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DEPARTMENT OF LABOR AND INDUSTRIES

STATE OF WASHINGTON

ELECTRICAL BOARD MEETING

TRANSCRIPT OF PROCEEDINGS

Thursday, October 31, 2019

BE IT REMEMBERED, that an Electrical Board meeting was held at 9:00 a.m. on Thursday, October 31, 2019, at the Department of Labor & Industries, 7273 Linderson Way SW, Tumwater, Washington, before CHAIRPERSON TRACY PREZEAU, BOARD MEMBERS JASON JENKINS, JOHN BRICKEY, ERICK LEE, RYAN LaMAR, BOBBY GRAY, KERRY COX, DOMINIC BURKE, and SECRETARY/CHIEF ELECTRICAL INSPECTOR STEPHEN THORNTON. Also present was ASSISTANT ATTORNEY GENERAL PAM THOMURE representing the Board.

WHEREUPON, the following proceedings were held, to wit:

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

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

Thursday, October 31, 2019
Tumwater, Washington

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Thursday, October 31, 2019
Tumwater, Washington

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PROCEEDINGS

1

2

3 CHAIRPERSON PREZEAU: Good morning. It is 9:06, and
4 I would like to call the October 31, 2019, Electrical
5 Board meeting to order. Good morning.

6 Happy Halloween. And I toyed with the idea of
7 wearing a wig, but that would probably be inappropriate.

8

9 Item 1. Safety Message

10

11 CHAIRPERSON PREZEAU: As you can see on the agenda,
12 we were going to begin with a safety message from either
13 Internal Safety and Health or the Washington State Patrol.

14 We're going to skip that for now, and we're
15 endeavoring to see if we can get somebody from State
16 Patrol to come give us a safety topic.

17 But also I wanted -- Steve, I think last meeting you
18 explained to everybody if there was an emergency what is
19 the safest way to exit the building.

20 SECRETARY THORNTON: So if in the case we have to
21 exit the building, if we go out either door, you can go
22 right; there's an exit to the left at the end of the
23 hallway. You can turn right and go exit out the back.
24 There's an exit right here (indicating). You can go out
25 the left-hand doors, go left into the rotunda, and then

1 you can exit front or back there also.

2 In the case we should be lucky enough to have an
3 earthquake drill or something, that's how we get out of
4 the building.

5 CHAIRPERSON PREZEAU: And do you have a designated
6 spot where folks are supposed to ...

7 SECRETARY THORNTON: And when we exit the building,
8 we go to the far side of the parking lots. There's a
9 yellow line across the parking lot. We meet on the far
10 side, front and back, so that we know everybody's out of
11 the building and we can kind of take head counts and keep
12 track of people that way so they're not scattering all
13 over the joint. So ...

14 CHAIRPERSON PREZEAU: Perfect.

15 Before we actually take any action, I just want the
16 record to reflect that we have a quorum and have reviewed
17 -- even though one of the Board members who's with us
18 today, John Brickey, is a non-voting member according to
19 the bylaws, a simple majority of all the Board members
20 constitutes a quorum. So before we take any official
21 action, I wanted to get that into the record.

22 Also, I want to welcome a new Electrical Board
23 member, Kerry Cox, who is in the telecom contractor seat.
24 So welcome.

25 And because we have a new Board member, I'd very much

1 like to go around and have introductions. And so a name
2 and what position you hold on the Board.

3 Dominic, would you please go first.

4 BOARD MEMBER BURKE: Dominic Burke, contractor seat.

5 BOARD MEMBER COX: Kerry Cox, telecom contractor
6 seat.

7 BOARD MEMBER GRAY: Bobby Gray, contractor seat.

8 BOARD MEMBER LaMAR: Ryan LaMar, telecom.

9 ASSISTANT ATTORNEY GENERAL THOMURE: I'm Pam Thomure.
10 I'm with the A.G.

11 CHAIRPERSON PREZEAU: Tracy Prezeau, Chair. And I
12 represent electricians.

13 BOARD MEMBER LEE: Erick Lee. I represent
14 electricians.

15 BOARD MEMBER BRICKEY: John Brickey. And I represent
16 cities with electrical jurisdiction and Washington
17 Association of Building Officials.

18 BOARD MEMBER JENKINS: Jason Jenkins. I represent
19 electricians.

20 SECRETARY THORNTON: I'm Steve Thornton. I'm the
21 Chief Electrical Inspector, and I represent Labor and
22 Industries.

23 MS. RIVERA: Bethany Rivera, secretary assistant to
24 the Electrical Board.

25 CHAIRPERSON PREZEAU: And is this -- is the audio

1 loud enough? Can the audience actually hear what we're
2 saying?

3 SEVERAL FROM THE PUBLIC: No.

4 CHAIRPERSON PREZEAU: That's what I thought.

5 Yeah, Larry, could you help us out with that please.

6 Yeah, meanwhile, I believe we have the State Patrol
7 -- state patrolman.

8 TROOPER PAYNE: So when I speak, can everybody hear?

9 Okay. So they just wanted me to do a quick safety
10 brief. It's pretty short. I'm winging it.

11 Emergency exits from this building are just at each
12 corner. So if you walk out these doors (indicating),
13 there's one on the left, one on the right.

14 There is an alarm on those doors (indicating), so the
15 first person out, there is going to be a loud alarm. So
16 don't exit those doors this way (indicating) unless there
17 is an emergency; the alarms will go off.

18 Behind you or in front of you, you guys facing this
19 way (gesturing), at both corners there's emergency exits
20 there as well. Those don't have alarms. You're free to
21 exit and go towards the parking lot if you want out of
22 those doors during business hours.

23 If there is an emergency, depending on what the case
24 is, just make sure you exit the building safely. One
25 thing to do; obviously cover as best as you can.

1 You can also exit out of the rotunda as well, those
2 doors (indicating).

3 And then any other type of major emergency, our
4 security desk is just out here around the corner. There's
5 always a trooper there. You can come running to us, and
6 hopefully we'll -- depending if it's an active shooter or
7 something like that, hopefully we'll be handling that
8 situation. You guys just hide and cover.

9 That's it for the most part.

10 From the public area -- just know you guys do have
11 the -- the public area is also the cafeteria which is
12 upstairs and all that stuff. Each corner there has
13 emergency exits as well. And those doors don't have
14 alarms on during the day hours, so you can leave those
15 doors at any time.

16 Anyone have any questions for me? Safety concerns or
17 anything?

18 CHAIRPERSON PREZEAU: So for the purposes of our
19 court reporter, could you please state and spell your
20 name.

21 TROOPER PAYNE: Oh. I'm Trooper Jacob Payne.
22 J-A-C-O-B, and P-A-Y-N-E is my last name.

23 CHAIRPERSON PREZEAU: Thank you. Thank you for your
24 time this morning. Appreciate it.

25 TROOPER PAYNE: No problem.

1 CHAIRPERSON PREZEAU: (Addressing Larry Vance) Okay,
2 how are we doing?

3 MR. VANCE: We've got somebody from facilities coming
4 and ...

5 CHAIRPERSON PREZEAU: Okay. So we're working on the
6 audio. So everyone use your outside voices. We cool with
7 that? Very good.

8

9 Item 2. Approve Transcripts from July 25, 2019,
10 Electrical Board Meeting

11

12 CHAIRPERSON PREZEAU: So the Chair would entertain a
13 motion to approve the transcripts from the July 25, 2019,
14 Electrical Board meeting.

15

16 Motion

17

18 BOARD MEMBER JENKINS: So moved.

19 CHAIRPERSON PREZEAU: Is there a second?

20 BOARD MEMBER GRAY: Second.

21 CHAIRPERSON PREZEAU: Moved and seconded to approve
22 the transcripts. Any discussion on the motion? All those
23 in favor, signify by saying "aye."

24 THE BOARD: Aye.

25 CHAIRPERSON PREZEAU: Opposed? Motion carried.

1 Motion Carried

2

3

Item 3. Departmental/Legislative Update

4

5

CHAIRPERSON PREZEAU: Okay. So Steve, it's my

6

understanding you're doing the Departmental/Legislative

7

Update?

8

SECRETARY THORNTON: Yes.

9

CHAIRPERSON PREZEAU: Good morning, Madam Chair,

10

fellow Board members.

11

For the legislative update, we have been in contact

12

with both Idaho and Oregon about agreements for licensing

13

between states. We've gotten initial paperwork from both

14

as to what they have now with other neighboring states to

15

see what kind of agreements they have there.

16

We met with -- Rod and I met with the Idaho -- Warren

17

Wing (phonetic), the Chief of Idaho and went through their

18

process, saw how their licensing setup works. They have

19

more of a one-on-one type agreement where if you just take

20

your license to them and say "I want" -- if I take my

21

Washington license and say, "Hey, I want your Idaho

22

license," they take my license number. They have a set of

23

criteria that matches their rule. As long as I match all

24

of those criteria, then they grant me a rule -- or a

25

license. But that doesn't mean that maybe -- if Kerry

1 goes over there, if he didn't -- he may have a license in
2 Washington, but if he didn't meet all of their rules, then
3 he wouldn't get one. So it's not an across-the-board
4 agreement, but it is an agreement kind of individually,
5 which looks to be the way most states are going about it
6 these days. So that will probably be where we would end
7 up when we get to an agreement with our neighboring
8 states.

9 CHAIRPERSON PREZEAU: So do you know if the state of
10 Oregon has actually implement -- or -- and our electrical
11 program, the proposed reciprocity agreement that the
12 Oregon board voted to approve and we at the last
13 Washington State Electrical Board meeting recommended to
14 the Department to move forward that official reciprocity
15 agreement?

16 SECRETARY THORNTON: No, we have not. And the
17 stumbling block there seems to be the score. The
18 difference between what they accept score-wise in Oregon
19 versus what we have in Washington and how those get
20 documented so that people know what our scores are, our
21 scoring system is different than theirs, and it makes it
22 hard to meet their rules.

23 CHAIRPERSON PREZEAU: So if -- let me see if I
24 understand this correctly. Because right now our exam
25 provider is PSI. And do they have the ability to -- if

1 Sally Jones sits the 01 exam today, do they warehouse or
2 document Sally Jones' score?

3 SECRETARY THORNTON: I don't believe they do. It's a
4 pass or fail.

5 CHAIRPERSON PREZEAU: So can we -- would it be
6 reasonable to ask the Department to look into whether or
7 not PSI could possibly keep track of exam pass rate --
8 individual exam pass rates, their score?

9 SECRETARY THORNTON: We certainly will.

10 CHAIRPERSON PREZEAU: And then the other question
11 that I have regarding this reciprocity is -- and I'm not
12 100 percent sure. This is part of the hangup.

13 I just this week was able to speak with I believe
14 it's Heather Williams who is the chair of the Oregon State
15 Electrical Board regarding the reciprocity -- the proposed
16 reciprocity deal between Washington and Oregon and -- had
17 a great conversation with her. And I'm hopeful that --
18 she was going to -- she was going to speak with the Oregon
19 Chief and had been in contact with I believe it's Mark
20 Long who's the Director of the building codes division in
21 Oregon I think that has oversight of the electrical
22 program and hopefully gather some more information about
23 what are the possible roadblocks right now at least from
24 Oregon's perspective in terms of fully implementing that
25 reciprocity deal. Because, you know, obviously being able

1 to have electrical workers, electricians and electrical
2 contractors follow customers across state lines as -- with
3 the least amount of obstruction as possible is beneficial
4 for the economy, right? for both states and for those
5 individuals performing that work or bidding on that work.

6 My understanding in talking with Heather that in
7 addition to the fact that we don't keep track of exam pass
8 rates, the other potential challenge from Oregon's
9 perspective is the fact that our exams are bifurcated and
10 that you have the NEC and electrical theory in one
11 section, in a separate section the WAC and RCW exams, and
12 I have not got confirmation directly from Heather or
13 anybody else in the state of Oregon that that's a possible
14 obstruction. But I'm hearing rumors to that effect.

15 And I would be curious to know if when you -- when
16 the Department talks to PSI about their potential ability
17 or lack of ability to keep track of individual 01 exam
18 pass scores if it would be possible for them with their
19 current technology and the way that the exam question
20 banks are warehoused.

21 Because -- so there's I believe something on the
22 order of 2,500 questions in our question bank that has to
23 do with the NEC and electrical theory. And then there's a
24 separate section that has questions for the WAC and RCW.
25 And when an 01 exam candidate goes to sit the exam, what

1 happens is they randomly pull, you know, the questions for
2 their 01 NEC and theory exam out of that 2,500 question
3 pool, and then they pull questions from the WAC and RCW,
4 and that's the 01 exam.

5 When a subspecialty goes to sit the exam, whether
6 it's 02 or 03A or whatever, then they also pull from that
7 same database, but the questions are flagged for an 02
8 specialty in the NEC theory.

9 Does that make sense?

10 And then they're not flagged for the WAC and RCW or
11 potentially so that anyone going to sit for an electrical
12 journey-level exam or subspecialty exam, they draw from
13 the same databases.

14 And in the event that the fact that the 01 -- that --
15 well, all the exams are -- there's two question banks.
16 I'd be curious if PSI, like what are the -- what would it
17 take to potentially cull off those that -- if, in fact,
18 one of the hiccups with the reciprocity with Oregon is the
19 fact that our exams are bifurcated, would it be possible
20 -- would it be feasible just for the 01's, but potentially
21 you'd have to do this with the masters because they -- so
22 it gets really sticky, right? But what it would take for
23 PSI to have a separate -- okay, here's the NEC and theory
24 question bank, and inside of that is also the WAC and RCW
25 questions. So that -- only for 01 exam candidates that

1 they would -- all their questions for their exams would
2 come out of an isolated, if you will -- I'm thinking of
3 this in terms of servers, right? -- isolated exam
4 database, and then everybody else it's the same as it is
5 today.

6 And I'm not saying that that's what we need to do.
7 I'm just saying -- I'm just asking if we could entertain
8 some conversations with PSI about is that even possible in
9 the event that this is -- this is truly an issue with the
10 state of Oregon like to gather information.

11 SECRETARY THORNTON: And everybody that I've talked
12 to, both Oregon and Washington, everybody pretty much
13 agrees that the workforce is an issue, and we need to
14 figure out a way to have people move back and forth.
15 Nobody's been so set in stone that it's going to be "by my
16 rules or else." They've all been receptive to different
17 ideas. So I think all of the different things, whether
18 ours changes or theirs change, nobody's had the demeanor
19 that "no, we're not talking about that." They seem to be
20 open to anybody's ideas about how do we fix this because
21 it's a problem everywhere you go.

22 Idaho in particular was really easy to sit down and
23 talk to and meet with. So ...

24 Yeah, I haven't found anybody that doesn't want to
25 make this work somehow.

1 CHAIRPERSON PREZEAU: Good. It's excellent news.

2 Well -- and, you know, additionally we're still under
3 a temporary rule that allows --

4 SECRETARY THORNTON: Right.

5 CHAIRPERSON PREZEAU: -- that allows, you know,
6 temporary certificates.

7 So somebody from the state of Oregon or Idaho could
8 go work on a -- oh, I don't know -- large data center
9 project in Eastern Washington under that temporary
10 certificate and then begin working as long as the
11 contractor meets -- because there's some requirements that
12 are attached to that, some parameters -- could go to work
13 on a, you know, large construction project or any
14 construction project under that temporary certificate
15 provision, which isn't really being utilized.

16 I believe Larry Vance, technical specialist, told me
17 this morning that only seven people, seven electricians
18 have actually utilized that temporary certificate.

19 SECRETARY THORNTON: And that temporary, anybody can
20 use that's an apprenticeship graduate and has a license.
21 No -- I mean, all you do is show the license and we give
22 you the temporary. It costs you 150 bucks. So they could
23 all be working at the data center making the big money if
24 they wanted to.

25 But yeah, of those seven that have taken advantage of

1 that temporary, two have tested which that was the
2 original intent was to get people in here to work and be
3 able to work while they were getting ready to test. And
4 so out of the seven, two have tested and are journeymen
5 electricians just like everybody else. The other five ...

6 The use of that isn't at such a level that, you know,
7 if you get an agreement through state to state that
8 there's all of a sudden going to be a mass influx of
9 electricians.

10 But -- I mean, the other side of it is you have to be
11 careful that they don't go the other direction, you know.

12 So -- but for people to be able to move back and
13 forth state to state only makes sense when you're looking
14 at the man shortage -- manpower shortage we have.

15 CHAIRPERSON PREZEAU: Do you have anything else under
16 legislative update?

17 SECRETARY THORNTON: No. The rest of the stuff is
18 departmental.

19 CHAIRPERSON PREZEAU: So I don't know if it's
20 appropriate to do now. But as you recall at the July
21 meeting, we created a subcommittee. And the intent of
22 that subcommittee was to work on the smoothest
23 implementation possible for Substitute Senate Bill 6126,
24 which is the apprenticeship-only bill for general
25 journeyman, right? 01's. Because the idea was created --

1 actually suggested by Director Sacks that the Electrical
2 Board create a subcommittee to work in tandem with the
3 subcommittee created from the Apprenticeship Council.

4 They also in July named their subcommittee to work on
5 both -- because it's really a twofold problem. One is the
6 way the bill was passed and signed by the Governor is now
7 imple -- now in 19.28 is it creates -- so there's -- it
8 creates some legislative -- some statutory problems. But
9 there's also policy problems within the two respected
10 departments, right? the electrical program and the
11 apprenticeship division.

12 So we anticipate that -- not a lot of meetings, but
13 some work on both statutory language in 19.28 but also
14 internal policy and maybe some proposed rules.

15 And I had an opportunity to speak with Annette Taylor
16 from the Department, and it's -- because we had requested
17 some assistance from the Department to help coordinate
18 those meetings and facilitate those meetings and schedule
19 those meetings. And I anticipate those meetings will take
20 place in this building because we're drawing on resources
21 from the Department. I don't think that there'll be a
22 massive amount of onerously long meetings. But I do think
23 that -- and we've requested some technical specialists
24 from the electrical program in Larry Vance and Rod Mutch.
25 We don't anticipate they both have to be at those

1 meetings, but one -- you know, there's -- they can
2 exchange -- in the event that Rod's over in Yakima, Larry
3 can be here. In the even that Larry's on vacation, Rod
4 can be here.

5 And we also asked for Jody Robbins and Pat Martin
6 from the Apprenticeship Division. And it sounds like --
7 and Annette Taylor herself has said -- and she's here
8 today along with David Puente -- that she would like to
9 participate with the work of those subcommittees. Because
10 if there's internal policy discussion that need to -- or
11 action items that need to be moved forward on, she wants
12 to understand what those policy changes need to be so that
13 they can be executed in a timely fashion.

14 So I wanted to share that with the Board members that
15 the Department is very much working in cooperation with
16 this Board and that subcommittee moving forward and the
17 Apprenticeship Council and their subcommittee moving
18 forward.

19 So that's a -- it's an excellent update -- or
20 excellent set of events.

21 SECRETARY THORNTON: And should there be a case where
22 either one of them aren't available, I can be here. Or
23 we'll make sure there is a representative here. And as
24 long as we know the dates, we can find the rooms and stuff
25 here in the building, or possibly over at the new

1 building, wherever we need to go to find a meeting room.

2 CHAIRPERSON PREZEAU: Perfect.

3 Any questions for the chief on the -- or me on the
4 departmental/legislative update?

5 BOARD MEMBER BURKE: I was going to bring up
6 something from a couple meetings ago. I don't know if
7 this is the appropriate time. But I had asked about a
8 Grant County issue with inspections. It sounded like
9 there was a ball rolling on that.

10 SECRETARY THORNTON: Yes. And we're --

11 BOARD MEMBER BURKE: I was going to ask if anything's
12 happened.

13 SECRETARY THORNTON: We have met with Grant County
14 and getting everything in place for us to not do those
15 underground inspections anymore.

16 BOARD MEMBER BURKE: Perfect. And what about --
17 what's the other -- there's one other county I believe
18 that --

19 CHAIRPERSON PREZEAU: Clark.

20 BOARD MEMBER BURKE: Yeah, Clark -- that the State's
21 still doing. Have you had discussions with --

22 SECRETARY THORNTON: Have not had any discussions
23 with them yet, no.

24 BOARD MEMBER BURKE: Okay. Thank you.

25 SECRETARY THORNTON: Yeah.

1 CHAIRPERSON PREZEAU: Because it's the same issue,
2 right?

3 SECRETARY THORNTON: Yeah.

4 BOARD MEMBER BURKE: Can we put that on as a button
5 to talk to them too --

6 SECRETARY THORNTON: Yeah.

7 BOARD MEMBER BURKE: -- and try and clear the State
8 of that?

9 CHAIRPERSON PREZEAU: All right. Moving right along.
10 Is the audio getting any better? No? Can you hear me?

11 FEW FROM AUDIENCE: Yes.

12 CHAIRPERSON PREZEAU: That's what I figured. Yeah, I
13 generally don't need a microphone.

14

15 Item 4. Appeals

16

17 CHAIRPERSON PREZEAU: So we are under agenda item 4
18 which is appeals.

19

20 Item 4.A. Advanced Drilling LLC and Robert Layman

21

22 CHAIRPERSON PREZEAU: And the best news is -- well,
23 good news -- is that the final order in the matter of
24 Advanced Drilling LLC and Robert Laymon has been resolved
25 by the parties. Pam has in her stack of stuff over here

1 the original signed final order and ... has reviewed that?

2 ASSISTANT ATTORNEY GENERAL THOMURE: I have.

3 CHAIRPERSON PREZEAU: And it is appropriate?

4 ASSISTANT ATTORNEY GENERAL THOMURE: It appears to
5 be, yes.

6 CHAIRPERSON PREZEAU: It appears to be appropriate.

7 So at the break I will sign that order and we can -- we
8 don't have to have -- go through the formal process of
9 presentment of that final order.

10

11 Item 4.B. Andy Alcazar

12

13 CHAIRPERSON PREZEAU: The next item is Andy Alcazar.
14 And my apologies to the board members who have, you know,
15 already read the appeal packet. Because we didn't find
16 out until Wednesday --

17 ASSISTANT ATTORNEY GENERAL THOMURE: Two days ago.

18 CHAIRPERSON PREZEAU: -- Wednesday that Mr. Alcazar
19 requested a continuance. And it has to do with a medical
20 procedure that needs to be conducted today. So -- and he
21 didn't find out about that until two days ago.

22 So the Department's assistant attorney general
23 representing the Department in the matter agreed to the
24 continuance. So the parties agreed.

25 And I really don't like to do that so close to the

1 Board meetings, but it was a pretty -- Mr. Alcazar showed
2 good cause. And if you read the appeals packet, then
3 you're out in front of everybody else who didn't. So
4 we'll -- assuming that that's not resolved in the interim
5 between now and the January meeting, we will -- it will be
6 placed on the January meeting agenda.

7

8 Item 4.C. HVAC School

9

10 CHAIRPERSON PREZEAU: And so now we're under
11 subsection C which is HVAC School Denial of Basic
12 Classroom Courses. And I believe this is Mr. Engelking
13 and Ms. Kellogg. Is Mr. Engelking present in the room
14 this morning? Great. If the two of you gentlemen would
15 please come up and sit at the table in front of you.

16 ASSISTANT ATTORNEY GENERAL KELLOGG: Chair Prezeau,
17 would it be helpful if we moved the desks closer to the
18 Board members?

19 CHAIRPERSON PREZEAU: That's probably not a bad idea.

20 (Pause in proceedings while
21 tables were repositioned.)

21

22 So before we -- as folks get settled in, Pam and I
23 were talking about this specific appeal because it's very
24 -- this is not like having an appeal come to us from the
25 Office of Administrative Hearings. It's an appeal of

1 request for review of denial of two classroom instruction
2 courses. The WAC does allow for that. But it's a
3 different process.

4 And so I asked Pam if -- and the appeal language in
5 WAC 296-46B says, hey, this is allowable, but gives very
6 -- it gives no detail about what is the process by which
7 this appeal goes forward.

8 So Pam graciously offered to review some additional
9 laws and rules that govern procedures, right? appeal
10 procedures that would be potentially applicable to this
11 process. So I would like to ask Pam to share with the
12 parties and share with the Board members what our sort of
13 our parameters are this morning under this specific
14 appeal.

15 ASSISTANT ATTORNEY GENERAL THOMURE: So as you know,
16 this is one of the issues that we're hopefully going to be
17 working on in terms of coming up with procedures for sort
18 of original hearings or request for the Board to review.
19 We don't have -- or the Board does not have any formalized
20 procedures. However -- so we go back to the
21 Administrative Procedure Act and our model rules of
22 procedure under WAC 10-08 which are sort of the default
23 position. And the APA under 34.05.449 provides sort of a
24 general guidance in terms of procedures at a hearing
25 before the Board. And that specifically provides if

1 necessary for full disclosure of all relevant facts, the
2 presiding officer shall afford to all parties the
3 opportunity to respond, present evidence and argument,
4 conduct cross-examination, submit rebuttal evidence along
5 those lines.

6 So what I would suggest to Tracy and to the Board is
7 that the appellant in this case -- and I'm going to
8 mispronounce your name; I apologize -- Mr. Engel ...

9 MR. ENGELKING: Engelking.

10 ASSISTANT ATTORNEY GENERAL THOMURE: Engelking.
11 Thank you. -- would have the opportunity to present his
12 case as he sees fit. And if he desires to present a
13 witness that we -- we'll figure out how to go through and
14 do that. Then the Department would have an opportunity to
15 present its case in response.

16 I would note for the record that the model rules
17 provide that the Board can require that any documentary
18 evidence be submitted to the Board in advance of the
19 hearing so you have an opportunity to review it. It's one
20 of the reasons we put that in the letter to the parties.
21 It currently says -- the rule says 45 days.

22 In any event, absent good cause it would be up to the
23 Board or the presiding officer to then make a
24 determination if there's additional documentation that
25 the parties bring with them today; I don't know that

1 there is.

2 But that being said is at this point in time we have
3 the information -- you have the information that's in the
4 packet that was provided. And if additional information
5 other than the testimony of witnesses or the parties is
6 required, then we'll have to address that as we go along.

7 Did anyone have any questions in terms of procedure?
8 That was probably a long lawyerly explanation, and I
9 apologize for that.

10 CHAIRPERSON PREZEAU: So basically here's the
11 translation, right?

12 ASSISTANT ATTORNEY GENERAL THOMURE: She speaks
13 "Pam."

14 CHAIRPERSON PREZEAU: Is -- this is an appeal that is
15 properly before us, but it's more like an original
16 hearing.

17 And Milton, for your -- we'll have the parties
18 introduce themselves. But Engelking is spelled
19 E-N-G-E-L-K-I-N-G.

20 So Mr. Engelking obviously submitted this packet
21 (indicating), right? for the Board members to review. The
22 Department did not submit a brief. But obviously there's
23 no prohibition on either party to provide testimony and
24 provide witnesses. If in the event there is additional
25 documents, documentary evidence, that either party wants

1 to submit to the Board, obviously that -- it's not 45 days
2 before our meeting. So then we will rule -- we'll address
3 those, you know, pieces of physical evidence in the event
4 that they do come forward individually. It's sort of like
5 an ALJ admitting evidence in a hearing at the Office of
6 Administrative Hearings.

7 ASSISTANT ATTORNEY GENERAL THOMURE: Correct. And if
8 -- I would also suggest that if the parties are going to
9 be offering testimony or any kind of argument that would
10 constitute testimony, that that person -- witness should
11 be sworn before they testify.

12 CHAIRPERSON PREZEAU: And who does that exactly?

13 ASSISTANT ATTORNEY GENERAL THOMURE: Milton (the
14 court reporter).

15 CHAIRPERSON PREZEAU: That's what I thought.

16 (Addressing court reporter) You got a good meeting
17 for your last meeting, Milton.

18 So if we -- do both parties understand the process
19 that we are undertaking this morning with respect to this
20 specific appeal?

21 ASSISTANT ATTORNEY GENERAL KELLOGG: Yes.

22 CHAIRPERSON PREZEAU: Mr. Engelking?

23 MR. ENGELKING: There seems to be a little
24 contradiction between what Pam testified that we can
25 submit evidence but yet the evidence had to be submitted

1 45 days prior. So it kind of looks like it's not quite
2 the same.

