

1 DEPARTMENT OF LABOR AND INDUSTRIES

2 STATE OF WASHINGTON

3
4 _____
5
6 ELECTRICAL BOARD MEETING

7
8 TRANSCRIPT OF PROCEEDINGS

9
10 Thursday, April 27, 2017
11 _____
12

13 BE IT REMEMBERED, that an Electrical Board meeting
14 was held at 9:00 a.m. on Thursday, April 27, 2017, at the
15 Tacoma Rhodes Center, Orcas Room, 949 Market Street,
16 Tacoma, Washington, before CHAIRPERSON TRACY PREZEAU,
17 BOARD MEMBERS DAVE WARD, JASON JENKINS, JOHN BRICKEY,
18 JANET LEWIS, RANDY SCOTT, DAVID CORNWALL, ALICE PHILLIPS,
19 MIKE NORD, DYLAN CUNNINGHAM, DON BAKER, RYAN LAMAR, BOBBY
20 GRAY, KEVIN SCHMIDT, DOMINIC BURKE and SECRETARY/CHIEF
21 ELECTRICAL INSPECTOR STEPHEN THORNTON. Also present was
22 ASSISTANT ATTORNEY GENERAL PAM THOMURE representing the
23 Board.

24 WHEREUPON, the following proceedings were held, to
25 wit:

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

29 EXCEL COURT REPORTING
30 16022-17th Avenue Court East
31 Tacoma, WA 98445-3310
32 (253) 536-5824

Thursday, April 27, 2017
Tacoma, Washington

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PROCEEDINGS

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CHAIRPERSON PREZEAU: So good morning. It is 9:02 a.m., and I would like to call the April 27, 2017, Electrical Board meeting to order. Good morning, everybody.

THE BOARD: Good morning.

CHAIRPERSON PREZEAU: Welcome to sunny Tacoma.

Item 1. Approve Transcripts from January 26, 2017,
Electrical Board Meeting

CHAIRPERSON PREZEAU: And the Chair would entertain a motion to approve the transcripts from the January 26, 2017, Electrical Board meeting.

Motion

BOARD MEMBER: Motion.

CHAIRPERSON PREZEAU: It's been moved. Is there a second?

BOARD MEMBER PHILLIPS: Second.

CHAIRPERSON PREZEAU: Moved and seconded to approve the transcripts. Any discussion? Seeing none, all those in favor signify by saying "aye."

1 THE BOARD: Aye.

2 CHAIRPERSON PREZEAU: Opposed? So approved.

3

4 Motion Carried

5

6 Item 2. Departmental/Legislative Update

7

8 CHAIRPERSON PREZEAU: And I'm incredibly happy that
9 we have Mr. Jose' Rodriguez here with us this morning to
10 give the Board our departmental/legislative update.

11 Mr. Rodriguez, if you would please.

12 MR. RODRIGUEZ: Good morning.

13 So for the record, I'm Jose A. Rodriguez, the
14 Assistant Director for Field Services and Public Safety.
15 Thank you for the opportunity to address the Board.

16 I don't think I have anything super exciting to tell
17 the Board this morning. But I thought I'd at least go
18 over the things that I think are of interest to all of us
19 and kind of refresh us and maybe answer any questions you
20 might have.

21 In terms of the legislative session, as everybody
22 knows, we're in the special session now. The regular
23 session ended on Sunday. And as of Sunday night, there
24 were no proposed electrical legislation that made it
25 through the entire process. But on Monday morning, the

1 special session began. And so some of those bills that
2 didn't make it out of a committee have the potential to
3 continue now in the special legislative session. But I
4 have no knowledge of any that are moving forward at this
5 point.

6 The other part that we're obviously all looking at is
7 the budget. And the budget issues are front and center.
8 For us in the electrical program, right now the budget
9 package that we have in there includes 17 new FTE's and
10 electrical inspectors to help us manage our workload. And
11 that provision is currently in the House, the Senate, and
12 the Governor's budget. So we feel pretty comfortable
13 about that.

14 We also have in there a class and compensation
15 package. Last year we went through a process working with
16 state HR to put together a package to try to get our
17 staff, our electrical inspectors, supervisors, leads pay
18 raises. That went to collective bargaining. And it is
19 currently in the House, Senate and the Governor's budget.
20 So if that goes through, our inspectors will be looking at
21 about a 5 percent pay increase with provisions in there
22 also to handle the salary compression that's created by
23 that 5 percent for our leads and supervisors.

24 So that's part of our wait and see right now is to
25 see if those provisions make it through.

1 On the dedicated account, as most of you probably
2 know by now because it's been advertised in our Electrical
3 Currents -- we try to keep folks apprised of what's going
4 on -- the Senate budget proposal has in it a -- it takes
5 \$2.1 million from this dedicated account for grants to
6 local governments to start their own electrical inspection
7 programs. So that's still in there currently right now in
8 the Senate budget.

9 And then also the Senate budget also includes a \$2
10 million transfer of the electrical account funds to the
11 general fund state account.

12 CHAIRPERSON PREZEAU: I'm sorry, Jose', could you say
13 that one more time? So you said there's a \$2.1 million
14 sweep in the Senate budget to --

15 MR. RODRIGUEZ: For grants.

16 CHAIRPERSON PREZEAU: For grants for city
17 jurisdictions to start electrical inspection programs.

18 And then would it -- and then I was kind of fixed on
19 that, and then I think you said something else that I --

20 MR. RODRIGUEZ: Yeah, there's an additional \$2
21 million transfer of the electrical account found to the
22 general fund.

23 CHAIRPERSON PREZEAU: So it's \$4.1 million.

24 MR. RODRIGUEZ: If it all goes through, yes.

25 And it's only in the Senate budget right now.

1 So obviously that's a concern. That's something that
2 we continue to watch. And we'll see how it turns out.

3 CHAIRPERSON PREZEAU: So Jose', if, in fact, this
4 \$4.1 million proposed in the Senate budget comes to
5 fruition, do you think you could speculate on how that
6 would have an impact on the program's ability to bring on
7 those 17 FTE's and -- see, what I'm concerned about --
8 like, you know, is -- although it's incredibly good news,
9 I didn't know that the 17 FTE's and the class and comp
10 package was in all three of the budgets. So that's
11 incredibly good news from my perspective.

12 We've been talking about this for a really, really
13 long time, and it feels like it's kind of amazing that
14 we're almost to the point where this could happen.

15 But I'm curious if -- I have a tremendous amount of
16 trepidation that all of these things happen at the same
17 time. And if we lose \$4.1 million from our dedicated
18 fund, which is money paid in by electricians and
19 electrical contractors for services, then does that
20 jeopardize our ability to fund the FTE's since we're a
21 dedicated fund and does -- what impacts does that have on
22 these wage increases which I know are collectively
23 bargained, so are binding, so we're going to have to open
24 the rules and raise inspection fees? Or -- I mean ...

25 MR. RODRIGUEZ: Yeah, these are -- you're raising

1 some good questions here. And I don't know that I have
2 all the answers.

3 The only thing that we've done is obviously we have
4 to submit fiscal impact statements on those kinds of
5 things. I think where we're at would be the fact that we
6 like to keep, as you all have directed us to do, try to
7 keep six months of operating expenses in our budget. And
8 OFM's guidelines are two months. So -- and we think that
9 that's cutting it too close.

10 CHAIRPERSON PREZEAU: Agreed.

11 MR. RODRIGUEZ: And so we would have to take a look
12 at if these cuts happen, how would we then -- what would
13 be the impact on the budget. We'd have to figure out, you
14 know, what the fiscal impact is and how we would manage
15 that.

16 So on one hand we might get 17 FTE's and we may have
17 to still hold vacancies to try to manage the budget.

18 Fee increases is another way to potentially make up
19 the difference.

20 CHAIRPERSON PREZEAU: I find it alarming that folks
21 can justify taking \$2.1 million out of a dedicated fund
22 that was paid in by contractors and electricians for
23 services from the Department and use that to start
24 inspection programs in other jurisdictions that those
25 electricians and contractors don't get their return on

1 investment. It's hard to justify from my perspective.

2 I would think that the contractor community would be
3 very angry about the idea of \$4.1 million of their money
4 for services contracted -- because that's how it works,
5 right? is, you know, contractors buy permits for service
6 that hasn't happened yet, right? as the job progresses.

7 And so I would think, Bobby and other contractors,
8 that this is maddening for you.

9 BOARD MEMBER GRAY: Yeah, I agree. I agree. It
10 feels like they're taking it out of our pocket and giving
11 it to someone else.

12 MR. RODRIGUEZ: Madam Chair, I ...

13 CHAIRPERSON PREZEAU: I understand.

14 MR. RODRIGUEZ: I'm not free to comment at this
15 point.

16 CHAIRPERSON PREZEAU: I under -- I'm not -- that's
17 why I'm saying the things that I'm saying, Jose', is I
18 understand how it works.

19 But I appreciate you -- you know, I thank you for the
20 information.

21 MR. RODRIGUEZ: What we will do is we'll do our best
22 to keep you so that you can keep the Board informed about
23 how things are progressing.

24 But right now, there is no focus on this right now.
25 The focus right now is on the education obviously.

1 Last I heard, the legislators were not back in town.
2 It was still budget writers that were in town working on
3 that piece of it.

4 So we'll have to see how it pans out.

5 CHAIRPERSON PREZEAU: Well, thank you, Jose'.

6 And, you know, let us know. I mean, obviously we've
7 -- this body has echoed several times that the success of
8 this program really -- to serve the stakeholders and
9 customers and contractors and general contractors and
10 electricians and everybody is it rises and falls on the
11 workers that, you know, from the Chief down to, you know,
12 the tech specialist to the admin staff to those new folks
13 -- program -- folks that you've added to help assist and
14 support the inspectors, the people we're raving about at
15 the stakeholders meetings that I went to in Tumwater and
16 -- and if we don't have, you know, we don't have the
17 ability to fund our program, then it all sort of falls
18 apart.

19 MR. RODRIGUEZ: But just to be transparent, in the
20 Senate budget, we do get the FTE's and the class and comp.
21 But the Federation, which is the largest union, doesn't --
22 the Senate budget does not include their bargain
23 increases; it calls for a flat-rate increase for each
24 employee. So it's a mixed bag.

25 CHAIRPERSON PREZEAU: Yeah, I understand.

1 Jose', I think -- maybe if Steve is going to report
2 on it, but will you -- on the mobile inspection program,
3 is that more in your ...

4 SECRETARY THORNTON: I think Jose's going to report
5 on that.

6 CHAIRPERSON PREZEAU: Oh, great.

7 MR. RODRIGUEZ: Yeah, I was going to -- I've got a
8 couple more things that -- just to update you all.

9 Obviously on rule-making, you all know that the 2017
10 NEC, the code adoption is in process. We're at the CR 103
11 phase.

12 The plan is to adopt the rules on May 23rd and make
13 them effective July 1. And so that's progressing.

14 We did complete the development of the mobile
15 project, the mobile inspection system. And we did it
16 slightly under budget. And it's being rolled out as we
17 speak. I believe the last training of our staff took
18 place yesterday in Spokane and Yakima.

19 But that should all be finished up by May 1st. And
20 our staff are finding it very helpful in getting their
21 work done.

22 And we've gotten some anecdotal stories from some of
23 our customers that have experienced the having an
24 inspection under the new system. They get almost
25 automatic notifications of their corrections and their

1 inspection results.

2 We've had inspectors literally do the inspection, go
3 back to their car, upload the inspection, and an e-mail
4 gets delivered to the contractor's cell phone with
5 corrections. So --

6 But it's been a little bit -- some contractors have
7 not experienced that because not all our inspectors have
8 mobile yet. So we've been phasing it out over the last
9 couple of months. So if you hear some mixed reactions
10 right now, it's because we're not all using it. But
11 starting Monday everybody will have it and we'll be using
12 it.

13 So I think that's a very successful project. My
14 experience with that is that it took a team to put it
15 together. There was a lot of oversight and a lot of
16 quality controls that were built into it. It cost us a
17 few dollars to do that, but I think in the end it was very
18 well worth it. We came up with a system that -- you know,
19 we've tested it now, and we haven't been able to break it,
20 so that's good.

21 So one of the things that we did implement to help
22 manage workload in the field was these program specialist
23 2's to help our supervisors. Nine of the 11 have been
24 hired, and we're in the process of hiring the last two.
25 Five have completed their training and are in the process

1 of kind of getting together as a group and going over
2 lessons learned so far so that we can start to do some
3 adjustment to our processes to make sure that we're
4 capitalizing on the lessons that we've learned. And the
5 job duties -- although, we -- it's a new position and we
6 laid out the job duties, now that they have some
7 experience, we're modifying those job duties to make sure
8 they fit the need. And again, anecdotally inspectors and
9 supervisors are very happy to have this.

10 CHAIRPERSON PREZEAU: And I'll just pipe in and say
11 when I went to the Tumwater stakeholders meeting -- that
12 was before the January? Is that right, Steve?

13 SECRETARY THORNTON: Yes.

14 CHAIRPERSON PREZEAU: The stakeholders, the
15 contractors were raving about those program specialist 2's
16 and how helpful they are. So I think it's -- you know,
17 everybody thinks that it's a great idea.

18 MR. RODRIGUEZ: Yeah.

19 So the last thing that I've got on my list is just to
20 give you an update.

21 We are working on doing some visual inspections. We
22 started this project maybe about a year and a half, two
23 years ago. We started taking a look at the possibility of
24 using Skype or some other type of interactive video
25 process to do certain kinds of inspections.

1 It started out kind of as a little mini pilot to see
2 if it could be done. And then Larry Vance here, one of
3 our technical specialists, took it on as part of a
4 capstone project and helped round that out.

5 And so we are now in the process of putting the
6 elements together so that we can start to actually test
7 this in the field.

8 The hold-ups have been some of the technology pieces
9 to make sure that we've got the connectivity and the kind
10 of reception that we would need to successfully accomplish
11 this.

12 And the second one is a scheduling system so that
13 people can request one of these inspections, get the
14 inspection, and then we can enter it into our system and
15 capture the results of the inspection.

16 So we're thinking about a contract to do that
17 scheduling out there.

18 So the pieces are coming together. And I believe
19 we're going to move it back to Region 1 up in the Mount
20 Vernon area and start from there to implement this and see
21 how -- work out the final bugs and then think about
22 implementing it statewide.

23 CHAIRPERSON PREZEAU: What's the logic behind Region
24 1? Just curious. What's the logic behind piloting it in
25 Region 1?

1 MR. RODRIGUEZ: Well, it started there. And they do
2 trips out to the islands and things like that.

3 CHAIRPERSON PREZEAU: Oh, okay.

4 MR. RODRIGUEZ: And so you test it -- the idea would
5 be to test it in remote areas where we're probably going
6 to have the most challenges.

7 CHAIRPERSON PREZEAU: Makes total sense.

8 Any questions for Jose'?

9 BOARD MEMBER GRAY: Madam Chair, if I may?

10 CHAIRPERSON PREZEAU: Okay, Bobby.

11 BOARD MEMBER GRAY: Jose', just some feedback.

12 I heard Madam Chair talk about attending one of the
13 stakeholder meetings, and I also attended one to observe
14 in Wenatchee. And just some feedback for you.

15 It appeared there's a really good working
16 relationship between the customers and the agency there.
17 Steve made an excellent presentation as well as Gary
18 Gooler, the area supervisor there. And the electricians
19 and the contractors that were in the audience certainly
20 displayed an appreciation for the work that you guys do.

21 So I just thought I'd give you some public feedback
22 on that.

23 MR. RODRIGUEZ: Thank you, sir.

24 We know we're still struggling with our inspections
25 to get them done on time. There are some delays there.

1 We still have a recruitment and retention problem. I
2 believe we have ten vacancies -- ten true vacancies right
3 now.

4 And so it's a challenge, especially in some remote
5 areas. But we're doing our best. Our guys work really
6 hard. I mean, that's -- I go around the state, and that's
7 their biggest concern is they really feel the stress of
8 not being able to get to all the inspections that they've
9 got on their workload.

