that she has always, always put the  
2 needs of the public, the needs of the program, the needs of  
3 the board -- those are always in the front of her -- what she  
4 wants to accomplish. And she -- my experience has been, she  
5 thinks very carefully about how to accomplish all of those  
6 things. And I have a great respect for her.

7 There's one other thing that we as board members  
8 always remember her doing, and that's eating her lunch at  
9 board meetings. And, Tracy, if I was there -- I'm trying to  
10 bring this up a little closer. But I was going to give you  
11 this nice bottle of Tabasco.

12 And so what I'm going to propose is, I'm going to  
13 bring it to the board meetings or we're going to put it in a  
14 place of honor to always remember you and what you brought to  
15 this board because I think you pulled out lots of bottles of  
16 Tabasco over the years and sprinkled things.

17 And when I was trying to think of how I would remember  
18 you, I thought, well, your little lunch box with all your  
19 snacks and your Tabasco sauce. And I always applauded your  
20 ability to make -- be comfortable and do that.

21 So thank you. Thank you for my perspective. Thank  
22 you for helping make my job easier, and thank you so much for  
23 everything you've done. I really appreciate it.

24 CHAIRPERSON PREZEAU: Through the chair, thank  
25 you, Pam. I appreciate it. Thank you very much.

1 BOARD MEMBER/CHAIRPERSON JENKINS: Any other board  
2 members have any input before we conclude?

3 UNIDENTIFIED SPEAKER: Here, here.

4 BOARD MEMBER/CHAIRPERSON JENKINS: Well, hearing  
5 none, once again -- thank you once again, Tracy, for all the  
6 stuff you've done for us and hoping to see and hear from you  
7 more beyond here. This is not a goodbye. This is a see you  
8 soon, I'm hoping.

9 On that note, if board -- the chair would entertain a  
10 motion to complete the July 2020 meeting.

11 UNIDENTIFIED SPEAKER: So moved.

12 UNIDENTIFIED SPEAKER: So moved.

13 BOARD MEMBER/CHAIRPERSON JENKINS: First and a  
14 second. And any -- any discussion?

15 (No response.)

16 BOARD MEMBER/CHAIRPERSON JENKINS: Hearing none,  
17 can I get a vote.

18 (Chorus of ayes.)

19 BOARD MEMBER/CHAIRPERSON JENKINS: And any nays?

20 (No response.)

21 BOARD MEMBER/CHAIRPERSON JENKINS: And I don't  
22 have a gavel, but that concludes our July 2020 meeting.  
23 Thank you once again for everyone being here, and I hope to  
24 see you all at the next meeting.

25 (Proceeding adjourned at 12:47 p.m.)