3 Could you -- we would like to submit some --

4 ASSISTANT ATTORNEY GENERAL THOMURE: I don't think
5 that's what I said. But if I was unclear, I apologize.

6 The rules and the procedures do provide that if
7 either party wishes the Board to consider written
8 documentation or other evidence, that is supposed to be
9 submitted a certain amount of time in advance of the
10 hearing. That's also laid out in the letter that the
11 Board sends to you regarding the procedures and the
12 timing.

13 If, in fact, that does not happen and you have
14 additional evidence that you would bring to the hearing,
15 it's -- that evidence can be excluded. But that's up to
16 the Board in terms of whether they will accept the late
17 submission of documents or not.

18 CHAIRPERSON PREZEAU: And the other -- I just want to
19 remind Board members that we -- it is within our
20 parameters, right? both in rule and in statute that -- and
21 within our bylaws of the Board that in the event that,
22 hey, either party wants to submit documents, and obviously
23 it's not 45 days, and we're seeing it for the first time,
24 it is possible that we don't have to -- if we are
25 uncomfortable rendering a decision because we have not

1 had a huge amount of time to review and contemplate the
2 additional testimony and the additional presentment of
3 physical evidence, we can -- one of the options that we
4 can take is to not arrive at a conclusion and have a
5 motion and seconded and pass or fail. We can -- we have
6 the ability to lay that over to the next meeting so that
7 we have a chance -- because the way my brain works is
8 because the rules are -- want to provide for access and
9 want to provide for as much information as possible, as
10 the Chair I'm inclined to accept any additional physical
11 evidence, and in the event that it's substantial, that we
12 don't necessarily have to -- we don't have an opportunity
13 to review it and contemplate on it during -- in realtime,
14 we can hold over the decision until the next Board
15 meeting. That is an option. I'm not saying that that's
16 what I'm directing anybody to do; I'm just trying to
17 reassure Board members that you don't have to -- we do
18 not have to as a body render a decision based on new
19 information as it comes -- as it is an original hearing.

20 Does that make sense? Very good.

21 So Mr. Engelking, does that make sense? Does that --

22 MR. ENGELKING: Perfectly clear.

23 CHAIRPERSON PREZEAU: Okay, very good.

24 And Ms. Kellogg, perfectly clear?

25 ASSISTANT ATTORNEY GENERAL KELLOGG: Yes.

1 CHAIRPERSON PREZEAU: Very good.

2 And so before -- and Mr. Engelking goes first?

3 ASSISTANT ATTORNEY GENERAL THOMURE: Yes.

4 CHAIRPERSON PREZEAU: It's his appeal. But before we
5 get there, if we could have all the parties beginning with
6 Ms. Kellogg state and spell your name for the purposes of
7 our court reporter.

8 ASSISTANT ATTORNEY GENERAL KELLOGG: Nancy Kellogg --
9 K-E-L-L-O-G-G -- representing the Department.

10 MR. VANCE: Larry Vance -- L-A-R-R-Y, V-A-N-C-E --
11 representing the Department.

12 MR. (CRAWFORD) ENGELKING: Crawford Engelking --
13 C-R-A-W-F-O-R-D, E-N-G-E-L-K-I-N-G. HVAC School.

14 MR. ENGELKING: Head Master Engelking. HVAC School.

15 CHAIRPERSON PREZEAU: Thank you.

16 And Mr. Engelking, if you want to present your case
17 first, we would appreciate that.

18 MR. ENGELKING: Thank you. I want to thank you all
19 for taking the time to hear this appeal of these two basic
20 classroom instruction courses.

21 Everything that I'll be referencing in this appeal is
22 found in the set of documents that I brought to the Board
23 meeting. The appeal process clearly stipulates that the
24 documents be submitted 45 days prior to the hearing, or if
25 submitted after that date, it would be reviewed at the

1 second hearing following this one.

2 However, would the Board permit me to hand out these
3 documents so at least the Board members can follow along
4 as I make the presentation?

5 CHAIRPERSON PREZEAU: Sorry. I was just consulting
6 with Pam. I was like, do we need to swear in everybody,
7 all four of you?

8 ASSISTANT ATTORNEY GENERAL THOMURE: Not Ms. Kellogg.

9 CHAIRPERSON PREZEAU: Not Ms. Kellogg? Oh.

10 ASSISTANT ATTORNEY GENERAL THOMURE: Any person who
11 might be providing testimony. And since it's -- since it
12 is unclear, I would suggest that you swear everybody in.

13 CHAIRPERSON PREZEAU: Mr. Vance, Mr. Engelking and
14 Mr. Engelking.

15 ASSISTANT ATTORNEY GENERAL THOMURE: Yes.

16 CHAIRPERSON PREZEAU: Bobby.

17 BOARD MEMBER GRAY: Thank you, Madam Chair.

18 Through the Chair, Pam, will that apply -- if we get
19 an opportunity to ask questions, if we want to question
20 someone other than the four at the table? For example,
21 like if the signature came from the Chief, there may be
22 questions that would be directed to him regarding policy.

23 Would we be -- first of all, would we be allowed to
24 ask questions of people other than the presented
25 witnesses?

1 And number two, would they have to be sworn in in
2 order for us to be able to ask questions?

3 ASSISTANT ATTORNEY GENERAL THOMURE: So the answer to
4 number two is easy. Yes.

5 What I would suggest is there's a provision about
6 that in the statute or the model rules. And I believe the
7 Board can ask additional questions. I'm not sure in terms
8 of calling additional witnesses.

9 What I would suggest is you let the parties present
10 the case. And then if that becomes an issue or there's
11 something that you want, then let me take a minute to do
12 a little research on that.

13 CHAIRPERSON PREZEAU: So Milton, would you please
14 consider swearing in both Mr. Engelkings and Mr. Vance so
15 that we can just do it once.

16

17 WHEREUPON, LARRY VANCE, CRAWFORD ENGELKING AND HEAD
18 MASTER ENGELKING were duly sworn by the court reporter.

19

20 CHAIRPERSON PREZEAU: Thank you. Sorry to interrupt
21 you, Mr. Engelking.

22 MR. ENGELKING: So we have some handouts. Do we have
23 permission of the Board to at least hand them out at this
24 time so the Board members can follow along as I make the
25 presentation?

1 We understand that because this is new evidence that
2 we may be postponed at least two hearings from now before
3 a decision is made; we understand that.

4 CHAIRPERSON PREZEAU: Okay. So is there a motion
5 from a Board member to approve the receipt of Mr.
6 Engelking's additional evidence?

7 ASSISTANT ATTORNEY GENERAL KELLOGG: Excuse me. I
8 want to lodge an objection. I have no idea what this new
9 evidence is. So this would be a surprise to the
10 Department. And I would like at least an opportunity to
11 review what is this information that's going to be
12 submitted.

13 CHAIRPERSON PREZEAU: Mr. Kellogg, that's a very
14 legitimate objection.

15 ASSISTANT ATTORNEY GENERAL THOMURE: What I would
16 suggest to the Chair is that perhaps we -- the Chair or
17 the Board give the parties a few minutes for Ms. Kellogg
18 to review the material.

19 Perhaps we could then address one of the other
20 appeals while the parties are taking a moment to look at
21 the material.

22 Depending on how much -- I'm assuming, Ms. Kellogg,
23 that you'd need probably at least 10 minutes or 15 minutes
24 to look at the material?

25 ASSISTANT ATTORNEY GENERAL KELLOGG: Since I haven't

1 seen the materials, I'm really guessing. But that would
2 be a fair amount of time I think.

3 ASSISTANT ATTORNEY GENERAL THOMURE: That would be my
4 suggestion. That way the Board doesn't have to sit here
5 and wait for ten minutes.

6 (Addressing the Board) But it's up to you guys.

7 CHAIRPERSON PREZEAU: That seems reasonable.

8 My apologizes. We don't do this very often at the
9 Board. We're all volunteers. And I'm not an attorney.

10 So even though we made the best efforts to anticipate
11 what this was going to look like, I apologize to the Board
12 members and to the parties. I'm not an ALJ.

13 ASSISTANT ATTORNEY GENERAL THOMURE: So what I would
14 suggest is that we go off the record as to this particular
15 case and give Ms. Kellogg an opportunity.

16 And sir (addressing Mr. Engelking), if you'll present
17 your -- the information that you're going to present to
18 the Board to Ms. Kellogg.

19 While they're doing that, if the Board wishes, we can
20 take one of the other appeals to keep things moving. And
21 when that appeal is done, we'll reconvene on the HVAC
22 case. And then take objections and then the motion in
23 terms of what you want to do with this.

24 CHAIRPERSON PREZEAU: Bobby.

25 BOARD MEMBER GRAY: Do we need a motion to table

1 this? We haven't got a motion yet, right?

2 ASSISTANT ATTORNEY GENERAL THOMURE: It never hurts
3 to make motions.

4 CHAIRPERSON PREZEAU: The Chair would entertain a
5 motion to table the matter of HVAC School Denial of Basic
6 Classroom Courses to give the parties an opportunity to
7 review the additional anticipated presented evidence. And
8 then once the parties have had that opportunity, we have
9 an opportunity to pull back off the table this motion.

10

11 Motion

12

13 BOARD MEMBER GRAY: So moved.

14 CHAIRPERSON PREZEAU: So it's been moved. Is there a
15 second?

16 BOARD MEMBER JENKINS: Second.

17 CHAIRPERSON PREZEAU: Moved and seconded to table the
18 matter of HVAC School Denial of Basic Classroom Courses
19 until -- to give the parties an opportunity to review the
20 additional evidence.

21 Any discussion on the motion? All those in favor,
22 signify by saying "aye."

23 THE BOARD: Aye.

24 CHAIRPERSON PREZEAU:: Opposed? Motion carries.

25 ///

1 Motion Carried

2

3 CHAIRPERSON PREZEAU: So once you guys have had that
4 opportunity, let us know, and we'll have you guys come
5 back up, and we'll continue to -- make a motion to pull it
6 back off the table and we'll conduct the hearing.

7 ASSISTANT ATTORNEY GENERAL KELLOGG: Thank you.

8

9 Item 4.D. Bob Webster Handyman Services and
10 Robert Webster

11

12 CHAIRPERSON PREZEAU: So in the interim, we would --
13 are the parties in the Bob Webster Handyman Services and
14 Robert Webster matter in attendance this morning?

15 I also wanted to make sure that the Board members
16 understand what -- this is -- although it looks like what
17 we're accustomed to in terms of appeals of citations or
18 other adverse actions taken by the Department, this one
19 is a little bit different in that we are not here to hear
20 the merits of the case itself. We are here to review
21 whether or not the ALJ's decision to dismiss Mr. Webster's
22 -- Bob Webster's Handyman Services appeal at the Office
23 of Administrative Hearings was correct. And that
24 additionally, the matter of vacating that dismissal. It's
25 not about any of the merits of the case and what brought

1 the actual original appeal itself. It's about the
2 decision of the ALJ in conducting that original hearing.

3 Do Board members understand that?

4 THE BOARD: (Nodding affirmatively.)

5 CHAIRPERSON PREZEAU: Okay, very good.

6 So if the parties at the table would please state and
7 spell their name for the purposes of our court reporter.

8 ASSISTANT ATTORNEY GENERAL BARNES: John Barnes --
9 B-A-R-N-E-S.

10 MR. WEBSTER: Robert Webster -- W-E-B-S-T-E-R.

11 CHAIRPERSON PREZEAU: Very good.

12 And Mr. Webster, it's -- this is your appeal. And as
13 such, you will be allowed to present your case first. And
14 then there will be an opportunity for Mr. Barnes to
15 present his case. And then we'll provide an opportunity
16 for rebuttal. But once the Board start deliberating on
17 the merits of the case itself or on the decision of the
18 ALJ, usually that comes after the Board has heard
19 sufficient testimony from the parties.

20 Does that make sense?

21 ASSISTANT ATTORNEY GENERAL BARNES: Yes.

22 CHAIRPERSON PREZEAU: Yes, Mr. Webster?

23 MR. WEBSTER: I thought I was here to have this whole
24 thing settled, you know. And I'm not sure -- what I'm
25 hearing this morning, it sounds like we're just settling

1 the matter of the missed hearing.

2 CHAIRPERSON PREZEAU: That is what we're -- that's --
3 we're not here to render a decision on whether or not the
4 original citations were proper and correct. What we're
5 here to do is to render a decision on whether or not the
6 ALJ was correct or incorrect in dismissing your appeal.

7 Is that clear now?

8 So in the event that the Board says the ALJ's
9 decision regarding the vacation of the dismissal -- vacate
10 the dismissal?

11 ASSISTANT ATTORNEY GENERAL THOMURE: The dismissal of
12 this appeal.

13 CHAIRPERSON PREZEAU: Yeah, the dismissal of your
14 appeal, if they -- if the Board agrees with the ALJ's
15 decision, then the appeal is dismissed and the citations
16 stand.

17 In the event that the Board overturns the ALJ's
18 dismissal of your appeal, then it will be remanded back to
19 the Office of Administrative Hearings for the case to be
20 heard on its merits. And you will start back at that same
21 process you already started with the status conference.

22 Does that make sense?

23 MR. WEBSTER: So I'm going to make another trip up
24 here to settle this?

25 CHAIRPERSON PREZEAU: That is potentially correct

1 depending on the action of the Board.

2 Does that make sense?

3 ASSISTANT ATTORNEY GENERAL THOMURE: So just to
4 clarify, Madam Chair, Mr. Webster, you're using the word
5 "settle." If you wish to do any type of settlement of
6 the case, that is a discussion that you need to have with
7 Mr. Barnes between you and the Department. This Board as
8 an adjudicative body does not -- is not rendering a
9 decision about any type of proposed settlement because
10 they don't have authority to do that. They're just here
11 to hear your appeal and render a decision based on what
12 happened at OAH. If you have -- want to have settlement
13 discussions, that's between you and the Department, Mr.
14 Barnes.

15 MR. WEBSTER: (Addressing Mr. Barnes) Can we talk
16 after this?

17 CHAIRPERSON PREZEAU: Because the Electrical Board is
18 a separate entity from the Department, we advise the
19 electrical program, the department that issued the
20 citations. We can direct them in certain matters, mostly
21 having to do with continuing education and journey-level
22 and specialty examinations. But we don't have the ability
23 to say, "Hey, we're going to offer you a settlement deal
24 in the original citations." That's not our job. Our job
25 is to review this packet. And what we will do this

1 morning absent your desire to enter into settlement talks
2 with Mr. Barnes away from this table, right? we are going
3 to make a decision on whether or not the ALJ's decision
4 was consistent with governing laws and rules, and that's
5 it.

6 If you're curious to talk to Mr. Barnes about
7 potential settlement of citations EZINS00751 and
8 EZINS00752, that would happen not here; it would happen
9 probably in the hallway with Mr. Barnes.

10 Is that something that you would like to explore this
11 morning before we actually hear this appeal?

12 MR. WEBSTER: Yes.

13 CHAIRPERSON PREZEAU: Mr. Barnes, is that something
14 that you would entertain this morning?

15 ASSISTANT ATTORNEY GENERAL BARNES: Yes, I would.

16 CHAIRPERSON PREZEAU: All right. So then why don't
17 you adjourn to the hallway, and let us know in the event
18 that you have arrived at a settlement and that we don't
19 need to hear this case this morning.

20 Is that clear?

21 MR. WEBSTER: Yes.

22 CHAIRPERSON PREZEAU: Very good.

23 Mr. Barnes?

24 ASSISTANT ATTORNEY GENERAL BARNES: Yes, it is, Your
25 Honor.

1 CHAIRPERSON PREZEAU: Okay. Thank you, gentlemen.
2 Appreciate it.

3 BOARD MEMBER COX: This is a very interesting
4 morning.

5 CHAIRPERSON PREZEAU: I ate breakfast.

6 Okay. So -- very good. And I don't see the parties
7 in the HVAC School matter back in the room. So it doesn't
8 appear that they're ready at this time.

9

10 Item 4.E. Troy Edwards

11

12 CHAIRPERSON PREZEAU: So we will now hear the matter
13 of Troy Edwards. Are the parties in the Troy Edwards
14 appeal present in the room this morning?

15 BOARD MEMBER BURKE: No more meetings on Halloween.

16 CHAIRPERSON PREZEAU: So would the parties at the
17 table please state and spell your name for the purposes
18 of our court reporter.

19 ASSISTANT ATTORNEY GENERAL PADILLA: Yes. Good
20 morning.

21 My name is Wilson Sosa Padilla. I am an AAG
22 representing the Department.

23 CHAIRPERSON PREZEAU: Would you please spell your
24 name.

25 ASSISTANT ATTORNEY GENERAL PADILLA: Yes. Wilson --

1 W-I-L-S-O-N, Sosa -- S-O-S-A, Padilla -- P-A-D-I-L-L-A.

2 CHAIRPERSON PREZEAU: Thank you.

3 MR. EDWARDS: Troy Edwards. T-R-O-Y, E-D-W-A-R-D-S.

4 CHAIRPERSON PREZEAU: Very good.

5 And this appeal is quite similar in terms of
6 construction from the previous matter, right? where the
7 Board is not here to discuss the merits of the original
8 citations of ELYOD01702 and ELYOD01703. Our jurisdiction
9 this morning is to determine whether or not the ALJ at
10 the Office of Administrative Hearings was correct in
11 dismissing Mr. Edwards' appeal of those original
12 citations.

13 Do Board members understand that?

14 THE BOARD: (Nodding affirmatively.)

15 CHAIRPERSON PREZEAU: Do the parties, Mr. Padilla and
16 Mr. Edwards, do you understand what is happening this
17 morning?

18 MR. EDWARDS: Yes, I do.

19 ASSISTANT ATTORNEY GENERAL PADILLA: Yes.

20 CHAIRPERSON PREZEAU: And hopefully you could hear
21 what happened with the previous matter. Our jurisdiction
22 is limited only to whether or not the ALJ's decision to
23 dismiss your original appeal is consistent or inconsistent
24 with applicable laws and rules.

25 Does that make sense?

1 ASSISTANT ATTORNEY GENERAL PADILLA: Yes.

2 CHAIRPERSON PREZEAU: Mr. Edwards, yes?

3 MR. EDWARDS: Yes.

4 CHAIRPERSON PREZEAU: Very good.

5 So Mr. Edwards, this is your appeal, and as such
6 you'll present your case first. And then there will be an
7 opportunity for Mr. Padilla to present his case. And in
8 the event that Mr. Padilla or Mr. Edwards says something
9 in their presentment of your case that you would like to
10 rebut, there will be an opportunity for rebuttal. But
11 once the parties have concluded their remarks and the
12 Board members begin to deliberate upon the matter itself,
13 we will -- the Chair will potentially entertain
14 interjections from either of the parties. But usually
15 once we get to the deliberations, we'd like to have an
16 opportunity for us to banter back and forth, if you will.

17 Does that make sense?

18 MR. EDWARDS: Yeah.

19 ASSISTANT ATTORNEY GENERAL PADILLA: Yes.

20 CHAIRPERSON PREZEAU: Very good.

21 Mr. Edwards, are you ready to present your ...

22 MR. EDWARDS: The best I can.

23 This thing started months ago, and it's a pretty
24 simple case on what the issue is about. And so I appealed
25 and had like a voice conference, you know, opposed to a

1 courtroom setting.

2 And so Mr. Padilia -- Padilla -- I'm sorry -- he and
3 the judge, they went back and forth because they had like
4 a really high, you know, schedule.

5 So utmost, the actual trial or hearing or whatever is
6 supposed to take place like maybe six months away from
7 when we first initially talked.

8 I mean, they just kind of like gave me the okay if we
9 wait this long, wait this long. I'm like, Okay, that's
10 fine, that's fine, that's fine. So maybe six, seven
11 months went by. Okay?

12 So when other things come into play, like I was
13 contacted by Mr. Padilio a couple times as to a plea
14 bargain and things like that, and I'm like, you know, this
15 is pretty a cut-and-dry case. I mean, I'm really not
16 ready to plea bargain, but what do you propose? you know.
17 And I was kind of like, you know, like anybody else would
18 be, kind of like, well, that just doesn't seem like I
19 should roll over because it's kind of like a honest
20 mistake type of issue here, you know. And some
21 misguidance from one of the clerks in the L & I Downtown
22 Tacoma.

23 So I was really, really like undecisive whether I
24 should plead guilty. But then there's a substantial
25 amount of money they're charging me for this is -- it's

1 kind of like I don't want to pay that amount of money for
2 something that's just like an honest mistake either on my
3 side or L & I side.

4 So at that point, Mr. Padilio, he called me and asked
5 me to sign -- if I could sign certain things where they
6 wouldn't have to be bogged down with witnesses. Because
7 this stuff is spread out over like, I don't know, seven
8 years or whatever, right?

9 So I'm like, well, why would I do that? you know. I
10 want this thing to be over with. Because there was no
11 intent on my part, you know. I have all of my licensing.

12 For me to take -- for me to take -- and it states
13 right here under WAC 296-46B-970 that if you possess your
14 license for -- your administrator's certificate and your
15 electrician certificate, you can use the CEU's for the
16 same -- you know. You don't have to -- why test twice
17 for the same --

18 CHAIRPERSON PREZEAU: Mr. Edwards, I apologize for
19 interrupting you, but just want to clarify.

20 So -- because what I'm hearing you begin to do is to
21 address the --

22 MR. EDWARDS: Yeah.

23 CHAIRPERSON PREZEAU: -- the original citations. And
24 that's not what we're here to discuss this morning.

25 MR. EDWARDS: Okay.

1 CHAIRPERSON PREZEAU: And I understand why you're
2 doing that. And I -- because you disagree with the
3 original citations. And I understand that. And that's
4 clear from the record.

5 MR. EDWARDS: Right.

6 CHAIRPERSON PREZEAU: But I need you to address the
7 ALJ's decision to dismiss your case.

8 MR. EDWARDS: I understand.

9 CHAIRPERSON PREZEAU: Okay. Very good.

10 MR. EDWARDS: Well, I was kind of, you know, trying
11 to be, you know, like participant on this, you know, with
12 those guys setting everything so far away, you know, how
13 things can get if something's set so far away, you focus
14 on one date.

15 And so in between that time, I was contacted by Mr.
16 Padilio several times about a plea agreement. And I was
17 really undecisive about it, you know.

18 So at that point I said, well -- okay, so I never did
19 sign it, you know.

20 And then we've had another appointment for me to
21 probably sign it. And then I was -- at that point I'm
22 like, well, why even send it back because I'm just going
23 to fight this thing, you know.

24 So the judge in -- it was like -- it was like -- I
25 was supposed to sign it on a Tuesday. And then this call

1 that I was supposed to have some kind of status conference
2 came up like, I don't know, maybe Monday. You see? But
3 by him contacting me, it was kind of like a surprise and
4 shock. And I'm like --

5 You know, in my company, I'm the worker, the
6 administrator and da, da, da. So bogged down with all
7 these tasks, I was kind of like thinking, okay, they want
8 a plea agreement and totally took my mind away from the
9 date that I was supposed to actually go to court. So I'm
10 thinking, well, you know -- and so the judge took that me
11 denying a plea agreement, and he took that and based a
12 decision. I mean, it even says it in his transcripts that
13 since I didn't take a plea agreement then, you know, I --
14 there's no way I should have been confused as to the
15 prosecuting office I think and his department being the
16 same, you know, entity, you know.

17 So me not being a lawyer and all this stuff, the
18 prosecutor, he come and ask me for a plea agreement. And
19 I'm like thinking, okay, he's representing, you know,
20 Washington state. So I'm like thinking, well, okay,
21 things are kind of on hold. And then ultimately I just
22 don't answer back. I'm just thinking, okay, we're going
23 to trial from here.

24 And I just think, you know, for the circumstances and
25 the amount of things involved and, you know, the monies,

1 the penalties and all that, I don't think that me missing
2 a phone conference should determine whether or not -- or
3 clarify to me as to why it states right here in the WAC
4 code that I didn't violent anything, you know.

5 I mean, I don't have any -- I don't have any course
6 to, you know -- some of these things -- I don't even know
7 if some of these permits were pulled by myself. I don't
8 even know if some of the permits were even, you know --
9 some of them -- I pulled permits and not even done the
10 work, you know.

11 So it's like -- I just really don't feel like I'm
12 getting a fair shake just by a missed phone call. Because
13 I've been in courtroom settings, and then there's
14 procedures you can go if you didn't show up for court, you
15 know. You can go into the court and you can, hey, you can
16 file a motion to scrap -- you know, to hey, instead of
17 issuing a warrant or whatever. I mean, I know you guys
18 don't do those kind of things. But, you know, I mean,
19 people -- you know, coming here there was an accident, you
20 know. So I'm like thinking, you know, hey, you know, what
21 if I'm late and then I'm not here, you know, and I'm late?
22 I'm not -- I didn't make it on time. Then it's kind of
23 like, you know, is that the judgment? I just feel like I
24 never did get to see a judge to state my case on this
25 whole issue. And it just seems unfair, you know. So ...

1 CHAIRPERSON PREZEAU: Did you want to -- I didn't
2 mean to interrupt you. Are you -- do you have --

3 MR. EDWARDS: No. I'm just -- you know, I'm just
4 trying to fill in blanks on this whole thing because it's
5 kind of getting a little -- you know. I just don't see
6 how I cannot be able to have my day in court by a missed
7 phone call.

8 And it's like -- I've been in traffic court, other
9 type of courts, and I just never had court over the
10 telephone until this time. And when I did have that
11 thing. It was basically like those guys going through
12 their schedules when they can this and that, and I'm just
13 saying, yeah, okay, okay, okay.

14 So after all those months go by, in my mind it's on
15 the actual date, not on any other dates, you know.

16 CHAIRPERSON PREZEAU: Are you referencing the status
17 conference date on May 24th?

18 MR. EDWARDS: Yes, that's exactly what I'm
19 referencing.

20 And, you know -- and then, you know, the judge, he
21 basically says since I didn't take the plea agreement, you
22 know, he's going to honor their motion for, you know, to
23 -- that I'm guilty or whatever, you know. So I just feel
24 like that's weird, you know.

25 And that's basically why I'm here, you know,

1 basically why I filed my appeal for this.

2 CHAIRPERSON PREZEAU: So Mr. Edwards, before I --
3 Is that the conclusion of your opening -- or your
4 remarks?

5 MR. EDWARDS: Well, I would like to -- you know, but
6 for my opening, you know ...

7 CHAIRPERSON PREZEAU: Yeah, yeah.

8 And Mr. Edwards, I'm going to offer you the same
9 opportunity that we afforded Mr. Webster. And that is
10 in the event you would like to suspend this conversation
11 -- this formal conversation and go out in the hall with
12 Mr. Padilla and talk about a potential settlement, which
13 he offered you over the phone, if you would like an
14 opportunity to explore that possibility, and if Mr.
15 Padilla agrees with that opportunity, then we can suspend
16 this appeal in the event that you -- for the time being
17 in the event that you are unable to come to a decision
18 about a settlement regarding the original citations, not
19 the ALJ's decision, if you would like to have an
20 opportunity to explore that before Mr. Padilla presents
21 his side of the story and the Board is asked to render a
22 decision about the ALJ's decision or order to dismiss
23 your appeal of the original citations, if that is
24 something that both parties would like to do, we'll give
25 you an opportunity to do that at this time.

1 MR. EDWARDS: Well, I mean, with me it's like if
2 anything is changed because that --

3 (Addressing Mr. Padilla) I kind of expressed to you
4 that I -- that just didn't seem like a really good deal.
5 But if anything is changed on your thing -- on your side
6 ...

7 CHAIRPERSON PREZEAU: Mr. Padilla, are you open to
8 the idea of suspending this tribunal solely for the
9 purposes of exploring a possible settlement deal with
10 Mr. Edwards, and in the event that that is not successful,
11 coming back and then presenting your case regarding the
12 ALJ's decision to dismiss the appeal?