10 BOARD MEMBER GRAY: But I -- I mean, it appears the
11 customers recognize that, and they appreciate the effort
12 that's being put forth. I didn't hear too much negative
13 at all.

14 MR. RODRIGUEZ: I'll pass that on, sir. Thank you.

15 CHAIRPERSON PREZEAU: Anyone else?

16 Yes, Alice.

17 BOARD MEMBER PHILLIPS: This is just -- I want to
18 bring it to your attention. And I guess I'm asking what
19 we can do to maybe educate the electricians that are out
20 working.

21 And I gave you a packet that has some pictures in it.
22 And what this has to do with is the drip loops, and
23 electricians cutting the drip loops and moving the service
24 wire on the utility side. It's creating a hazard for not
25 only the electricians and the homeowners, but for the

1 folks at the utilities that are doing wraps on the service
2 on the weather heads. And some of the pictures are very
3 disturbing. And I'll share them with the rest of the
4 Board if you're interested.

5 But the one that's most disturbing to me is where
6 they've actually just stripped the service wire back,
7 pulled out a couple strands, and then tied them onto the
8 Romex. And they're actually having the Romex come down
9 and plug in directly into the service wire without any
10 kind of temporary meter base. And it --

11 CHAIRPERSON PREZEAU: So the overcurrent device is --

12 BOARD MEMBER PHILLIPS: They've cut out a hole.

13 We've actually had one accident where a lineman was
14 -- went to wrap a weather head. The connections came
15 loose. It arced. He fell off of a ladder, and he's no
16 longer in the trade because of that on-the-job injury.

17 So to me, this is really becoming prevalent in the
18 trade. And I was wondering what can we do to educate the
19 electricians. Is there something we can do when they
20 apply for a permit that notifies them that this is illegal
21 and it's unsafe? Or -- I mean, I'm just curious. I want
22 to bring it to your attention.

23 MR. RODRIGUEZ: So you've brought it to our
24 attention. I do have the documents.

25 And we were huddling back there a little while ago

1 trying to figure it out.

2 So I don't know; maybe Steve, can you address that?

3 SECRETARY THORNTON: Well, and -- I mean, probably
4 the quickest thing to do is to put something in the
5 Currents, which we've done before. But these pictures are
6 pretty blatant. So we can do something there. And then
7 we'll look at any way we can to get the message out there
8 to people.

9 BOARD MEMBER PHILLIPS: I appreciate it. Thank you.

10 SECRETARY THORNTON: You bet, sure.

11 MR. RODRIGUEZ: I knew it was serious when the
12 technical specialist goes, "Oh, my God."

13 BOARD MEMBER PHILLIPS: Thank you.

14 CHAIRPERSON PREZEAU: Any other questions, comments
15 for Jose'?

16 So Jose', I'm going to take a small point of personal
17 privilege, and that's because it's quite possibly -- it's
18 quite possible this is my last meeting. I'm seeking
19 reappointment from the Governor's office. If that doesn't
20 happen, my current appointment will expire July 7th.

21 And I just wanted on the record to tell you what a
22 pleasure it has been working with you in the event I don't
23 get to work with you in this same capacity moving forward.

24 And I appreciate everything you've done for the
25 electrical program, for the inspectors. It's clear to me

1 that you value your team, right? And you've not only
2 demonstrated that you value your team by your words but by
3 your actions and the things that you advocate for in the
4 class and compensation package, the trying to find a
5 solution to allow inspectors to teach continuing education
6 classes. I just want to say it's been a pleasure working
7 with you. And I hope that I will see you on July 26th.
8 But if not, thank you very much.

9 MR. RODRIGUEZ: Thank you, Madam Chair.

10 I mean, words like that make all the hard work that
11 we all do very worthwhile and very gratifying. Thank you.

12 CHAIRPERSON PREZEAU: Absolutely. Thank you, Jose'.
13 Thanks for coming.

14

15 Item 3. Appeals

16

17 CHAIRPERSON PREZEAU: All right. So let's talk about
18 appeals.

19

20 Item 3.A. St. Joseph's Heating & Plumbing
21 and Wayne Bullington

22

23 CHAIRPERSON PREZEAU: So I've got some good news,
24 which is -- so if you look at agenda item 3, you can see
25 that 3.a. this matter of Saint Joseph's Heating and

1 Plumbing has been continued to the October Board meeting.
2 And that is not a typo. Our next meeting is July and
3 because of a scheduling conflict, the parties have agreed
4 to that. So that's amenable to everyone.

5

6 Item 3.B. DS Electric Company and Darshan Jourha

7

8 CHAIRPERSON PREZEAU: We need to do the presentation
9 of the final orders for the DS Electric Company and
10 Darshan Jourha.

11

12 Item 3.D. BCK Electric

13 Item 3.E. Brian Kealy

14

15 CHAIRPERSON PREZEAU: And then agenda items 3.D and
16 3.E, BCK Electric and Brian Kealy, I found out from Pam
17 who sent me an e-mail last night about ten minutes to 8:00
18 that there's been a settlement agreement entered into in
19 that matter. And so we will not be hearing that, and that
20 they will submit an agreed order for adoption at the next
21 meeting since they're not going to be able to get one done
22 today.

23 So we will schedule that presentment of final order
24 at our July meeting so that -- it's kind of nice because
25 it frees up our day a little bit.

1 But if -- so let's get to agenda item 3B, which is
2 presentment of final orders. And I know that we have
3 Assistant Attorney General Mr. Henry. And we actually --
4 being a super sharp study, I think there should be -- in
5 front of all the Board members, there should be a copy of
6 this proposed final order. And not only did he include
7 the copy of the proposed -- he spelled my name right. Not
8 all the AAG's spell my name correctly. Thank you. And he
9 also attached the proposed final order from the ALJ. And
10 our assistant attorney general has advised that she's
11 reviewed the proposed final order and has indicated that
12 there is one edit, and that is on page 2 of Mr. Henry's
13 proposed final order, line 13, which is enumerated 1.4.
14 That should say on September 7, 2016, Mr. Jourha filed
15 a timely appeal to the Electrical Board, and not
16 Mr. McDaniel. Do you agree with that edit, Mr. Henry?

17 ASSISTANT ATTORNEY GENERAL HENRY: Yes, I do.

18 CHAIRPERSON PREZEAU: Okay. So let the record
19 reflect that it is 9:29, and this Electrical Board meeting
20 was called to order at 9:00 a.m. And Jourha is not in
21 attendance at the meeting this morning, in which case
22 given the fact that Mr. Henry has brought a proposed final
23 order that has been reviewed by our attorney, the Chair
24 would entertain a motion to affirm the proposed final
25 order from Mr. Henry so the Chair could sign it.

1 ASSISTANT ATTORNEY GENERAL THOMURE: Madam Chair,
2 could I -- could we just clarify from Mr. Henry that he
3 has had no contact? I think for the record it would be
4 important to have Mr. Henry just articulate he sent
5 Mr. Jourha the proposed order, when he did that, and
6 that he has not had any response to that order.

7 ASSISTANT ATTORNEY GENERAL HENRY: Yes, that is
8 correct. We did send a copy of the proposed order on
9 March 1, 2017, by certified mail. There is an indication
10 that Mr. Jourha received it from the post office. But I
11 have not heard back from him since then.

12 ASSISTANT ATTORNEY GENERAL THOMURE: And further,
13 Mr. Jourha was advised at the last meeting that we had
14 here in January that presentment would occur today if he
15 did not approve of the order ...

16 CHAIRPERSON PREZEAU: Okay. Are you satisfied?

17 ASSISTANT ATTORNEY GENERAL THOMURE: Yep.

18 CHAIRPERSON PREZEAU: Okay. So with that, the Chair
19 would entertain a motion to approve the proposed final
20 order.

21

22 Motion

23

24 BOARD MEMBER PHILLIPS: So moved.

25 CHAIRPERSON PREZEAU: It's been moved --

1 BOARD MEMBER NORD: Second.

2 CHAIRPERSON PREZEAU: It's been moved and seconded to
3 approve the proposed final order. Any discussion on the
4 matter? All those in favor, signify by saying "aye."

5 THE BOARD: Aye.

6 CHAIRPERSON PREZEAU: Opposed?

7

8 Motion Carried

9

10 CHAIRPERSON PREZEAU: Great. Thank you.

11 So I am going to sign this puppy right now.

12 Mr. Henry, I appreciate your preparation and
13 attendance today.

14 ASSISTANT ATTORNEY GENERAL HENRY: Thank you very
15 much.

16 CHAIRPERSON PREZEAU: Okay. And we thought this was
17 going to be a two-day meeting. Yay. It's funny how that
18 works out.

19

20 Item 3.C. McClure & Sons Inc.

21

22 CHAIRPERSON PREZEAU: All right. So are the parties
23 in the McClure & Sons matter here? I believe they are.

24 So good morning.

25 ASSISTANT ATTORNEY GENERAL GREER: Good morning.

1 MR. ELSTON: Good morning.

2 CHAIRPERSON PREZEAU: I have a script that I'm going
3 to read for you all.

4 My name is Tracy Prezeau, and I'm the Chair of the
5 Electrical Board.

6 The matter before us today is an appeal in the matter
7 of McClure & Sons, Inc. versus the Department of Labor and
8 Industries, which is docket number 05-2016-LI-00150.

9 This hearing is being held pursuant to due and proper
10 notice to all interested parties in Tacoma, Washington on
11 April 27th at 9:33 in the morning. This is an appeal from
12 a proposed decision and order issued by the Office of
13 Administrative Hearings on September 23, 2016.

14 And it is my understanding that decision upheld
15 citations and notice EJEFS00494 and EJEFS00495 and
16 reversed citations and notice EJEFS00496. And those
17 citations were issued by the Department of Labor and
18 Industries on November 22, 2016.

19 It is further my understanding that the appellants
20 have timely appealed this decision. And I say appellants
21 because both the Department and McClure & Sons through
22 their counsel have appealed portions of the ALJ's
23 decisions. And so it is actually both the Department and
24 the appellant -- and -- and Mr. Elston?

25 MR. ELSTON: Yes, ma'am.

1 CHAIRPERSON PREZEAU: And so in conferring with the
2 parties prior to embarking on here in this appeal, we have
3 agreed -- and I just want to affirm with the parties --
4 agreed that Mr. Elston, I believe you're going to present
5 your case first; is that correct?

6 MR. ELSTON: That's correct.

7 CHAIRPERSON PREZEAU: And then Ms. Greer, the
8 assistant attorney general, will present second. And
9 we're going to take all matters simultaneously; is that --
10 take all arguments simultaneously rather than hear one
11 appeal and then hear the other appeal; is that -- do I
12 have that correct?

13 MR. ELSTON: Yes.

14 ASSISTANT ATTORNEY GENERAL GREER: That is correct,
15 Madam Chair.

16 CHAIRPERSON PREZEAU: Thank you.

17 So -- great.

18 The Electrical Board is the legal body authorized by
19 the legislature to not only advise the Department
20 regarding the electrical program but to hear appeals when
21 the Department issues citations or takes some other
22 adverse action regarding an electrical license or
23 certification or installation.

24 The Electrical Board is a completely separate entity
25 from the Department, and as such will independently review

1 the actions taken by the Department. And when the
2 Department issues penalties that are appealed, the hearing
3 as you well know is assigned to the Office of
4 Administrative Hearings to conduct the hearing pursuant to
5 the Administrative Procedures Act. And the ALJ who
6 conducts that hearing then issues a proposed decision and
7 order. If either party appeals, that decision is subject
8 to review by the Electrical Board.

9 But please keep in mind that while our review is de
10 novo, we are bound by the evidence in the record and no
11 new evidence can be submitted at the hearing.

12 So each party will be given approximately 15 minutes
13 today to argue the merits of your case. And any Board
14 member may ask questions, and the time may certainly be
15 extended at the discretion of the Board.

16 At the conclusion of the hearing, the Board will
17 determine if the findings and conclusions reached by the
18 ALJ are supported by the facts and the rules pertaining to
19 licensing, supervisor and certification, et cetera.

20 So we'll give you an opportunity to each --
21 Mr. Elston, to present your case, and then obviously,
22 Ms. Greer, to present your case in rebuttal. And then to
23 make things a little bit interesting or a little bit
24 different than in front of an ALJ is we have this
25 volunteer Board that has a tendency to like ask questions

1 of both parties regarding information that's in the
2 packet. So instead of having a single judge as running
3 the tribunal, it's really a handful of industry experts
4 that makes things a little bit more interesting. So just
5 to advise.

6 And so do the parties have any questions about how
7 this process works before we get started?

8 MR. ELSTON: No, Madam Chair.

9 ASSISTANT ATTORNEY GENERAL GREER: No. Thank you.

10 CHAIRPERSON PREZEAU: Thank you.

11 Great. And so if you would be kind enough when you
12 present your case if you would state and spell your name
13 for the ease of our court reporter, that would be greatly
14 appreciated.

15 And so Mr. Elston, this is your case to start, if you
16 would.

17 MR. ELSTON: Thank you, Madam Chair.

18 I'm Doug Elston. The last name is spelled
19 E-L-S-T-O-N. I represent McClure & Sons, Inc., who I will
20 be referring to as MSI from here on out to save time.

21 MSI is a general industrial contractor that
22 specializes in the installation of and improvements to
23 wastewater treatment plant facilities with over 28 years
24 of experience.

25 The citations concern -- involved in this case

1 concern the installation of the temporary power to the job
2 trailers on a wastewater treatment plant improvement
3 project at Everson, Washington.

4 MSI appeals these decisions because it believes first
5 of all that it acted in good faith in connection with the
6 installation of the temporary power to the job trailer on
7 this project and took every reasonable effort to comply
8 with the applicable rules and regulations.

9 Secondly, we believe that there is genuine
10 disagreement regarding the proper application of RCW
11 chapter 19.28 to the facts of the case.

12 And thirdly, we believe that if citations were
13 warranted, they were issued to the wrong party.

14 With regard to the first citation which is
15 EJEFS00494, RCW 19.28.041 prohibits the installation of
16 electrical equipment without having a valid electrical
17 contractor license.

18 As discussed in appellant's brief, MSI did not
19 violate this statute because it did not install any
20 electrical equipment on the project. As a general
21 contractor, MSI is not held to a detailed knowledge of the
22 electrical code requirements. It hired and paid a
23 licensed electrical contractor, which is Dutton Electric
24 in this case to do and to be responsible for all
25 electrical work on the project.

1 Dutton Electric did, in fact, perform all of the
2 electrical work on the project. And, in fact, spent 32
3 hours on just the installation of the temporary power.

4 MSI's project manager, Rick Asher, carefully
5 coordinated with Dutton regarding the installation of
6 temporary power.

7 MSI disagrees with the ALJ's finding that the
8 decisions regarding the temporary power were made jointly
9 between Mr. Asher and Dutton's project manager. Mr. Asher
10 really provided the input regarding the project needs, and
11 all decisions regarding the use of the SO cord, the PVC
12 sleeve, the routing and the method of installation, all of
13 those decisions were made by Dutton Electric.

14 MSI argued at the hearing that SO cords are commonly
15 used by various extension -- by various trades as
16 extension cords on construction projects. Mr. Jeffers,
17 the inspector, agreed with that. And MSI agreed that as
18 such, SO cords do not necessarily require an electrical
19 license to handle.

20 RCW 19.28.006 specifically exempts plug-in type
21 devices from its requirements. Mr. Jeffers disagreed that
22 that exemption applied to the installation of temporary
23 power to the job trailers even though they were plug-in
24 connections.

25 And while the parties still disagree on that issue,

1 the question is actually moot for purposes of this appeal
2 because all of the temporary power and the SO cord that
3 was used for the temporary power on the project was, in
4 fact, installed by Dutton Electric.

5 Dutton Electric placed the PVC -- placed the SO cord
6 in the PVC sleeve and made the connections at both ends.
7 It hooked up the one end to the trailer -- job trailers
8 and the other end to the power source. MSI had no role in
9 the installation of the SO cord itself.

10 RCW 19.28.006 defines "equipment" as something that
11 directly uses, conducts, insulates, or is operated by
12 electricity.

13 Obviously, the PVC pipe as used here did not directly
14 use electricity, it didn't conduct electricity, and it
15 wasn't operated by electricity. Mr. Jeffers agreed with
16 that.

17 MSI disagreed with his opinion, however, and the
18 ALJ's finding that it directly insulated the cable inside.

19 The fact is that SO cords are fully insulated when
20 they arrived from the manufacturer, and Mr. Jeffers
21 testified that it became an insulator only if the cable
22 inside of it failed, which is clearly a stretch from
23 saying that it directly insulates the cable.

24 The case law is clear that the courts will defer to
25 or give great weight to agency expertise in interpreting

1 statutes. The Department's brief in this case relied
2 heavily on this principle and on the Magula case.
3 However, that principle only applies if the statute in
4 question is ambiguous.

5 If the statute is unambiguous, the courts will give
6 effect to the plain meaning of the word. They are not
7 bound in that case by the agency's interpretation, and
8 they will not interpret it so as to render any of the
9 words meaningless or superfluous or that would lead to a
10 strained or unrealistic interpretation.

11 Here, the statute uses the word "directly" for a
12 reason. The agency's interpretation of the PVC sleeve as
13 an insulator is clearly a strained interpretation of the
14 word "direct insulator."

15 The court in Magula made a fundamental error that I
16 believe is ripe for challenge.

17 First of all, it should not have deferred to the
18 agency's interpretation of "conduct" because the term as
19 used in the electrical context is not ambiguous in the
20 first place.

21 Secondly, the agency's interpretation of "conduct"
22 was clearly erroneous and resulted in a strained
23 interpretation of the statute. It used the word "conduct"
24 in a broad sense of leading or guiding the way, such as
25 leading a tour group or conducting an orchestra.

1 The appropriate meaning when used in connection with
2 electrical work, if you look at any dictionary, is more
3 transmitting or conveying heat, electricity, sound, et
4 cetera.

5 Mr. Jeffers admitted in his testimony that the PVC
6 sleeve did not directly conduct electricity. He also
7 admitted that it's used as an insulator, is not direct,
8 but only if the cable inside of it fails.

9 Accordingly, if the PVC sleeve did not directly --
10 and I underline the word "directly" -- use, conduct,
11 insulate, or be operated by electricity, it was exempt for
12 purposes of RCW 19.28 and MSI was not required to be a
13 licensed electrical contractor to place it in the trench.

14 The PVC was used only to protect the cable from heavy
15 traffic. As you're probably aware, this can be done by
16 burying it underground or by placing a wooden enclosure
17 around it. According to Mr. Jeffers, this latter process
18 is known as bridging, and obviously like the PVC sleeve,
19 bridging doesn't directly insulate the cable inside; it
20 just provides protection for it.

21 One is not required to be an electrician to build an
22 enclosure around it. Mr. Jeffers agreed to that. And one
23 is not required to be an electrician to dig a ditch or to
24 lay a pipe in the ditch or to backfill a ditch.

25 WAC 296-127-01344 specifically recognizes that

1 laborers commonly place plastic conduit for electrical
2 cable when the conduit is placed underground.

3 Contrary to the Department's argument, MSI is not
4 arguing that this provision allows laborers to perform
5 this work to the exclusion of the electrical code. We're
6 just pointing out that laborers do this kind of work as
7 part of their normal job function which indicates that it
8 is not necessarily electrical work.

9 The PVC did not become an electrical installation
10 until the SO cord was run through it. And that was done
11 by Dutton several days later. None of the prior manual
12 labor that was done by MSI involved any electrical work,
13 and all of the electrical work was later done by Dutton.
14 Nor did any of that work require an electrical contractor
15 license to perform. Therefore, MSI did not violate the
16 statute because the work it performed did not require an
17 electrical contractor license.

18 With regard to the second citation which was
19 EJEFS00495, RCW 19.28.101 prohibits the covering of an
20 electrical installation prior to inspection.

21 As discussed previously, MSI hired and paid a
22 licensed electrical contractor to perform all of the
23 electrical work on the project. MSI relied on their
24 expertise to comply with the required electrical laws.
25 Mr. Jeffers testified that as a general contractor, MSI

1 was entitled to do so.

2 The record is clear that Dutton Electric also did not
3 advise MSI of any requirement to inspect before
4 backfilling the trench. MSI merely dug the trench in a
5 high-traffic area, laid the protective plastic sleeve in
6 and backfilled the trench. It is not required to have
7 knowledge of the electrical code to do any of that work.

8 The SO cord was later run through a sleeve by Dutton
9 Electric. Dutton reviewed and approved all of MSI's work.

10 Contrary to the Department's brief -- and I think
11 this is very important because the brief of the Department
12 is very misleading in the sense that MSI's employee did
13 not lay conduit in a trench that contained an electrical
14 extension cord, which was their issue 1 on page 1. It did
15 not cover the conduit containing an electrical cord before
16 inspection, which was their issue 2, page 1. It did not
17 cover the PVC sleeve after Dutton pulled wire through it,
18 which they state on page 3. They did not place the PVC
19 sleeve over an SO cord and then cover it, as stated on
20 page 7. The record is clear; the SO cord was run through
21 the PVC sleeve by Dutton after the trench was dug and
22 covered.

23 So all of those statements of the Department are
24 incorrect and misleading.

25 It's also interesting to note that the Department

1 refers to the SO cord in the brief as an extension cord in
2 both issues 1 and 2.

3 Also contrary to the Department's argument, MSI is
4 not arguing that Dutton's misconduct, if there was, should
5 excuse MSI's behavior or that each entity is not
6 responsible for its own actions. MSI is just pointing out
7 that this citation was issued to the wrong party because
8 the work MSI did was not electrical work and MSI should
9 not have been cited in the first place.

10 It should be pointed out that once informed of the
11 issue with the electrical cord, MSI took immediate
12 corrective action at its own expense of several thousand
13 dollars. It dug a new trench next to the old one and
14 abandoned the old one. It hired Dutton to lay a new
15 sleeve to run the pipe -- or the wire through it and to
16 get it inspected. And then MSI covered the trench
17 without objection from anyone.

18 With regard to the third citation which was appealed
19 by the Department, RCW 19.28.271 prohibits an employer
20 from employing an individual for purposes of RCW 19.28 who
21 does not possess a valid electrical certification of
22 competency or training certificate.

23 The ALJ properly dismissed this citation. The record
24 clearly established that the MSI employee was employed
25 only as a laborer and only did laborer work and was not

1 hired in any way for purposes of RCW 19.28. He did not
2 perform any work that required special electrical
3 training. He merely provided non-electrical manual labor
4 that WAC recognized as a laborer -- as part of a laborer's
5 normal functions. And Mr. Jeffers testified that you do
6 not have to be a certified electrician or have any
7 electrical training to perform work as a laborer.

8 In conclusion, MSI did all it reasonably could to
9 comply with the state's electrical requirements. It hired
10 and used a licensed electrical contractor to do all of the
11 electrical work. It planned and carefully coordinated
12 with Dutton Electric to make sure that the temporary power
13 was done right through e-mails and on-sight meeting. They
14 reviewed and got approval for every detail including the
15 routing, the type of wiring, the size and type of sleeve,
16 how to protect the wiring in a high-traffic area, who
17 would dig the trench and lay the sleeve, who would run the
18 wire through the sleeve. MSI merely provided that manual
19 labor to allow the electrical contractor to do his work in
20 compliance with the state's electrical laws. It did
21 offer, bid, advertise, install, cover or maintain any
22 wires for electrical equipment. Yet they were penalized
23 for Dutton's failure to request an inspection or to advise
24 MSI that one was required before the trench was
25 backfilled.

1 For these reasons, all of these citations against
2 MSI should be dismissed. Thank you.

3 CHAIRPERSON PREZEAU: Thank you, Mr. Elston.
4 Ms. Greer.

5 ASSISTANT ATTORNEY GENERAL GREER: Good morning,
6 Madam Chair, members of the Electrical Board.

7 The Department of Labor and Industries cross-appealed
8 in this matter as previously stated. There were three
9 citations issued. The administrative law judge affirmed
10 the Department in citation ending 494 and 495, reversed
11 the Department on citation 496.

12 To address the most significant issue raised by
13 McClure and Sons, which involves the citation under 494,
14 violation of RCW 19.28.041, the offering to perform, bid,
15 advertise or install or maintain electrical equipment,
16 which is what is at issue here, the Department's position
17 is as follows:

18 As testified by Mr. Jeffers, it is significant for an
19 electrician who is going to be installing any kind of
20 cabling including SO cables -- "extension cords" if you
21 want to call it that -- that you know how deep the trench
22 is, and because the trench was covered there was no -- he
23 had no way of knowing the depth of the trench.

24 Also, that there are requirements for how the PVC
25 piping would be glued. And that is significant because

1 you need to know what is used. You need to know that it
2 will adhere, that it will remain adhered with its adhesion
3 over time. Because the purpose of putting the cable
4 through a PVC pipe is to provide protection for the
5 cabling and also to provide additional insulation.

6 Because if you bury something under the ground, if this
7 was put in a heavy-traffic area with heavy equipment or a
8 significant project at this wastewater treatment plant --
9 and I say it was significant because you have a
10 functioning wastewater treatment plant that had to remain
11 on-line and functioning throughout the entire construction
12 project of the modifications of the new plant. You have a
13 significant ongoing project with a great number of people
14 that are going to be involved.

15 I also say it was a significant project because it
16 took Dutton Electric 32 hours just to do the temporary
17 power to the different trailers, the different areas where
18 power would need to go in order to use the different tools
19 that would be necessary for the project.

20 So have the Dutton Electric and McClure and Sons,
21 they had multiple e-mail conversations. There was an
22 actual project walk-through by the project manager,
23 Mr. Asher and McLaughlin of Dutton Electric. And present
24 during that meeting was Mr. Shearer who actually was
25 responsible for digging the trench.

1 So the decision was made conjointly between Dutton
2 Electric and McClure and Sons as to where this trench
3 would be. They discussed in detail the circumference of
4 the PVC pipe that would be needed. They discussed the use
5 of the SO cabling which McClure and Sons buys on very
6 large rolls which makes it difficult -- you can see that
7 it's any kind of a plug-in system when you buy it on a
8 large roll and you can cut it to the size you need. And
9 it was made clear to Mr. McLaughlin that McClure and Sons
10 would dig the trench, glue the pipe which would serve as a
11 conduit, and place it in the trench, and later cover the
12 trench.

13 It's significant that even though Dutton Electric did
14 run the SO cable through the PVC piping, it did not
15 include this work on their bid -- excuse me, not on the
16 bid, but on the permit. So when the inspector was out,
17 Mr. Jeffers, on January 29th of 2016, inspecting another
18 part of the work, he noticed the power being -- having
19 been run to the trailers, and he asked some questions
20 about it, and that's when he found out that there was
21 underground power cabling to the job trailers.

22 Their -- counsel for McClure and Sons has referred
23 to properly to the statute RCW 19.28.041 that discusses
24 the definition of what is electrical equipment, but I
25 would also refer you -- and it's in the Department's brief

1 -- the WAC definitions. And the Department does have the
2 authority under statute to expand on the definitions
3 contained in the statute. And this is WAC 296-46B-100.
4 And unfortunately it's not numbered very well. But it
5 defines "electrical equipment" to include electrical
6 conductors, conduit, raceways, apparatus, materials,
7 components and other electrical equipment that's not
8 exempted under RCW 19.28.0069. And it also -- the
9 regulation also goes on, any conduit or raceway of a type
10 listed for electrical use is considered to be a electrical
11 equipment even if no wiring is installed in the conduit/
12 raceway at the time of the installation of that conduit/
13 raceway.

14 Mr. Jeffers testified that the PVC pipe was
15 considered in the Department's perspective as a raceway.
16 Because it was a raceway, it is no longer just simply a
17 PVC pipe; it becomes electrical equipment. It was
18 designed to be used as part of an electrical installation.
19 It wasn't just put underground to dig a trench and put
20 some -- lay the pipe down; it was put there to run
21 significant cable to power sources and to job trailers
22 in a high-traffic area on a construction site.

23 So it's the Department's position that the
24 administrative law judge properly affirmed the citation
25 ending in 494.

1 As to the citation ending in 495, there's no dispute
2 that this electrical installation was covered prior to it
3 being inspected.

4 The Department basically noticed this with
5 serendipity, out looking at other parts of this project,
6 noticed that there was clearly an additional electrical
7 installation, asked about it, and was told that no, this
8 wasn't part of our permit, it got added to the permit,
9 additional fees had to be paid, and it had been covered up
10 prior to the installation. And this covering up of --
11 meaning dirt being put in a trench, a deliberate effort to
12 conceal, was done by McClure and Sons by their employee.

13 Mr. Shearer was, in fact -- stated was out on the job
14 site at the time this project was being discussed. And
15 the direction he received was by McClure and Sons and
16 Dutton Electric about where the trench would go.

17 But McLaughlin, who testified, was not present when
18 the trench was dug and the pipes placed.

19 It is the Department's position that McClure and Sons
20 covered an electrical installation, and there had been no
21 prior inspection to that.

22 In terms of the citation ending in 496, the violation
23 alleged of RCW 19.28.271, it's the Department's position
24 that the ALJ erred in reversing that citation.

25 Mr. Shearer was clearly an employee of McClure and

1 Sons. He was acting under the direction of McClure and
2 Sons. And he was involved in an electrical installation.

3 The digging of the trench, there was no testimony as
4 to who actually glued the PVC pipe. But that was also
5 done by McClure and Sons.

6 So Mr. Shearer dug a trench. The pipe was glued,
7 placed in that trench. And ultimately Mr. Shearer covered
8 the trench in this high-traffic area on this construction
9 site. And in doing so, he was used and employed by
10 McClure and Sons to participate in electrical
11 installation, and he was not an electrician and did not
12 have the proper certifications or qualification to do the
13 work.

14 And I realize that except for the experience of this
15 Board, most people would say, well, what's the issue? Why
16 is the Department so concerned about PVC pipe in a trench?

17 Well, as Mr. Jeffers explained, the problem is:
18 Without knowing how deep the trench is, you don't know if
19 it's down deep enough for the equipment and the weight of
20 the equipment that's going to be going over this line.
21 You don't know if -- without being able to see it, you
22 don't know if it's glued properly to maintain its adhesion
23 and to prevent dirt, rocks or other materials getting into
24 the pipe possibly damaging that cord. The cord being
25 crushed, which was one of the reasons for that piping in

1 the first place. You don't know what could be happening
2 underground.

3 And the whole point of protecting that cord was to
4 prevent possible people being injured by being
5 electrocuted by coming into contact with this underground
6 pipe.

7 I also point out that even looking at the pictures
8 that were admitted into the record, the ground looked
9 pretty wet. So we've had record rainfall the last two
10 years. So you have saturated ground. You have the type
11 of soil that's found in the Everett area. And there was
12 concerns about rocks and dirt and that cord, the SO cord
13 being damaged, which is why they put it in PVC pipe to
14 begin with. So you do have a situation where people were
15 placed at risk.

16 And the remedy of this, which McClure and Sons
17 properly undertook, was to run another pipe and have all
18 phases of that done and supervised by Dutton Electric and
19 inspected prior to covering it up the second time.

20 So while use of the word "extension cord" is in the
21 Department's brief, this is not an extension cord as a
22 layperson such as myself would think, that it's something
23 you run across your living room floor to plug in your
24 Christmas tree lights, or to plug in to use your Weed
25 Eater in your backyard or an electric lawnmower. This was

1 a significant piece of electrical cabling that was used
2 for a substantial run of power to job trailers and
3 involving transformers and all kinds of connections that
4 are clear in the record were all involved in this. If it
5 was a simple extension cord, it wouldn't have taken 32
6 hours to be able to do the different work that was done by
7 Dutton Electric.