13 ASSISTANT ATTORNEY GENERAL PADILLA: Yes. The
14 Department would -- and it doesn't have any problems and
15 try to solve this via settlement.

16 So as with the previous case, we would need just a
17 few minutes or some time and discuss. And if we don't
18 reach a settlement or a tentative settlement, we would be
19 back here.

20 CHAIRPERSON PREZEAU: Okay.

21 Mr. Edwards, does that sound like a good idea?

22 MR. EDWARDS: Yeah, it sounds like a good idea.

23 CHAIRPERSON PREZEAU: Okay, very good. Thank you,
24 gentlemen. Appreciate that. Just let us know what the
25 outcome is. And if we need to formally hear the appeal,

1 we will. And if not because you have arrived at a
2 tentative settlement, then we'll -- just let us know, and
3 we'll proceed accordingly.

4 MR. EDWARDS: Thank you.

5 ASSISTANT ATTORNEY GENERAL PADILLA: Thank you.

6 CHAIRPERSON PREZEAU: Very good.

7 (Addressing court reporter) Milton, do you want to
8 take a quick break or ... before we bring the HVAC School
9 back?

10 THE COURT REPORTER: That one might take a while, so
11 let's take a break.

12 CHAIRPERSON PREZEAU: That's what I was thinking.

13 So let's take about a ten-minute break for the
14 parties to settle up -- excuse me -- for the parties to
15 come forward and for the Board -- Milton to change paper
16 and take a quick break because this one's probably going
17 to take a bit. Yes? Ten minutes. We're at recess.

18 (Recess taken.)

19 CHAIRPERSON PREZEAU: Okay, it is 10:31, and the
20 Chair would like to reconvene the October 31 2019,
21 Washington State Electrical Board back to order, right?
22 And -- great. A little bit longer break than we were
23 supposed to have, but that's how it works out.

24 So where we're at on the agenda is the Chair would
25 entertain a motion to pull from the table appeals -- the

1 matter of HVAC School Denial of Basic Classroom Courses.

2

3

Motion

4

5 BOARD MEMBER: So moved.

6 BOARD MEMBER JENKINS: Second.

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

8 pull from the table the matter of HVAC School Denial of

9 Basic Classroom Courses. Any discussion on the motion?

10 Seeing none, all those in favor, please signify by

11 saying "aye."

12 THE BOARD: Aye.

13 CHAIRPERSON PREZEAU: Opposed? Motion carried.

14

15 Motion Carried

16

17 CHAIRPERSON PREZEAU: So we are now back at that

18 matter. And the parties have -- the parties have returned

19 to the tables, and Pam has two preliminary matters.

20 ASSISTANT ATTORNEY GENERAL THOMURE: First off, I

21 have an answer to Mr. Gray's -- I was going to say Bobby,

22 but it's Mr. Gray's question. And also we need Mr.

23 Engelking's full legal name for the record.

24 MR. ENGELKING: My title is Head Master. My legal

25 name is Benjamin Raymond Engelking.

1 CHAIRPERSON PREZEAU: Thank you.

2 ASSISTANT ATTORNEY GENERAL THOMURE: In answer to
3 your question, Mr. Gray, WAC 10-08-200, subsection (9),
4 and this is the model rules of procedure which govern when
5 the Board doesn't have any specific rule, this is the
6 adjudicative proceedings presiding officer. "The
7 presiding officer shall have authority to:" number (9),
8 "Call additional witnesses and request additional exhibits
9 deemed necessary to complete the record and receive such
10 evidence subject to full opportunity for cross-examination
11 and rebuttal by all parties."

12 Does that answer your question?

13 BOARD MEMBER GRAY: It does. Thank you.

14 CHAIRPERSON PREZEAU: So call additional evidence and
15 witnesses?

16 ASSISTANT ATTORNEY GENERAL THOMURE: Call additional
17 witnesses and request additional evidence.

18 CHAIRPERSON PREZEAU: All right. I just want to make
19 sure I captured that.

20 So Mr. Engelking, it appears that you have unboxed
21 your material evidence.

22 Ms. Kellogg, do you still have objections or -- any
23 objections to the Board members receiving that additional
24 physical evidence?

25 ASSISTANT ATTORNEY GENERAL KELLOGG: I do.

1 The first document that I'm going to talk about is an
2 e-mail from Bethany Rivera. And I do not have any
3 objection to that document.

4 The second document is a --

5 CHAIRPERSON PREZEAU: Ms. Kellogg, if I may interrupt
6 you. I'm not a judge. But when do we actually enumerate
7 the additional evidence Exhibit A? So should I -- because
8 reading transcripts from the ALJ's, it's usually at this
9 point the ALJ says, "So you have no objection to what we
10 will now refer to as Exhibit A?" Is that proper at this
11 point?

12 ASSISTANT ATTORNEY GENERAL THOMURE: Correct.

13 CHAIRPERSON PREZEAU: So we would like -- so the
14 e-mail that you just referenced is now going to be
15 referred to Exhibit A for clarification. Does that make
16 sense?

17 ASSISTANT ATTORNEY GENERAL THOMURE: Yeah. We have
18 to have somebody mark it.

19 (Addressing court reporter) Milton, would you
20 normally do that? I don't know that you have anything to
21 mark it with.

22 THE COURT REPORTER: I don't. I didn't bring
23 anything, any exhibit stickers.

24 CHAIRPERSON PREZEAU: Well, I can mark it if somebody
25 gives me a -- right? Because wouldn't the judge have a

1 set of this evidence as we go through this process?

2 ASSISTANT ATTORNEY GENERAL THOMURE: So to speed
3 things up, if there's a number of things that have been
4 agreed to, I would suggest that those be pulled and
5 provided to the Board members, and then we can dock it,
6 and then you can talk about the -- and then we can just
7 for the record go through and outline them for the record.
8 And then you can raise objections as to the other items.
9 And then the Board can make a ruling.

10 CHAIRPERSON PREZEAU: Okay.

11 ASSISTANT ATTORNEY GENERAL THOMURE: Does that make
12 sense? To speed it up.

13 ASSISTANT ATTORNEY GENERAL KELLOGG: So we're passing
14 them out now?

15 ASSISTANT ATTORNEY GENERAL THOMURE: Pass out
16 everything that's agreed upon would be my suggestion.

17 ASSISTANT ATTORNEY GENERAL KELLOGG: Maybe -- could I
18 also suggest that maybe the Chair takes a packet and takes
19 a look at the packet as I make objections with you looking
20 on, Ms. Thomure.

21 My concern is the documents that will -- may not be
22 admitted are then interspersed in amongst the documents
23 that will be admitted. Of course, they all could be
24 admitted. But at this point we don't know.

25 ASSISTANT ATTORNEY GENERAL THOMURE: Okay. I was

1 just suggesting that the ones that you agree to be
2 dispersed, not anything else.

3 ASSISTANT ATTORNEY GENERAL KELLOGG: I don't have any
4 objection to that if you want to pull all those documents
5 out of each of the packets.

6 CHAIRPERSON PREZEAU: So the way these are ordered,
7 Ms. Kellogg, is what I'm looking at first -- let's do it
8 this way -- is a photocopy of WAC 296-46B-970. That's the
9 first document that I have, right?

10 Do you have an objection to this document?

11 ASSISTANT ATTORNEY GENERAL KELLOGG: I don't have any
12 objection to the document.

13 CHAIRPERSON PREZEAU: Okay.

14 ASSISTANT ATTORNEY GENERAL KELLOGG: I'm assuming
15 that this is straight off of the Internet and it is a
16 correct document.

17 CHAIRPERSON PREZEAU: It says -- it's footnoted. It
18 says "leg.wa.gov/WAC/," a bunch of like computer language,
19 right?

20 ASSISTANT ATTORNEY GENERAL KELLOGG: That sounds
21 official.

22 CHAIRPERSON PREZEAU: So no objections to that
23 document?

24 ASSISTANT ATTORNEY GENERAL KELLOGG: No objection.

25 CHAIRPERSON PREZEAU: Okay. The second document I

1 have is a History of WAC 296-46B-970.

2 ASSISTANT ATTORNEY GENERAL KELLOGG: I have no
3 objection to this. I believe this would be similar to
4 Mr. Engelking giving a pre-hearing brief.

5 CHAIRPERSON PREZEAU: Okay. The next document I
6 have is an e-mail, and at the very top it says "TRAINING
7 HVAC" presumably from Head Master Engelking. It's dated
8 September 10, 2018. And it looks like it is the exchange
9 between presumably a representative of the HVAC School in
10 the matter and Ms. Bethany Rivera.

11 ASSISTANT ATTORNEY GENERAL KELLOGG: No objection.

12 CHAIRPERSON PREZEAU: The next document I have is
13 dated November 20, 2018, on Department of Labor and
14 Industries letterhead. And it's a letter from Chief
15 Thornton to HVAC School Head Master Engelking.

16 ASSISTANT ATTORNEY GENERAL KELLOGG: This is already
17 contained in the appeal board record at page 32. So it
18 would be cumulative.

19 CHAIRPERSON PREZEAU: The next document I have is --
20 it looks like a letter from Mr. Engelking -- excuse me --
21 from Head Master Engelking to Stephen Thornton. It does
22 -- it's dated December 19, 2018.

23 ASSISTANT ATTORNEY GENERAL KELLOGG: This is also a
24 duplicate of the appeal packet page 7.

25 CHAIRPERSON PREZEAU: The next document I have is

1 dated February 8, 2019. Again, a letter from the
2 Department signed by Stephen Thornton to HVAC School.

3 ASSISTANT ATTORNEY GENERAL KELLOGG: This is also a
4 duplicate of page 5 of the Electrical Board appeal packet.

5 CHAIRPERSON PREZEAU: Okay. The next document I have
6 is yellow in color. And it is a Department of Labor and
7 Industries document from the electrical program. And it
8 appears to be a electrical education course application
9 that is marked "Approved," and the date written on the
10 bottom is October 25, 2019.

11 ASSISTANT ATTORNEY GENERAL KELLOGG: The Department
12 objects to this document because it is a document that is
13 not relevant. This particular firm, IBEW Local Number 46,
14 is not before this Board. This is a document having to do
15 with another training that was given and approved by the
16 Department.

17 CHAIRPERSON PREZEAU: Okay. So we're going to -- I'm
18 going to set this aside. And we're going to continue to
19 move through the documents to accumulate what is agreed
20 upon, and then we'll come back and address the individual
21 objections of the submitted evidence from Head Master
22 Engelking one at a time. Okay?

23 So the next document I have is also an electrical
24 course application form. This one is dated August 22nd.
25 It says "21" ...

1 MS. RIVERA: On the bottom of those documents, that
2 would be the expiration date of the course. The approval
3 date's in the upper right hand -- or the approval --
4 (inaudible; someone coughed) -- would be like "19 dash" --
5 would be like with the course ID number. But the very
6 bottom would be the expiration date of that course.

7 CHAIRPERSON PREZEAU: Thank you, Bethany.

8 So Ms. Kellogg, I'm -- this -- it's blue in color.
9 It appears that you have the same document. Are you
10 objecting to this on the same grounds as the previous?

11 ASSISTANT ATTORNEY GENERAL KELLOGG: I am.

12 CHAIRPERSON PREZEAU: Because this is an electrical
13 education course application that appears to have been
14 approved. It is also generated out of IBEW Local 46.

15 And we'll come back to that, right?

16 The next document I have is green. It appears to
17 also be a electrical education course application that was
18 approved by the Department also from IBEW Local 46.

19 ASSISTANT ATTORNEY GENERAL KELLOGG: The Department
20 objects to the relevance.

21 CHAIRPERSON PREZEAU: Okay. The next document is
22 white in color. It is also an electrical education course
23 application. It is stamped "Approved." And it was
24 received by the Department of Labor and Industries on
25 January 3, 2019. And it appears to be from a one Mr.

1 Chester Garrett.

2 ASSISTANT ATTORNEY GENERAL KELLOGG: Same objection.

3 CHAIRPERSON PREZEAU: The next document I have is
4 again an electrical education course application marked
5 "Approved." And the originator is "Specialty Electrician
6 Training." The contact person is Mr. James Johnson.

7 ASSISTANT ATTORNEY GENERAL KELLOGG: I would object
8 to this document also. I believe that these documents are
9 not relevant.

10 I understand that Mr. Engelking is going to -- one of
11 his arguments is going to be, "Well, you've approved other
12 courses that are similar to my course, so why can't you
13 approve my course?" However, that is not the law. The
14 law requires certain standards. And if those standards
15 aren't met, then the class cannot be approved,
16 irrespective of whether or not the Department has made a
17 mistake in another firm or not.

18 CHAIRPERSON PREZEAU: So I'm going to put that
19 document we just discussed over in the objection pile.

20 And then it appears the last document I have is from
21 -- at the top it says "Washington Management Service
22 Position Evaluation Summary."

23 ASSISTANT ATTORNEY GENERAL KELLOGG: Yes. The
24 Department objects here again based on privacy and also
25 relevance. It appears that Mr. Engelking would like to

1 put Mr. Thornton on trial. But he's missing the point.
2 Or actually this is for Rod Mutch. So he's not the
3 present electrical inspector anyway. But the -- Mr.
4 Engelking is missing the point. He needs to show that his
5 course meets the statutory and regulatory requirements.
6 And this document is not going to get him there.

7 CHAIRPERSON PREZEAU: I don't fully understand what
8 this final document actually is. I don't know what the
9 Washington Management Service is. Is this the Human
10 Resources Department? Is this Rod Mutch's application for
11 employment with the Department?

12 Head Master Engelking.

13 MR. ENGELKING: It's our understanding that this last
14 document outlines the responsibilities of the Department
15 through the chief of the electrical to be consistent in
16 all of the policies and statutes and enforcements of
17 everything that's under his jurisdiction. This document
18 is very relevant because it will go to prove our point in
19 this case -- appeal that the standards have not been
20 consistently applied to all vendors submitting
21 applications.

22 We respectively object to her denial of these five
23 typical approved basic continuing education courses. It
24 is our intent in the appeal to show that we have met --
25 not only met the existing requirements as a sample of five

1 other courses have met them, but we want to show that
2 there's an inconsistency in the Department's ruling
3 between our vendor's course and other ones that have been
4 accepted on a similar matter.

5 We request that the Chair allow these to be passed
6 out to the Board. We feel that the Department's refusal
7 of the objection to keep this vital information from the
8 Board members obscures the transparency that this appeal
9 board should be listening to.

10 We're looking for fairness, consistency and meeting
11 the basic requirements as outlined in the RCW's and the
12 WAC's. Without this documentation, the Board cannot make
13 a fair and impartial judgement.

14 Thank you.

15 ASSISTANT ATTORNEY GENERAL THOMURE: So before -- if
16 I could, Madam Chair?

17 CHAIRPERSON PREZEAU: Please.

18 ASSISTANT ATTORNEY GENERAL THOMURE: Let me just --
19 if I could, members of the Board, remind you of what the
20 rules of evidence are for purposes of this hearing so that
21 then you can make an informed decision.

22 RCW 34.05.452 governs the type of evidence that this
23 Board can consider. That provides evidence including
24 hearsay evidence is admissible if in the judgement of the
25 presiding officer, or the Board I think, it is of -- it is

1 the kind of evidence on which reasonably prudent persons
2 are accustomed to rely in the conduct of their affairs.
3 The presiding officer shall exclude evidence that is
4 excludable on constitutional or statutory grounds or on
5 the basis of evidentiary privilege recognizing the --
6 (inaudible) -- of the state. The presiding officer may
7 exclude evidence that is irrelevant, immaterial or unduly
8 repetitious.

9 In most of these proceedings, the presiding officer
10 is defined as the agency or the body conducting the
11 hearing and in certain instances also the presiding
12 officer is the Chair.

13 So Madam Chair, I think that you can handle it two
14 ways. You can put that to a kind a vote of the Board. Or
15 if the Board wishes you to make a decision, I think they
16 can so state.

17 CHAIRPERSON PREZEAU: Yeah, I definitely have an
18 opinion on this matter.

19 And Head Master Engelking, I've been on this Board
20 since 2005, and I've been the Chair since 2011. And I
21 will always err on the side of fairness and opportunity
22 to present information.

23 I think with this -- take them separately -- with
24 this Washington Management Service document, unless I'm
25 missing something, I do not see anything in this document

1 that is -- reveals personal and private information of
2 Mr. Mutch. However, I am inclined to -- and I know the
3 Board members don't have this. But what this document
4 looks like is it looks like Rod Mutch's application to be
5 the chief electrical inspector; although even though there
6 is -- and then it goes on to state what the position
7 objectives are of the chief.

8 And so what I would like to recommend even though
9 the Board members don't have it is I would like to remove
10 from this document Rod Mutch's application -- the
11 information on the application itself to be chief because
12 that's records of the Human Resources department. It's
13 two pages of the five pages of this document. I would
14 like to recommend to the Board members that Rod Mutch's
15 application be removed/separated from this document and
16 excluded from this tribunal today, and what remains is
17 the description of the -- what the job of the chief
18 electrical inspector is supposed to do.

19 Ms. Kellogg, if we do that, do you have any objection
20 to retaining pages 3 -- they're enumerated 3, 7 and 8 from
21 this exhibit which is a description of the chief
22 electrical inspector's job according to the HR department
23 otherwise known as the Washington Management Service?
24 Does that -- would that document no longer have an
25 objection from you?

1 ASSISTANT ATTORNEY GENERAL KELLOGG: I still object.
2 It's not relevant to the issues before this Board.

3 CHAIRPERSON PREZEAU: Okay. And I -- I would like
4 to give Head Master Engelking an opportunity to talk about
5 the relevance of that.

6 I certainly believe that -- and I'm not going to make
7 assumptions, but do all Board members understand that at
8 the very least, the chief electrical inspector is supposed
9 to be consistent in the application of the WAC and RCW's?

10 THE BOARD: (Nodding affirmatively.)

11 CHAIRPERSON PREZEAU: So even though this document is
12 likely duplicative, all the Board members already know
13 that. And because it doesn't contain any compromising
14 information because we've removed Rod's application
15 itself, that all this does is point out what are the
16 duties of the chief electrical inspector. The Board
17 members are already aware of that. But in an attempt to
18 provide as much fairness and opportunity as possible,
19 especially for a pro-se representative, I -- unless I see
20 Board members saying, "Hey, Tracy, hey, Madam Chair, don't
21 include that," which I'm not seeing, is I'm inclined to
22 include that in the evidentiary packet.

23 Are there any objections from the Board members to do
24 that?

25 I understand, Ms. Kellogg, that you have an objection

1 to that document.

2 ASSISTANT ATTORNEY GENERAL KELLOGG: May I also point
3 out that this is a position description for a prior chief
4 electrical inspector. We don't have any information to
5 show that it is the same for the current chief electrical
6 inspector or not. And since the decision was made under
7 the current chief electrical inspector, it seems like
8 that's additional irrelevance to the proceeding.

9 CHAIRPERSON PREZEAU: I certainly understand your
10 objection, Ms. Kellogg.

11 And I would advise the Board members to take that in
12 consideration when reviewing this document that -- unless
13 there -- unless I hear any objection from Board members, I
14 am going to allow the document to be admitted. Okay.

15 So now the matter of -- these are all -- there's four
16 documents that the Department through Ms. Kellogg has
17 objected to. They are all electrical course applications
18 that were processed by the electrical program.

19 And I have a very creative solution to this, right?
20 which is, of all the Board members that are here today,
21 how many of you have an electrical certificate of some
22 type? Raise your hand if you carry a Washington state
23 certificate that requires continuing education classes.

24 (Various hands being raised, including Chair
25 Prezeau.)

1 Okay. And I also recognize that Board members --
2 and even though Kerry Cox is brand new to the Board today,
3 he --

4 Board members, one of our responsibilities that --
5 where we are no longer advisory to the Department, but we
6 can -- we direct the Department in terms of approval of
7 basic classroom training and continuing education class.
8 And one of my predecessors, one Mr. Joe Devish who I
9 believe chaired this Board for many years used to actually
10 personally review the course applications.

11 Mr. Engelking, this body is incredibly fluent in what
12 are the requirements for both basic classroom education
13 and continuing education. The exams, that is one of our
14 areas of expertise.

15 And so unless I see objections from the Board
16 members, Jason Jenkins is a -- is employed by a joint
17 apprenticeship training body, right? an apprenticeship and
18 submits these course application approvals to the state of
19 Washington and is therefore fluent in what these forms
20 look like and what the thresholds are. It is our
21 responsibility of the Board to understand what the
22 thresholds are for basic classroom training and continuing
23 education approved by the Department.

24 So I don't believe unless I hear objections from
25 Board members that in order to hear this case it is

1 necessary for us to have these documents that are approved
2 electrical education course applications from entities
3 other than the HVAC School and Head Master Engelking.

4 Jason.

5

6

Motion

7

8 BOARD MEMBER JENKINS: I was going to say I concur.
9 I move to remove them also.

10 ASSISTANT ATTORNEY GENERAL THOMURE: To exclude them.

11 BOARD MEMBER JENKINS: To exclude them.

12 CHAIRPERSON PREZEAU: So there's been a motion to --
13 from Board Member Jenkins to exclude the applications from
14 -- the electrical education course applications from
15 entities that are not the HVAC School from Head Master
16 Engelking. Is there a second?

17 BOARD MEMBER BURKE: Second.

18 CHAIRPERSON PREZEAU: So it's been moved and seconded
19 to exclude from the evidentiary record that was presented
20 today the one, two, three, four, five electrical education
21 course applications from entities other than the HVAC
22 School and Head Master Engelking.

23 Discussion on the motion?

24 BOARD MEMBER COX: Discussion. As I understand it,
25 Madam Chair, we've accepted the job duties showing the

1 consistency of the chief, and the appellant is asking to
2 show examples of this? Is that my understanding?

3 CHAIRPERSON PREZEAU: That's my understanding.

4 BOARD MEMBER COX: Okay. And so if we've accepted
5 the one to show consistency, do we not want to see
6 consistency in these others?

7 And understanding that the RCW is clear that each
8 application needs to be taken as a new application, not a
9 renewal. But do we not want to see consistency or
10 inconsistency from others?

11 Just having discussion.

12 CHAIRPERSON PREZEAU: Yeah, no, I mean, I --
13 Bobby.

14 BOARD MEMBER GRAY: Thank you, Madam Chair.

15 Along those same lines, my experience -- because I'm
16 a provider as well -- is that what we submit is more like
17 the syllabus of the information that's going to be
18 provided in the training. And so if that detail -- kind
19 of detail are in these applications and there's a
20 comparison between what's in those applications and what's
21 been submitted by this appellant, then I think it would be
22 valid to compare them both.

23 So I guess we don't know that. We're relying on your
24 judgement which I have full confidence in that if there's
25 an exact comparison there where we can see those I think

1 would provide value. If not, then there's probably no
2 value in having those as part of the record.

3 Thank you.

4 ASSISTANT ATTORNEY GENERAL THOMURE: There's a motion
5 -- pending motion.

6 CHAIRPERSON PREZEAU: Well, we -- discussion on the
7 motion, right?

8 BOARD MEMBER JENKINS: Madam Chair, I believe the
9 whole idea of this meeting here right now is to see if
10 this particular course, it's a valid course or not, not to
11 put the chief on trial to find out whether he's doing his
12 job correctly or not. This is to find out, is this a
13 valid course or not.

14 If there's a problem with other stuff, that needs to
15 be brought forward from other programs to verify if their
16 product has been valid or not.

17 I don't think this is meant to be a witch hunt for
18 other programs.

19 CHAIRPERSON PREZEAU: Other comments? Ryan.

20 BOARD MEMBER LaMAR: I agree; it's not a witch hunt.
21 But valid or not, we have to look at what's been approved
22 in the past. And if those have been approved in the past
23 and there's some sort of validity, and if the gentlemen
24 that are here from the HVAC School say based off of stare
25 decisis that we've already set the standard, then we

1 should continue with the same standard. I think there is
2 some validity in looking at this.

3 But I also look at the other side of we know what
4 right looks like. But I -- just like our president would
5 err on the side of having a voice. So I have no problem
6 with having a voice and seeing these documents.

7 CHAIRPERSON PREZEAU: Any other discussion on the
8 motion?

9 So the motion in front of us is, if I remember
10 correctly, is the motion is to exclude these applications
11 from other entities besides the HVAC School and Head
12 Master Engelking. Does everybody understand the motion?

13 All those in favor raise your hands.

14 (Board Members Burke, Lee, Jenkins raising hands.)

15 One, two, three.

16 Opposed?

17 (Board Members Cox, Gray, LaMar raising hands).

18 One, two, three. John Brickey doesn't vote.

19 (Chair Prezeau raising hand) They're in.

20 So the only -- to make this easier ...

21 ASSISTANT ATTORNEY GENERAL THOMURE: For the purposes
22 of the record.

23 CHAIRPERSON PREZEAU: For the purposes of the record
24 ...

25 ASSISTANT ATTORNEY GENERAL THOMURE: Motion carried.

1 CHAIRPERSON PREZEAU: Motion carried.

2 So the only documents in those packets that will now
3 be distributed to the members of the Electrical Board.

4 THE BOARD (Various): Motion carried?

5 CHAIRPERSON PREZEAU: Oh, sorry. Yeah.

6 BOARD MEMBER BURKE: Motion failed. Motion did not

7 --

8 ASSISTANT ATTORNEY GENERAL THOMURE: Motion denied.

9 Sorry about that. I apologize.

10

11 Motion Failed

12

13 BOARD MEMBER GRAY: Do we need a new motion?

14 ASSISTANT ATTORNEY GENERAL THOMURE: Just a new A.G.

15 CHAIRPERSON PREZEAU: No. No, no, no, no, no.

16 Wait a minute. So ...

17 BOARD MEMBER BURKE: There was a motion to exclude
18 the document. And that did not --

19 CHAIRPERSON PREZEAU: That motion failed, right?

20 BOARD MEMBER BURKE: Yes, for the record.

21 (Addressing court reporter) Did you get it, Milton?

22 THE COURT REPORTER: (Nodding affirmatively.)

23 CHAIRPERSON PREZEAU: So they are included in the
24 record. Yeah, that's what I was -- yes. Yes, right?

25 BOARD MEMBER BURKE: They're included. The motion

1 failed.

2 CHAIRPERSON PREZEAU: Yes, motion failed.

3 BOARD MEMBER BURKE: Double negative.

4 CHAIRPERSON PREZEAU: Yes. Thank you.

5 BOARD MEMBER BURKE: Happy Halloween.

6 CHAIRPERSON PREZEAU: Happy hour.

7 So the documents will be part of the evidentiary
8 record. The only document -- the only portion of the
9 evidentiary record that was submitted today from Head
10 Master Engelking is Rod Mutch's personal application to
11 be chief -- to be the chief electrical inspector.

12 Does everybody understand what just happened
13 including me, right?

14 So the only thing is when members of the --

15 So Mr. -- Head Master Engelking, could you -- would
16 you be kind enough to distribute those evidentiary packets
17 to the Board members please.

18 ASSISTANT ATTORNEY GENERAL THOMURE: And have him
19 remove the two pages of the -- before he distributes
20 those.

21 CHAIRPERSON PREZEAU: And do you understand what
22 pages we have excluded?

23 MR. ENGELKING: (Nodding affirmatively) Understand.

24 CHAIRPERSON PREZEAU: So if you would pull that ...

25 ASSISTANT ATTORNEY GENERAL THOMURE: Did you need my

1 packet back that you gave me?

2 MR. ENGELKING: They're yours.

3 (Whereupon, packets were
4 handed out to the Board
members.)

5 CHAIRPERSON PREZEAU: Okay. For the record, the
6 evidentiary packets as approved have been distributed to
7 the Board members.

8 Bethany Rivera has requested an entire evidentiary
9 packet for the purposes of record keeping.

10 None of the Board members have the excluded
11 documents. And a set of those -- of the approved
12 evidentiary materials have been given to the court
13 reporter for record-keeping purposes.

14 So we are back to Head Master Engelking. We are back
15 to -- and just remind the parties that our court reporter
16 already swore you in, so there isn't a requirement to do
17 that again.