8 So the Department is respectfully asking that the
9 Board affirm the citations under 494 and 495, reverse the
10 ALJ on 496. The sections of the proposed order that we
11 need to be changed are the initial order summary,
12 paragraph 2.3, conclusions of law 5.9, 5.10 of section 3,
13 5.11, and initial order paragraph 6.4, 6.5.

14 Counsel and I discussed the matter with Mr. Reuland
15 prior to the meeting, and I believe it's our agreement
16 that we would ask the Board to simply convey a decision as
17 to reverse or affirm and give us your reasoning, and then
18 we would undertake to prepare a proper order and not take
19 the Board's time trying to recraft the different
20 paragraphs in the proposed order.

21 And I thank you for your time.

22 CHAIRPERSON PREZEAU: Thank you, Ms. Greer.

23 So Pam was just saying, hey, you can have the parties
24 do rebuttal to one another before you ask questions unless
25 the Board wants to jump in at this point. Do you just

1 want to hear rebuttal? Excellent.

2 Mr. Elston.

3 MR. ELSTON: Okay, I would point out that Ms. Greer
4 has indicated a definition of the word "equipment" given
5 by a WAC that is something that the electrical contractor
6 obviously is held to a deep responsibility to be familiar
7 with and to apply, but not a general contractor.

8 A general contractor is not held to the same standard
9 as an electrical contractor as to knowledge of the
10 electrical code. And that definition is pretty deep into
11 the administrative definitions of equipment that an
12 electrical contractor or even other trade contractors
13 would not have a responsibility to know or to be familiar
14 with.

15 Also, the fact that a permit was not inclusive of
16 this aspect of the work, that was also the responsibility
17 of the electrical contractor. Mr. Jeffers testified in
18 the record that that was all part of Dutton's
19 responsibility, not McClure's. And Mr. Shearer certainly
20 was present at the time that they went through the job
21 site inspec -- not inspection, but walk-through to
22 determine what needed to be done. And he just followed
23 the instructions that were approved by the electrical
24 contractor.

25 Mr. Greer actually introduced new evidence when she

1 said that there was -- that the pipe had been glued and
2 not -- and there was no opportunity to have it inspected.
3 There's been no evidence that there was any gluing of
4 piping in the record below.

5 And finally, the fact that this is not a normal
6 extension cord you would use to power your Christmas tree
7 is true. In fact, the SO cord is -- I'm sure everyone on
8 the Board is well familiar is a very heavily insulated
9 cable that has very little chance of being affected by
10 damp soil or most rocks.

11 So I agree with the characterization that Ms. Greer
12 made of how we want to handle the rewording of the order
13 and so forth.

14 And I thank you for this opportunity.

15 CHAIRPERSON PREZEAU: Thank you, Mr. Elston.

16 Ms. Greer, anything further?

17 ASSISTANT ATTORNEY GENERAL GREER: One brief comment.

18 I unfortunately can't immediately point the Board out
19 to where in the transcript discussion of -- or in the
20 record, the gluing of the PVC pipe was discussed.

21 However, I didn't do the hearing as you are aware.
22 There is no way that I would have known that there was a
23 discussion of gluing or the PVC pipe that needed to be
24 glued without it being in the record. And I apologize I
25 can't direct you immediately to that section of the

1 transcript for the record.

2 Thank you. Nothing further.

3 CHAIRPERSON PREZEAU: Well, Ms. Greer, I don't know
4 that it's important for us to know whether or not the
5 conduit was, in fact, glued, which is actually a
6 contributing factor to the problem with this installation
7 from my perspective.

8 ASSISTANT ATTORNEY GENERAL GREER: Madam Chair? I'm
9 sorry. I did find the citation. It's page 67 of the
10 transcript, Electrical Board packet 116.

11 "Ultimately we are just gluing PVC together and lying
12 it on the ground and he pulls a cord through it."

13 CHAIRPERSON PREZEAU: And that is Mr. Asher
14 responding to questions by Mr. Elston.

15 ASSISTANT ATTORNEY GENERAL GREER: That's correct.

16 MR. ELSTON: I apologize. I didn't recall that.

17 CHAIRPERSON PREZEAU: No worries.

18 So I just have a couple of thoughts here.

19 I think it's interesting, these e-mails. You know,
20 I've read the packet. And the e-mails, as part of MSI's
21 -- I want to refer to you as MSI instead of the appellant
22 because technically we're both appellants, right? Or the
23 Department and MSI are both appellants.

24 And MSI's exhibits -- and I'm looking at Exhibit C,
25 which is Electrical Board packet page 149. And as you may

1 recall this is Rick Asher who's the project superintendent
2 for MSI, an e-mail correspondence with Mr. McLaughlin from
3 Dutton Electric, and he, you know, indicates that he's
4 sketched out this preliminary plan for the temporary power
5 system. It indicates that, you know, we're going to have
6 to go from step-down transformer inside the wastewater
7 treatment plant and run temporary power not only to the
8 office trailers, but also, you know, run general power to
9 the construction site. And it says that, Hey, we've got
10 the step-down transformer and SO cord and spider boxes and
11 let me know what size wire we would need for the main
12 power supplies.

13 And then it says, That may or may not be something we
14 have you provide, which sort of indicates as I read this
15 that it feels like the general contractor through Mr.
16 Asher is indicating to Dutton Electric that we are going
17 to install the temporary power system, and we may or may
18 not rely on you to provide the wire.

19 And as we saw in Mr. Asher's testimony in the hearing
20 that he says we didn't have on hand -- we didn't have --
21 MSI didn't have in our inventory the wire to provide for
22 this job, which is one of the reasons why Dutton Electric
23 supplied it.

24 And then I think it's incredibly valuable because
25 -- I don't know if all the parties knows this, but

1 Mr. Cornwall, you work for Platt Electric; is that
2 correct?

3 BOARD MEMBER CORNWALL: That is correct.

4 CHAIRPERSON PREZEAU: It's correct.

5 And so you furnish as part of your exhibits the
6 invoices that Dutton Electrical billed MSI for for their
7 work on the temporary power system. And I've thought --
8 think as a journeyman electrician working for contractors,
9 certainly made purchases at Platt Electric. And I'm not
10 100 percent fluent in your invoicing system, but I'm
11 pretty sure; I just want Mr. Cornwall to verify this.

12 But I'm seeing in here these -- so I'm now looking
13 at these -- the Platt Electric invoices occur in multiple
14 places in the Electrical Board packet. But I'm looking
15 at page -- Electrical Board packet page 255. And so this
16 is Department -- actually it's labeled Department Exhibit
17 8, which is page 26 of 40. But it's Board packet 255.

18 And I just want to confirm what I'm seeing here
19 because, Mr. Cornwall, you're going to be fluent in your
20 invoicing systems. But I see that what Dutton Electric
21 purchased is -- there's a inch and a half conduit locknut.
22 There's a inch and a half plastic I believe this is
23 insulate bushing?

24 BOARD MEMBER CORNWALL: Correct.

25 CHAIRPERSON PREZEAU: And there's a inch and a half

1 90 degree conduit "ell." So that's going to be a
2 90-degree conduit elbow, right?

3 BOARD MEMBER CORNWALL: Yeah.

4 CHAIRPERSON PREZEAU: So -- I mean, as you read
5 through here, there's also an inch and a half Type-LB
6 conduit fitting, which I know is a -- these are fittings
7 that are a inch -- that are used to complete a electrical
8 conduit raceway system. Is that correct, Mr. Cornwall?

9 BOARD MEMBER CORNWALL: Yes, it could be used for
10 that purpose.

11 CHAIRPERSON PREZEAU: Okay. So what's interesting
12 about this is I know that MSI is arguing that the
13 installation of the electrical conduit in the ground is
14 not an electrical installation; it's not an electrical
15 installation until the wire gets pulled inside of it. And
16 I would argue that that argument doesn't hold water
17 because if the electrical contractor is purchasing
18 fittings that complete the electrical raceway system
19 before they pull wire, it actually is an electrical
20 installation from the moment that the pipe gets placed in
21 the ground.

22 And the further point, I just actually find it
23 fascinating that Mr. Asher actually makes the Department's
24 case in his own testimony.

25 If you look on Electrical Board packet page 126,

1 Mr. Asher is responding to questions from Mr. Elston.
2 His response actually corroborates the Department's case.
3 And when Mr. Elston is asking Mr. Asher questions about
4 this project in question, and so he says -- I'm reading
5 from the top of page 126.

6 So question: "Was there another inspection on the
7 29th of January?"

8 Answer: "Yes."

9 "And who was the inspector on that date?"

10 Answer: "Mr. Jeffers."

11 "Were you involved in that inspection?"

12 Answer: "I was not."

13 "Had any additional work been done on the
14 installation of temporary power at that point?"

15 Answer: "No."

16 "Did you have any discussion with Mr. Jeffers?"

17 Answer: "I did not."

18 And this is -- here is where it is. "Do you know the
19 purpose of that inspection?"

20 Mr. Asher responds: "I could see that he was
21 inspecting a duct bank around the oxidation ditch and then
22 it looks like the two office trailers."

23 What is a duct bank? A duct bank is one or a series
24 of underground conduits laid in a ditch for the purposes
25 of conveying electrical conductors.

1 I find it interesting that this is considered an
2 electrical installation but the conduit for the temporary
3 power is not. Does that make sense?

4 I mean, if a duct bank is being inspected by the
5 L & I inspector, and a duct bank is a rack typically of
6 underground conduits, whether they are PVC or they are
7 rigid conduit, they -- it is inspected before there's wire
8 put inside of it for trenching that and for proper support
9 and for -- to ensure that the pipe is adequately secured
10 in place.

11 Do these words make sense?

12 Are there other thoughts from Board members?

13 BOARD MEMBER JENKINS: Madam Chair?

14 CHAIRPERSON PREZEAU: Mr. Jenkins.

15 BOARD MEMBER JENKINS: I was looking at the situation
16 where the electrical pipe was put in the ground for
17 purposes of a SO cord being pulled through them versus
18 someone putting a piece of PVC laying around for some
19 other purpose. It was purposely installed for the
20 electrical wiring. Therefore, in my opinion it is a
21 electrical installation.

22 BOARD MEMBER LAMAR: I certainly agree, Madam Chair.

23 BOARD MEMBER NORD: I concur.

24 CHAIRPERSON PREZEAU: Okay. So other thoughts?

25 I think it's pretty straightforward to be honest with

1 you. And I think that the ALJ was pretty clear in the
2 proposed order.

3 I do think that the record does contain the fact that
4 Mr. Shearer, right? who's the individual that was employed
5 by McClure and Sons, was included in the transcript that
6 actually dug the ditch, dug the trench and installed the
7 conduit was cited by the Department for performing that
8 electrical work, and that citation was not appealed.

9 So I think that -- I've had a conversation with Pam
10 about -- in the past, we've made an attempt as the Board
11 when it comes to appeals to address every statement in the
12 proposed final orders from the ALJ, and I'm incredibly
13 happy to you that Pam has reversed that decision and said,
14 "Hey, you know what? We just need to capture the intent
15 of the Board and let the parties draft the proposed final
16 order for discussion and presentation at the next
17 Electrical Board meeting."

18 So given the comments from Board members, I think it
19 may be appropriate to entertain a motion regarding how you
20 want to handle these -- the citations issued by the
21 Department and the decisions -- the proposed final order.

22 ASSISTANT ATTORNEY GENERAL THOMURE: Could I just add
23 clarification here?

24 CHAIRPERSON PREZEAU: Sure.

25 ASSISTANT ATTORNEY GENERAL THOMURE: I do think it's

1 important for the Board to identify what portions of the
2 orders -- the proposed orders that the Board agrees or
3 disagrees with. But in the past we've spent time trying
4 to craft replacement words, which we all know has been
5 incredibly difficult and not always perfect. And it was
6 recently brought to my attention by -- when some matters
7 go to superior court, that sometimes by focusing on
8 particularly one finding and trying to craft that, that
9 sometimes creates inconsistencies in other parts of the
10 orders that this Board really isn't even thinking about.
11 And so from that perspective, I would recommend then that
12 the Board then does identify, you know, what's the problem
13 in general terms, but then let the attorneys make sure
14 that the actual findings are internally consistent with
15 the entire order. So if there's other things that need to
16 be fixed, especially in this case there's two attorneys
17 and if they can agree that the contents of the final order
18 accurately reflect the Board's findings. And so that's
19 where -- it would be my recommendation to the Board.

20 CHAIRPERSON PREZEAU: Thank you.

21 Well, so -- you guys are awfully quiet today.

22 BOARD MEMBER LAMAR: Madam Chair, I move --
23 (inaudible)

24 CHAIRPERSON PREZEAU: So I think -- unless I'm
25 missing something, I think the only portion of the

1 proposed final order that the ALJ -- that would be
2 inconsistent is 5.9. But not the only one. But 5.9 where
3 it indicates that -- it's the basis for reversing citation
4 ending in 496 I believe.

5 Because in 5.8, the ALJ actually indicates that the
6 work was electrical construction work. And so the facts
7 that the ALJ arrived at that conclusion -- it's incumbent
8 then that if it's electrical construction work covered by
9 the statute in the rules, then a person that was employed
10 to install that needed to be certified as well.

11

12

Motion

13

14 BOARD MEMBER JENKINS: Madam Chair, maybe this is
15 appropriate. I'd like to make a motion that 5.9 read
16 something to the effect of "Mr. Shearer performed
17 electrical work when he did not possess the required
18 license or training certificate" and pretty much scratch
19 the rest of that whole paragraph.

20 CHAIRPERSON PREZEAU: Yeah, to make it -- craft it to
21 make it consistent with that. Is that in the form of a
22 motion?

23 BOARD MEMBER JENKINS: Yes.

24 CHAIRPERSON PREZEAU: Do these one at a time, or can
25 we just --

1 ASSISTANT ATTORNEY GENERAL THOMURE: Well, you have
2 to make a motion in terms of the Board's decision.

3 CHAIRPERSON PREZEAU: No, I understand that.

4 ASSISTANT ATTORNEY GENERAL THOMURE: And you can do
5 that all at once as long as we're clear in terms of what
6 that motion is and that it's been seconded.

7 CHAIRPERSON PREZEAU: So that's in the form of a
8 motion?

9 BOARD MEMBER JENKINS: Yes.

10 CHAIRPERSON PREZEAU: Is there a second?

11 BOARD MEMBER NORD: Second.

12 CHAIRPERSON PREZEAU: Okay. So it's been moved and
13 seconded to change -- yeah, conclusions of law 5.9 to
14 indicate the positive that Mr. Shearer did perform
15 electrical work when he did not possess the requisite
16 license or certificate -- training certificate, and then
17 recraft the language so it's consistent with that
18 sentiment.

19 Discussion on the motion? Seeing none, all those in
20 favor, signify by saying "aye."

21 THE BOARD: Aye.

22 CHAIRPERSON PREZEAU: Opposed? So moved.

23

24 Motion Carried

25

1 CHAIRPERSON PREZEAU: And then I think the next piece
2 is we need to deal with 6.5, 6.4 --

3 Oh, Janet?

4

5 Motion

6

7 BOARD MEMBER LEWIS: Well, I'd like to make a motion
8 to uphold section 6.2, 6.3 and reverse 6.4.

9 CHAIRPERSON PREZEAU: Okay. So Janet's moving to
10 uphold 6.2, 6.3 and 6.4.

11 BOARD MEMBER LEWIS: No. Reverse.

12 CHAIRPERSON PREZEAU: Reverse. Sorry, sorry, sorry.
13 More coffee.

14 So uphold 6.2, 6.3 and reverse 6.4. Is that correct?

15 BOARD MEMBER LEWIS: Correct.

16 BOARD MEMBER: Second.

17 CHAIRPERSON PREZEAU: Moved and seconded. Discussion
18 on the motion to affirm 6.2, 6.3 and reverse 6.4? Any
19 discussion? Seeing none, all those in favor, please
20 signify by saying "aye."

21 THE BOARD: Aye.

22 CHAIRPERSON PREZEAU: Opposed? Motion carried.

23

24 Motion Carried

25

1 CHAIRPERSON PREZEAU: Okay. Pam, did we ...

2 ASSISTANT ATTORNEY GENERAL THOMURE: Either to affirm
3 or determine if the Board will be affirming the remainder
4 of the proposed decision and order, or not.

5 CHAIRPERSON PREZEAU: Well, it seems there are other
6 sections that maybe need to be modified before we ...

7 ASSISTANT ATTORNEY GENERAL THOMURE: How about, to
8 affirm the remaining decisions made by the ALJ with the
9 caveat that if there are internal inconsistencies with the
10 Board's decision, those can be corrected.

11

12 Motion

13

14 BOARD MEMBER LEWIS: I would make that motion, yeah.

15 CHAIRPERSON PREZEAU: Okay, it's moved and seconded
16 to affirm -- for the Board to consider affirming the
17 balance of the ALJ's decisions contained within this
18 proposed order as long as those decisions are consistent
19 with the actions taken previously by this Board. Is that
20 correct?

21 Discussion on the motion? Seeing none, all those in
22 favor, please signify by saying "aye."

23 THE BOARD: Aye.

24 CHAIRPERSON PREZEAU: Opposed? Motion carried.

25

1 Motion Carried

2

3 CHAIRPERSON PREZEAU: So the Board has -- oh.

4 ASSISTANT ATTORNEY GENERAL GREER: Madam Chair, the
5 Department would like clarification that as you affirm the
6 citations 494 and 495 that there are sections of the order
7 concerning 496 that reverse the penalty amount.

8 So the Department respectfully requests that the
9 Board either reverse the penalty and -- denial of the
10 penalty and reinstate it or not. Because there needs to
11 be a decision not just on the citation, but on the
12 penalty.

13 CHAIRPERSON PREZEAU: So we can do this -- because
14 just to make it clear, but I am going to infer that the
15 motions that were made, the intent was to affirm not only
16 the citations but the penalty amount because we don't get
17 to play games with that. But the Chair would entertain a
18 motion to make that record clear that we -- the intent of
19 the motion -- or the intent of our action was to
20 additionally affirm the penalty -- original penalty amount
21 attached to citation ending in 496. The Chair would
22 entertain that motion,

23

24

Motion

25

1 BOARD MEMBER PHILLIPS: Motion.

2 BOARD MEMBER: Second.

3 CHAIRPERSON PREZEAU: It's been moved and seconded.

4 Any discussion on that motion to affirm the associated
5 penalties with citation ending in 494? All those in
6 favor, please signify by saying "aye."

7 THE BOARD: Aye.

8 CHAIRPERSON PREZEAU: Opposed? Motion carried.

9

10 Motion Carried

11

12 CHAIRPERSON PREZEAU: So the Board's made several
13 decisions that hopefully are clear for the record.

14 Ms. Greer, as the prevailing party, I would ask that
15 you -- the Department through you prepare a proposed final
16 order. And I don't know if you have one with you today.

17 ASSISTANT ATTORNEY GENERAL GREER: I do not.

18 CHAIRPERSON PREZEAU: So I would just ask that the
19 parties work together to try to reach a decision regarding
20 the Board's actions today, codified in a proposed final
21 order.

22 And just be advised that if the parties are not able
23 to reach agreement around the language of that proposed
24 final order, this matter will automatically be set for
25 presentment of that final order at the next regularly

1 scheduled Board meeting, which would be July 26th I
2 believe. Is that --

3 ASSISTANT ATTORNEY GENERAL GREER: I don't have the
4 date, but I'll verify it.

5 CHAIRPERSON PREZEAU: All right. If you are able to
6 reach agreement as to the form of the order before the
7 next meeting, please forward it to the secretary to the
8 Board's office, and they will ensure it gets signed and
9 copies get distributed to all the relevant parties.

10 ASSISTANT ATTORNEY GENERAL GREER: Thank you.

11 CHAIRPERSON PREZEAU: Thank you very much.

12 It's the 27th. The 27th.

13 All right. So Milton, do you want to take a
14 breather?

15 THE COURT REPORTER: (Nodding affirmatively.)

16 CHAIRPERSON PREZEAU: So we can make that clock,
17 which is actually correct today, the official clock. Why
18 don't we come back at a quarter to ...

19 (Recess taken.)

20 CHAIRPERSON PREZEAU: I call the Electrical Board
21 back to order.

22 We need to talk about -- hang on just a second. We
23 need to talk about -- before we move away from the appeals
24 and move to the next agenda item, I want to talk about the
25 pending hearing with Unity Electric.

1 So you know that the Department has issued intent of
2 revocation or suspension in the matter of Unity Electric
3 and Warner. And I just want to give you guys a time line
4 of where this started and to help put in context where
5 it's going next. That could be helpful.

6 So on September 30, 2016, the Department mailed a
7 notice of intent to suspend to both Gary Warner and Unity
8 Electric. Because it's an intent to suspend Unity
9 Electric's contractor's license and the administrator
10 certificate. We don't have any information, nor should
11 we, about the content of the matter because that would --
12 talking about revocations, those are original hearings
13 that come here.

14 And then on November 3, 2016, there was a letter from
15 the Board setting the matter for the hearing at our next
16 Electrical Board meeting in January -- it would have been
17 January 26, 2017. And we set a pre-hearing conference for
18 December 12, 2016 to bring the parties together to
19 understand where this was going.

20 And on December 9th, there was a letter by -- okay,
21 there was an e-mail where the parties jointly requested a
22 continuance and location of a special setting for a date
23 after the April -- today's Board meeting.

24 ASSISTANT ATTORNEY GENERAL THOMURE: The January
25 Board meeting.

1 CHAIRPERSON PREZEAU: The January Board meeting.

2 We did have the pre-hearing conference on December
3 12th where I as the presiding officer agreed to continue
4 the matter to the April 27, 2017, Electrical Board
5 meeting, and understanding about what sort of the level of
6 complexity that we anticipate the matter to entail.

7 And then we received a letter dated March 31st where
8 the parties jointly submitted a joint request for
9 continuance of the matter -- it was quite compelling
10 actually -- to have the hearing scheduled at a date to be
11 determined sometime after August 1st of 2017.

12 So there's been some information request from the
13 appellants to the Department that are quite extensive and
14 not -- the Department at the time of --

15 (Directed to AAG Thomure) This is all appropriate to
16 say, right?

17 ASSISTANT ATTORNEY GENERAL THOMURE: I would not
18 discuss discovery issues at this point.

19 CHAIRPERSON PREZEAU: Okay.

20 So it was -- the letter was very compelling for the
21 need to continue until after August 1st.

22 And then we learned from the parties that August was
23 -- for the Department was going to be challenging to find
24 dates. And so we are looking -- to be honest with you, we
25 were looking at dates in September and October.

1 And we also had a telephone conference. We've hired
2 the ALJ as we discussed, that we were going to do that at
3 our January Board meeting. So we had a teleconference on
4 April 7, 2017. And we -- and the ALJ was brought into the
5 loop on that where we had these conversations about -- we
6 discussed the letter of continuance and also some possible
7 dates. And where I had a shift in gears -- and what I
8 mean by that is the parties have basically requested that
9 the Board schedule -- to hear this matter that the Board
10 schedule six days.

11 And my first reaction to that was holy cow, right?
12 And then I started to think, Well, wait a minute. I'm
13 looking at this a little bit like with a narrow scope.
14 And what I mean by that, I was thinking like six
15 consecutive days. But it doesn't have to be six
16 consecutive days. And, in fact, talking with Pam, it's
17 quite routine to have a matter in front of a judge in a
18 courtroom where you have a hearing one or two days, and
19 then two weeks later you have another hearing. And so to
20 use Mr. Nee's (phonetic) language, to bifurcate, right?
21 divide up the days so it's not such an onerous -- you
22 know, so Bobby, you don't have to be away from your
23 business six consecutive days in a row. Yeah, because
24 that's -- it would be much too difficult.

25 And so, you know, the days that we're looking at

1 actually -- and then so additionally we consulted with
2 Bethany to determine if the Rhodes Center was available --
3 because that's where we're at right now -- on the dates
4 that have been suggested. Because for most folks, this --
5 Tacoma's a pretty reasonable location in terms of
6 accommodating, right? I mean, for folks -- I know Bobby,
7 you've got to come over -- you'd prefer it being in the
8 Palm Springs of Washington. But to be honest with you, if
9 you look at it, it's not only for those that have to come
10 over from out of town, it's close to the airport, but for
11 most of the rest of the Board members it's within a
12 reasonable travel radius and for the Department as well
13 and the parties.

14 So the dates that we're looking at would be like
15 September 28th and 29th, probably October 5 and 6 maybe,
16 and then October 18th and 20th. So those are the dates
17 that the facility here is available. And Bethany is --
18 can secure that once we know what we're looking at. And
19 it's consistent with the dates the parties have suggested.
20 So, you know, 28 and 29 would be a Thursday and a Friday.
21 And September 5 and 6, we would skip a week; it would be
22 the next Thursday and Friday in October, and then get a
23 little bit of a breather and look at a week away, the
24 18th.

25 (To counsel) So is this the 18th through the 20th, or

1 the 18th and the 20th?

2 ASSISTANT ATTORNEY GENERAL THOMURE: Was it the 18th,
3 19th and 20th?

4 MS. RIVERA: In October, it's just the 18th and 20th.

5 CHAIRPERSON PREZEAU: Okay. So we would obviously --
6 ideally we'd want it to be consecutive. So you might have
7 to find a different location if we end up going forward
8 with those dates.

9 But this is all up for discussion from the Board
10 members. I don't want to set any expectations that I'm
11 trying to dictate this to you by any means.

12 And when we had our telephone conference on April
13 7th, I indicated to the parties that I was not inclined to
14 render a decision about scheduling because we're so close
15 to our Board meeting and it impacts several other people
16 that it seems inappropriate for me to make that when we
17 could decide it as a Board.

18 So what I'm looking for is your thoughts and advice
19 and if anybody's got a better way to approach this, it
20 would be -- I would welcome those comments or ideas.

21 BOARD MEMBER SCOTT: So can you be clear about what
22 it is? I mean, has the ALJ already made a decision?

23 CHAIRPERSON PREZEAU: No.

24 So I can't be clear about what it is because just
25 like the Thomas and Staudenmeier case when those

1 electricians were -- the Department had issued an intent
2 to revoke or suspend their certificates, the Department
3 has issued an intent to suspend or revoke an electrical
4 contractor's license and their associated administrator's
5 certificate. So that would be -- we would look -- that
6 matter would be heard in front of us.

7 The ALJ, unlike these four, right? citation appeals,
8 has been hired to assist us in the ...

9 ASSISTANT ATTORNEY GENERAL THOMURE: I can address
10 this.

11 CHAIRPERSON PREZEAU: Thank you.

12 ... in the process. Because this is ...

13 ASSISTANT ATTORNEY GENERAL THOMURE: The Board is
14 still -- we hired the ALJ, if you recall, to actually sort
15 of act as the presiding judge. So what we would -- what
16 we anticipate is that as the -- not the presiding judge;
17 it's the presiding officer. That once the dates have been
18 determined for a special hearing by the Board, that the
19 ALJ then will take care of all pre-hearing matters such as
20 maybe doing pre-hearing conferences, when to schedule
21 witnesses, or how to handle exhibits. So that should all
22 be taken care of because those are just procedural
23 decisions.

24 Then the hearing before the Board would then be for
25 the actual presentation of each party's case as an

1 original hearing. The ALJ will be present for that and
2 will act as the presiding officer to rule, for instance,
3 on if an attorney makes an objection based on hearsay.

4 So what we anticipate -- what I anticipate would be
5 at the start of the hearing would be opening statements by
6 both sides, then we go right into presentation of the
7 witness testimony. That would be done -- you as Board
8 members also though still have the right to inquire and
9 ask each and every witness questions. So even though
10 we'll have the ALJ there to facilitate the hearing, the
11 Board members still would have opportunity since this is
12 an original hearing.

13 CHAIRPERSON PREZEAU: We render the final decision.

14 BOARD MEMBER SCOTT: Does it have to be -- does the
15 final decision have to be done at the end of the hearings
16 or is there a transcript generated and we could make a
17 decision at the meeting?

18 CHAIRPERSON PREZEAU: We could do either.

19 BOARD MEMBER SCOTT: Because what I'm worried about
20 is I can see a couple of big conflicts already. And if I
21 miss part of it, can I read it in the transcript?

22 ASSISTANT ATTORNEY GENERAL THOMURE: There is a
23 provision in the rule that provides that if a Board member
24 misses a part of the hearing or something, that you can
25 then read the transcript and then participate in the vote.

1 We have to have a quorum, though, at each hearing to
2 go forward in that matter.

3 And one of the things I think that the Board can ask
4 the ALJ to do is in terms of if there's, for instance,
5 important witnesses -- well, I think the parties can sort
6 this out. Obviously if each party wants the Board to
7 actually hear that testimony and have the ability to
8 assess credibility, then each party should schedule those
9 witnesses when they know the Board members are going to be
10 able to hear it. But we'll be -- but I think that's what
11 attorneys do. They have to figure that all out.

12 CHAIRPERSON PREZEAU: But I mean, we -- we've done
13 that the past. And I think that's -- you know, I mean,
14 it's -- it is difficult to expect that every Board member
15 is going to be able to attend all six of these scheduled
16 dates if this is how we go forward. Just because it's --
17 it's a lot. But as Pam said, we have to have a quorum at
18 each one. And the rules are pretty clear. It gives us
19 the ability to ensure that -- you know, we could wait for
20 the transcripts to be produced before ...

21 ASSISTANT ATTORNEY GENERAL THOMURE: And these are
22 suggested dates by when the parties are available.
23 Obviously you as the Board are the most important people
24 and you get to decide.

25 For instance, we have a Board meeting on October

1 26th. It might be that the Board would like to set one of
2 the dates further, you know, around one of those meetings.

3 Also, things are very fluid in litigation. So while
4 the parties are suggesting that six days be scheduled at
5 this point in time, which I think is a good idea so we can
6 reserve the facility, make sure that there's -- things
7 change. It may be that during like the third day, some
8 Board members say, Whoa, guess what, I'm no longer
9 available for those dates in October, can we look at
10 moving those dates? I mean, that happens. And so if
11 there has to be changes made -- it doesn't preclude you
12 from making those changes; you're not locked in as with
13 any scheduling matter.