18 So Head Master Engelking, when you are ready, we
19 would like to give you an opportunity to present your
20 case.

21 MR. ENGELKING: Thank you.

22 A little over a year ago in August of 2018, two
23 previously approved basic classroom instruction courses
24 known as Electrical Troubleshooting of Gas Furnaces, Part
25 1 and Part 2, were submitted for renewal. I know that

1 renewal is technically not the correct term. That's okay.
2 I thought it would be a routine matter to have these
3 courses approved for a third time since Mr. Thornton as
4 the chief inspector had approved them both in 2012 and
5 2015.

6 Later that month I received a short e-mail from
7 Bethany Rivera, L & I Electric, that I needed to submit a
8 list of NEC articles that were addressed and also to meet
9 a requirement in the courses that need to prepare a
10 trainee to pass the current journeyman-level test.

11 In my appeal, I am referring to this as the new
12 requirement. I never heard of this new requirement and
13 proceeded to search the WAC's for the updated requirements
14 of basic classroom instruction. We have run off copies of
15 the WAC's in case you don't have it at your fingertips.

16 As you see, I wanted to double-check -- oh, we run
17 off copies of the WAC's.

18 Look on the third and fourth pages, and you'll find a
19 short section that is highlighted that describes the basic
20 classroom instruction requirements.

21 CHAIRPERSON PREZEAU: So before you proceed, what I
22 neglected to do is for the record, right? what should be
23 the first document is WAC 296-46B-970, and for the record,
24 I'm calling this Exhibit Number 1.

25 I'm going to go through and enumerate the documents

1 so that it is easier for our Board members and the parties
2 to follow through.

3 So this document that is WAC 296-46B-970 is now --

4 (Clarifying interruption
5 from court reporter re use
6 of numbers versus letters
7 for exhibit purposes.)

8 I like numbers. So this is now Exhibit 1.

9 The History of WAC 296-46B-970 is now Exhibit
10 Number 2.

11 And, of course, this is in addition to the materials
12 that the Board members have.

13 The e-mail that Mr. -- Head Master Engelking has
14 already referenced, the e-mail between himself and Ms.
15 Rivera is now (Exhibit) Number 3.

16 The letter from the Department of Labor and
17 Industries dated November 20, 2018, is now Exhibit
18 Number 4.

19 ASSISTANT ATTORNEY GENERAL KELLOGG: Excuse me,
20 Judge. That's the one that is a duplicate of documents
21 that we already have in the appeal packet. And I don't
22 believe there was a ruling about that.

23 CHAIRPERSON PREZEAU: I am inclined to -- just
24 because it's a duplicate -- you know, it's more paper, but
25 because it was also submitted timely in front of the
Board, just because it's also in our record, it doesn't --

1 I'm not inclined to go through the process of excluding it
2 because it's already been submitted to the Board in a
3 timely fashion. So just -- it might be easier for Head
4 Master Engelking to present his case because he's going
5 to reference these in order I presume.

6 MR. ENGELKING: That's right.

7 CHAIRPERSON PREZEAU: Is there an objection from the
8 Board members to doing that?

9 THE BOARD: (Shaking negatively.)

10 CHAIRPERSON PREZEAU: So again, this letter from the
11 Department of Labor and Industries dated November 20th is
12 now Exhibit Number 4, recognizing that it also exists in
13 the timely submitted materials.

14 ASSISTANT ATTORNEY GENERAL KELLOGG: Excuse me. I'm
15 sorry, Chair. It's Number 4? Or Number 5?

16 CHAIRPERSON PREZEAU: Number 4.

17 The letter from Head Master Engelking to Stephen
18 Thornton that is dated December 19, 2018, is now Exhibit
19 Number 5.

20 The letter dated February 8, 2019, from the
21 Department of Labor and Industries to the HVAC School and
22 Head Master Engelking is now Exhibit Number 6.

23 The position description for the chief electrical
24 inspector that was in place when Rod Mutch was applying
25 to be the chief electrical inspector is now (Exhibit)

1 Number 7.

2 The yellow document that is a Electrical Education
3 Course Application that is from IBEW Local 46 that is kind
4 of a chartreuse in color is going to be Exhibit Number 8.

5 The blue Electrical Education Course Application
6 submitted to the Department also by IBEW Local 46 is
7 Exhibit Number 9.

8 The electrical -- the green Electrical Education
9 Course Application submitted also by IBEW Local 46 is
10 Exhibit Number 10.

11 And the white Electrical Education Course Application
12 submitted by one Mr. Chester Garrett is now Exhibit Number
13 11.

14 And the last document the Chair has which is also
15 an Electrical Education Course Application submitted to
16 the Department by Specialty Electrician Training, one
17 Mr. James Johnson, is now Exhibit Number 12.

18 Have we enumerated those -- is that -- are Board
19 members, were your packets consistent with what I just
20 walked through?

21 THE BOARD: Yes (nodding affirmatively.)

22 CHAIRPERSON PREZEAU: And is that also -- Mr.
23 Engelking, is that in the order that you have?

24 MR. ENGELKING: Number 7, the white chief inspector
25 responsibility will be the last ...

1 CHAIRPERSON PREZEAU: Well, just -- you can just
2 reference it -- now that they're numbered, you can
3 reference them in whatever order you want.

4 MR. ENGELKING: That's fine.

5 CHAIRPERSON PREZEAU: So sorry to interrupt.

6 So I think you were asking the Board members to turn
7 their attention to what is now Exhibit Number 1. And what
8 specific line were you asking us to look at?

9 MR. ENGELKING: Look a pages 3 and 4. It should be
10 highlighted either yellow, red or green. The bottom and
11 top page of -- pages 3 and 4.

12 CHAIRPERSON PREZEAU: So what I have in my packet is
13 I have at the bottom of page 4 of this Exhibit Number 1 is
14 a yellow highlighting of 19.28 RCW and/or chapter 296-46B,
15 subsection (D) All basic trainee classes must be classroom
16 instruction only and based upon basic electrical theory,
17 which continues onto page 5, currently adopted,
18 parentheses, see definition for currently adopted,
19 National Electrical Code and/or use of the electrical laws
20 or rules.

21 MR. ENGELKING: That is what we have.

22 CHAIRPERSON PREZEAU: Okay.

23 MR. ENGELKING: Yeah, I wanted to double-check just
24 to make sure I hadn't missed anything that pertains to
25 this new requirement, the new requirement to prepare the

1 trainees to pass the written exam.

2 All previous versions of the WAC have been reviewed,
3 and I made a short history of the WAC's, and that should
4 be Exhibit Number 3.

5 CHAIRPERSON PREZEAU: I have it as Exhibit Number 2.

6 MR. ENGELKING: Okay.

7 CHAIRPERSON PREZEAU: Do the Board members have this
8 history of the WAC as Exhibit Number 2?

9 THE BOARD: Yes (nodding affirmatively).

10 CHAIRPERSON PREZEAU: I see that that is consistent
11 with their understanding.

12 MR. ENGELKING: As you skim through this, you can see
13 that there's only been a very few minor tweaks to the
14 original law. Essentially it hasn't changed much.

15 There are no references to this, quote, "new
16 requirement" in the history of the RCW -- or the WAC's
17 that I have here. It doesn't exist in the WAC's.

18 On August 30th I e-mailed Bethany Rivera with a list
19 of NEC articles that are discussed in the two training
20 classes, and that is I believe the next one.

21 CHAIRPERSON PREZEAU: Exhibit 3.

22 MR. ENGELKING: Number 3. And I've listed the NEC
23 articles that are addressed in the class, talked about in
24 the class as she requested.

25 I also questioned in the e-mail about the validity of

1 this, quote, "new requirement."

2 Several weeks later I received written notification,
3 the one that you have dated November 20th, from the chief
4 inspector stating that both courses had been denied.

5 CHAIRPERSON PREZEAU: And that's Exhibit Number 4.

6 MR. ENGELKING: Two reasons were given.

7 The first reason was the lack of exam questions. I
8 realized I had made a mistake by not submitting
9 examination questions as required. For 40 hours of
10 training, 100 questions are required. These courses well
11 exceeded this by having 220 exam questions. I made
12 absolutely sure when the classes were resubmitted in
13 December 2018 that all 220 examination questions were
14 included.

15 The second reason given was that the courses have not
16 met the, quote, "new requirement." The chief inspector
17 stated in writing, "The purpose of basic trainee classroom
18 is to ensure that trainees have instruction focused on a
19 curriculum that prepares them to pass an open-book
20 examination."

21 This is the third time I've heard this reason without
22 citing the WAC's or the RCW's. Even though the WAC does
23 not provide a definition for a certification examination,
24 I assumed from earlier correspondence from Beth Rivera
25 that this was meant passing the PSI exam for an 01, an 02

1 or any of the other specialty electrical licenses. In the
2 middle of the letter, the chief inspector incorrectly
3 refers to these two course applications as a single course
4 for 36 hours and not two courses, part 1 for 24 and part 2
5 for 16. It appears as if a mistake was made.

6 On December 19th I resubmitted the course
7 applications and included 220 examination questions, the
8 17 NEC code references and a breakdown of subject matter
9 covered per hour. A cover letter was attached with the
10 application. I believe we have this labeled as Exhibit 5.

11 The cover letter that was attached had several
12 points. Number one, I mentioned that I couldn't find the
13 new requirement as listed in the WAC's. Couldn't find it.

14 Number two, I mentioned that these courses had been
15 previously approved and thus may have set a legal
16 precedence. They had been approved twice by the
17 Department in 2012 and 2015.

18 According to WAC 296-46B the Department is mandated
19 to contact an applicant within two business days if any
20 part of the application is incomplete. The Department did
21 not contact me on this which would indicate the
22 application was complete.

23 About a week later I received a written response from
24 the chief inspector. This is labeled as Exhibit 6. Now,
25 what I'd like to have you do is take Exhibit 4, put it

1 behind Exhibit 6 and you can hold it up to the light. The
2 light's strong enough; you can actually see through the
3 two letters. Now, you might have to adjust it slightly.
4 There's a slight change in the font sizes. But take a
5 look. These letters are exactly the same, word for word.
6 There's no changes.

7 How could these two letters be exactly the same if
8 the chief inspector actually read my attached cover
9 letter, reviewed the 220 exam questions and responded to
10 the information I requested.

11 It is important to note, if you're keeping track,
12 that this is the first -- fifth time that there's been no
13 reference to where this, quote, "new requirement" is
14 found. At this point one starts to think if this new
15 requirement is just a fabrication.

16 Furthermore, in the letter the chief inspector did
17 not acknowledge that the courses had been previously
18 approved even though he had approved them in 2012 and
19 2015. The chief inspector did not acknowledge that a
20 legal precedence may have been established. The chief
21 inspector did not acknowledge the examination questions
22 had been submitted.

23 During my preparation for this appeal, I reviewed the
24 approve list of basic classroom instruction courses that
25 is available through Labor and Industries. From September

1 2, 2011, through August 20, 2019, there have been about
2 1,460 basic classroom instruction courses that have been
3 approved by the previous and/or current chief electrical
4 inspectors. About 400 of these courses which is just shy
5 of 30 percent have such titles such as Basic Theory, Basic
6 Electricity, HVAC, Electrical Theory. The facts will show
7 -- the facts show that the chief electrical inspectors
8 have approved these types of courses in abundance.

9 I would like to compare recently approved courses
10 against what I have submitted. If you take a look at the
11 first one, yellow --

12 CHAIRPERSON PREZEAU: Exhibit Number 8.

13 MR. ENGELKING: Right, thank you.

14 Basic Conduit Bending by the IBEW 46, course 16-657.
15 If you look at the application, the course has just three
16 NEC code references, and the balance of the course, 85
17 percent plus is hands-on conduit bending. Obviously it
18 has a large component of hands-on training. It has no WAC
19 references, and it is based on basic electrical theory.
20 There is nothing in the submitted material that would
21 indicate that this course has the objective of getting a
22 trainee to pass an open-book electrical certification
23 test. But yet, basic conduit bending was approved.

24 Example two, which is Exhibit Number 9, the blue,
25 Basic Electrical Theory - Part 1, IBEW Local 46, Course

1 number 18-506. This course has no NEC references. It has
2 no WAC references. It is based on basic electrical
3 theory. There is nothing in the submitted material that
4 would indicate that this course has the objective of
5 getting a trainee to pass an open-book electrical
6 certification test. But yet Basic Electrical Theory -
7 Part 1 was approved.

8 I'd like to refer you to Exhibit Number 10, light
9 green, Basic Electrical Theory - Part 2, IBEW Number 46,
10 course number 18-507. This course is based on basic
11 electrical theory. It has no NEC references. It has no
12 WAC references. There is nothing in the submitted
13 material that would indicate that this course has the
14 objective of getting a trainee to pass an open-book
15 electrical certification test. But yet this course was
16 approved.

17 Exhibit Number 11, Basic Electrical Theory, course
18 number 19-034. Now, I want to direct your attention to
19 page 3 where it's highlighted. One should note that in
20 the course description -- and I quote -- "I am requesting
21 approval to teach an 8 hour class on basic electrical
22 theory." And in the course goal, to ensure an
23 understanding of the theory of electricity and how to use
24 ohms law and voltage drops in circuits. It has no NEC
25 references. It has no WAC references. There is nothing

1 in the submitted material that indicate this course has
2 the objective to get a trainee to pass an open-book
3 electrical certification test.

4 Please.

5 BOARD MEMBER LaMAR: Excuse me, it actually says
6 right here, it references a 2014 NEC.

7 MR. ENGELKING: Well ... he's even behind one code
8 section, isn't he.

9 BOARD MEMBER LaMAR: Correct, he is. Correct. And
10 this is from 2019.

11 MR. ENGELKING: And again, as following the same line
12 as the Department's legal representation, this is not to
13 pick apart other courses; this is just to give a
14 comparison that courses that are based on basic electrical
15 theory have been consistently approved by the Department.

16 The last example, number 12, look on page 2; it's
17 outlined. This is a hands-on type of course for the
18 specialty electrician trainee on electrical meter use and
19 personal safety when using a meter. The course is
20 designed to be a first-class basic electrical meter-use
21 class. This course teaches how to test voltages and
22 perform basic troubleshooting around the circuit. This
23 course is a combination of basic electrical theory and
24 hands-on training. It has no NEC references. It has no
25 WAC references. It has a huge hands-on component. There

1 is nothing in the submitted material that indicate that
2 this course has the objective of getting a trainee to pass
3 an open-book certification test. But yet this course was
4 approved.

5 These five courses I've shared with you are just a
6 small sample of many recently approved basic electrical
7 theory courses. These five courses have a total of three
8 NEC articles. None of them had any WAC electrical
9 references. Not a single course has the stated objective
10 of getting a trainee to pass an open-book electrical
11 certification test. Yet all five were approved. Yet our
12 courses with 17 NEC code references and based on basic
13 electrical theory was continually denied.

14 Does it look to you like this, quote, "new
15 requirement" was equally and fairly applied to all course
16 applicants?

17 We are challenging the chief inspector's denial of
18 these courses based on 1) the new requirement is not based
19 on any verifiable WAC; and 2) if this new requirement
20 exists, it was not equally applied to all vendors.

21 You are aware that the chief inspector's job, on your
22 last handout which is number 7, is to consistently apply
23 all policies and procedures evenly across the state of
24 Washington.

25 Take a look at pages 3, 5 and 7; they're highlighted.

1 CHAIRPERSON PREZEAU: Of which exhibit number, sir?

2 MR. ENGELKING: Number 7.

3 CHAIRPERSON PREZEAU: Thank you.

4 MR. ENGELKING: In summary, the WAC's have not
5 changed. There is no new requirement. Our courses meet
6 and exceed all these course requirements. Our courses
7 should be approved.

8 I rest my case.

9 CHAIRPERSON PREZEAU: Thank you, Head Master
10 Engelking.

11 Ms. Kellogg.

12 Oh, you have a question?

13 BOARD MEMBER LEE: I need clarification on Exhibit 8
14 of the packet.

15 MR. ENGELKING: And which one is that?

16 BOARD MEMBER LEE: The yellow -- the chartreuse
17 electrical education course application from IBEW Local
18 46.

19 Does it show -- so it looks on the footer -- well, do
20 you know when this application was submitted, this sheet
21 right here (indicating)?

22 BOARD MEMBER LaMAR: It looks like September 28,
23 2018.

24 CHAIRPERSON PREZEAU: Yeah, there's a stamp that's
25 fairly -- there's two of them when it was received by the

1 Department, and the copy's not terrific.

2 BOARD MEMBER LaMAR: No, it looks like 16 on the top.

3 MS. RIVERA: It's 2016.

4 CHAIRPERSON PREZEAU: 2016?

5 MS. RIVERA: Yeah.

6 BOARD MEMBER JENKINS: The course ID number, the
7 first number is the year I think.

8 CHAIRPERSON PREZEAU: So in the course ID number, the
9 first number is -- which is in that box right below the
10 Electrical Education Course Application, the formatting is
11 -- those first two numbers indicate the year that this was
12 submitted. So it was submitted in 2016.

13 BOARD MEMBER LEE: Is it -- do we know what this
14 number is down here with the 2019 date on it?

15 MS. RIVERA: That is the expiration date.

16 CHAIRPERSON PREZEAU: Of the approval.

17 BOARD MEMBER LEE: Expiration of the approval. So
18 based on this packet, this is not a currently approved
19 course.

20 MR. ENGELKING: If today's the 31st, that would make
21 sense.

22 CHAIRPERSON PREZEAU: Correct, it is not a currently
23 approved course.

24 MR. ENGELKING: But it was approved when the appeal
25 was filed.

1 BOARD MEMBER LEE: Okay, understood.

2 So I'll make a comment of why I objected to these
3 being allowed in the packet.

4 ASSISTANT ATTORNEY GENERAL THOMURE: Madam Chair, I
5 think that this is the time for the presentation of the
6 case and not the comments or discussion of the Board.

7 BOARD MEMBER LEE: Okay. Will there be a time later?

8 CHAIRPERSON PREZEAU: Yes.

9 BOARD MEMBER LEE: Sorry.

10 CHAIRPERSON PREZEAU: No, no. You're -- I appreciate
11 your attentiveness. But we'll allow Ms. Kellogg to
12 present her case. And then at that point we'll have
13 discussion.

14 ASSISTANT ATTORNEY GENERAL KELLOGG: Okay. I'd like
15 to do a brief opening before calling my witness, Larry
16 Vance, the Department of Labor and Industries' technical
17 specialist.

18 This case involves whether or not this HVAC School
19 should receive approval for basic classroom training.
20 This is not a 'taint-fair case. And what Mr. Engelking
21 appears to be saying is 'taint fair that I got approval
22 last time, 'taint fair that there are other courses that
23 were approved that are similar he believes to his
24 course.

25 What the Board's job is, if I may say, is that the

1 Board needs to determine whether or not his course or
2 these two courses qualify for basic classroom training.
3 And in order to make that determination, you have to look
4 at the statutes and the WAC. The statutes and WAC both
5 say that the training must be based on the codes or rules
6 in the RCW, WAC or NEC. They must also be based on
7 electrical theory. And there must be a written
8 examination showing that the student has mastered those
9 concepts.

10 The Department did a review of the materials that
11 were submitted, went through its regular approval process
12 and made a determination that, in fact, these two courses
13 did not meet those requirements. And so the Department
14 denied the application.

15 So I will have Larry Vance who was also -- was
16 involved in this process talk about his process and the
17 Department's process and whether or not there was a
18 determination made whether these two courses meet those
19 requirements.

20 And at the close of the case I will ask that this
21 Board affirm the denial that appears on page 5 of your
22 Electrical Board packet.

23 So I'd like to call Larry Vance.

24 CHAIRPERSON PREZEAU: Please.

25 ///

1 (LARRY VANCE, having been
2 previously duly sworn by
3 the court reporter, provided
4 testimony as follows:)

5 E X A M I N A T I O N

6 BY MS. KELLOGG:

7 Q Can you state your name and spell your last name
8 please.

9 A My name is Larry Vance -- V A N C E.

10 Q And you're employed with the Department of Labor and
11 Industries?

12 A Yes, the Department of Labor and Industries.

13 Q What is your position there?

14 A I'm an electrical technical specialist.

15 Q How many technical specialists are there at the
16 Department?

17 A There was a time that there was three, but now
18 there's two that assist the chief electrical
19 inspector.

20 Q What are your duties?

21 A My duties and my counterpart's duties are very
22 widespread. We assist electrical field supervisors,
23 lead inspectors, inspectors with code issues that are
24 encountered during their inspections. We maintain
25 and update our correction pick list that our
inspectors use. It's three thousand some odd code

1 references. When there's not audit staff available,
2 we're always working with our -- sporting our
3 licensing staff with -- the unique thing about
4 licensing in the state of Washington is is that we
5 get applications from all over the world, and things
6 are a little strange sometimes. So it's always good
7 to be around to help those folks.

8 We maintain the electrical exam database.
9 That's thousands of questions, variations of
10 questions varying from straight code questions to
11 electrical theory questions, you know, the
12 relationships of voltage and amperage in a circuit as
13 -- is either one or altered.

14 We also -- we're heavily involved in analysis
15 of all the legislation that could affect the
16 electrical laws. I mean, even though, you know, the
17 legislature's not in session, there's always things
18 moving through that people want feedback on.

19 In regards to continuing education for
20 electricians and basic classroom instruction, we
21 support the various staff that process those. It's
22 always interesting. There's any number of entities
23 -- manufacturers especially like to submit courses
24 that are really hands-on and really product specific
25 that -- you know, to -- so that people can get two

1 birds -- kill two birds with one stone, so to speak.
2 You can get that industry-related training that makes
3 you very effective in your job. And you can also
4 fulfill a requirement for basic classroom
5 instruction. Those courses get denied for that.

6 MR. ENGELKING: Was that last one denied or ...

7 CHAIRPERSON PREZEAU: Head Master Engelking,
8 this is their opportunity to present their case.
9 You'll have an opportunity for rebuttal. Please
10 allow the Department to continue.

11 ASSISTANT ATTORNEY GENERAL THOMURE: Unless he
12 has an objection.

13 CHAIRPERSON PREZEAU: Unless you have an
14 objection that you want to put on the record. That's
15 advice from counsel.

16 MR. ENGELKING: No.

17 CHAIRPERSON PREZEAU: Very good.

18

19 A (Mr. Vance Continuing) So this workload is -- you
20 know, some courses come in by the box full, so to
21 speak. It really varies. It's heaviest during
22 code-cycle years.

23 Right now, for instance, we're coming up on
24 adoption of the 2020 code. And so that increases the
25 workload. Because all code-update courses, for

1 instance, are now being retired because a new code's
2 coming in. So that causes an in-rush of code-update
3 courses which is one of the types of education that's
4 required for every journey level or specialty
5 electrician to renew their certificate. So it
6 varies. It surges.

7 Q What are the requirements to be a technical
8 specialist?

9 A The same as an electrical inspector. The
10 requirements for an electrical inspector are in RCW
11 19.28.321. And essentially most qualify by having
12 held a general journey level electrician certificate
13 for four years. And once they've done that, held
14 that for four years, they become eligible to be an
15 electrical inspector.

16 Q What kind of training have you had in the
17 requirements of the electrical laws?

18 A Well, like everybody in here, since 2003, most
19 everybody in here that holds a certificate, that's
20 when the requirement to have four hours of WAC/RCW
21 came into fruition. So before I came to work for the
22 Department, that was my exposure to it other than,
23 you know, what I did in order to prepare for my
24 electrical administrator's exam or my, you know,
25 journey level electrician exam.

1 But since I've been here -- and I've been here
2 for 15 years with the Department of Labor and
3 Industries -- I've had great immersion into the
4 electrical laws and rules, especially since 2007 when
5 I became a technical specialist with the Department.

6 It's practically -- if I were to look at my
7 workload, I'd say that I'm in the laws and rules
8 probably 80 percent of my time and that 20 percent
9 of the time in codes.

10 Q Do you have any prior work experience that helps you
11 in the performance of your duties?

12 A Well, I started as an electrician in '89, and I
13 became very familiar with the application of the
14 National Electric Code. And since I've been employed
15 with the Department, we have yearly trainings.

16 But again, I mean, my job is like a -- I mean,
17 it's a training -- it's training every day.

18 Q In late 2018 did HVAC Schools/Mr. Engelking request
19 approval for two basic classroom training courses
20 covering electrical troubleshooting of gas-fired
21 equipment?

22 A He did, yeah. He did -- what he did is he submitted
23 two courses and requested that they, you know, that
24 they qualify for basic classroom training.

25 Q Were you involved in that decision?

1 A I was. I became involved in it.

2 Q So can you walk us through what the process is at
3 the Department when an application comes in.

4 A What happened is an application comes in, and as
5 Mr. Engelking stated earlier there are some
6 requirements about the expediency of the processing.
7 And, of course, that's always -- you know, we do
8 everything we can to meet those goals. But also
9 life happens. We have people that get ill, people
10 that -- you know, it's normal workload issues.

11 At the time, Bethany Rivera was the one that was
12 performing the initial review. There's been many
13 others in the past. This is not something that has
14 ever been dedicated to one person.

15 But Bethany just happened to ask me, she says,
16 you know, "I'm not sure about this." And she didn't
17 find a quiz.

18 And that's the thing that always kind of reveals
19 what the content of the course is. You kind of look
20 at the quiz. You kind of look at the outline, get a
21 good sense of usually what the content is.

22 So I -- that caused me to take a look at it.

23 Q Is Bethany Rivera an electrician?

24 A She's not an electrician. She's very skilled in what
25 she does. She's gotten guidance -- I think it was in

1 2011 we -- there was an Electrical Board meeting
2 where the Board gave us quite a bit of guidance about
3 what is, what isn't. There was also some time when,
4 for instance, for electricians, the amount of credit
5 for a first aid course was reduced from eight hours
6 to four hours. And that was just such that, you
7 know, we're really diluting the education if we give
8 them eight hours and 24, for instance. It's more
9 reasonable to get 24 hours and also introduce the
10 WAC/RCW update. That all kind of happened at the
11 same time. Let's get some laws and rules in here,
12 you know, every three years. So ...

13 Q I'm handing you what's been marked and admitted as
14 Exhibit 3. Have you seen this particular e-mail
15 prior to today?

16 A Well, it's from the HVAC School to Bethany Rivera.
17 And I'm not copied on it. But ...

18 Q So is it likely that this e-mail was sent out during
19 the time that Bethany Rivera was doing the review
20 prior to you getting involved?

21 A Yes. I think that there were some conversation
22 between Bethany and myself, and then she was also
23 probably corresponding with Mr. Engelking.

24 Q And then how did you get involved? And what did you
25 do as part of the process?

1 A I think that once Mr. Engelking supplied the
2 information that Bethany asked for and we had what
3 would be then a complete application with supporting
4 documentation, then we could take a look at it.

5 Q So is -- I notice there are terms used: "approved
6 classroom training" and also "basic training
7 classroom education." Is this referring to the
8 same --

9 A It all -- yes. Anything that's got "class" or
10 "classroom" in it, we -- both the legislature and the
11 Department have never been able to agree on two or
12 three of the same words to describe something. I
13 mean, the word "class" is always in there somehow.
14 But what it refers to is basic classroom instruction,
15 basic trainee in-class education. There's a number
16 of terms that all mean the same thing.

17 Q So what is required in order for the Department to
18 approve basic classroom training?

19 A Well, we look at what the laws require. And it's
20 interesting that before 2007, an electrical trainee
21 in the state of Washington could be an electrical
22 trainee for as long as they ever wanted to be, renew
23 as many times as they ever wanted to renew and not
24 have one hour of training. That's prior to 2007.

25 There was legislation in 2006 that implemented

1 basic classroom instruction or basic training or
2 classroom training. And that is in RCW 19.28.161
3 (2).

4 And what that requires is it says the holder of
5 the electrical training certificate shall renew the
6 certificate biannually. That means they've got to
7 have one; you need to renew it every two years.