14 BOARD MEMBER PHILLIPS: We should find out how many
15 people are available on those dates and start from there.

16 CHAIRPERSON PREZEAU: Yeah. So September 28th and
17 29th.

18 BOARD MEMBER SCHMIDT: I won't be available.

19 CHAIRPERSON PREZEAU: So Kevin wouldn't be here.
20 Bobby, you have your hand up.

21 BOARD MEMBER GRAY: I'm okay in September.

22 CHAIRPERSON PREZEAU: Ryan.

23 BOARD MEMBER LAMAR: I'm 100 percent okay.

24 CHAIRPERSON PREZEAU: Okay.

25 BOARD MEMBER PHILLIPS: They all work for me.

1 BOARD MEMBER CORNWALL: I won't be participating in
2 the event of a conflict of interest.

3 CHAIRPERSON PREZEAU: Oh, that's right. We've talked
4 about that already.

5 BOARD MEMBER NORD: If I'm here, I'm good for all of
6 them.

7 CHAIRPERSON PREZEAU: Yeah, that's the other wrinkle
8 is there's several Board members that are seeking
9 reappointment. And it might be a --

10 ASSISTANT ATTORNEY GENERAL THOMURE: Do the best you
11 can.

12 CHAIRPERSON PREZEAU: Do the best you can.
13 Randy?

14 BOARD MEMBER SCOTT: I think I could make the
15 September one. The October ones are ...

16 CHAIRPERSON PREZEAU: Janet?

17 BOARD MEMBER LEWIS: Yeah, I'm good.

18 CHAIRPERSON PREZEAU: John?

19 BOARD MEMBER BRICKEY: September I'm good. It's the
20 October, maybe.

21 CHAIRPERSON PREZEAU: Okay. Jason and Dave?

22 BOARD MEMBER WARD: October 5th and 6th are tough for
23 me.

24 CHAIRPERSON PREZEAU: Okay. So September 28th and
25 29th is good.

1 BOARD MEMBER GRAY: What's a quorum again? Is it a
2 simple majority?

3 CHAIRPERSON PREZEAU: Simple majority. Eight of 15.
4 So we've got eight of 15 easily for the September
5 dates.

6 So if people don't like October -- how many people
7 are not available October 5 and 6? Raise your hand.

8 One, two, three. Okay.

9 What about -- I know we can't be here on the 19th,
10 but we could -- what about October 18th and 19th?

11 BOARD MEMBER PHILLIPS: Can or can't?

12 CHAIRPERSON PREZEAU: Can.

13 BOARD MEMBER PHILLIPS: Can be here?

14 CHAIRPERSON PREZEAU: Well, actually I'm asking in
15 the negative. Cannot be here. Let's stay with that.
16 It's easier to count.

17 Alice?

18 BOARD MEMBER PHILLIPS: No, I can be here.

19 CHAIRPERSON PREZEAU: You can be here?

20 BOARD MEMBER PHILLIPS: Yes.

21 CHAIRPERSON PREZEAU: So we're only missing one on
22 the 18th and 19th. So lock those in your calendar.

23 BOARD MEMBER LEWIS: It's the 20th -- 18 and 20.

24 CHAIRPERSON PREZEAU: Well, I -- you want to make
25 them separate days? These are not -- I just -- I don't

1 either. I want to make them the 18th and the 19th, and if
2 we have to --

3 Because this facility is available the 18th and 20th.
4 But that doesn't mean -- if the dates of October 18th and
5 19th work for this Board, then we can find another venue,
6 right? I mean it might be the Tukwila L & I office. It
7 might end up having to be Tumwater. It might -- we'll
8 just -- but I think it's most important, as Pam indicated,
9 is are we going to get a quorum in that -- wherever the
10 room is, right?

11 BOARD MEMBER PHILLIPS: I'm good.

12 CHAIRPERSON PREZEAU: You're good?

13 So October 18th and 19th. And then -- because I just
14 think that it's going to get easier to grab those dates in
15 October now or November now than it is going to be when we
16 get there.

17 See, I'm somewhat inclined to -- so our Electrical
18 Board meeting would be Thursday, October 26. So ...

19 BOARD MEMBER GRAY: And it's in Spokane, correct?

20 ASSISTANT ATTORNEY GENERAL THOMURE: Oh, yeah. Yeah,
21 it is.

22 BOARD MEMBER NORD: Well, I can do two more days in
23 Spokane.

24 ASSISTANT ATTORNEY GENERAL THOMURE: Spokane works
25 for me.

1 BOARD MEMBER NORD: How about that, Tracy? Tuesday,
2 Wednesday, Thursday?

3 CHAIRPERSON PREZEAU: Well ...

4 ASSISTANT ATTORNEY GENERAL THOMURE: That's hard for
5 the people --

6 BOARD MEMBER PHILLIPS: I'm not available --
7 (inaudible).

8 CHAIRPERSON PREZEAU: Are you available for the 26th?

9 BOARD MEMBER PHILLIPS: Of October?

10 CHAIRPERSON PREZEAU: Yeah.

11 BOARD MEMBER PHILLIPS: No.

12 CHAIRPERSON PREZEAU: Well -- Pam, I'm at a little
13 bit of a loss of words.

14 BOARD MEMBER GRAY: Wow.

15 SECRETARY THORNTON: Wow.

16 ASSISTANT ATTORNEY GENERAL THOMURE: Did you just
17 say that?

18 CHAIRPERSON PREZEAU: I did say that. Well, and it
19 just -- because like it seems to make sense -- the more
20 you know -- the October hearing is in Spokane, which seems
21 to make perfect logic that you would tack on dates onto
22 that.

23 ASSISTANT ATTORNEY GENERAL THOMURE: Well, I guess --
24 if you recall, the Board had directed that at least one
25 meeting a year be scheduled in Eastern Washington which is

1 further east than Ellensburg, but -- so at this point the
2 location I think has been reserved. I suppose the Board
3 could agree to modify that, but I'm not sure that's a good
4 idea.

5 You could -- I think the issue that you're
6 addressing, Madam Chair, is to at least hold some dates so
7 that if necessary the hearing can be continued and maybe
8 just pick either a different date or pick a date near the
9 Board meeting and then agree in terms of if that's going
10 to have to be in Spokane or somewhere else.

11 I don't know what to say on that issue. It's kind of
12 up to you guys.

13 CHAIRPERSON PREZEAU: Well ... thoughts? It feels
14 like not a good idea, to be honest with you, to schedule
15 in Spokane.

16 BOARD MEMBER LEWIS: I agree. I think it would be
17 quite an expense for the Board for three days, overnight
18 stays for people.

19 CHAIRPERSON PREZEAU: What I would like to do is
20 since we're going to have another telephonic conference
21 on May 15, what I would like to do is see if we could
22 schedule -- if this body could maybe identify two
23 consecutive dates in November to offer to the parties to
24 schedule so we can reserve six dates.

25 So what do you think guys think about November 8th

1 and 9th? I mean, I know it's a long way out; I understand
2 that. But is there -- you guys review your calendars for
3 any conflicts. Who has conflicts with November 8th and
4 9th? Outside of Mr. Cornwall, I understand.

5 So let's -- so just to be clear, we're looking at
6 then September 28th and 29th, October 18th and 19th.

7 BOARD MEMBER GRAY: Is there something significant
8 about having it here in the middle of the week rather than
9 at one end or the other?

10 CHAIRPERSON PREZEAU: We could put it at the end of
11 -- would you prefer it was 9 and 10?

12 BOARD MEMBER GRAY: Yes.

13 BOARD MEMBER WARD: That's a holiday.

14 CHAIRPERSON PREZEAU: So it actually is at the end of
15 the week. 8 and 9? Is that -- we happy with that?

16 All right.

17 BOARD MEMBER CUNNINGHAM: (Inaudible comments.)

18 CHAIRPERSON PREZEAU: I'm sorry, say that again?

19 BOARD MEMBER CUNNINGHAM: The November dates would
20 replace the two dates in early October?

21 CHAIRPERSON PREZEAU: That is correct. So what we
22 now have as our dates that we will identify to the parties
23 moving forward with the appeal would be September 28th and
24 29th in Tacoma. And so Bethany will move forward on
25 reserving -- we'll be here. October 18th and 19th at a

1 location to be determined. And November 8th and 9th at a
2 location to be determined. Hopefully prioritizing either
3 Tacoma or Tukwila.

4 BOARD MEMBER LEWIS: So the 5th and 6th is gone?

5 CHAIRPERSON PREZEAU: The 5th and 6th is gone.

6 Okay? Thank you very much. Appreciate that.

7

8 Item 4. Secretary's Report

9

10 CHAIRPERSON PREZEAU: All right. So Steve, are you
11 ready to do the Secretary's Report?

12 SECRETARY THORNTON: I am.

13 So good morning, everybody. It's not very often I
14 get to say that. We're usually in the afternoon.

15 Budget-wise, the fund balance as of March 31st is 8.5
16 million, just a little over that. That's about four and a
17 half months worth of operating capital. The operating
18 capital -- or the cost to operate monthly has gone up
19 about \$132,000. Roughly it costs us about 1.9 million to
20 operate every month. So looking at that 8.5, if those
21 legislative issues were to happen, that would cut it
22 roughly in half and right at the two months that's the
23 minimum.

24 So the mobile, which Jose' reported on earlier, we've
25 spent roughly 2.6. That's about 500,000 under what it was

1 projected at. So it is coming in a little bit under what
2 we thought it might.

3 Our performance measures on our scorecard, we have
4 gotten to 69 percent of our inspections within 24 hours.
5 That was probably the biggest concern of our stakeholders
6 at our stakeholder meetings was our response times. And
7 we've moved from the tracking them on the 48 hour curve to
8 the 24 hour just to show that we're not even close to what
9 our customers would like us to be as far as response
10 times. Our goal is 86 percent, and we were at 69. So
11 we're quite a ways off of where we want to be.

12 Our inspections within 48 hours, we're at about 86
13 percent. And our goal there is 94 percent.

14 As far as our anticipated compliance, we were
15 thinking we'd be at 3,156. And we've actually got 2725.
16 And that's for all three quarters. So that's about 100
17 each quarter that we're short. Right now the inspectors
18 are very busy doing inspections, so their compliance
19 activity is falling off some, but the ECORE group has done
20 -- has made that up the last few months.

21 So the inspector stops per day is up to 10.6.

22 Electrical disconnect corrections, 31,099.

23 Licensing turn-around which we like to have the same
24 day, we're at 99 percent the same day. That's the first
25 time in quite some time that that hasn't been 100. We've

1 got some vacancies there in the licensing staff also.

2 Turn-around time in plan review, we like it to be at
3 a week and a half. And it's a little over two and a half.
4 Right now they're really busy with the larger school
5 projects that are all in there. Even taking that into
6 consideration, they're busier than they are normally this
7 time of year. They see a larger number of plans coming in
8 than is the normal. So that tells me we're not going to
9 slow down any time too soon. And housing projections
10 don't show any drop-off either. That is good news in a
11 certain way.

12 CHAIRPERSON PREZEAU: It's a nice problem to have.

13 SECRETARY THORNTON: Yeah, yeah. It's better than
14 the other problem; that's for sure.

15 So as far as warnings go, about 7 percent of the
16 total citations we write for licensing are warnings. 23
17 percent of certification are for warnings.

18 Permitting, 51 percent.

19 And for all focused, about 28 percent.

20 The second -- you know, we've completed all of our
21 stakeholder meetings, which those went very well. They
22 were very well received. Not as many people there as I
23 would have liked to have seen, but we haven't done them
24 for a year or two, so I'm looking for that to increase the
25 next time we do them next year.

1 Their second concern was the lack of qualified people
2 to hire and the underground economy. Those are still
3 items that are big on everybody's list. Everybody's
4 having trouble, you know, finding people to hire, which is
5 one reason why we've added out of ratio to our focused
6 compliance. You're going to find that when people can't
7 find licensed people, they're going to find trainees and
8 send them out there out of ratio just to try and keep up.
9 So that's something we've added to our focus.

10 Something else that we've talked about in the past is
11 the temporary licensing that we're looking into. As of
12 today, we've had 143 requests for temporary licenses.
13 Temporary certification I should say. 125 we've actually
14 issued. Out of that, 24 is all that have tested and
15 passed the test so far.

16 We've got three sites and four contractors approved.
17 They're all over in the Quincy area. And that's since
18 November 21st. And of those 125 that we've issued,
19 there's only 55 of them actually working and being
20 reported by the contractors. So some get them and then
21 leave. We've had some that were denied, and then they
22 find other places to go.

23 So to date, we've got 55 people working that wouldn't
24 have been working before. That's not a lot; it's some.
25 The next thing we'll have to decide is whether it's worth

1 the effort for those 55 people or not.

2 One of the other things we've talked about is
3 reciprocity with other states. I'm going to have Larry
4 give you guys an update on that when we does his licensing
5 report. He was here when we did away with it before.
6 He's got a little better history with it than some of the
7 rest of us. So I'm going to let him do that in that part.

8 Of the people that we've given the licenses -- or
9 certification to, there's -- it's been 29 different states
10 that they've come from. Everywhere from Alaska to
11 Florida. And we -- we've got some letters that were
12 written back when we did away with reciprocity, and it had
13 the number of states that were involved in the reciprocity
14 in those days and the people we gave licenses to and where
15 they came from. And so we did a little bit of a
16 comparison, and there's about half of the ones that we
17 dealt with back in 2007 I think it was that are in the
18 same group, and the other half there were no people asking
19 from there.

20 A clarification on what Jose' reported on earlier.
21 It's actually 18 positions instead of 17. But the Senate
22 budget only has 9, and the other 9 are taken with the 21
23 -- or 2 million for the grant. And they've taken 9 of the
24 18 and put them with that, whether they thought that's
25 where they were going to get the 2.1 or -- I don't know.

1 But they only have half the FTE's included.

2 And that's what I have for now.

3 CHAIRPERSON PREZEAU: Questions for Steve?

4 BOARD MEMBER WARD: Just a quick one.

5 Steven, it seemed like item number 3 is really kind
6 of a tough one to measure your guys' performance on
7 because it's -- it's really about what's going on with the
8 industry with the number of permits, behavior, performance
9 of contractors, that kind of stuff. And it's one of those
10 if you're doing -- you know, in an ideal world, if
11 everybody's doing everything right, the number gets
12 smaller and smaller.

13 SECRETARY THORNTON: Right.

14 BOARD MEMBER WARD: And so it's just -- it's a good
15 indicator, but it's a tougher performance indicator
16 for ...

17 SECRETARY THORNTON: And it is --

18 BOARD MEMBER WARD: You know what I mean? It's just
19 a good one to kind of keep track of. But it's ...

20 SECRETARY THORNTON: And it kind of gives me
21 something to go by when I look at how busy we are and our
22 vacancy rate, does that have an impact on it. If you take
23 ECORE out of it, you can see where it does change it quite
24 a bit. So ...

25 BOARD MEMBER WARD: Yeah. Thank you.

1 CHAIRPERSON PREZEAU: Any other questions for Steve?

2

3 Item 5. Certification/CEU Quarterly Report

4

5 CHAIRPERSON PREZEAU: So if not, well then maybe
6 Mr. Vance is going to come up next and talk about the
7 certification and CEU quarterly report and then also
8 address the reciprocity discussion in greater detail. Is
9 that what's happening, Steve?

10 SECRETARY THORNTON: That's correct.

11 MR. VANCE: Madam Chair, members of the Board, my
12 name's Larry Vance. I'm a technical specialist. I work
13 for Steve Thornton.

14 Looking at the exam statistics, there's been no
15 significant changes whatsoever in the pass rates. It
16 seems like the 2014 version of the exam is aligned with
17 the previous pass rates. There was a little bit of
18 difference there for a period of time. It would depend on
19 what kinds of candidates were taking the exam during that
20 period of time. But it seems like that they've meshed
21 now.

22 Looking at exam availability, we now have exam
23 availability in Canada. That's for the Red Seal
24 electricians. PSI has testing locations in I think
25 virtually every province, multiple locations in many

1 provinces.

2 There's been 12 of those Red Seal electricians that
3 have applied and been approved for the examination. It's
4 been interesting. Had some interaction with a contractor
5 about the challenges that those folks face. While we've
6 removed the barrier for them to attain Washington
7 certification, they're not able to get into the United
8 States to work.

9 CHAIRPERSON PREZEAU: Because of visas?

10 MR. VANCE: Yes, yes. On the Federal level, they're
11 unable to come in and go to work.

12 So looking at the 143 applicants that then have
13 applied for temporary permits and looking at a continued
14 thing that we're hearing out there that there's a shortage
15 of electrical electricians, it's possibly inhibiting
16 economic development. Projects are being potentially
17 delayed or not even considered because of a lack of an
18 available workforce.

19 I revisited the reciprocal alliance. And everyone
20 here has an 11x17 map of what the reciprocal alliance is.
21 Board members that were around prior to 2009 would be
22 aware of what this group was.

23 But Washington was very involved in what was known
24 as their multi-state group. Now they've renamed
25 themselves the National Electrical Reciprocal Alliance,

1 which is NERA.