8 At the time of renewal -- and that would be
9 every two years -- the holder shall provide the
10 Department with an accurate list of the holder's
11 employers in the electrical construction industry
12 for the previous biennial period and the number of
13 hours worked for each employer. And this is --

14 CHAIRPERSON PREZEAU: Larry, just a point of
15 clarification.

16 THE WITNESS: Yes.

17 CHAIRPERSON PREZEAU: You said 19.28.161?

18 THE WITNESS: Yeah. Subsection (2).

19 CHAIRPERSON PREZEAU: And then -- that's a
20 pretty big paragraph. Where are you reading from?

21 THE WITNESS: I am reading essentially in the
22 center of the paragraph.

23 CHAIRPERSON PREZEAU: Will you start at the
24 beginning of your remarks please, where you were
25 originally reading from, you start there.

1 THE WITNESS: So you want to start with "The
2 holder of the electrical training certificate"?
3 That's in paragraph 2, probably about two inches
4 down, there's the word "electrician" twice on the
5 left margin there if you're rolling down.

6 CHAIRPERSON PREZEAU: Yep, yep.

7 THE WITNESS: Electrician, electrician. And
8 then we've got "The holder ..."

9 CHAIRPERSON PREZEAU: Yep. Thank you.

10 THE WITNESS: Okay?

11

12 A (Mr. Vance continuing) So it says "The holder of the
13 electrical training certificate shall renew the
14 certificate biennially." That would be every two
15 years. "At the time of renewal," -- and that is
16 every two years -- "the holder shall provide the
17 department with an accurate list of the holder's
18 employers in the electrical construction industry for
19 the previous biennial period and the number of hours
20 worked for each employer." That is commonly referred
21 to in the rules as an affidavit. "The holder shall
22 also provide" -- this is the other requirement in
23 order to renew. "The holder shall also provide proof
24 of sixteen hours of: Approved classroom training
25 covering this chapter" -- and when the rules say

1 "this chapter," chapter is defined by the laws and
2 the rules. That's what it applies to. "(T)he
3 national electrical code or electrical theory."
4 Okay? Then it goes on to say "or equivalent
5 classroom training taken as part of an approved
6 apprenticeship program under chapter 49.04 RCW or an
7 approved electrical training program under RCW
8 19.28.191(1)(h)." This is the progression of hours
9 that was brought up earlier.

10 So initially before 2007, zero hours were
11 required. Then proponents increased through -- they
12 -- legislation was introduced to increase the number
13 of hours of basic classroom instruction. And what it
14 said in the law here is that on July 1, 2011, they
15 needed -- I'm paraphrasing now -- it says that you
16 need 32 hours in order to renew your certificate.
17 And then on -- beginning on July 1, 2013, the holder
18 needed 48 hours to renew.

19 So that is one of the key things that we look at
20 right there. We also look at other guidance that's
21 been provided in the Electrical Currents newsletter.

22 One of the things that on several occasions that
23 we have informed the provider industry about is that
24 if it's an electrical theory course, it needs to be
25 on some sort of published -- some sort of published

1 book that's ready for -- that's available for --
2 readily available for retail purchase, meaning that,
3 you know, it could be on a Ferm's Fast Finder. It
4 could be on Electricity One-Seven. It could be on
5 any published book on electrical theory.

6 CHAIRPERSON PREZEAU: Delmar's Standard Textbook
7 of Electricity?

8 THE WITNESS: Yes.

9 A (Continuing) I mean, just something that provides
10 the guidance. Because of the nature of electrical
11 theory, I mean, you start at the molecular level,
12 and you work up through, you know, magnetism and
13 current flow and the relationship of voltage and
14 current. I mean, that is the -- that's the basis of
15 electrical theory.

16 So these books like Electricity One-Seven, the
17 book you referenced, those are great things to be
18 part of the -- you know, to base a theory course on.

19 And the interesting thing is is that there's no
20 requirement in here that you meet all three marks.
21 It doesn't have to be an RCW/WAC National Electric
22 Code and theory course; it can be on any one of the
23 three. It just has to have the meat, so to speak,
24 to meet -- you know, it's -- the preponderance of the
25 course has to be on those three items. Because those

1 are the three items that were -- three requirements
2 that were legislated into place.

3 Q (By Ms. Kellogg) Do you know the history behind the
4 approved classroom training requirement?

5 A I may have covered that in just my last testimony.
6 But essentially, you know, none prior to -- none
7 required prior to 2007. And then an increase in
8 2011 to 32. And an increase in 2013 to 48 hours.

9 Q What kind of topics are covered under the
10 electricians exam?

11 A It's a myriad. It's -- there's a tremendous database
12 of questions. It's everything from National Electric
13 Code to -- and it's an open-book exam. And you can
14 bring any -- and this is the key. You can bring in
15 any copyrighted materials. So if I wanted to bring
16 this electrical theory book (indicating) -- maybe I
17 even took a class on it; I don't know -- I can bring
18 that into the exam. I can bring my National Electric
19 Code book, a copyrighted book into the exam.

20 These are things that, you know, if I'm taking
21 courses that are on these materials, those are the
22 things that are preparing me for the exam. I can
23 also bring in a copy of the RCW/WAC also with me.
24 It's an open-book exam.

25 The thing that I can't bring in with me is

1 something else, an inanimate object. I can't bring
2 anything in. There are no hands-on questions that
3 are part of the exam. There's -- you know, it's
4 very limited to open book on published reference
5 materials.

6 Q So if I understand you correctly, are you saying
7 that electrical theory and code and standards such
8 as the RCW, WAC and NEC are covered in the
9 electricians exam?

10 A That is the basics of the exam, yes.

11 Q So if courses are approved that do not cover these
12 topics, then that's going to affect passage rate of
13 those -- for those individuals, wouldn't it?

14 A It makes them ill prepared for the exam, yes.

15 The thing that -- you know, someone ought to be
16 able to when they're going to becoming a general
17 journey level electrician or a specialty electrician,
18 they ought to be able to have some idea of the
19 basics. And if a electrical theory course is not
20 very robust, meaning that it's just maybe a course
21 on finding an open circuit, that may not prepare
22 them -- I would say it would not prepare them for
23 the exam. But that's just -- that's my opinion.

24 Q So is it a new requirement to help trainees pass the
25 electricians exam by taking approved basic classroom

1 training?

2 A Yeah, it's too -- well, 2007, 16 hours came into
3 place, legislated in 2016. It's been a long road.
4 Then, of course, in 2011 it was increased to 32
5 hours, and then 48 in 2013. We haven't seen a lot
6 of movement in the exam pass rates with that very
7 small amount of education. There's other programs
8 that have a minimum of 144 hours of classroom time
9 per year. This is just a small requirement for 48
10 hours over two years. So essentially it's 24 hours
11 a year compared to 144 hours.

12 Q Do you know the passage rates for HVAC specialties?

13 A In the information I'm going to provide the Board
14 today later, I think the 06A's, the first-time pass
15 rate's about 19 percent. And I think the 06B's which
16 is the 2,000 hour subspecialty to the 4,000 06A
17 specialty is 11 percent.

18 Q So how many approved classroom training hours are
19 required to take the electricians exam?

20 A Well, it varies on the -- it's 96 hours for an 8,000-
21 hour journey level. It's 48 hours for a 4,000-hour
22 specialty. The HVAC 06A specialty is a 4,000-hour
23 specialty. It's 24 hours to qualify for the 06B
24 exam.

25 That was another law that was legislated into

1 place. Because what we actually found was is that
2 the law originally just what it required is it put
3 a education requirement in to renew a certificate.
4 So a person could get an electrical training
5 certificate and never take any education, complete
6 their 4,000 hours and qualify for the exam, and
7 since they're not renewing their training
8 certificate, they could avoid the education
9 requirement. And what the legislature did is they
10 enacted what became RCW 19.28.205. And what that
11 required is it closed that loophole essentially. It
12 said in order to qualify for the examination you must
13 have completed, you know, 48 hours if it's a 4,000;
14 96 hours if it's an 8,000 hour certification.

15 CHAIRPERSON PREZEAU: Which is House Bill 2546.

16 THE WITNESS: I -- I --

17 CHAIRPERSON PREZEAU: According to the March
18 2010 Electrical Currents newsletter.

19 THE WITNESS: Something -- yes, I would -- yes.

20 Q (Continuing by Ms. Kellogg) So how much classroom
21 credit was Mr. Engelking seeking?

22 A Mr. Engelking had two courses. And one was
23 requesting 16 hours, and the other one was requesting
24 24 hours. That was -- my math -- the math is off in
25 the letter; that's interesting. The letter says your

1 36-hour courses. Well, I think somebody made a math
2 error on that. We do make mistakes.

3 It's 40 hours. He was looking for 40 hours of
4 basic classroom instruction credit for his
5 troubleshooting class.

6 Q So for the 06A HVAC specialty exam, did you say that
7 was 48 hours of classroom instruction required?

8 A Yes. This -- if approved, this course would fulfill
9 40 of the 48 hours required to either a) renew an
10 electrical training certificate, or b) qualify for a
11 4,000 hour specialty exam -- specialty electrician
12 exam.

13 Q And for the 06B's, this would totally fulfill all
14 requirements for --

15 A Yeah. They would need nothing more. This would
16 totally fulfill all of the requirements for sitting
17 for that exam.

18 Or actually, it's a little different with 06B's.
19 There's a fast-track path there. But essentially by
20 the time you're certified, you need to have completed
21 that in 24 hours. You can take an exam earlier in
22 the course of it. I can't remember. It's 720 or
23 1,000 hours. But you can take and pass your exam
24 and then work on supervising and then become
25 certified if you have completed your 24 hours of

1 basic classroom instruction.

2 Q I believe you previously indicated that Ms. Rivera
3 had come to you with some questions. Did you then
4 conduct a review of the courses that Mr. Engelking
5 had applied for that were titled "Electrical
6 Troubleshooting of Gas Fired Equipment"?

7 A I did.

8 Q Can you tell us your process?

9 A Well, that's kind of where being an electrician and
10 being someone with some experience in our exams and
11 a lot of experience here with the Board over the
12 last years, that's where I apply this. Because
13 we're -- as you said, the chairman of the Electrical
14 Board at one time reviewed all of these classes.
15 And being's that there's been quite an increase in
16 the amount of classes, it's something that the
17 Department does for the Board.

18 So if one were to look at Electrical Board
19 appeal packet page 8 ...

20 CHAIRPERSON PREZEAU: Okay, hang on. Have a
21 mountain here.

22 A We're going to -- I'm going to stay within the
23 Electrical Board appeal packet here for this
24 question.

25 Is everybody there?

1 THE BOARD: (Nodding affirmatively.)

2 A So here we have Part 1 -- yes, here we have GS102
3 Part 1 - Electrical Troubleshooting of Gas Fired
4 Equipment. And the one thing we don't do is we
5 don't approve or deny a course based on the title.
6 I mean, the title is relevant, but it can also be
7 misleading as to what's actually in the course.

8 So I -- you know, we took a look at the
9 application here. He wants 24 hours worth of basic
10 classroom instruction credit. So that's essentially
11 half of what somebody pursuing a 4,000 hour specialty
12 would need.

13 Then we get into the questions here. So you
14 kind of go through your head, you know, I mean, where
15 are they headed here? Is this a WAC/RCW heavy
16 course? Is this a National Electric Code heavy
17 course? Or is this an electrical theory heavy
18 course? So you're trying to kind of put things in
19 buckets.

20 So the first page which would be Electrical
21 Board appeal package page 10 tells me that there's
22 25 furnaces located in a room. And then it tells
23 me that there's a display table, and that there's --
24 that there is -- appears because there's 10 spaces
25 there that there's 10 items on that table. And

1 there's no evidence as to what those are. But I
2 mean, I'm thinking of parts of a furnace, and I'm
3 thinking of maybe high limit switches, fan motors,
4 control boards, you know, the normal things that are
5 in most every furnace.

6 And then the next question, question 11, asks
7 me about how many furnaces are upflow? And that's
8 going into the direction of flow of air. And that's
9 something that the electrical laws and rules and
10 National Electric Code or electrical theory is not
11 something that -- it's not applicable.

12 Then we go on to, you know, how many furnaces
13 are downflow? how many furnaces are horizontal flow?

14 And then we talk about pilot light ignition
15 systems and how many have a standing, how many have
16 a smart proven, how many have an HSI ignition system.
17 And those are all things that are not regulated by
18 the National Electric Code. There is other industry
19 standards that apply to those. The Department of
20 Labor and Industries doesn't examine anyone of those
21 particular items.

22 Q So for questions 1 through 16 on Electrical Board
23 appeal packet page 10, those so far have not shown
24 any applicability to be approved for a basic
25 classroom training?

1 A I didn't find anything there. I mean, there's some
2 product identification. I know that we don't have
3 anything where we -- in the exam where we would set
4 five different kinds of couplings on a table and ask
5 you what kind of conduit they go to or anything like
6 that. That's just -- that's kind of industry-
7 related things that electricians pick up during their
8 normal experience out working.

9 Q So what about the rest of the test?

10 A Well -- and I don't know if these are the questions
11 that Mr. Engelking was referring to that there's,
12 you know, 200 questions of -- a 200-question quiz.

13 But now we go on to questions -- beginning with
14 question number 17. So on each of the 25 furnaces
15 located in the classroom, determine which of the
16 components -- and I'm thinking of -- okay, so it's
17 a question -- the components in 1 through 10 are
18 located -- are found on each of these furnaces. So
19 now I'm going around to these 25 furnaces and I'm
20 picking out those components. I'm gaining great
21 familiarity with the product. So that exercise ends
22 on question number 41.

23 Q And do those meet the requirements for the basic
24 classroom training?

25 A I could see where there'd be maybe something

1 incidental in a class. Because, I mean, if you're
2 going to talk about something, if you're going to
3 talk about a resister, for instance, if there were
4 to be theory class, I could say you could maybe, you
5 know, say that this is a resister. There's a common,
6 you know, resister. And then you're talking about,
7 you know, different aspects of that resister.

8 This -- for 25 times, I mean, this just seems
9 like -- I don't know -- I would say that it's quite
10 over the top as far as anything that we would allow.
11 I mean, it's quite redundant.

12 Q And how about questions 42 through 50?

13 A Well, 42 through 50 start talking about types of
14 gas-fired equipment burners, you know. Which are an
15 endshot burner? meaning the flame comes out the end.
16 Which are an upshot burner? the flame coming out the
17 top.

18 It's probably great information for this course,
19 but it has nothing to do with the electrical laws and
20 rules, the National Electric Code or electrical
21 theory.

22 Q What else did you review?

23 A Just from the standpoint of questions 42 through 50,
24 I didn't find any relevance there for any relevance
25 to basic classroom instruction.

1 I continue to review -- I mean -- because we're
2 going to get now into -- on page 13 -- we're going
3 to identify some circuit function. In other words,
4 on a thermostat call for heat, what are we going to
5 connect? Circuit -- you know. So now you're
6 probably looking at a circuit, and you're looking at
7 an open circuit.

8 I just thought about, you know, that particular
9 aspect. And I looked in this theory book, and I find
10 two pages that apply to what an open circuit is.

11 So here we are talking about an open circuit.
12 I could see a couple of questions here that certainly
13 would be electrical theory based, two open questions
14 about open circuits.

15 Then question 4, we're talking about an
16 anticipator. My recollection, my father was someone
17 who worked for a gas utility. And he would know all
18 of this. But I think an anticipator is something
19 that instead of letting the temperature get to a
20 particular set point, what the system's doing is
21 looking like -- if you want it to be 70 degrees at
22 6:00 in the morning, when does the furnace have to
23 start in order to get from 68 to 70 degrees. And
24 the same thing with cooling.

25 So that has no applicability whatsoever to --

1 that's a component for an operational type of thing.
2 It's not something that would be electrical theory
3 based. Although, there would be some slight
4 relationship there. But I wouldn't say that -- you
5 know, when you talk about the purpose, I just
6 explained to you the purpose as I understand it. I
7 may be incorrect. But I don't see it has any
8 relevance for basic classroom instruction.

9 Then we go on to look at more component
10 identification. So I don't know -- we don't have
11 the attached handout. But we've 24 components that
12 we are going to be identifying.

13 And then we get into some boards where we're
14 going to I would imagine use a continuity tester or
15 a meter of some sort. And the word "fault" is used.
16 "Fault" is usually when something bad happens like a
17 ground or a short or something like that.

18 But in this instance I think that we're looking
19 for things probably of the nature of, oh, why isn't
20 this furnace running? The high-limit switch is open.
21 Or any myriad of reasons why. Essentially you're
22 finding out why this piece of equipment's not
23 functioning.

24 One thing I think in my mind at this point is
25 is that I'm really, really focusing in on what's

1 inside of a piece of manufactured equipment. I'm not
2 -- I've not yet got any exposure to anything in this
3 presentation outside of that enclosure of that piece
4 of equipment. So I'm kind of thinking, you know,
5 where's the relevance of the National Electric Code,
6 any WAC or RCW amendments to this installation. I'm
7 just not finding anything yet.

8 So now we're looking at board number 1. We go
9 through and we find out -- we identify six issues.
10 Board 2, board 3. We're starting out at -- under
11 the boards we start out with fault number 1. We go
12 onto Electrical Board appeal packet page 15, and it
13 ends with board 6. This is test point number --
14 test -- I guess it would be test question or test
15 event 29.

16 So again, we've got the -- we've got six more
17 faults that we go identify. And that's 28 activities
18 that's essentially -- I'm not sure -- don't have any
19 relevances to what we're actually doing. I'm just
20 envisioning myself with a continuity meter or a volt
21 meter either changing -- chasing voltage or
22 continuity through a circuit. It's normally a task
23 that one can grasp quite quickly, you know. Is there
24 voltage present? No. Why isn't there voltage
25 present?

1 One would look at the diagram and say, "Oh,
2 look, there's a high-limit switch here. I wonder if
3 that's satisfied. Let's go back there. Oh, look.
4 It's in the incorrect position. That's why it's not
5 working."

6 I mean, that's the kind of thing that I'm
7 envisioning in my mind. Because what we have is we
8 have this material, and we have to kind of put our
9 experience cap on our head.

10 CHAIRPERSON PREZEAU: Mr. Vance and Ms. Kellogg,
11 if I may, just a logistical -- right? The Board
12 members have not had access to a break for an hour
13 and 45 minutes. It is -- also -- and the parties
14 have been at the table, and I recognize you're --
15 and -- I brought lunch. Ryan brought lunch. But
16 people -- human beings need to eat, right?

17 And it is also my understanding that the matters
18 -- the appeal matters involving Mr. Webster and
19 Mr. Edwards, the parties have reached a settlement.

20 So what we -- what I would propose to the
21 parties and to the Board members is that we --
22 especially -- because I think I know where you're
23 going, and I don't -- what I would propose is that
24 we recess this matter, bring the parties up in the
25 matters of Mr. Webster and Mr. Edwards so we can get

1 tentative settlement in the matter of the appeals of the
2 original citations of EZINS00751 and EZINS00752.

3 Is that true, Mr. Webster?

4 MR. WEBSTER: Yes, we have agreed.

5 CHAIRPERSON PREZEAU: I'm sorry?

6 MR. WEBSTER: We have agreed.

7 CHAIRPERSON PREZEAU: You have agreed on a
8 settlement.

9 MR. WEBSTER: Yes, we have.

10 CHAIRPERSON PREZEAU: Mr. Barnes, you've agreed on
11 a settlement?

12 ASSISTANT ATTORNEY GENERAL BARNES: Yes, Your Honor.

13 CHAIRPERSON PREZEAU: Okay. So for the record, this
14 matter is settled, and we don't need to revisit the ...

15 ASSISTANT ATTORNEY GENERAL THOMURE: Correct. In
16 what order -- could you just articulate what you were
17 going to ask the Board to do then?

18 ASSISTANT ATTORNEY GENERAL BARNES: Yes. Upon
19 Mr. Webster's dismissal of his Board appeal, the
20 Department will cancel the citations and issue warnings.

21 CHAIRPERSON PREZEAU: So what I'm hearing is there
22 is no further request or actions or anything that this
23 body needs to do with respect to this matter of Bob
24 Webster Handyman Services and Mr. Robert Webster.

25 ASSISTANT ATTORNEY GENERAL BARNES: Right. As long

1 as Mr. Webster agrees that his appeal will be dismissed
2 based on what I just reiterated to you.

3 ASSISTANT ATTORNEY GENERAL THOMURE: So what I would
4 suggest is the matter will just be -- it'll be listed on
5 the docket for the next meeting until some point as the
6 Board receives the actual dismissal from Mr. Webster to
7 make sure that it's -- that your settlement is completed.

8 And if that isn't received, then the expectation
9 would be that the parties would come back before the
10 Board.

11 CHAIRPERSON PREZEAU: So all we're saying is we have
12 to have a document that says the parties in this matter of
13 Bob Webster Handyman Services and Robert Webster and the
14 Department of Labor and Industries has been settled and
15 should be removed from the Electrical Board's docket for
16 January -- for the January meeting. It can be as simple
17 -- we just need some form of documentation officially
18 dismissing the appeal. Does that make sense?

19 ASSISTANT ATTORNEY GENERAL BARNES: Yes, Madam Chair.

20 CHAIRPERSON PREZEAU: Very good.

21 And Mr. Barnes, will you work with Mr. Webster in the
22 crafting of that document?

23 ASSISTANT ATTORNEY GENERAL BARNES: I will.

24 CHAIRPERSON PREZEAU: Thank you very much.

25 ///

1 Item 4.E. Troy Edwards

2

3 CHAIRPERSON PREZEAU: And then second verse, same as
4 the first. We have parties in the matter of Troy Edwards
5 and the Department of Labor and Industries, please come
6 forward.

7 And gentlemen, it is my understanding from my -- our
8 assistant attorney general that you two have reached
9 perhaps a tentative agreement in the matter of the appeal
10 of citations ELYOD01702 and ELYOD01703.

11 Is that correct, Mr. Edwards?

12 MR. EDWARDS: Yes.

13 CHAIRPERSON PREZEAU: Is that correct, Mr. Padilla?

14 ASSISTANT ATTORNEY GENERAL PADILLA: Yes, it is.

15 CHAIRPERSON PREZEAU: And same thing, just repeating
16 for the record. This matter will remain on the Electrical
17 Board's docket unless and until we receive some type of
18 official documentation from the parties that say this
19 matter has been settled and is no longer in the
20 jurisdiction or purview of the Electrical Board.

21 And Mr. Padilla, would you work with Mr. Edwards in
22 the crafting of that very simple document?

23 ASSISTANT ATTORNEY GENERAL PADILLA: Yes.

24 CHAIRPERSON PREZEAU: Very good. Any questions?

25 MR. EDWARDS: Not right now.

1 ASSISTANT ATTORNEY GENERAL PADILLA: Nothing from the
2 Department. Thank you.

3 CHAIRPERSON PREZEAU: Very good. You thank,
4 gentlemen.

5 So at this time it is 12:20. And I am sort of
6 interested in not long luxurious lunch breaks. But I also
7 don't know how busy the cafeteria is. My intent to recall
8 this Board meeting -- I'll say let's do this: Let's do it
9 at 1:00. That kind of splits the baby. So that's a
10 40-minute lunch break.

11 So at this time we are in recess. And we will
12 endeavor to reconvene at 1:00 p.m.

13

14 (Lunch recess.)

15

16 Item 4.C. HVAC School

17

18 CHAIRPERSON PREZEAU: So it is 1:05 p.m., and I
19 would like to recall the October 31st, 2019,
20 Washington State Electrical Board meeting back to
21 order.

22 Although, we have to wait one moment. Please
23 hold your remarks until Head Master Engelking joins
24 us.

25 And Head Master Engelking, do we need to --

1 MR. ENGELKING: No, we're fine.

2 CHAIRPERSON PREZEAU: Okay.

3 So Ms. Kellogg and Mr. Vance, please continue.

4 And thank you for allowing the lunch break and
5 for the other appeals to be adjudicated.

6

7

E X A M I N A T I O N

8 BY MS. KELLOGG: (Continuing)

9 Q I believe we were talking about the tests that were
10 submitted in the course applications.

11 A Yes. We ended on Electrical Board appeal package
12 page 16.

13 And on page 17 we started with the second
14 course that was submitted. And it's part 2 of
15 Electrical Troubleshooting of Gas Fired Equipment.
16 And if you look at the application on page 18,
17 they're applying for 16 hours of basic classroom
18 instruction credit for this course.

19 Q So in looking at pages 19 through 23, the GS102 Part
20 2 examination questions, do you see anything in there
21 that has to do with the NEC, the codes, WAC's or
22 electrical theory?

23 A I don't see an abundance of anything there. I don't
24 -- I mean, there's nothing that I could say relate
25 in here that was very consequential other than just

1 more very repetitive circuit testing of the interior
2 of a gas furnace. Nothing about code, nothing about
3 theory other than an open circuit test, possibly a
4 resistance test. I didn't find anything in there
5 that I could say met the requirement.

6 Q Did you also review the subject matter breakdown for
7 GS102 Parts 1 and 2 that's contained on page 25?

8 A I did. I did.

9 Q What did this tell you?

10 A Well, how to properly read and understand electrical
11 diagrams. That's -- if you're going to have
12 anything, even some electrical theory, you've got to
13 put a component in and then a conductor and another
14 component, and you've got to somehow understand the
15 relationship between -- and -- okay, that's going to
16 be in any one of these types of courses, even in an
17 industry-related course like this.

18 So understanding the number of electrical
19 controls found on heating systems, I think that goes
20 back to that component identification piece.
21 Understanding the sequence of operation of these
22 controls, again, that gets back into the very
23 repetitive, you know, product identi -- or component
24 identification and operation process.

25 And then familiar with sections of the 2000

1 (sic) NEC that applied to this area of the trade.

2 And so that's when I went and I looked at -- it's on
3 Electrical Board appeal package page 26, and there's
4 several references here to code articles. And the
5 thing about Article 422, it's about seven pages long,
6 and it refers to appliances. And a gas furnace is
7 not an appliance. It's not an appliance.

8 And then Article 424, I don't see any
9 correlation between fixed electric space heating
10 equipment and gas-fired furnaces.

11 A gas-fired furnace is a motor-operated piece
12 of equipment that essentially falls under Article 430
13 because of the motor.

14 Article 210 would dictate that it takes an
15 individual branch circuit. 210.63 would talk about
16 the fact that you need illumination in the area of
17 the equipment.

18 430 would require a disconnecting means because
19 of the motor so one could service the motor.

20 But I'm not seeing any applicability of these
21 code articles to gas-fired equipment, and also
22 haven't yet seen any introduction of that into the
23 curriculum in any of the testing. I mean, you know,
24 is the conductor sized properly? Is there -- you
25 know, are we hitting marks outside of the box? This

1 course seems to be very focused inside of the ...

2 Q So in your process do you have the ability or the
3 opportunity to look through an application and make
4 determination of the amount of credits that can be
5 given to that person based on the application, or is
6 it all or nothing?

7 A Well, the thing about this, there's -- our denial is
8 nothing to the HVAC School's ability to offer this
9 course. I mean, it's a great industry-related
10 course. I mean, if I was an HVAC contractor, I'd
11 have all my people go through it because it's a
12 great troubleshooting course from the description
13 I've read.

14 It's just not basic classroom instruction that's
15 required by the law. I mean, this is stuff that
16 makes somebody great at the job they do; it's not the
17 things that make them so that they really understand
18 what they're doing. I mean, they understand the
19 circuit. They understand and they can find an open,
20 you know, an abnormal condition in a circuit, but
21 it's not the kind of thing that the law requires.

22 And the law, it's my complete understanding by
23 working with my predecessors, Ron Fuller who was the
24 chief electrical inspector when this was enacted into
25 law and Doug Ericson who was an electrical technical

1 specialist -- (inaudible; someone coughed) -- that
2 the reason why this was put in was the very, very
3 poor exam pass rates. And earlier we talked about
4 the exam pass rates for the 06A electricians being,
5 you know, I think 19 percent, 11 percent for the
6 06B's.