2 And what this group is is they're a group of states
3 that has worked toward having the same licensing
4 requirements. And Washington was on this road with this
5 group for years. That's what made Washington move from a
6 7200 hour experience requirement to an 8,000 hour
7 experience requirement. It's what made Washington impose
8 continuing education requirements for journey level
9 electricians and specialty electricians. It's what made
10 Washington establish in-class training requirements for
11 trainees.

12 So all of this was done in order to get to a bar that
13 these states consider what electrical training or
14 regulated electrical licensing system is. So all of these
15 darker-colored states here are licensing states. There
16 are other states there that are also darker colored/shaded
17 that are also licensing states.

18 The reciprocal group has grown. Wisconsin was added
19 last year; Texas added in 2009, possibly 2010. There was
20 controversy about Texas at that time because Texas was
21 just becoming a licensing state. There was some
22 apprehension over their testing and their methods of
23 determining who met qualifications and who didn't under
24 grandfathering.

25 Reading the minutes that I acquired from NERA, I'm

1 not saying that there's a lot of consternation about this.
2 It's really more about agreement.

3 Something that they didn't have back when we were a
4 member was bylaws. And I've included the bylaws. And
5 it's interesting that they now have -- they have some
6 pretty good definitions. They're not exactly consistent
7 with what our state laws are. But if you go under Article
8 5 under "Definitions," a journeyman electrician is a
9 person who has qualified for a journeyman electrician
10 certificate by passing a mandatory examination
11 administered by the licensing state. So -- and then
12 they've either completed an apprenticeship or they have
13 four years, 8,000 hours, of equivalent electrical
14 construction experience legally obtained. And that's an
15 interesting term "legally obtained." Because there's
16 chatter in previous minutes about that term. There is
17 some states where, "Oh, just show me 8,000 hours of
18 experience. Show me anything." And that has been
19 clarified that it needs to be legally obtained. So that
20 means if there's a supervision requirement in your state,
21 you've got to have supervision or be able to prove
22 supervision.

23 So as you go on through the bylaws and get down to
24 what the conditions are for journeyman reciprocity,
25 essentially within NERA the requirement to belong to NERA

1 is you have to have a reciprocal agreement with another
2 state. That's it.

3 So Washington was reciprocal with the NERA -- with
4 the multi-state group. And they also had reciprocal
5 agreements with Massachusetts, Virginia and Texas.
6 Washington had a reciprocal agreement with Texas ahead of
7 Texas being -- coming into the alliance.

8 CHAIRPERSON PREZEAU: I don't remember that.

9 MR. VANCE: I know. And I'm having a hard time with
10 it too. But I'm finding it in several writings from back
11 in that time.

12 CHAIRPERSON PREZEAU: It's my recollection -- and I
13 was like -- I'm going to go to my office -- and this is --
14 because I keep -- I don't keep appeal packets, but I keep,
15 you know, like the Secretary's Report and the transcripts
16 and like what you give us as the Board packet. And
17 there's --

18 I remember that the chief at the time was -- two
19 things were happening with the Department. One was he was
20 advocating for Texas to become a member of this so-called
21 the 14-member state reciprocity group, and he was also
22 advocating for the Electrical Board to like affirm the
23 reciprocal states first bylaws.

24 I'm pretty sure I could find those.

25 And there were some significant concerns from Board

1 members about the language in those bylaws. And then --
2 and about Texas because they had just as you accurately
3 pointed out had become a licensed state and their
4 grandfathering provisions, I think it's fair to say you
5 could drive a truck through them.

6 They did not -- they basically -- you know. But we
7 -- you know, when you're in a establish licensing for --
8 in an industry that hasn't had it before, in order to not
9 have stranded capital, right? And now you're going to
10 certification, they were very lenient in terms of what
11 documentation they would accept as proof of journey-level
12 status including, Hey, here's the phone book, here's the
13 copy of the Yellow Page ad of my employer that I'm saying
14 I worked for. And that was arguably from the subject-
15 matter expert from Texas confirmed, that that would be
16 appropriate documentation.

17 So then there was this -- you probably did it --
18 where we -- the Board asked the Department to put together
19 basically like a sheet like this (indicating) that had all
20 the reciprocal states in that 14-member state and lay it
21 out in a chart in terms of how many hours of on-the-job
22 training does it require and what level of classroom
23 training, continuing education, like laid it all out like
24 the core pieces of worker certification state by state by
25 state, and it was a result of that report that the

1 Electrical Board recommended to the chief to rescind our
2 participation in the reciprocity group because when we
3 started looking at apples to apples about where we line
4 up, and because the statute says, you know, it's got to be
5 equal or better, it indicated that we didn't think that we
6 -- the participation in the reciprocal group met that
7 requirement.

8 MR. VANCE: So my purpose here is not to advocate for
9 this. It's just to provide Board members, especially new
10 Board members, what the information about what other
11 states are doing as far as this.

12 I don't know that this does anything to increase the
13 supply of available electricians. I don't hear of any --
14 if we look at the electricians where they're coming from,
15 these 143, they're coming from across the United States.
16 Anybody from any state on this map can become a certified
17 electrician in Washington. WAC 296-46B-945 provides a
18 path for out-of-state experience from a licensing state,
19 out-of-state experience from a non-licensing state.

20 CHAIRPERSON PREZEAU: Larry, do you -- are you --
21 this is kind of a random question. But -- I mean, knowing
22 that Nevada is not a licensed state, but Clark County
23 where Las Vegas is at which is where most of the people
24 live in Clark County, they have a county journeyman's
25 certificate. Are you aware of any states that are

1 reciprocal with awarding agencies that are not -- that are
2 county or municipal?

3 MR. VANCE: I don't know. There is no index of
4 reciprocal agreements anywhere. It's very tough. It's
5 almost like those are kind of held close.

6 One thing about Nevada is is that apprenticeships in
7 Nevada are regulated. So we would take under a temporary
8 permit emergency rule, we would take an electrician from
9 Nevada that went through an apprenticeship.

10 CHAIRPERSON PREZEAU: Because it's state regulated?

11 MR. VANCE: Because it's a state-regulated
12 apprenticeship.

13 So even though they don't have a state license, we
14 would take them -- we would assume the risk of that, issue
15 them a permit for 90 days.

16 I was chasing back a -- somebody asked a question;
17 they wanted to know when we went from 7,200 hours to
18 8,000. And that happened in '96. And it was interesting
19 back there because I'm reading these old WAC books and
20 back when we used to have several WAC's. There was a
21 licensing WAC, and then there was a installation WAC. So
22 it's kind of like going back in another -- certainly
23 another time. But it was interesting reading the
24 temporary permit language that was back then in the rules.
25 Because it all talked about you get a temporary permit,

1 and it's good from the time it's issued to the time you
2 take the exam -- the next exam. It was all about the next
3 available exam. Temporary permits were always -- it
4 appears that they were always the vehicle to get that
5 person working between the time that they could take the
6 exam and the time that they entered our state.

7 CHAIRPERSON PREZEAU: Because I would imagine in '96,
8 they're getting back to the time when it's a scanned
9 "trunk" (phonetic) sheet at a community college, and
10 one's, you know, on the east side and one's on the west
11 side and maybe --

12 MR. VANCE: Number 2 pencil.

13 CHAIRPERSON PREZEAU: Yeah, number 2 pencil.

14 MR. VANCE: Yeah. Which is different today because
15 it's virtually -- it's every state and every province in
16 Canada.

17 So looking at -- I don't know that entering into this
18 national reciprocal alliance other than just working with
19 other -- the experience of working with other states to
20 standardize licensing.

21 I know that Texas is advocating for a national
22 electrician license. That's one of the things that it
23 does come up in the minutes. They would like to have --
24 they're advocating for a national electrician license, and
25 I don't know quite what that looks like, but a national

1 test.

2 CHAIRPERSON PREZEAU: It probably would look similar
3 to their -- because Texas controls the textbooks in the
4 public school system in the United States because they
5 have the largest school districts.

6 MR. VANCE: Hmm. Yeah. So I don't know what quite
7 that looks like. I know that Canada has that. That's
8 what the Red Seal endorsement is. You take a provisional
9 -- a provincial test, and to gain the Red Seal
10 endorsement, it essentially means that you can work in
11 any province in Canada.

12 CHAIRPERSON PREZEAU: And my understanding -- I kind
13 of like that idea conceptually. And it's -- you know,
14 talking to Canadian colleagues in the electrical industry,
15 that Red Seal certification is -- it's quite difficult to
16 achieve, and it's considered quite an accomplishment.

17 MR. VANCE: Uh-huh.

18 CHAIRPERSON PREZEAU: I'm somewhat reluctant or
19 apprehensive that Texas would potentially advocate for
20 similar types of regulations for electricians and a
21 national certificate.

22 MR. VANCE: I was just relaying what I've read in the
23 past minutes and just some of the activities of the group.

24 And looking around, looking at NASTAD which is the --
25 that's the National Association of State Regulated

1 Apprenticeships (sic). And as you look around on this map
2 and you look at the states that have no licensing but yet
3 regulated apprenticeships, and those are Nevada and
4 Arizona, Kansas, Louisiana, Florida, North Carolina,
5 Washington DC, Delaware, and New York, Pennsylvania and
6 Ohio. So you've got a lot of states that don't have a
7 license but yet regulate apprenticeships. So there would
8 be maybe an assurance that the apprenticeships are, you
9 know, regulated as far as ratios and proper supervision
10 and the different aspects that come with a well regulated
11 apprenticeship. So ...

12 CHAIRPERSON PREZEAU: Do you know off the top your
13 head, Larry, out of the 50 states how many of them are
14 state-regulated apprenticeships?

15 MR. VANCE: According to Jody Robbins, our
16 apprenticeship director at L & I, it's about half. It's
17 about half.

18 It's interesting. And it's been an interesting
19 learning curve with the temporary permits, the different
20 -- when you start dealing with essentially 100 different
21 types of regulatory bodies, you're trying to figure out
22 each applicant if they come from a state-regulated
23 apprenticeship or if they come from a licensing state.

24 Some licensing states will not provide anything to a
25 licensee about their examination or anything. I mean,

1 it's -- you know, contact the state, and they say, Well,
2 it says so on their -- it says they're certified on our
3 Web site.

4 Yes. But we'd like to know if they're certified by
5 examination.

6 And they will tell you then it's a regulatory body
7 calling them, but they won't -- they won't give anything
8 to their licensee to that. It's just extremely
9 challenging sometimes. And it's been a very laborious
10 process with the issuance of these temporaries. It's a
11 lot of work. And we have a staff member that pretty much
12 since November 21, 2016, that staff member has been
13 consumed with these temporary issues. And I'm not sure
14 that the burden of that has been worth it, so to speak, or
15 to continue down that path of issuing temporary permits.

16 We've also had -- I don't know what the exact number
17 is, but I'm quite sure it's less than ten contractors
18 apply to use -- to employ temporary electricians. So it's
19 something where there really hasn't even been very much
20 interest out of the contracting community to take
21 advantage of this. So -- it kind of gets back down to
22 that argument from 2009 about why be reciprocal when we
23 have on-demand access to an open-book examination.

24 So -- and in talking with these folks -- I had a
25 conversation with one the other day. There was a hiccup

1 in processing his application. He got impatient and
2 headed off to Reno to go to work at the Tesla plant.

3 I called him, and I said to him, I said, "Well," I
4 said, "I'm sorry about the hiccup with processing your
5 exam or your permit." I said, "We'll put a notation in
6 the record that you were never issued one." And I said,
7 "You are still approved for our examination." You know,
8 "If you have a spare day here or two, take our exam, and
9 then you could work anywhere you want in Washington."

10 And he flat out told me, he says, "I'm not interested
11 in taking an exam." He says, "I don't care what it is."
12 He says, "I can find a job where I don't have to take an
13 exam."

14 And that's kind of troubling. It's kind of troubling
15 from the standpoint that it's just an open-book
16 examination. It's not -- it's not extremely difficult.

17 So what are the caliber of the folks that come in on
18 a temporary permit? It looks like twenty-some have taken
19 and passed the exam. A hundred haven't. So don't know.

20 CHAIRPERSON PREZEAU: Yeah. I mean, I -- looking at
21 these numbers, you know, there's been 143 requests and 125
22 have been issued. I was, you know, like, Oh, okay. But
23 then only 55 people are actually working here. And then
24 out of the 55, only 24 have actually taken the examination
25 and passed. And it really only impacts three sites and

1 four contractors.

2 And I know that, Jason, we talked about this before.
3 And you're like, "Hey, well, what about" -- like we're
4 having this conversation about the number when it was
5 wintertime, right? And I know it's still, you know, not
6 summer. And indicators lead us to believe that work is
7 still coming and it's moving -- you know. So -- I mean,
8 it's not -- it's hard to defend a return on the
9 investment. I mean, if you have one staff person
10 dedicated to doing this. I mean, I know it's April and
11 maybe we'll look forward to the numbers in July. But it's
12 a pretty luke warm response to be honest with you.

13 Oh, yes, Bobby.

14 BOARD MEMBER GRAY: Yeah, Larry, I guess from -- back
15 to the reciprocal, I have trouble seeing a lot of value in
16 being a part of this whatever it is, 14 states, because I
17 do a lot of work in a lot of these states, and I'm
18 familiar with the electricians there. And I agree; I'm
19 not sure I would want to be a part of that.

20 However, I see a lot of value for contractors here in
21 developing some sort of a reciprocal agreement with our
22 neighboring states, Oregon and Idaho, for example. I'm
23 thinking we do a lot of work on the borders, and it would
24 certainly be I think to our advantage not only for the
25 contractors but for the workers to be able to work across

1 those neighboring state lines more conveniently than what
2 we do.

3 So I guess my personal opinion is I wish we could
4 pursue, especially with Oregon maybe a little more
5 aggressively developing some sort of an agreement with
6 them as far as being able to work back and forth there.
7 So that's my personal opinion.

8 CHAIRPERSON PREZEAU: Well, I think, Bobby, you're
9 in really good company with that. This Board has had
10 long conversations and the industry's had conversations
11 about pursuing reciprocity agreements with our border
12 states, and I think it makes a lot of sense.

13 BOARD MEMBER GRAY: And in talking to the chair of
14 their electrical board in Oregon anyway -- I haven't
15 talked too much to people from Idaho -- I interfaced with
16 the NECA representative from Idaho, but the Oregon people
17 at least convey to me that we're the holdup. It's because
18 our restrictions are -- our requirements are not as
19 restrictive as theirs, and so they're reluctant to enter
20 into an agreement with us. And if that's the case, that
21 seems like an easy fix to me, that we could just simply
22 change our requirements to be more in line with theirs,
23 and that might open that up.

24 So I think the ball's in our court if I'm not
25 mistaken, Larry. And you can probably correct me if I'm

1 wrong. But I think the ball would be in our court if we
2 want to advance that.

3 MR. VANCE: There's been some legislation to that
4 effect that would put us on par with Oregon. And in
5 looking at the mult-state group, just because you're a
6 member of the multi-state group doesn't mean that you
7 reciprocate with all of those states. There are little
8 circles of reciprocity within that group. So even they
9 exclude certain members of the group based on some aspect
10 of licensing if they don't like something.

11 So you start looking state by state, and you look at
12 the states that have over 500 hours of in-class training
13 for their -- as a requirement to sit for the exam. And
14 those are where it's a mandatory apprenticeship for anyone
15 prior to certification.

16 So that's -- from what I understand, and I've never
17 been directly involved with talks with Oregon. But their
18 sticking point with us is that we have an on-the-job
19 training path. And while we've -- you know, we went from
20 absolutely no in-class training requirements whatsoever to
21 now 96 hours, I mean, that's all it takes in order to be a
22 certified journey level electrician in Washington is proof
23 of 96 hours.

24 We're comparing that to Oregon's five hundred and I
25 think sixty-four or seventy-six -- I don't know what the

1 exact number is -- of hours. And I think that Oregon
2 looks at that and says, "We're not going to reciprocate.
3 We're not going to take journey level certificate for
4 journey level certificate."