7 So those are what basic classroom instruction
8 curriculum in the law was trying to address by my
9 understanding.

10 Q So when you get an application and you review it,
11 can you say, "Oh, I think you might have two credits
12 here. I will go ahead and grant this basic classroom
13 training for two credits" or is it an all or nothing?

14 A Well, the minimum length for a basic classroom
15 instruction course is four hours. So -- I mean, if
16 we were to look at this and contact the course
17 provider -- and we do do that. I mean, it's often
18 that we'll con -- somebody will submit this basic
19 classroom instruction.

20 Bethany or whoever's working the documents at
21 the time will contact them and say, you know, "I
22 can't approve this for a industry-related class" --
23 or excuse me -- "for a basic classroom instruction
24 course, but I can for an industry-related. Would
25 you like to do that?"

1 And often they say, "Oh, okay. Yeah, we can do
2 that."

3 So we do work with providers on this. I'm not
4 sure if that process took place in this particular
5 interaction. But ...

6 I'm not finding yet anything that I could say
7 would be four hours of related instruction.

8 Q So you mentioned another type of training, industry-
9 related training. Is that something that the
10 Department needs to get approval for?

11 A It is. It is. Journey-level electricians and
12 specialty electricians and master electricians and
13 electrical administrators all have to complete that
14 -- complete continuing education courses. And
15 industry-related courses are a part of that.

16 And industry-related courses are really wide.
17 I mean, it's a how to do it. It's a hands on. It's
18 a, you know, motor controls or -- it can be so many
19 things. Programmable logic controllers. It's just
20 a myriad of things. If it's industry-related, it
21 qualifies as industry-related training.

22 The object of that 24 hours every three years
23 is just to keep people in touch with the industry.

24 Q So did you discuss this application with Ms. Rivera
25 and also the chief electrical inspector?

1 A I did. You know, Beth and her predecessors, one
2 thing that they're doing is is -- so there's this
3 volume of things rolling through. And our database
4 is such that, you know, it'll come up as previously
5 approved. So how hard do you look at something that
6 was previously approved? Beth's got a -- she's --
7 she's thorough. So even though it's been previously
8 approved, you're always looking at it as a new
9 application, like did they change anything. And
10 really, this is the presentation.

11 But we -- we're not sitting in the classroom.
12 We don't see what's actually delivered. So every
13 time we take a fresh look at each new -- you know,
14 every time we get a course submittal, we're going
15 to look, and we're going to see if it, you know,
16 meets the criteria.

17 Q And do we know whether the prior approval contained
18 the same material that is in our appeal packet for
19 the HVAC School?

20 A I don't have the curriculum of the prior one. But
21 from -- it's my understanding from Mr. Engelking
22 and Mr. Engelking's earlier testimony that it's been
23 an identical course over the last several --
24 (inaudible; someone coughed).

25 Q So based on your discussion and review of the

1 submitted documents by Mr. Engelking, did Chief
2 Thornton submit a final determination on the
3 application?

4 A He did. He issued a letter of denial.

5 Q And is that contained in the packet on page 5?

6 A There was an initial denial, and then as Mr.
7 Engelking -- he submitted some more information
8 which didn't change the Department's position
9 whatsoever. He got a second denial.

10 So the February 8th denial is -- is that the
11 last date, February 8th? Was there a later one? Or
12 this was the last one?

13 Q That's the last one.

14 A As Mr. Engelking said, they're identical, so it's
15 really fairly redundant as to the date.

16 Q The February 2019 letter denying the classes is the
17 document that's on appeal as contained in Electrical
18 Board appeal packet at page 5.

19 So what was the basis for the denial briefly ...

20 A Well, essentially the basis is that it didn't meet
21 the criteria in the law for basic classroom
22 instruction or classroom education. And the
23 Washington Administrative Code in WAC 296-46B-970
24 sub (4), sub (c), sub (ii) sub (D), and that's on --
25 in the appeal letter on Electrical Board appeal

1 package -- packet page 5. So there it says in this
2 letter, it says, "Denial is based on the following,"
3 and it cites that section. And it just -- it
4 relates that all basic trainee classes must be based
5 on basic electrical theory, currently adopted
6 National Electric Code and/or the use of electrical
7 laws and rules. And it also requires an examination.

8 I'm not sure if we got a -- I think we got --
9 maybe we were confused. But I mean, is the quizzes
10 in this submission an actual examination? Because
11 we weren't seeing an examination on any content that
12 would be relevant. I mean, it's not electrical
13 theory. It's not RCW/WAC. And it's not National
14 Electric Code. So is the exam there? I'm not sure.

15 And as to Mr. Engelking's, you know, the
16 Department introducing a new requirement, I'm not --
17 I'm at a bit of a loss as to that. I mean, we were
18 just trying to explain the reasons for our denial in
19 here. I mean, it's -- you know, as we said in the
20 denial letter here on page 5, the repetitive nature
21 of your 36 hour -- it's actually 40 -- hour
22 troubleshooting course ensures that your students
23 can exhibit mastery in troubleshooting gas-fired
24 equipment. It is valuable industry-related training,
25 but likely does not improve anyone's ability to pass

1 a certification exam or make safe electrical
2 installations. And that's more of just kind of an
3 elaboration on the reason, you know, of -- you know,
4 the reason why this kind of training is required and
5 why we're fairly restrictive about it.

6 We do, however, make mistakes.

7 Q Okay. I'd like to ask you about Exhibits 8 through
8 12 without waiving any objections. And these are
9 electrical education course applications for other
10 businesses.

11 If you'll take a look at Exhibit 11, can you
12 tell us how many credits are involved in that?

13 A This is an -- yes. This is an eight-hour basic
14 classroom instruction course that was submitted.
15 And we're again on Exhibit 11. I find that
16 information here on the first page of 11. And so
17 we've essentially got a breakdown of the -- it would
18 be on page 1 of 132 here, which is the second page.
19 I'm looking at this, and I'm not -- I'm wondering if
20 it's complete. But one thing about it is that it
21 says that he's going to teach an eight-hour course
22 on basic electrical theory.

23 It goes on to say that the -- the objective or
24 the goal of the course is to provide the necessary
25 information and instruction to ensure an

1 understanding of the theory of electricity and how
2 to use ohms law and voltage drop-in circuits. That's
3 right in the lane of electrical theory right there.

4 His class materials, he's using a 2014 National
5 Electric Code book which is not exactly a theory
6 book. However, the Ferm's Fast Finder and Ugly's
7 Electrical Guide are also -- they contain electrical
8 theory information. So they meet the earlier
9 guidance that we provided the industry, meaning that,
10 you know, electrical theory courses need to be on
11 readily accessible published documents. So it meets
12 that.

13 Then we get into the questions that are on the
14 following page. And these questions are all right
15 down the line of electrical theory. It's discussing
16 the ohms law, the relationship of current and voltage
17 and circuits under given loads.

18 The thing that -- yeah, what I see as evidenced
19 here is that I'm not seeing anything that's not
20 electrical theory in this course. And I can
21 certainly see why we would have approved it because
22 it hits the marks. This is an electrical theory
23 course.

24 Q Okay. Can you take a look at Exhibit 8?

25 A Exhibit 8. Well, this is a basic conduit bending

1 course. And one of the things we've been doing
2 through the course of, you know, every time a course
3 comes around, don't necessarily look at the fact
4 that it's been approved in the past, let's take a
5 fresh look.

6 This would be a course that we today would
7 absolutely deny. In fact, I'm familiar with some
8 correspondence between the submitter Warren Shill
9 and Bethany. And they won't be submitting this kind
10 of curriculum anymore; they understand that it's not
11 basic classroom instruction, and they understand
12 it's industry related. It's because of the nature
13 of the course. I mean, it's going to be a repetitive
14 bending type of a hands-on training much like chasing
15 an open circuit.

16 Q How many credits were they applying?

17 A They were applying just for eight hours. I mean --
18 so even though, you know, we made a mistake here,
19 they are getting some National Electric Code exposure
20 about, you know, types of different raceways.

21 Code requirements -- I mean, they are hitting
22 a lot of code requirements in here. So it's got --
23 in addition to the hands-on portion, they are hitting
24 some code requirements.

25 So if this was a -- if we missed the mark here

1 on eight hours, in all actuality they probably got
2 three or four hours of -- our mistake probably
3 resulted in a trainee taking this course missing out
4 on maybe four or five hours of what would be basic
5 classroom credit.

6 So I wouldn't say that, you know, while this is
7 a mistake, I wouldn't generally say that it greatly
8 harmed anyone. I mean, we're -- it's a moving target
9 for us. So we're doing the best to be as good as we
10 are.

11 Q And Mr. -- the HVAC School's requested hours were 40
12 hours; is that correct?

13 A 40 hours, yes. A 16-hour course and a 24-hour
14 course.

15 Q Can you take a look at Exhibit 9 and tell us whether
16 this particular -- this company was appropriately
17 approved?

18 A Yes. They were looking for eight hours of basic
19 classroom credit here for a basic electrical theory
20 course. And if you look through the course
21 description here, that's just -- that's right down
22 the lane of what electrical theory is. The course
23 curriculum is based on a published readily accessible
24 document. I mean, it's Mike Holt's Basic Electrical
25 Theory PowerPoint presentation along with practice

1 exercises. I know that Mike Holt also has a
2 publication by that name.

3 If you look in the exam, I mean, we're talking
4 about protons and electrons and, I mean -- oh,
5 there's even a quark and a neutron here since it's
6 Halloween.

7 But this is absolutely a basic classroom
8 instruction course. It's the type of electrical
9 theory courses that I think that the law wanted to
10 have in place.

11 Q So take a look at Exhibit 10, the same questions.

12 A Same questions. This is a part 2 of the same course
13 there, Basic Electrical Theory. And I have the same
14 comments for part 2 as I did for part 1; it's
15 absolutely an electrical theory course.

16 Q And Exhibit 12?

17 A Exhibit 12. Interesting. This is an example --
18 here you can see there's been some crossing out and
19 some changes in names here. You know, this is an
20 example where whoever was processing this was urging
21 the course provider.

22 I'm -- I don't know if the entire packet is
23 here. There seems to be a gap here if you look at
24 the last two pages.

25 This was part of a public-information request

1 that was made by Mr. Engelking. And in this
2 submission here, there's a gap here. The middle
3 page is page 143, and the last page is page 174. So
4 I'm not looking at the entire presentation of what
5 this course was as it was submitted to us.

6 What I can see here in this is is that text
7 material is from several publications including Mike
8 Holt's Electrical Theory, which is available on-line
9 or at several local bookstores. That's again telling
10 me that this course -- because I don't have anything
11 -- in Mr. Engelking's submission here, I'm missing
12 all of these pages. But that's immediately ringing
13 a bell that this course is -- you know, in my opinion
14 here without all the information that this course is
15 an electrical theory course.

16 So out of the five courses here that are in
17 question, I absolutely admit that the Department
18 made a mistake in the eight-hour conduit-bending
19 course, but the others are absolutely electrical
20 theory courses.

21 Q And the conduit-bending course, I understand that
22 error has been corrected?

23 A That error has been rectified. I don't know if the
24 course is even active today. I would have to check
25 the system. But when we -- when we're notified of

1 an error, that we've made an error -- and a lot of
2 times course providers are -- they're kind of a
3 self-policing organization. You know, they'll say,
4 "Hey, why did you deny me when there's one right
5 over here?" Well, when that's the case, we address
6 it. So ...

7 Q So I believe that Mr. Engelking testified that there
8 was 1,460 basic course approvals from September 2,
9 2011, to August 11, 2019 I believe, and two have
10 been identified; is that correct? A conduit class
11 and Mr. Engelking's class?

12 A I guess -- I mean, those are his numbers. But what
13 I guess what we've identified is out of a thousand
14 some odd courses that we found, come across two here
15 that were not suitable.

16 But I know that on a regular basis that we're
17 denying courses. We deny a lot of courses -- basic
18 classroom instruction courses. Those never get
19 counted as part of those thousand. Because the only
20 way that we have to count classes is that we don't
21 address a number to something until it's approved.
22 So we don't see all of the workload that's the
23 denied workload.

24 Q So you testified that this HVAC courses, both of
25 them, are very good training for HVAC individuals.

1 If that is the case, why is it that Mr. Engelking
2 has his mind set on having it designated as basic
3 classroom training? Is there any advantage to that?

4 A Yeah. We find that in the industry. Anybody --
5 anytime anyone can, you know, fulfill multiple
6 requirements in one setting, it's a good thing.

7 The Electrical Board had quite a conversation
8 about, for instance, arc flash training. I think it
9 was 2014 or '16 there was an Electrical Board meeting
10 when Rod Mutch was the chief, and there was a lot of
11 discussion about -- in fact, there was somebody that
12 had advocated in front of the Board about allowing
13 arc flash training to be credited for basic classroom
14 instruction. And after a lot of debate, Board
15 members found that while it was very relevant
16 training for any electrician or electrical trainee,
17 they did not want to dilute the 48 hours of classroom
18 training. Because that type of training is something
19 that's required by another part of this agency, by
20 the Division of Occupational Safety and Health.
21 And this is an example of someone -- you know, the
22 more attractive -- you know, the more buttons
23 somebody can push by sitting down in one chair, the
24 more advantageous it is to market something.

25 So that could be Mr. Engelking's motivation.

1 There's nothing, absolutely nothing preventing him
2 from having this approved as an industry-related
3 course and to have electricians and electrical
4 administrators gain credit for taking this course.
5 It's -- and any trainee can take this course. They
6 just will not fulfill their basic classroom
7 instruction requirements.

8 Q Thank you.

9 ASSISTANT ATTORNEY GENERAL KELLOGG: Nothing
10 further.

11 CHAIRPERSON PREZEAU: So what Pam is telling me
12 is Mr. -- Head Master Engelking -- am I saying your
13 name correctly?

14 MR. ENGELKING: That's correct.

15 CHAIRPERSON PREZEAU: You have the opportunity
16 to cross-examine Mr. Vance as a witness, ask him
17 questions.

18 MR. ENGELKING: Okay.

19 Will I also be able to address the Board too?

20 ASSISTANT ATTORNEY GENERAL THOMURE: Not at
21 this -- finish the witness. If you have any
22 questions for Mr. Vance, you have an opportunity to
23 ask him questions. But then the parties will then
24 have an opportunity if you have additional evidence
25 to present your evidence.

1 CHAIRPERSON PREZEAU: And/or rebuttal?

2 ASSISTANT ATTORNEY GENERAL THOMURE: That would
3 be rebuttal.

4 CHAIRPERSON PREZEAU: Very good.

5 So if you don't have questions for Mr. Vance,
6 but you --

7 MR. ENGELKING: I do.

8 CHAIRPERSON PREZEAU: Okay, very good.

9 MR. ENGELKING: I do.

10

11 E X A M I N A T I O N

12 BY MR. ENGELKING:

13 Q Several things, Mr. Vance. I called it 1460 Total
14 Basic Classroom Instruction. You mentioned only two
15 of them, mine and this conduit were rejected. In my
16 -- I believe in my earlier testimony I also quoted
17 that there are over or approximately 400 courses
18 that have been approved since beginning of this
19 requirement up to date that have the title "Basic
20 Theory," "Basic Electricity," "HVAC" in the title.

21 Did I understand that you made reference to
22 that material?

23 A That's what these are. We don't approve courses
24 based on their title. A basic electrical theory
25 course if it is such is absolutely basic classroom

1 instruction. It qualifies.

2 Q Am I to understand you correctly, when you quoted
3 the RCW 46B -- 296-46B that all basic classroom --
4 all basic trainee classes must be -- classroom
5 instruction must be based on electrical theory,
6 currently adopted NEC code and/or use of electrical
7 laws, was I correct in my hearing of this that none
8 of these were all inclusive or exclusive of one
9 another? In other words, did I understand your
10 testimony to say if a course was just based on basic
11 electrical theory or the NEC or the WAC rules and
12 laws that it could be a stand-alone course and
13 acceptable?

14 A Absolutely. You're absolutely correct in your
15 interpretation.

16 Q And your definition -- I'm a little up in the air as
17 your definition of basic electrical theory.

18 Now, can you reiterate what is -- if a person --
19 perhaps may I ask a caveat to explain my reasoning on
20 this question?

21 As an educator, I have learned --

22 ASSISTANT ATTORNEY GENERAL KELLOGG: I'll
23 object. This is not a question; it's testimony.

24 MR. ENGELKING: Okay. I'll retract. I'll
25 retract.

1 Q (By Mr. Engelking) Is that what you said basically
2 that it could be one or the other, not exclusive?

3 A That's what the law and the rule allows. I mean,
4 there's commas and there's or --

5 Q If I understand from your testimony, it could either
6 be basic electrical theory, NEC or WAC.

7 A Or all three.

8 Q Or all -- or a combination of those.

9 A Yeah.

10 Q And did I also understand in your testimony that even
11 though the required courses number of hours have
12 increased from 16 to 48, the across the board for all
13 of the electrical testing, PSI, that there's been an
14 insignificant increase in pass rates? Is that what
15 you were --

16 A Yes. On every Electrical Board meeting, I
17 essentially reiterate that. We've been tracking
18 those pass rates for a number of years.

19 It gets back to the fact that the current level
20 of training required by law is just -- if you take
21 48 hours and divide it by two because it's required
22 every two years, it's 24 hours a year versus other
23 programs that have a more successful pass rate that
24 have 144 hours per year of classroom instruction.

25 So we did an exercise here a few years ago. It

1 was a very cumbersome manual process. But we took
2 the 144-hour-a-year programs and compared them to
3 the on-the-job training programs that had basic
4 classroom instructions, and we found a great
5 diversity in the pass rates. Very low pass rates
6 for the 48-hour group. Very high pass rates for the
7 group that had 144 hours.

8 Q I guess my question, to make sure I understand,
9 between the 16 hours and the 48 hours, there's been
10 no significant increase in the pass rates based on
11 that increase. Is that what you're telling us?

12 A The data would show that what you're saying is
13 correct. There's been no significant increase in
14 pass rates.

15 Q So in your testimony were you trying to infer to the
16 Board that the 16 to 48 hours increase made no
17 difference?

18 A Well, I don't -- the thing about that is is that
19 there's a number of reasons why people don't pass
20 the exam on the first pass.

21 Q Okay.

22 A There's two sections to exams. There's a WAC/RCW
23 section and there's an NEC and theory section. And
24 they very well could have passed the -- failed the
25 WAC/RCW and that would cause them not to pass on the

1 first attempt.

2 Q Although I do not see it written here, and I believe
3 you inferred or said it was your opinion is that the
4 purpose of the trainee classes were primarily focused
5 to pass the written examination. Is that what you
6 were inferring or testified to?

7 A I -- that's my understanding. Because what we have
8 is we have folks that attempt an exam and have no
9 concept whatsoever of ohms law or any --

10 Q Is that -- that's just a "yes" or "no" question is
11 what I needed.

12 A Well -- sorry.

13 Q On this -- and I don't want to be rude, Larry. On
14 your inference, is there anything written in the RCW
15 class content industry related part D -- I just
16 quoted that -- that specifically spells out that the
17 purpose of the trainee classes is to prepare a person
18 to pass the -- (inaudible; someone coughed) -- just
19 a "yes" or "no" answer. And if it is a "yes," could
20 you give us the WAC or the RCW referral number.

21 A I don't know how to answer that question.

22 Q It's a "yes" or "no." Either it is written in the
23 law or it isn't. If it is, I'd love to see the
24 reference.

25 A Okay.

1 Q Because this -- this is the important crux of the
2 whole appeal. Just "yes" or "no." It's written
3 here or it's not. If it is written --

4 A Could you repeat it?

5 Q The question -- the comment -- the RCW's or the WAC
6 says all basic trainee classes must be classroom
7 instruction only and based on the current electrical
8 theory, adopted -- currently adopted NEC and/or use
9 of electrical laws.

10 A That is --

11 Q Does it say that the purpose of classroom instruction
12 is to prepare a trainee to pass a written
13 certification test? It's a "yes" or "no" --

14 A Does it say that in the law? The answer is it does
15 not say those words in the law.

16 Q So it is inferred. Is that what you're telling the
17 Board? Just "yes" or "no." You are inferring that's
18 what the law says. But the law doesn't say that, but
19 you're inferring that's what it means. Is that
20 correct or incorrect?

21 ASSISTANT ATTORNEY GENERAL KELLOGG: I'll
22 object. Argumentative.

23 MR. ENGELKING: Of course it's argumentative.
24 That's why I'm here.

25 CHAIRPERSON PREZEAU: So let me -- let me just

1 interject here.

2 So I am likely not as fluent in WAC 296-46B and
3 19.28 as Mr. Vance is because it's not part of my
4 daily job. However, what -- so I don't --

5 What I do know is that when the law -- when the
6 law was passed in 2006 with the effective date of
7 July 1, 2007, the intent -- that created the 16 hours
8 of basic classroom training to renew a trainee
9 certificate, the intent of that legislation -- and I
10 can say this because I was part of that legislative
11 process -- the initial legislative process, the
12 intent was to elevate the electrical construction
13 industry including the exam pass rates. That was
14 the intent. It's not written into the law, but that
15 was in the testimony supporting the law.

16 And then in 2010 when the second law was passed
17 regarding the increase from 16 hours to -- stepping
18 up to 32 and 48 respectively in years 2011 and 2013
19 -- and I'm quoting from a Electrical Currents
20 newsletter dated March 2010, "This bill will improve
21 the trainee's education, process and knowledge.
22 They will be better electricians, presumably journey
23 level and sub-journey level electricians.

24 So it wasn't -- it's not written into the law
25 what the intent of the two respective laws, one from

1 2006 and the one from 2010, but it was part of the
2 motivation of those supporting the legislation.

3 Does that -- I offer that only to provide some
4 context.

5 Very rarely is the intent -- my experience,
6 very rarely is the actual intent placed in the law,
7 but it's placed in the bill summary, the bill digest.
8 And I reviewed those for these respective pieces of
9 legislation last evening.

10 Mr. Engelking, do you have any more questions
11 for Mr. Vance?

12 MR. ENGELKING: Yes, I do.

13 Q (By Mr. Engelking) Mr. Vance, did -- when you
14 reviewed this, and there were a lot of test
15 questions, because that's all that's required, well
16 in excess of the requirement of a hundred that we
17 needed, in your testimony, your conference with
18 Bethany and the other staff, was any inquiry made to
19 do a site visit to the school to find out in more
20 detail what the --

21 A The presentation was -- gave me a pretty good vision
22 of what I -- I don't think it required a site visit
23 to see the different control circuit boards and the
24 25 furnaces. I'm familiar with all of that. So I
25 don't know that a site visit would have added to my

1 understanding.

2 Q One of the questions on here if we read a little
3 further in the WAC's, it says that an examination
4 must ensure a participant has mastered the basic
5 concepts.

6 A And those basic concepts would be electrical theory,
7 WAC/RCW or the National Electric Code.

8 Q In your definition of basic electrical theory, does
9 correctly troubleshooting electrical faults come
10 under the umbrella of mastering a course of material
11 and mastering or being part of the basic electrical
12 theory, being able to properly, correctly and
13 accurately expediently troubleshoot -- (inaudible;
14 someone coughed)

15 A There's a component in there that is -- I mean, as
16 I referenced earlier in this electrical theory book
17 here there is one page on open circuits. It talks
18 about open circuits, what happens when the path for
19 electricity is interrupted. And this course is
20 really focused on why won't a furnace operate, why
21 won't the burner fire, why won't the fan -- you know,
22 why won't the fan turn. So it is a potentially, you
23 know, one page very repetitive, over 25 furnaces,
24 over I can't remember how many test boards, we're
25 looking for why it doesn't run. And what a fantastic

1 industry-related course. I mean, this is great
2 stuff. But it's not something that is basic
3 classroom instruction.

4 Q So if am I understanding your testimony right now,
5 you're saying that if a person read that one page in
6 this textbook, that they would be able to competently
7 go out as a entry-level technician or a trainee and
8 troubleshoot gas-fired equipment. Is that what
9 you're telling me by reading this one page?

10 ASSISTANT ATTORNEY GENERAL KELLOGG: I'll
11 object. It mischaracterizes the testimony.

12 MR. ENGELKING: You can object.

13 CHAIRPERSON PREZEAU: Hang on a second.

14 Your objection is noted, Ms. Kellogg.

15 You may answer the question, Mr. Vance.

16 A (Responding) If a -- if 40 hours of credit is based
17 on a simple repetitive task, what we would be
18 approving for basic classroom instruction is a
19 course on bending 90-degree bends, conduit bending.
20 Somebody could sit there and churn out conduit bends
21 for 48 hours. Yes. Is there a National Electric
22 Code requirement there? Yes. It says that you can't
23 crush the conduit when you bend it. Are you
24 fulfilling that each time that you're bending it?
25 Yes, you are.

1 So is it the purpose of basic classroom
2 instruction to master a repetitive process? In my
3 opinion I don't think that that's what the
4 legislative set forth.

5 Q I'm still a little confused. Help me understand
6 this. A student -- a student reads one page in the
7 book. They're a trainee. They can pass a written
8 test. Voltage here, voltage there. They can pass
9 the written test of the exam. Does that make them
10 -- bring them to a level of a tradesman to
11 troubleshoot a furnace?

12 A I think this course is a fantastic course to train
13 somebody to troubleshoot a furnace. It's a fantastic
14 industry-related course. It helps people be very
15 efficient in their job as an HVAC technician. Just
16 like for a commercial electrician, conduit bending
17 would be a fantastic class. I mean, there's a great
18 need for people with those skills.

19 But for the purposes of basic classroom
20 instruction, this course does not fulfill what the
21 law requires.

22 Q Is that an opinion or is that an answer that the
23 Electrical Board can answer?

24 A The Electrical -- you've appealed this matter -- the
25 Department's decision in front of the Electrical

1 Board. And I imagine here by the end of this
2 proceeding that they'll either uphold our decision
3 or overturn our decision.

4 MR. ENGELKING: No further questions.

5 CHAIRPERSON PREZEAU: Ms. Kellogg, would you
6 like to engage in redirect?

7 ASSISTANT ATTORNEY GENERAL KELLOGG: Yes.

8

9

E X A M I N A T I O N

10 BY MS. KELLOGG:

11 Q Does the one page of the Electric One-Seven, the
12 electrical theory book justify granting a 40-hour
13 basic classroom training?

14 A Well, no. It's got a very simple circuit with a
15 battery, and it's got a depiction here of what
16 happens when the circuit opens that there's no
17 current flow.

18 There's another depiction here of an
19 incandescent lamp with a element that is failed. It
20 says when the filament in the lamp breaks, the
21 circuit is open and the lamp does not light. So --
22 I mean, that's the concept of an open circuit. Much
23 like, you know, when you're troubleshooting a gas
24 furnace that the high limit is -- the high limit is
25 in the open position, that's a failsafe for the

1 He goes, "Yeah."

2 "Can you read textbooks?"

3 He says, "I don't know. I can't read."

4 "How can that be? You're a high school
5 graduate."

6 "I have this piece of paper that tells me I can
7 read."

8 We need to take a look. Although the intent of
9 the original law was to help people pass the test --
10 CHAIRPERSON PREZEAU: A portion of it.

11 MR. ENGELKING: -- a portion of the test, we
12 have to look at the real reason we want basic
13 electrical classroom instruction. The real reason
14 is we want our entry-level technicians to be
15 productive. They need to have a skill set where
16 they can do something on a level of just more than
17 manual labor.

18 I'm going to give you a phone number.
19 425-778-2510. And I invite Mr. Vance; I invite
20 everyone on the Board including the chief inspector
21 to visit our facilities. We're transparent.

22 As Mr. Vance indicated, yes, we have an
23 incentive not only to train people, but if they can
24 get all their tickets punched including their
25 mandatory classroom continuing education at the same

1 time, it is to their advantage. We are training
2 entry-level technicians to do electrical
3 troubleshooting of most electrical systems. You
4 have to work on something. In this case, it's gas
5 furnaces.

6 What do they do? They come in at ground zero,
7 and at the very end of the course -- I have it here
8 -- if we take a look, we have an electrical diagram.
9 And as Mr. Vance says, it's an electrical diagram,
10 it's the final exam, is that they need to
11 troubleshoot a furnace with ten faults. Flip the
12 switch on, on and off the faults. They have to
13 correctly troubleshoot a furnace 100 percent in less
14 than 60 minutes.

15 What we're teaching is a skill, a skill that
16 basic classroom instruction utilizes the theory of
17 the light goes on to actually taking the meters and
18 testing real equipment. Yes, it's redundant; no
19 question. They're going to go out on a minimum of
20 100 simulated service calls. The object isn't so
21 they can check the right box on the PSI exam. The
22 object of basic classroom instruction is to teach
23 entry-level technicians to be of use. That is the
24 best application of theory of we can actually learn
25 how to do something.

1 The high school graduate who can't read got
2 their certificate. He can't read. The technician
3 in the field that you hire, you want him to be able
4 to do basic functions. Most of our technicians are
5 01 or 06A and 06B's. They're actually applying the
6 education to make a living. Isn't that a beautiful
7 concept?

8 I can't -- I take a look at these questions,
9 and I wonder, Oh, great. What is the flow of --
10 electricity is the flow of protons, electrons, quarks
11 and neutrons. That's fine. That doesn't help the
12 technician make a living.

13 Oh, objects charged with the same type of charge
14 push each other away. This is referred to as
15 Does that help your technician make a living? Does
16 it help you if you're a contractor break even?

17 Basic electrical instruction, although part of
18 the intent is to pass the written exam, the greater
19 part of the intent is to get these entry-level people
20 trained to be electricians, whether it's an 01, 02,
21 06A, 06B, that is the intent of the school, that's
22 the intent of the requirement. Take a look.

23 Look, you must have a competence in exam. Yes,
24 he is right. There's a lot of fill in the blanks, a
25 lot of repetitive information. How long do you think

1 it would take you to take a meter as electricians and
2 troubleshoot ten faults on a test furnace? Could you
3 do it in 60 minutes? Our graduates with 40 hours of
4 training in order to pass have to get 100 percent.
5 Not only the number is higher than the required, but
6 it's time. And you know what's invaluable? It's
7 practical information. These guys learn something.
8 Isn't that why you want them to go to a classroom?
9 To learn something? To be a better use to your
10 business? Isn't that important?

11 I didn't say a thing about NEC or WAC's. It's
12 not even included in the course application. The
13 course application is classroom industry related.

14 I -- I -- I want to help these guys that you
15 hire have different avenues to get trained to be
16 productive and safe in the workforce. These are the
17 type of classes you want.

18 An insulator is normally an atom with a "blank."
19 It's on the valance. I don't think that helps your
20 guys at all. It might pass the test. Can you give
21 them a meter and say, "Hey, I want you to take on
22 this service call. Answer this." They've done it.
23 They've done it consistently for 40 hours. They
24 know the parts. They know how to read wiring
25 diagrams. They know how to use a meter. They're

1 going to find what's wrong and they're going to tell
2 the client, and they're going to repair it. There's
3 going to be like for like. They're 06; they don't
4 do installs. They don't put in new services. They
5 replace like for like. We teach them to follow the
6 law. We teach them to be accurate. We teach them
7 to be honest. We teach them how to troubleshoot
8 systems. That is the real intent of basic classroom
9 instruction is to train these people.

10 Accept this course. This is what we need.

11 CHAIRPERSON PREZEAU: Thank you, Mr. Engelking.

12 Ms. Kellogg, do you have a closing statement?

13 ASSISTANT ATTORNEY GENERAL KELLOGG: Yes.

14 The HVAC School has submitted an application
15 for 40 hours of basic education training. This is
16 all the training that a 06B specialist needs in order
17 to sit for the examination. And most of the hours
18 are required to sit for the 06A examination. But if
19 you take a quick perusal of page 35 which contains a
20 subject-matter breakdown for each of these classes --

21 CHAIRPERSON PREZEAU: Ms. Kellogg, are you
22 referring to this packet?

23 ASSISTANT ATTORNEY GENERAL KELLOGG: Yes. This
24 would be the Electrical Board appeal packet.

25 CHAIRPERSON PREZEAU: On page 35.

1 ASSISTANT ATTORNEY GENERAL KELLOGG: Page 35 is
2 the GS102 Parts 1 and 2, Electrical Trouble Shooting
3 of Gas Fired Equipment Subject Matter Break Down.

4 You will not see 40 hours worth of code nor
5 electrical theory. Those are two requirements of
6 the law.

7 The third requirement is that the exam has to
8 demonstrate mastery of those concepts. And that is
9 code and electrical theory.

10 When you look at the exams which appear on
11 pages 10 through 16, you see basically blank fill-in
12 spots.

13 The testing is primarily identifying components
14 of a gas furnace. And as Mr. Vance has indicated,
15 this is very valuable training if you're going to be
16 a specialist in HVAC, but it is not going to prepare
17 you to take the exam, which is maybe why some of the
18 HVAC passage rates are so low.

19 So there is basically two arguments, and then
20 one additional argument that Mr. Engel --

21 CHAIRPERSON PREZEAU: (Assisting with
22 pronunciation) Engelking.

23 ASSISTANT ATTORNEY GENERAL KELLOGG: Engelking
24 -- I'm sorry -- has offered passionately in his
25 closing argument.

1 The first argument is that there was a mistake
2 made. I was issued the approval before; you've got
3 to issue it again. And it's like the argument of
4 "I was speeding yesterday and didn't get a ticket.
5 What do you mean you're going to give me a ticket
6 today?" There's just no legal logic to it. There's
7 no rational basis for it when the requirements are
8 clearly laid out in the law. And these courses do
9 not meet those requirements.

10 The second argument that Mr. Engelking has
11 brought up is that there's no requirement that the
12 basic classroom training needs to help pass the test.
13 And Chair Prezeau has indicated the intent of the law
14 because she was there. But as Mr. Vance has
15 testified, the topics that are covered on the exam
16 are code and the NEC, WAC and RCW. So if you're not
17 getting those classes, the likelihood is you're not
18 going to pass the electricians exam.

19 The third argument was that the intent of the
20 school and the legal requirement is for trainees to
21 function in their jobs as HVAC specialists. And
22 they could do this. They can do this without the
23 basic classroom training because this course does
24 not qualify for the basic classroom training.

25 There's another set of training that's called

1 industry-related classes that this fits in quite
2 nicely and would be excellent training for an HVAC
3 specialist to truly function on the job.

4 So it's not one or the other. This class can
5 be given. But it doesn't have to be basic classroom
6 training in order for HVAC specialists to get
7 training.

8 So the Department asks that the denial dated
9 February 8, 2019, be affirmed.

10 CHAIRPERSON PREZEAU: Thank you, Ms. Kellogg.
11 Erick, do you still have a question?

12 BOARD MEMBER LEE: I do not.

13 CHAIRPERSON PREZEAU: Thank you.

14 Do any Board members have questions of either
15 of the parties? Bobby.

16 BOARD MEMBER GRAY: Thank you, Madam Chair.

17 I just have a question for Mr. Vance. And it's
18 just a clarification.

19 I heard counsel ask you a couple of times, "Is
20 there any allowances for partial credit when an
21 application goes in? And "In your opinion, does it
22 fulfill all the requirements for the full 40 hours
23 that was requested?"

24 And I didn't hear -- at least I didn't hear an
25 answer -- clear answer. Can partial credit be given

1 for a submittal based on the fact that part of it
2 does meet the law, but part of it doesn't?

3 CHAIRPERSON PREZEAU: So Bobby, I have a similar
4 question, but let me phrase it just slightly
5 different.

6 BOARD MEMBER GRAY: Okay.

7 CHAIRPERSON PREZEAU: So Mr. Vance, are there
8 other industry-related courses that have been
9 approved by the Department that also received
10 partial credit for meeting requirements of basic
11 classroom training?

12 MR. VANCE: We don't blend the two together.
13 In other words, we don't have one course that's both.

14 By nature, a basic classroom instruction course
15 if I were to take it or you were to take it as an
16 electrician would count as industry-related training
17 for you no matter what it was on. For the trainee
18 taking the course, it would be basic classroom
19 instruction if it was approved as such.

20 The thing that happens here is is that the
21 minimum course length is four hours. We've had a
22 lot of discussion with Mr. Engelking. We never
23 offered him any -- any, you know, prorating or
24 anything of that nature. I would be hard pressed to
25 find within this curriculum four hours of something

1 that could be basic classroom instruction. So I
2 probably would not entertain that offer.

3 But in the -- there are courses occasionally
4 that are -- that we do say, you know, we don't see
5 16 hours here; we see four.

6 And, of course, the course provider is --
7 that's not the news they want to hear. And sometimes
8 they say, "Okay." Sometimes they say, "Well, I won't
9 be able to market it if it's just four hours."

10 So again, it gets back to what Mr. Engelking
11 talked about, you know, checking all the boxes in one
12 setting.

13 So yes, to answer your question, we do. But in
14 this case, I don't see where it was warranted.

15 CHAIRPERSON PREZEAU: Other Board members have
16 questions?

17 BOARD MEMBER COX: Madam Chair, I have a
18 question for Mr. Vance.

19 Referencing page 5 of the appeal packet, per
20 WAC 296-46B-970, sub (1), is there a difference in
21 definition between "continuing ed" and "basic trainee
22 classes"?

23 MR. VANCE: Well, if you're getting into the
24 definitions of -- and that's all in 970 is when they
25 really start splitting that apart.

1 BOARD MEMBER COX: Right.

2 MR. VANCE: What's a code-update class? What's
3 an industry-related class? What's a basic classroom
4 instruction course? That is all parsed within WAC
5 296-46B-970.

6 BOARD MEMBER COX: Which as a leading question,
7 as an informative thing for me, where is the WAC
8 that describes industry-related training versus
9 basic electrical classroom training? You testified
10 to that.

11 MR. VANCE: Yes. That is in -- that's in WAC
12 296-46B-970.

13 BOARD MEMBER COX: Which is where I am.

14 MR. VANCE: Which has got an awful lot of
15 letters on it here.

16 BOARD MEMBER COX: Yes.

17 MR. VANCE: My -- pardon me here while I peruse
18 the rule.

19 (Pause in proceedings.)

20 All right. Thank you to the very sharp eyes
21 and expertise of Rod Mutch. He has pointed out
22 where it is here.

23 So we're in WAC 296-46B-970, subsection (4).
24 We go down to (C), and then we go to (ii), and we
25 talk about class content right there. And there it

1 talks about what industry-related classes are.

2 BOARD MEMBER COX: Okay. Industry-related --
3 okay.

4 MR. VANCE: And then we get off into the third
5 bullet point there. I mean, it's materials and
6 metals that pertain to electrical construction. I
7 mean, that's kind of when it goes out, you know, it
8 essentially just kind of opens it up pretty wide
9 there for industrial related.

10 It goes on to, you know, that's where all of
11 the requirements of the different kinds of classes.
12 When you get to (ii)(D), that's the section right
13 there that's quoted in the denial letter. And it
14 just says there all basic trainee classes must be
15 classroom instruction only and based upon basic
16 electrical theory, currently adopted (see definition
17 of currently adopted) That means there's kind
18 of some nuances around a code-adoption cycle, the
19 National Electric Code and/or use of electrical laws
20 and rules.

21 BOARD MEMBER COX: Thanks. Okay, that helped.
22 That helped frame it for me.

23 MR. VANCE: I mean, it's all laid out there.

24 BOARD MEMBER COX: So on pages 28 and 29 of the
25 appeal packet ...

1 CHAIRPERSON PREZEAU: Hang on.

2 BOARD MEMBER COX: We have the approved
3 applications for the HVAC School from 2015.

4 Larry, correct me as needed.

5 MR. VANCE: I'm on 28 and 29?

6 BOARD MEMBER COX: It should be --

7 BOARD MEMBER: Yeah, it is.

8 BOARD MEMBER COX: Is it right?

9 SECRETARY THORNTON: Yeah.

10 BOARD MEMBER COX: Oh, I'm sitting on a wrong
11 question.

12 It shows the --

13 MR. VANCE: Oh, yes.

14 BOARD MEMBER COX: -- the approved submissions
15 from the appellant from 2015.

16 MR. VANCE: Correct.

17 BOARD MEMBER COX: Okay? So a question -- and
18 this may be from memory. Were the same -- was the
19 same syllabus submitted in 2015 as it was in the 2018
20 application, the current application?

21 MR. VANCE: I don't have it in front of me.
22 But Mr. Engelking testified that he had submitted the
23 same syllabus at that time. And that would be
24 consistent with my testimony that at that time we
25 made an error in approving it.

1 BOARD MEMBER COX: Okay, okay.

2 So as a follow-up to that, if the Department
3 was basing this decision on the syllabus only because
4 the syllabus includes all the different sections of
5 code and electrical theory and things that it's
6 including if it were -- if you were basing the
7 decision or denial on the syllabus only, would it
8 pass?

9 MR. VANCE: The syllabus that was provided with
10 this course, that would be the subject-matter
11 breakdown on page 35. I can't say that it's
12 identical to its predecessors. But I would be highly
13 suspect personally because I didn't review the other
14 ones. But just the description here, the repetitive
15 nature of the description and then the -- and the
16 inapplicable code articles and -- you know, I
17 couldn't come to any conclusion off of this syllabus
18 other than to deny it.

19 BOARD MEMBER COX: On page 41 of the appeal
20 packet is an addendum submitted by the school that
21 lists out the section of the code that they cover in
22 the class. Was that not to be considered or is an
23 addendum not allowed? Because I thought the idea
24 was that an e-mail went out and asked for more
25 information. The Head Master responded that it was

1 his mistake that he should have included more things
2 with it and he provided information. Would this not
3 be considered part of the information, Larry?

4 MR. VANCE: It was. In fact, if you turn on
5 the back side of page 35 is that addendum here on
6 page 36.

7 BOARD MEMBER COX: Okay.

8 MR. VANCE: So we did review that. So it was --
9 you know. And that's where we also came to the
10 conclusion that they're actually referencing
11 inapplicable code articles. And then there was no
12 evidence as to their integration into the training
13 because of the nature of the training.

14 BOARD MEMBER COX: Madam Chair, a question for
15 the appellant?

16 CHAIRPERSON PREZEAU: Sure.

17 BOARD MEMBER COX. Head Master, the questions
18 that you submitted, are they all the questions that
19 are on the exam for your training?

20 MR. ENGELKING: We're required to submit 100
21 per the RCW or the WAC. The students answer at
22 least 220 different questions. So we have well
23 exceeded the minimum requirements. But the most
24 important thing is that these questions are relevant
25 to the job site in their work activities they do on

1 a day-to-day basis.

2 I'm a national electrician. I practiced for a
3 number of years. I've never been asked by a client,
4 What's the proper insulator? What is the electron?
5 I've never been asked those types of basic-theory
6 questions.

7 Again, this brings the answer that we should be
8 questioning is what's the real purpose of basic
9 electrical theory? Is it to pass the written test?
10 Or for entry-level trainees, is it to get trainees
11 ready and help them on the job site to work? That's
12 the real basic essence. Our course is not to pass
13 a written NEC exam.

14 And again, as Mr. Vance's own testimony
15 remarked, that's not necessary. A course doesn't
16 have to have any NEC references as previous courses
17 that were approved do but still are approved as basic
18 classroom instruction.

19 BOARD MEMBER COX: So let me ask a follow-up
20 question to that again. You had presented 100
21 questions out of the more than 200. Are they along
22 the same vein, along the same line of questioning,
23 has to do with furnace parts, these things? Or is
24 there more electrical ...

25 MR. ENGELKING: The course -- would you allow

1 me the ability just to comment and put it in a
2 nutshell what the course does?

3 BOARD MEMBER COX: I'll defer that to the Chair.

4 CHAIRPERSON PREZEAU: I'd prefer that you answer
5 Kerry's question, and then you can --

6 MR. ENGELKING: Restate the question, Kerry.

7 BOARD MEMBER COX: You submitted 100 out of the
8 more than 200 questions.

9 MR. ENGELKING: We submitted 220 plus.

10 BOARD MEMBER COX: I didn't see 220 in the
11 appeal packet. Was there something missing?

12 MR. ENGELKING: They're there.

13 BOARD MEMBER COX: Oh, are they there? Okay.

14 So this pretty much constitutes the questions
15 then.

16 MR. ENGELKING: Yeah. It's the practical
17 hands-on. They go on about 200 simulated service
18 calls.

19 BOARD MEMBER COX: I was just concerned that we
20 weren't seeing any more electrical code questions
21 and things to that extent.

22 MR. ENGELKING: We did not specifically, What
23 is the NEC dot dot dot, yes or no, or true or false
24 or multiple choice. We did not specifically address
25 a NEC verbatim code question; we didn't do that.

1 The other four or five courses we submitted for
2 comparison didn't do that either.

3 BOARD MEMBER COX: Okay. That was in the past.

4 As an 06A myself, when we're out in the field
5 we have to be able to apply the code and the WAC
6 that modifies the code in the state of Washington.
7 So without that kind of information, my technician
8 doesn't necessarily have to know that.

9 So thank you for answering the question.

10 I have nothing further, Madam Chair.

11 CHAIRPERSON PREZEAU: Other questions for the
12 parties from the Board members?

13 Mr. Vance, do you -- I think your testimony
14 included a statement or several statements referring
15 to previous Board meetings regarding basic classroom
16 training. And your remarks included referencing
17 classes that are related to arc flashes. Did I get
18 that right?

19 MR. VANCE: Correct.

20 CHAIRPERSON PREZEAU: And after much debate, it
21 was determined that although incredibly relevant to
22 the electrical construction industry and the
23 electrical industry as a whole, it's incredibly
24 important for technicians and electricians to
25 understand that there is hazards in -- there are

1 hazards in doing this work if done incorrectly or
2 inappropriately. Is that correct?

3 MR. VANCE: Yes.

4 CHAIRPERSON PREZEAU: Do you also recall that
5 when -- this body has also deliberated on the
6 question of whether or not first aid and CPR training
7 classes could be allowed for -- to qualify for basic
8 classroom training.

9 MR. VANCE: Yes. And the Board came to that
10 same conclusion that they didn't -- that that kind
11 of -- while incredibly important for people to have
12 that kind of training, and that kind of training is
13 required by another part of this agency, the Division
14 of Occupational Safety and Health, it wasn't training
15 that met the intent of what the legislators intended
16 with their legislation.

17 CHAIRPERSON PREZEAU: But it's still a
18 requirement for people to have first aid -- take
19 first aid training and to have CPR training.

20 MR. VANCE: Yes. Not under the electrical laws
21 and rules, but under the laws and rules that are
22 administered by the Division of Occupational Safety
23 and Health.

24 CHAIRPERSON PREZEAU: Discussion by the Board?
25 Unless there's any other questions ...

1 BOARD MEMBER COX: If I can indulge, Madam
2 Chair?

3 CHAIRPERSON PREZEAU: Sure.

4 BOARD MEMBER COX: A question for Mr. Vance.
5 So on this application, Larry, if the school,
6 as I mentioned, were also an 06A, if on the
7 application the school were to have selected the
8 course type of "electrical" rather than "electrical
9 basic classroom," would this be an approved course as
10 a continuing education or otherwise?

11 MR. VANCE: Yes, yeah. It would be -- there
12 would be electrical. And then in the second set of
13 cells down in the table they'd check industry
14 related.

15 BOARD MEMBER COX: Right. Because I'm looking
16 at page 34.

17 MR. VANCE: Right. And anybody that's an
18 electrical administrator or certified electrician of
19 any type would get industry-related training credit
20 for this course, which would count toward renewal of
21 their certification.

22 BOARD MEMBER COX: So if I were an HVAC employer
23 and I needed a work crew and I needed to hire 06's --
24 06A's that may not have had it if they're using their
25 06 for other limited-energy application and I needed

1 them to be trained in HVAC, this would be -- and they
2 already have their 06 license in the state of
3 Washington, if this were an electrical course, not
4 an electrical basic classroom course, industry-
5 related, I could send those employees to that -- to
6 the school's course?

7 MR. VANCE: Yes.

8 BOARD MEMBER COX: And any electrician --
9 they would be able to obtain continuing education
10 credit --

11 MR. VANCE: Yes. Any electrician could go to
12 this and obtain continuing education credit. And
13 they certainly would be after completing it be more
14 employable.

15 BOARD MEMBER COX: Oh, okay. Yeah. For the 24
16 hours or ...

17 MR. VANCE: They would get -- if they completed
18 both sections -- both parts of this training, they'd
19 have 40 hours of industry-related credit, which
20 would far exceed the allowance for someone to --
21 it's 24 hours to renew a certificate -- administrator
22 certificate or electrician certificate. So they'd be
23 hitting it out of the park. But also -- they'd also
24 need eight hours of code update and four hours of
25 WAC. So ...

1 BOARD MEMBER COX: But this would also give me
2 the advantage of getting my people trained --

3 MR. VANCE: Absolutely.

4 BOARD MEMBER COX: -- in HVAC servicing.

5 MR. VANCE: Yeah, yeah.

6 BOARD MEMBER COX: Very good.

7 MR. VANCE: Yeah.

8 BOARD MEMBER COX: Thank you, Larry.

9 CHAIRPERSON PREZEAU: Any other questions?
10 Discussion?

11 BOARD MEMBER JENKINS: Madam Chair?

12 CHAIRPERSON PREZEAU: Jason.

13 BOARD MEMBER JENKINS: I don't think anybody
14 is arguing this is a really good course. I think
15 this is a good course for this application. I'm on
16 the same point as Rod Mutch is is the course itself
17 is not electrically oriented. And I'd like to hear
18 argument otherwise from any of the Board members.

19 CHAIRPERSON PREZEAU: So I just want to make
20 sure I understand your statement. Are you saying
21 that you agree with the Department's action of
22 denying this application for basic classroom
23 training for trainees to -- you agree with the
24 Department's action.

25 BOARD MEMBER JENKINS: Correct.

1 CHAIRPERSON PREZEAU: And you're looking for
2 others to give you -- on the Board to give you
3 evidence to the contrary.

4 BOARD MEMBER JENKINS: Absolutely.

5 BOARD MEMBER GRAY: Do we need a motion or
6 something?

7 CHAIRPERSON PREZEAU: Well, at some point we
8 need a motion to do something, which is either
9 likely to affirm the Department's decision of not
10 approving the HVAC School's application as submitted
11 as a basic classroom training course.

12 BOARD MEMBER GRAY: Do we need it before
13 discussion on --

14 CHAIRPERSON PREZEAU: Nope.

15 ASSISTANT ATTORNEY GENERAL THOMURE: You're in
16 discussion phase.

17 CHAIRPERSON PREZEAU: Yep.

18 Yes, Bobby.

19 CHAIRPERSON PREZEAU: Thank you, Madam Chair.

20 I agree with Jason.

21 What I'm reading in the information that we
22 have is very valuable as a contractor. I want to
23 get skilled employees that have hands-on experience,
24 not just people that have book studies and can pass
25 a test.

1 On the other hand, they don't provide me a whole
2 lot of value if they can't get a license. And they
3 can't get a license unless they have the information
4 that they need in order to pass the examination.

5 So how I see this being a lot of value in the
6 field, in my opinion, it does not meet the either the
7 letter or the spirit of the law that requires us to
8 have a certain amount of information and be able to
9 show competency in that information in order to be
10 able to sit for the examination that will ultimately
11 achieve a certification as a journey status.

12 So again, I support what Jason said.

13 Thank you, Madam Chair.

14 CHAIRPERSON PREZEAU: Any other comments or
15 thoughts?

16 BOARD MEMBER COX: Yes.

17 So your point, I don't know that it's the spirit
18 of the law. As Rod pointed out and answered my
19 question --

20 CHAIRPERSON PREZEAU: Larry.

21 BOARD MEMBER COX: Oh, sorry. Or actually
22 Larry pointed out. Rod came over to show him exactly
23 where it was in the WAC.

24 So anyway, it's not just the spirit of the law,
25 it's what the WAC says and what RCW 19.28.551 gives

1 the authority to the Director to do is to interpret
2 the laws. So just to -- again, on that point, it's
3 not just the spirit, it is what -- it's what the WAC
4 says, which is interpretation of the RCW.

5 CHAIRPERSON PREZEAU: Yeah, I mean, what I
6 think is, you know, Head Master Engelking's closing
7 remarks -- I made some notes -- is we are not in
8 disagreement in terms of the value of the two courses
9 that you provide to your students. And certainly as
10 a graduate of an apprenticeship program, you know, I
11 -- we spent time early on talking about electrical
12 theory and understanding what electricity is and why
13 it is and how it's generated and how it is
14 transmitted and how it is distributed and how it is
15 utilized. And then we certainly also had lots of
16 hands-on labs so that we could apply that theory to
17 better understand its usage and to also be effective
18 in the field, on a job site, at a customer's
19 residence or place of business so that we could
20 properly execute whatever needed to be done, whether
21 it was a new installation, maintenance, or
22 troubleshooting of some piece of equipment or pieces
23 of equipment that were not functioning the way they
24 were intended to function.

25 So I completely understand that.

1 And yes, we definitely need electricians of all
2 stripes that can be efficient and can be effective
3 in whatever their respective workplaces are, deliver
4 results in a timely manner, not only for the
5 customer, but for the employer.

6 And while I agree with the previous Board
7 members' comments and Mr. Vance's comments and Head
8 Master Engelking's comments that this is a -- this
9 course is incredibly valuable and necessary for the
10 industry and likely is incredibly helpful to ensure
11 that HVAC technicians understand the concepts that
12 are within there. However, I do not believe that it
13 meets the requirements in WAC 296-46B-970 outlining
14 the requirements for basic classroom training for
15 non-journey-level workers.

16 In preparation for this hearing, so I
17 additionally wrote down at the very beginning, Pam
18 informed the Board that we have the ability to call
19 additional witnesses and request additional evidence.
20 And I did some research last night and I just wanted
21 to make sure that whatever action I was going to
22 recommend or share with the Board members and the
23 parties in front of us was an informed decision or
24 as informed as possible.

25 I reviewed three editions of the Electrical

1 Currents newsletter, one from March 2007 and under
2 the heading of "Trainee Basic Electrical Classroom
3 Education Information." This is -- and I'm quoting
4 now -- "A new education requirement affecting
5 electrical trainees became effective July 1, 2007,
6 requiring the eight hours per week, 16 per renewing
7 of the certificate." Then it goes on to read,
8 "Classroom education classes must cover RCW 19.28,
9 WAC 296-46B, the currently adopted National
10 Electrical Code or electrical theory" which was
11 quoted in 19.28 as well, right? "Electrical theory
12 must be based on currently published materials that
13 are readily available through retail purchase."
14 We've already heard that.

15 Electrical Currents newsletter from March 2010,
16 which is because -- this is after the second piece
17 of legislation passed that increased the 16 hour per
18 renewal period, phased it in to go all the way up to
19 48, right? because it wasn't -- didn't go from 16 to
20 48; we went from 16 to 32 to 48 in 2011, 2013,
21 respectively. And that's about all it has to say
22 about that.

23 And then July 2013, right? because now we have
24 a 48-hour rule, there is another reference in this
25 Electrical Currents newsletter, and it talks about

1 in-class education required before approval for
2 electrician examination otherwise known as basic
3 classroom training.

4 What qualifies -- it walks through the process
5 again, right? and talks about Washington in-class
6 hours; Washington electrical construction trade
7 apprenticeship graduates; other electrical
8 construction trade apprenticeships; nationally
9 recognized contractors; labor organizations in the
10 electrical construction trade; public, community or
11 technical colleges or not-for-profit nationally
12 accredited trade or technical schools. It goes
13 through the process.

14 My point in doing that, I just wanted to make
15 sure I clearly understood the designated difference
16 between continuing education classes for already
17 journey-level workers, industry-related classes for
18 journey-level workers, which certainly trainees could
19 take as well. I'm sure that they're a more robust --
20 so that they can be the best electrician they can be,
21 which is presumably why during the five-year
22 apprenticeship program I am a graduate of we spent
23 time talking about electrical theory, which meets
24 that basic classroom training requirement, although
25 I completed it before all of this stuff, and also

1 had practicals and labs and examinations and
2 hands-on, which is I believe absolutely essential to
3 turn out the most qualified electricians as possible.