5 And Idaho is a little bit a different story. They're
6 an apprenticeship state. But yet I don't know how
7 rigorous their audit system is. It appears that what we
8 hear through our licensing group and our audit group is is
9 that it's very easy to double count hours.

10 CHAIRPERSON PREZEAU: Are Oregon and Idaho
11 reciprocal?

12 MR. VANCE: I'm not 100 percent, but I don't think
13 they are.

14 CHAIRPERSON PREZEAU: Jason, do you know?

15 BOARD MEMBER JENKINS: I'm not sure about that.

16 CHAIRPERSON PREZEAU: I don't think so either.

17 MR. VANCE: Yeah. I don't know that Oregon -- Oregon
18 and Montana are reciprocal I think. But that's just
19 something rattling around in my head; it's not a fact.

20 CHAIRPERSON PREZEAU: So Oregon and -- so Washington,
21 Oregon and California and presumably Alabama, Michigan,
22 Virginia, DC, these lighter-toned states, they're not
23 reciprocal with anyone to our knowledge.

24 MR. VANCE: They're not reciprocal but -- they're not
25 a member of the alliance, but they could be reciprocal

1 with other folks.

2 And even members of the alliance can reciprocate with
3 states outside the alliance.

4 CHAIRPERSON PREZEAU: Interesting.

5 Other questions for Larry?

6 I have a few about the examination. So the exam
7 report, it's hard to believe that we're just kind of
8 looking at these exam reports in the context of the 2014
9 National Electrical Code because we're going to have to --
10 is Rod going to get that assignment again and go back
11 through the questions and --

12 SECRETARY THORNTON: Already have.

13 CHAIRPERSON PREZEAU: When the rules become effective
14 July 1, right? is the 2017 code will be in effect?

15 MR. VANCE: It'll be in effect, but it won't be what
16 the examination is based on. It always lags by a year,
17 year and a half.

18 And, you know, I kind of contend that -- you know, I
19 took the administrator's exam in 2003. And if I brought
20 the same stuff in with me to take the administrator's exam
21 today, I think I'd pass.

22 CHAIRPERSON PREZEAU: I think you probably would too.
23 I don't think you probably need to take it to be honest
24 with you.

25 MR. VANCE: I -- yeah. I -- I'm no expert by any

1 means. But the significance of coaching isn't everything,
2 aren't the focus of the examination and never have been.
3 In no state are they. I mean, it's not a test on what's
4 new.

5 CHAIRPERSON PREZEAU: But I am a little bit like --
6 so if I you would turn to page 5 of the examination.

7 MR. VANCE: Let me get there.

8 (Pause) Okay, I'm with you on page 5.

9 CHAIRPERSON PREZEAU: So it's the bottom of page 5.
10 What I'm looking at on the very bottom of page 5 -- what I
11 think I am looking at is the people that took the 01
12 general journeyman's exam, and these folks are being
13 tested on the 2011 code; is that correct? Or is this --

14 MR. VANCE: 2008.

15 CHAIRPERSON PREZEAU: Yes, thank you. 2008 code,
16 right? Because we didn't adopt the 2011, right?

17 MR. VANCE: (Nodding affirmatively.)

18 CHAIRPERSON PREZEAU: So those are the oldest 01 exam
19 takers.

20 MR. VANCE: Right.

21 CHAIRPERSON PREZEAU: They've been in the system the
22 longest.

23 MR. VANCE: Yeah.

24 CHAIRPERSON PREZEAU: Which is maybe why we still
25 have 23 and 24 attempts.

1 MR. VANCE: They are -- once you begin the
2 examination process, --

3 CHAIRPERSON PREZEAU: You stay in the silo.

4 MR. VANCE -- you stay -- your next attempt -- if
5 you're at 23, your next attempt is going to be 24 no
6 matter if it's the fifth revisions of the code that you're
7 testing on. I mean, these people, they've got an exam ID
8 number and every time they take another section of the
9 exam, it's another attempt.

10 CHAIRPERSON PREZEAU: Yeah. And then -- I get that.

11 And then the other thing is, didn't we talk about
12 that's there's a -- in the rule there's a requirement that
13 you can't regulate how frequently folks that are
14 unsuccessful in passing the exam, how frequently they can
15 take the exam. And I believe you reported to the Board
16 previously that PSI wasn't -- didn't have a mechanism to
17 enforce that provision for a period of time, but they have
18 it and have had it for -- so can I assume -- is it safe to
19 assume then that they're meeting these provisions? When I
20 see somebody's taking the test 24 times, I don't remember
21 exactly what the prescription is in rule that holds people
22 up -- you know, puts time lags in there -- time in between
23 taking -- sitting the exam. You can't take it the next
24 day or the next day, the next day, the next day.

25 MR. VANCE: Right. There's a two-week interval. So

1 you take and fail the exam, there's a two-week interval.
2 You take the exam again, and you fail it, there's a
3 two-week interval. And then there is the third attempt.
4 If you fail it at the third attempt, you're now at three
5 months.

6 CHAIRPERSON PREZEAU: So it's impossible to actually
7 if they uphold that rule, it's impossible to sit the exam
8 24 times in a calendar year.

9 MR. VANCE: Right. And they will not do that. This
10 is not an example of them -- you've got a one year byte of
11 data here. This person -- this attempt number 24 just
12 happens to land in that one year.

13 CHAIRPERSON PREZEAU: Got it. Okay, okay.

14 MR. VANCE: Does that make sense?

15 CHAIRPERSON PREZEAU: That's -- yep. No, that's --

16 MR. VANCE: They might have been taking the exam for
17 the last five years and -- so yes.

18 CHAIRPERSON PREZEAU: Thank you.

19 MR. VANCE: So it looks like -- if I were to guess
20 just looking at this, there's an attempt 23 and an attempt
21 24.

22 CHAIRPERSON PREZEAU: With one person in the bracket.
23 It's the same person.

24 MR. VANCE: That's probably the same person. They've
25 taken the exam twice in this one-year period. Attempted a

1 section.

2 CHAIRPERSON PREZEAU: Yeah. I mean, you can sort of
3 read that into the pattern.

4 If you also look at -- there's -- you know, at the
5 administrator's exams, there's one person, you know, that
6 has taken -- there's only one person that's taken certain
7 administrator's exams in a year. They may have taken it
8 more than once, right? and not passed it.

9 It's kind of interesting what the data tells you or
10 what you think you can conclude from the data.

11 MR. VANCE: Yeah. It's almost like they're gambling
12 here. There's -- looking at 01 administrators here,
13 there's a 3, 4, 5, 6 and 7 and 8. And you have to ask
14 yourself, "Is that one person?" Because they could
15 take --

16 CHAIRPERSON PREZEAU: Well, it has to be that -- like
17 from the 8, 7, 6, 5, it has to be one person because it
18 says number passed, zero; and number failed is one.

19 MR. VANCE: Yeah. It's -- it's -- yeah, yeah.

20 So it is interesting.

21 But they do have those -- they've made every
22 assurance to us that they do have those provisions in
23 place. In fact, we do get a lot of inquiries from
24 candidates about wanting relief from those. You know,
25 "Hey, I don't want to wait three months. I'm being told I

1 have to wait three months." So we know that it is working
2 out there.

3 There is times when someone will get an opportunity
4 to take an exam more than the prescribed amount. And
5 that's only when there's been some -- either an error by
6 the Department or an error by the testing agency.

7 Let's say they had a helicopter sitting outside of a
8 test facility. And we've actually had that happen. Just
9 a helicopter sitting there running, and listening to the
10 rotor wash. Power outages. Computer glitches. Those
11 sorts of things.

12 So it isn't perfect data, but looking at it, it looks
13 pretty darn good.

14 CHAIRPERSON PREZEAU: Bobby.

15 BOARD MEMBER GRAY: Larry, do we have any way of
16 investigating or suspecting that perhaps the test is being
17 compromised because someone is taking it over and over
18 again until they can get the test database and maybe sell
19 it or something?

20 MR. VANCE: I don't know. There's -- you get a
21 random exam. You've got a large bank of questions.

22 BOARD MEMBER GRAY: 24 times. It just --

23 MR. VANCE: 24 times.

24 (Voices talking over each other.)

25 MR. VANCE: Yeah. But it's a significant amount of

1 money too.

2 And if we look at how these exams are proctored, we
3 do find a lot of proctors are very, very active. You go
4 in -- I mean, in order to take the exams back out with
5 you, it's difficult because your books are examined upon
6 entering, your books are examined upon leaving. You're
7 handed scratch paper. The scratch paper is confiscated.
8 You know, you're photographed each time.

9 There's probably more conversations about groups that
10 are, you know, about what was -- the rules do prohibit it.
11 But it's -- everyone's nature is to, you know, talking
12 about the kinds of things that you've been questioned on.

13 So I don't know. I don't know exactly how to respond
14 to that.

15 CHAIRPERSON PREZEAU: Thanks, Larry.

16 Any other questions for Larry. Thank you.
17 Appreciate that.

18 We're almost concluded with our agenda miraculously
19 enough.

20

21 Item 6. Public Comment(s)

22

23 CHAIRPERSON PREZEAU: And the only folks that have
24 indicated they wanted to sign in to speak on issues are
25 Assistant Attorney General Will Henry, which he presented

1 his final orders. We have Mr. Elston from McClure and
2 Sons. And Ms. Greer from the -- Assistant Attorney
3 General Greer. So those matters have been resolved.

4 There's only one thing that I would like to discuss
5 before we conclude the meeting, and that is that the folks
6 that are seeking reappointment to the Electrical Board,
7 they are Dominic, Dylan, Mike, Alice and myself. And it
8 is my understanding that all five of us have intent to
9 reapply or have already reapplied to the Board -- or to
10 the Governor for positions on the Board.

11 And I would like to ask the fellow Board members,
12 like it is possible that the Governor doesn't reappoint me
13 to the Board because of the time that I have served on the
14 Board.

15 And I have a request of the Board members for your
16 consideration. Because our bylaws indicate that we don't
17 -- we can at any time, anybody can call for an election of
18 the chair or vice chair of the Board. And my request to
19 you would be that we don't engage in an election of the
20 chair or vice chair unless we need to in July.

21 Is that -- is anybody -- is there somebody that would
22 like to handle that differently? Okay.

23 BOARD MEMBER LEWIS: I just have a question. Will
24 you know by July whether the Board members will be
25 reappointed or not?

1 CHAIRPERSON PREZEAU: So usually -- great question,
2 Janet. Usually appointments are -- they run to July 6th
3 or something like that if I remember correctly. And new
4 appointments are usually dated July 7th or something,
5 consecutive days like -- I don't know. It's probably the
6 second Monday of July or something like that.

7 But we will know before the July meeting what the
8 decision of the Governor has been, in which case -- in the
9 event that I don't get reappointed to the Board, then I
10 think the bylaws would allow for Alice as the Vice Chair
11 to call that July meeting to order, and probably the first
12 thing we need to do is -- you would need to do is conduct
13 an election for officers. But we will know that I think
14 beginning of July.

15 ASSISTANT ATTORNEY GENERAL THOMURE: There has been
16 occasion where there has been no action. And pending that
17 -- we looked at that earlier with somebody. And our
18 conclusion was that if the Governor takes no action on the
19 appointments and the appointment expires, that the member
20 gets to continue to serve during the interim period.
21 Because we have to have a board.

22 CHAIRPERSON PREZEAU: That is correct.

23 BOARD MEMBER GRAY: So we're adding that to the
24 bylaws? I mean, where is that decision documented?

25 ASSISTANT ATTORNEY GENERAL THOMURE: Probably in my

1 head.

2 CHAIRPERSON PREZEAU: Actually I think it's in the
3 statute to be honest with you.

4 BOARD MEMBER GRAY: Is it? Okay.

5 CHAIRPERSON PREZEAU: I think it's 19.28.311.

6 BOARD MEMBER GRAY: That governs maybe the boards?

7 CHAIRPERSON PREZEAU: No. It's in the electrical
8 statute I think in 311 -- 19.28.311 that talks about the
9 board is I think we consulted with statute in order to
10 determine that that was consistent. And it had been done
11 and exercised in the past.

12 ASSISTANT ATTORNEY GENERAL THOMURE: We researched
13 it. I just don't -- I just can't --

14 BOARD MEMBER GRAY: Okay. Then I'm satisfied with
15 that.

16 My concern would be if we do some sort of official
17 business with that assumption, then that might offer an
18 opportunity for some kind of appeal.

19 CHAIRPERSON PREZEAU: And just to lay your mind at
20 ease, Bobby, before Jason was appointed by the Governor,
21 Rod Belisle was -- served a little over a year or right
22 around a year after his appointment technically expired,
23 but it was because the Governor took no action that
24 allowed Rod to have full voting rights as a board member.
25 But then once the Governor made that appointment, then Rod

1 Belisle had to -- he didn't even have to resign his
2 position on the Board because technically he was never
3 appointed to another term. So it was very clean actually.

4 ASSISTANT ATTORNEY GENERAL THOMURE: Yeah, we looked
5 into or I looked into it. And we -- I have that
6 somewhere, but ...

7 BOARD MEMBER GRAY: That's fine. I'm satisfied. I
8 just wanted to make sure that we cross that "T" and

9 CHAIRPERSON PREZEAU: Well, thank you.

10 SECRETARY THORNTON: Madam Chair?

11

12 Motion to Adjourn

13

14 CHAIRPERSON PREZEAU: There's been a motion to
15 adjourn by the guy that's going on vacation in an RV. And
16 a second. All those in favor of adjourning the April --

17 SECRETARY THORNTON: Madam Chair, excuse me, I have a
18 question.

19 CHAIRPERSON PREZEAU: Oh, Steve.

20 SECRETARY THORNTON: I like to be the trouble maker.
21 No.

22 From the conversation earlier, I'm taking it that our
23 efforts are probably better served trying to deal with
24 reciprocity with Idaho and Oregon right now than the NERA
25 group.

1 And the temporary permit rule, do we wait for one
2 more cycle if we can extend it for another period to see
3 if more tests -- or what's the advice from the Board?

4 CHAIRPERSON PREZEAU: So I am just -- I see that it
5 appears that folks generally are more interested in
6 Mr. Echebody's (phonetic) comments, but I think just to
7 be clear, the Board is more interested in understanding
8 pathways to reciprocity with our neighboring states rather
9 than the NERA report, you know, the reciprocal group. And
10 I think maybe there's some desire to, Hey, let's see if we
11 can get some data around those temporary permits for
12 electricians in a full-on construction boom months and see
13 what that looks like, and that would probably be the last
14 piece of data before we kind of make a recommendation to
15 either continue or disband. Is that consistent with your
16 expectations?

17 Okay. Parking. Remember, we've been here enough now
18 to know that you go and if you have an envelope on your
19 car, you can either self-pay and then bill the Department,
20 right? with the expense log or run to your car, get the
21 envelope and bring it back to Bethany, and they will take
22 care of it. Dealer's choice.

23 Okay. So it's been moved and seconded to adjourn the
24 April 27th Electrical Board meeting. All those in favor,
25 signify by saying "aye."

1 THE BOARD: Aye.

2 CHAIRPERSON PREZEAU: Opposed?

3

4 Motion Carried

5

6 CHAIRPERSON PREZEAU: We are adjourned.

7 (Whereupon, at 12:10 p.m.,
8 proceedings adjourned.)

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C E R T I F I C A T E

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STATE OF WASHINGTON)
) ss.
County of Pierce)

I, the undersigned, a Certified Court Reporter in and for the State of Washington, do hereby certify:

That the foregoing transcript of proceedings was taken stenographically before me and transcribed under my direction; that the transcript is an accurate transcript of the proceedings insofar as proceedings were audible, clear and intelligible; that the proceedings and resultant foregoing transcript were done and completed to the best of my abilities for the conditions present at the time of the proceedings;

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

IN WITNESS WHEREOF, I have hereunto set my hand on this 25th day of May , 2017, at Tacoma, Washington.

H. Milton Vance, CCR, CSR
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