4 So while there is -- it is not in dispute is
5 that the HVAC School's curriculum is invaluable to
6 the industry, and presumably in the future you may
7 send some of your employees there, it does not --
8 with the information I have, it does not meet the
9 requirements for basic classroom training.

10 Any other -- oh, Jason.

11

12 Motion

13

14 BOARD MEMBER JENKINS: I make a motion to uphold the
15 Department's decision on denying the course.

16 CHAIRPERSON PREZEAU: So it's been moved to uphold
17 the Department's action of denying the HVAC School's
18 petition for approval of basic electrical training. Is
19 there a second?

20 BOARD MEMBER LaMAR: Second.

21 CHAIRPERSON PREZEAU: So it has been moved and
22 seconded to affirm the Department's decision to reject
23 their application for to receive basic classroom training
24 credit or approval electrical training -- approve basic
25 electrical training program.

1 Discussion on the motion?

2 Did I get a second?

3 BOARD MEMBER LaMAR: (Raising hand.)

4 CHAIRPERSON PREZEAU: All right. It's been moved and
5 seconded.

6 Discussion on the motion? Seeing none, all those in
7 favor, signify by saying "yes."

8 THE BOARD: Yes.

9 CHAIRPERSON PREZEAU: All those opposed? Okay,
10 motion carries.

11

12 Motion Carried

13

14 CHAIRPERSON PREZEAU: Ms. Kellogg, do you have an
15 order?

16 ASSISTANT ATTORNEY GENERAL KELLOGG: I do not, but
17 I'll prepare one and get an agreement with Mr. Engelking.

18 CHAIRPERSON PREZEAU: Okay, very good.

19 So what's going to happen next, Head Master
20 Engelking, is Ms. Kellogg will prepare what's called a
21 final order summarizing the action of the Washington State
22 Electrical Board in this matter, will seek your -- will
23 consult with you to determine whether or not you agree
24 that the content of the order accurately reflects the
25 actions of the Board, even if you disagree with the action

1 of the Board, if it properly reflects what happened here.

2 If you are unable to come to agreement on the nature
3 of that proposed final order, then what will happen is we
4 will place on the agenda of the January Electrical Board
5 meeting what's called presentment of the proposed final
6 order, and what will be discussed is the accuracy of the
7 order and not what happened today.

8 Do you have a question, sir?

9 MR. ENGELKING: We give our consent at this point to
10 Ms. Kellogg.

11 We would like to find out if, either to Larry Vance
12 or his surrogates or through Mr. Thornton or his
13 surrogates, a detailed list of what exactly the chief
14 inspector and the technical specialist are looking for to
15 follow within their contents of basic electrical classroom
16 education so on our next application for a course we can
17 be completely accurate and aboveboard and on target with
18 exactly what the Department wishes to see.

19 Is that -- would that -- is that possible or request
20 for a motion? Or how does that work?

21 ASSISTANT ATTORNEY GENERAL THOMURE: This Board has
22 no authority to render an opinion on that request.
23 They're certainly -- and I believe that would be during
24 the public comment period if you have a request to address
25 the Board and discuss that.

1 CHAIRPERSON PREZEAU: Well, let me make this super
2 easy.

3 Steve, as the Chief, is Mr. Engelking's request of
4 consultation with you and your staff to better understand
5 more fluently the requirements of the basic classroom
6 training for the purpose of future -- approval of future
7 submitted applications, is that a reasonable request?

8 SECRETARY THORNTON: Yes. We can sit down and talk
9 to him. Trying to write it all down on paper would be
10 an extensive list that would grow and change constantly
11 and would never be accurate because it changes. But
12 certainly --

13 CHAIRPERSON PREZEAU: But open to having ongoing
14 discussions with Head Master Engelking in order to ensure
15 that going forward his attempts to submit future --
16 potential future applications that meet the requirements
17 of basic classroom training, to better understand that,
18 you are open to those conversations?

19 SECRETARY THORNTON: Yes.

20 CHAIRPERSON PREZEAU: Does that satisfy you?

21 MR. ENGELKING: That's exactly what we want.

22 CHAIRPERSON PREZEAU: Very good.

23 BOARD MEMBER GRAY: And I might add, Madam Chair, if
24 I'm allowed, as an experienced rejection --

25 CHAIRPERSON PREZEAU: Recipient?

1 BOARD MEMBER GRAY: -- participant that Beth is a
2 good resource also to help ignorant people like me step
3 through the process and understand exactly what needs to
4 be submitted in order to get it approved.

5 CHAIRPERSON PREZEAU: So we'll add Bethany Rivera to
6 that list.

7 Very good. I think this matter's closed. Thank you
8 very much. Appreciate it.

9 Do the Board members want to take a quick break?

10 I'm just noting that that agenda -- we have completed
11 the appeals part. What is left on our agenda is the
12 rulemaking update, we have the need of appointing
13 technical advisory committee folks, secretary's report,
14 Larry Vance quarterly report.

15 I think we probably need to take about a ten-minute
16 break, and then we'll come back on the record.

17 (Court reporter interruption
18 reminding everyone of an
19 important meeting for him
at 4:00 p.m.)

20 So five-minute break. Five-minute break.

21 (Brief recess taken.)

22 CHAIRPERSON PREZEAU: So it is 2:49 p.m., and I would
23 like to call the October 31st Halloween meeting of the
24 Washington Electrical Board to order.

25 And because we're under a little bit of time

1 constraints, we're going to play a little bit of -- I'm
2 going to be a little creative with the agenda.

3 We know that Milton has an important meeting at 4:00,
4 so we can't move -- we can't go past 4:00 because we lose
5 our court reporter.

6 But as has not been yet stated publicly, this is
7 Milton's last meeting with the Washington State Electrical
8 Board as the court reporter. You can always come back and
9 hang out in the gallery; we would welcome that, Milton.

10 And the brevity of these comments in no way are
11 related to your importance to the Board and to the
12 Department. And we -- the Department got you a nice cake,
13 which you've already had a nice piece of cake. And we
14 have a card for you that was signed by all the Board
15 members and many of the staff here in the electrical
16 program.

17 And also gave Milt during the break what we thought
18 was Milton's first official transcript of a Washington
19 State Electrical Board meeting, and then he said, "No,
20 I've been doing this since like 1992." So -- well -- and
21 then there was maybe a process by which that Milton has
22 been using those transcripts, but then historic
23 secretaries to the chief looked at the transcripts, and
24 the Board was asked to approve the minutes and not the
25 official transcripts, but we're going to dig a little bit

1 harder and make sure we can capture and just as a genuine
2 gesture to you, Milton, for your importance and how much
3 you're going to be missed.

4 Thank you for your service.

5 (Clapping. Tears "almost" brought to court
6 reporter's eyes.)

7 So --

8 THE COURT REPORTER: I'd say something, but I'm the
9 quiet one. Sh-h-h-h.

10 CHAIRPERSON PREZEAU: Can you talk and type at the
11 same time?

12 THE COURT REPORTER: No.

13 CHAIRPERSON PREZEAU: So the other matter is Ryan,
14 did you ...

15 BOARD MEMBER LaMAR: My wife took care of it.

16 CHAIRPERSON PREZEAU: Okay, very good.

17 There were a couple of things going on.

18 CHAIRPERSON PREZEAU: So Steve, a quick rulemaking
19 update.

20

21 Item 5. WAC 296-46B-995 Rulemaking Update

22

23 SECRETARY THORNTON: So we have published the
24 Currents newsletter with the advertisement for the TAC
25 committee and the stakeholder meetings which are part of

1 our rule-approval process. And those -- so we're looking
2 for TAC committee members outside of the ones that we're
3 going to pick here too. So ...

4 CHAIRPERSON PREZEAU: And if you're interested or if
5 you're not on the listserv, copies of that special edition
6 of the Electrical Currents are on the table by the entry.

7 SECRETARY THORNTON: And real quickly I passed you
8 guys out a -- this diagram, our virtual inspections
9 program. We have hired those four permanent employees,
10 and some day when we have a shorter meeting we will
11 actually show you an inspection. But this is a project
12 that's going to start in Yakima on Monday. It's 861 light
13 fixtures and 752 services. They were lights that were
14 given from the utility -- so they were put in under
15 utility rules -- given to the city, and then the city
16 decided to upgrade them to LED's, and then we were stuck
17 with having to upgrade them when they started working on
18 them.

19 So anyway, this is something we're meeting with them
20 on Monday. We're going to get a standard for what the
21 services and everything should look like so that the
22 inspectors all have something to go off of. They're going
23 to have two crews doing eight of these a day. So 16
24 inspections a day. We're going to do them all on cell
25 phones, so we don't have to deal with access up and down.

1 They don't have to deal with us getting there. These are
2 the kind of jobs that I think that virtual inspection
3 stuff will work really good at when you can get a
4 contractor on board and just knock them out.

5 Dominic.

6 BOARD MEMBER BURKE: Really quick. With the virtual
7 inspections, is it kind of still on a case-by-case basis
8 where if somebody has a project that they think might
9 be ...

10 SECRETARY THORNTON: Right.

11 BOARD MEMBER BURKE: Will they call you and say, This
12 is what we're doing?

13 SECRETARY THORNTON: Yep. And now that we have the
14 four people hired and in place, we're getting ready to
15 move, set up computers, and all that when we get ready to
16 go, then we'll throw the doors open, and it'll be open to
17 everybody, which that's why we wanted four people to make
18 sure we could handle.

19 This alone will take one -- one of those four and tie
20 him up for three months just to do this project. So -- I
21 mean, it --

22 BOARD MEMBER BURKE: Last quarter it was just two
23 people you had?

24 SECRETARY THORNTON: Yeah. And they were just
25 volunteers.

1 Yeah, the highest volume we've had was 253
2 inspections in a month, and we're going to do a lot once
3 it opens the doors.

4 So that's that part. So ...

5 BOARD MEMBER BURKE: That's great.

6

7 Item 6. Appoint Members to Technical Advisory Committee

8

9 CHAIRPERSON PREZEAU: And back to the rulemaking, the
10 special edition of the October 2019 Currents has a
11 proposed sequence of events. And it is my understanding
12 that the exact date of the technical advisory committee
13 meeting is going to be in the month of December, but the
14 exact date has not been selected?

15 MS. RIVERA: December 11th.

16 CHAIRPERSON PREZEAU: That's what I thought. But
17 December 11th?

18 MS. RIVERA: Yes, at the Tacoma Rhodes Center.

19 CHAIRPERSON PREZEAU: So as part of the rulemaking
20 process, the Washington State Electrical Board gets two
21 non-voting members on the technical advisory committee.
22 And I will be out of town on December 11th, so I'm looking
23 for two volunteers from the body who can be in Tacoma on
24 December 11th at the Tacoma Rhodes Center, presumably
25 beginning at 9:00 in the morning.

1 (Board Members Jenkins, Brickey and Cox raising
2 hands.)

3 Jason. And Kerry it looks like. And John? Okay.

4 So Kerry and Jason, do you -- is everybody okay with
5 that?

6 You know your schedule? You'll be able to be in
7 town? Yep?

8 Okay. So mark it in your calendar. You will be in
9 Tacoma for the technical advisory committee process on
10 December 11th at the Rhodes Center. Very good.

11 Anything else we need under rulemaking update,
12 Steve?

13 SECRETARY THORNTON: I don't think so, no.

14 CHAIRPERSON PREZEAU: Super cool. So we've appointed
15 the members: Jason and Kerry.

16

17 Item 7. Secretary's Report

18

19 CHAIRPERSON PREZEAU: So we're now under Secretary's
20 Report.

21 SECRETARY THORNTON: I was going to say good morning,
22 but no, we surpassed that.

23 Okay. For the Secretary's Report, the fund balance
24 for September was 12,635,912. That's a little over five
25 and a half times what the monthly expenditures are. We

1 went down about 400,000 last month, which that's not
2 uncommon in the winter for us to go the other way, which
3 will affect the fund balance. Don't be surprised if it
4 goes down for a while, but that's not a bad thing.

5 So expenditures in the first quarter of 2020 were
6 2,238,165 compared to 2,067,162. So it's up about
7 \$160,000 a month, which is an increase of 8 percent.

8 Average monthly revenue for the first quarter was
9 2,393,749 compared to 2,374,415, which is an increase of
10 about 1 percent.

11 We tracked permit and revenue monthly for five years
12 consecutive, and it's gone up every year. This year is
13 just about tracking exactly what last year's was. The
14 growth has seemed to have kind of stabilized, but no --
15 nothing that indicates a downturn.

16 Customer service: 41,710 permits were sold last
17 quarter. 94 percent were on-line, which is consistent
18 with the last quarter. That stays pretty consistent. It
19 doesn't change a lot. 98 percent of contractor permits
20 are sold on-line, which is a 4 percent increase from the
21 previous quarter. All us old guys are getting out of the
22 business, and the new guys are taking over. Homeowners
23 on-line sales for this quarter, 64 percent. On-line
24 inspection requests are at 84 percent, which is the same
25 as last quarter. During the first quarter customers made

1 79 percent of all electrical license renewals on-line,
2 which is a 2 percent increase from the last quarter.

3 As far as our scorecard goals, this is for the
4 quarter of July 1 through September 30th. Comparison of
5 2018 to 2019 for 24-hour response times. We were at 84
6 percent in '18. We're down to 79 percent in 2019.

7 48-hour inspections. We were at 94 percent in 2018.
8 We're down to 91 percent.

9 Number of citations and focused warnings. The field
10 in 2018 wrote 561. In 2019 we wrote 428. So that's down
11 also.

12 ECOPE and audit. In 2018 we wrote 690. In 2019 we
13 wrote 562. So the totals are about 300 difference.

14 Inspection stops per day. 11.5 in '18. We're up to
15 11.8 in '19.

16 CHAIRPERSON PREZEAU: Does that reflect the virtual
17 inspection?

18 SECRETARY THORNTON: Yes. They track them on-line
19 also.

20 Bobby.

21 BOARD MEMBER GRAY: Thank you, Madam Chair.

22 That was similar to the question I had. As this
23 starts -- as these virtual inspections start to gain
24 traction and we start to get -- broaden, can we expect to
25 see these metrics improve, specifically in those three

1 areas, including number 4, we are going to see that drop?

2 SECRETARY THORNTON: I think you will see number 1
3 improve because all of those will not only be within 24-
4 hour response times; those will be up to within 30
5 minutes. So 24-hour response times I assume will go up.

6 Number 4, the number of stops per day, we're doing
7 11.8 in the field driving. Virtually we can only do about
8 13 or 14 a day. So four guys doing 14 versus 100 doing
9 11, it's not going to change much. I mean, it will be
10 better, but whether it shows up in these numbers or not,
11 I don't know if that will be enough to make a difference.

12 It will generate its own workload as such. This
13 pretty much eliminates people's ability to say, "Well, I
14 didn't get an inspection because you couldn't get here or"
15 -- I mean, we've pretty much taken that out of the
16 scenario. You know, we've got every kind of permit they
17 can buy, and now we can do them ...

18 BOARD MEMBER GRAY: But it seems like if more and
19 more of those inspections can be done virtually, then
20 people can do less inspections in the field.

21 SECRETARY THORNTON: And we can do a little better
22 from a customer point of view and not always be in such a
23 hurry and have to get out and get to the next one.

24 But yeah, the over 48 should go down because a lot
25 of those will get rolled over into the virtual stuff.

1 CHAIRPERSON PREZEAU: And recognizing that right now
2 there's four inspectors doing those virtual inspections
3 and perhaps recognizing that they can do 13, 14 a day
4 based on the time chunks that they are scheduled and, you
5 know, break time and lunch time and such, is it possible
6 in the future that we expand that group from four to six
7 to eight to help with that workload?

8 SECRETARY THORNTON: Yeah. And that, long term, I
9 could see it getting to ten.

10 And, you know, you take a job like this, well, this
11 where there -- they may have three or four right next to
12 one another, so instead of taking a 30-minute time slot,
13 they may get them all done in one. So depending on the
14 types of jobs we're looking at -- right now it's set up
15 for individuals to pick each time slot. But when you
16 group them like this, we're not really sure how efficient
17 it can be that way.

18 BOARD MEMBER GRAY: In those areas where it's very
19 rural, Okanogan County, Chelan County, places where it's
20 a long distance between stops, it seems like those would
21 be good candidates for this program, and they wouldn't
22 have to drive so far.

23 SECRETARY THORNTON: And I attend all of the
24 stakeholder meetings. And we've gone to Okanogan and Omak
25 and all of those places. This year the virtual inspection

1 guy is going with us, and we're going to actually give
2 them a demonstration. And those places, the cell coverage
3 is the issue and whether you have a strong enough signal
4 to run Skype.

5 BOARD MEMBER GRAY: As they get into the brave new
6 world, it'll help.

7 SECRETARY THORNTON: Right. If they -- I mean, they
8 figure out where to make their phone calls, they can
9 figure out how to do these in some places if they want to.
10 So you just have to cure the fear aspect of it of trying
11 to do something new.

12 So yeah, we're going to put a big effort into making
13 sure this thing flies and works right.

14 Any other questions for what we've done so far?

15 Okay. License process turn-around. We want 100
16 percent the same day. We were at 95 percent in '18.
17 We're at 90 percent in '19.

18 Turn-around time average plan review, we want less
19 than a week and a half. In '18 we were at a week and a
20 half. In '19, we're at 2.4 weeks.

21 Plan review pages reviewed. We have two numbers
22 there, electronically and the total. In '18 we didn't do
23 any electronic. And we did 1,298 on paper. In '19 we
24 did 1,076 electronically. And 1,428 total. So there were
25 about 400 roughly that weren't done electronically.

1 CHAIRPERSON PREZEAU: Well, so I'm assuming that that
2 increase of an additional week basically to turn it around
3 is an indicator of sheer workload?

4 SECRETARY THORNTON: Sheer workload, and we've moved
5 that group from upstairs to downstairs. So that process
6 kind of muddles up everybody's efficiency. And we're
7 getting ready to move them again over to the other
8 building. So -- yeah.

9 So licensing-wise, during this quarter there were
10 7,812 licenses or certificates processed. That's a total
11 of applications and renewals for contractors,
12 electricians, trainees and administrators.

13 The turn-around time for processing is back up to 98
14 percent the same day. The emergency rule which ends in
15 November resulted in one approved electrical contractor
16 and six temporary permits. That number since we typed
17 this up has actually gone to seven. But still the same
18 seven that were involved all the way along.

19 Phone calls have remained steady. And staff have
20 made -- managed to maintain a one minute -- or -- yeah,
21 one minute or less hold time. So they get the phone calls
22 pretty quick.

23 No new testing labs.

24 Now we're to the questions from last month. Do you
25 want to deal with those or put those on hold?

1 CHAIRPERSON PREZEAU: So I'm glad that those are in
2 the Secretary's Report. And I have some questions noted
3 about -- you know, because Don was pretty interested in
4 understanding what those numbers are and what that looks
5 like. I would -- unless there is -- unless there are
6 objections from Board members, I would say that we could
7 probably have a much more fuller discussion and focused
8 discussion if we do that in January rather than today.

9 SECRETARY THORNTON: Okay. And the wage part of it,
10 we were still working on getting all of those together,
11 so that would give us more complete information there too.

12 CHAIRPERSON PREZEAU: That is ideal. As long as it
13 stays on the radar screen.

14 And given that hopefully that the data that you're
15 still crunching has a much bigger likelihood of being
16 available and closer to a final format in January, let's
17 just mark that as a -- keep that on the Secretary's
18 Report, and we'll cover that in January, agenda provided.

19 SECRETARY THORNTON: Any other questions?

20 CHAIRPERSON PREZEAU: I have one. Could you give us
21 an update on the new Web site launch? Is it ...

22 SECRETARY THORNTON: Larry.

23 CHAIRPERSON PREZEAU: You might as well come up,
24 Larry, because you're up next, brother.

25 SECRETARY THORNTON: So one thing I might say while

1 Larry's coming up here is you notice that all of the
2 numbers have gone the wrong direction in '19 versus '18,
3 and that's vacancy rate, not being able to fill our
4 positions.

5 CHAIRPERSON PREZEAU: I'm sure it's vacancy rate
6 principally and workload secondary.

7 SECRETARY THORNTON: Yeah. One going one way, the
8 other one going the other.

9 MR. VANCE: And if I might add, the swinging door.
10 I mean, we've brought in 100 new inspectors, and 20
11 percent of them walked back out the door. So it's not
12 just the current vacancy rate; it's the fact that there's
13 people looking at the horizon and going to greener
14 pastures.

15 CHAIRPERSON PREZEAU: Very good.

16

17 Item 8. Certification/CEU Quarterly Report

18

19 CHAIRPERSON PREZEAU: So Larry, are you ready to run
20 through the CEU/Certification ...

21 MR. VANCE: I am. I am.

22 Just to touch back to your other point about the Web
23 site relaunch, if anybody goes on the L&I Web site here I
24 think it is December 1st, they're going to "Oh." It's
25 going to be different.

1 CHAIRPERSON PREZEAU: Yeah, because I was in it last
2 night, and it looked very same, very similar.

3 MR. VANCE: In a few days it's launching.

4 CHAIRPERSON PREZEAU: So Larry, I'm going to make
5 this easy. Is this quarterly report pretty consistent
6 with previous quarterly reports?

7 MR. VANCE: It is.

8 CHAIRPERSON PREZEAU: Anything noteworthy?

9 MR. VANCE: Nothing noteworthy.
10 You did give us some homework at the beginning of
11 this meeting about looking at -- potentially looking at
12 what it would take with our exam provider. We have a
13 no-fee contract executed with them based on a certain
14 understanding of what they're going to be doing.
15 Potentially if we alter what they're doing, that opens
16 that contract up for renegotiation and also maybe it would
17 open it to a lengthy process. Because there's other
18 providers -- exam providers that would like to administer
19 our exam. So ...

20 CHAIRPERSON PREZEAU: So potentially a request for
21 go to market, get bids.

22 MR. VANCE: Potentially. I mean, it's a no-fee
23 contract. So it's just a matter of once we agree to what
24 we're going to be doing, then they invest to get to the
25 point to satisfy their requirements. And if we change --

1 move the ball on them, so to speak, then that costs them
2 money. So -- yeah.

3 CHAIRPERSON PREZEAU: Yeah. So it would be great is
4 understanding if, in fact, they currently have the ability
5 without any type of fee increase or it would fall within
6 the language of the existing contract to warehouse
7 individual exam -- successful exam applicants who pass
8 the exam to record their exam pass rates, recognizing
9 that it doesn't help those of us who have already, you
10 know, passed the exam in 1998 or whenever, you know. And
11 then having a unbifurcated, if you will, exam database
12 only for 01's, right? which doesn't completely solve the
13 problem potentially with Oregon, but all we're looking for
14 is gaining additional information.

15 To you point earlier, hey, Idaho -- the folks in
16 Idaho and the folks in Oregon have the -- are very
17 amenable and agreeable to have the -- to explore the
18 conversations about how to remove the obstacles so that
19 we can arrive at a reciprocity deal that is fair and
20 balanced and acceptable to all parties.

21 MR. VANCE: Yeah. You know, to the 75 percent
22 requirement that's in Oregon, they have it in their
23 administrative rules. It's both a requirement to get any
24 one of their certifications as well as it's specifically
25 broken out for reciprocal certifications. Any time that

1 they're going to give us a reciprocal license, someone's
2 got to prove a 75 percent passing score on the
3 examination.

4 And that's all good -- well and good. But we're set
5 up so that we just get an indication of a pass/fail from
6 our testing provider and also our previous testing
7 provider in their database, that we can enter their
8 database and actually view somebody's score. It's a
9 little laborious, but we can get there, we can see it.
10 We also see a nice picture of them because we can see
11 that too.

12 That's for our current testing provider. We have a
13 database that was -- the pass rates for the folks that
14 took it with our previous testing provider, which was
15 LaserGrade. But what happens beyond that then is is that
16 you're back in the bubble sheet, paper/pencil phase, and
17 it's a bit of a -- you know, who knows whether somebody
18 can produce a score or we could produce somebody's score.
19 I mean, that wasn't really relevant. I mean, we saw that
20 you passed; we issued you a certificate.

21 And in the past, that wasn't a problem when we had
22 our reciprocal agreement with Oregon. But Oregon's put
23 these rules into place. It makes things more complicated.
24 And actually the difference between a 70 and a 75 percent
25 pass rate is what, one question, two questions. I mean,

1 it seems to be in my opinion --

2 CHAIRPERSON PREZEAU: Not insurmountable.

3 MR. VANCE: Possibly. But then you have the
4 administrative rule that's in place. So how do you
5 address violating your administrative rule? That would
6 be -- we don't do that. I mean, we wouldn't do that as
7 Washington, and we don't expect Oregon to do it. We're
8 just trying to make everybody aware that while there's
9 going to be probably a nice flow of electricians from
10 Oregon to Washington, the Washington electricians flowing
11 to Oregon might be a little bit inhibited by the fact that
12 they can't produce their score, and we can't help them.

13 CHAIRPERSON PREZEAU: Very good.

14 Any questions for Larry?

15 Any other comments, Larry?

16 MR. VANCE: Nope.

17 CHAIRPERSON PREZEAU: Okay.

18

19 Item 9. Public Comment(s)

20

21 CHAIRPERSON PREZEAU: So I have the sign-in sheets.
22 And those that signed in on the appeals sheet are exactly
23 what you would presume would be signed in on the appeals
24 sheet.

25 On the public comment sheets, nobody has signed in

1 requesting to speak and address the board.

2 Is there anyone in the room would like to address the
3 Board under public comment?

4 Going once, going twice, three times.

5 Okay, it doesn't appear that there is anyone that
6 wants to address the Board under public comments.

7 Before the Chair would entertain a motion to adjourn,
8 I just want to point out this is not the longest
9 Electrical Board meeting we have ever had. But it is
10 probably the longest Board meeting --

11 SECRETARY THORNTON: Well, I've got more here.

12 CHAIRPERSON PREZEAU: -- we have ever had on
13 Halloween, right?

14 So any other questions, comments or concerns?

15 THE COURT REPORTER: (Made some appreciative and
16 thankful comments/remarks to the Board.)

17 CHAIRPERSON PREZEAU: Absolutely. Thank you, Milton.
18 Really appreciate it.

19 SECRETARY THORNTON: You'll be hard to replace.

20 CHAIRPERSON PREZEAU: Yeah. I know that you
21 reassured me at the last meeting that the folks that will
22 try to replace you, you reassured me that they'd provide
23 a quality product, and I'm sure that they do. But you --
24 we will miss you.

25 SECRETARY THORNTON: If we have issues with them, I'm

1 going to know where he's working. So ...

2 CHAIRPERSON PREZEAU: It turns out, so will I.

3 ASSISTANT ATTORNEY GENERAL THOMURE: With you guys
4 talking over each other and the court reporter saying
5 "stop," Milton's really mastered that.

6 SECRETARY THORNTON: Yes, he has.

7 THE COURT REPORTER: (Tongue in cheek) I've put up
8 with you guys for decades. So ... but the new guy may not
9 ... or woman. Although, she might be better looking.

10 CHAIRPERSON PREZEAU: No worries, Milton. We'll
11 bring 'em up to speed.

12 SECRETARY THORNTON: That's right.

13 CHAIRPERSON PREZEAU: With that, unless anybody has
14 additional comments or questions, the Chair would
15 entertain a motion to adjourn.

16

17 Motion to Adjourn

18

19 BOARD MEMBER JENKINS: So moved.

20 BOARD MEMBER BURKE: Second.

21 CHAIRPERSON PREZEAU: Is there a second? Moved and
22 seconded to adjourn the October 31, 2019, Washington State
23 Electrical Board.

24 All those in favor, signify by saying "Aye."

25 THE BOARD: Aye.

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CHAIRPERSON PREZEAU: Opposed? Motion carried.

Motion Carried

CHAIRPERSON PREZEAU: We are adjourned.

(Whereupon, at 3:25 p.m.,
proceedings adjourned.)

