

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, January 25, 2018
11

12
13 BE IT REMEMBERED, that an Electrical Board meeting
14 was held at 9:00 a.m. on Thursday, January 25, 2018, at
15 the Department of Labor & Industries, 7273 Linderson Way
16 SW, Tumwater, Washington, before CHAIRPERSON TRACY
17 PREZEAU, BOARD MEMBERS JASON JENKINS, DAVID WARD, JANET
18 LEWIS, DAVID CORNWALL, ALICE PHILLIPS, MIKE NORD, DYLAN
19 CUNNINGHAM, DON BAKER, RYAN LaMAR, BOBBY GRAY, DOMINIC
20 BURKE and SECRETARY/ CHIEF ELECTRICAL INSPECTOR STEPHEN
21 THORNTON. Also present was ASSISTANT ATTORNEY GENERAL PAM
22 THOMURE representing the Board.

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

25
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, January 25, 2018
Tumwater, Washington

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PROCEEDINGS

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CHAIRPERSON PREZEAU: So good morning, everybody.
It's 9:00 in the morning, and I would like to call the
January 25, 2018, Electrical Board meeting to order.

1. Approve Transcripts from October 26, 2017,
Electrical Board Meeting

CHAIRPERSON PREZEAU: And the first item of business
is to approve the transcripts from the October 26, 2017,
Electrical Board meeting.

Motion

BOARD MEMBER BAKER: Motion to approve.

BOARD MEMBER NORD: Second.

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

THE BOARD: Aye.

CHAIRPERSON PREZEAU: Opposed? Motion carried.

Motion Carried

1 Item 2. Departmental/Legislative Update

2

3 CHAIRPERSON PREZEAU: Departmental/legislative
4 update.

5 Mr. Fuentes (sic), Good morning.

6 MR. PUENTE: Good morning, everyone. Good morning,
7 Madam Chair and fellow Board members. Welcome to Tumwater
8 to our office.

9 Before I get started providing an update from the
10 electrical program, I wanted to -- obviously we're a state
11 organization, so I want to make sure that you're aware, if
12 the alarm does go off, we have two exits immediately right
13 here (gesturing), left and right, and we meet out here in
14 the parking lot. We'll have staff here that are available
15 wearing vests and hard hats, and we have a demarcation
16 line out in the parking lot about two-thirds of the way
17 down to the west side of the parking there that we can
18 meet. So I just wanted you to be aware of that.

19 So again, my name is David Puente.

20 CHAIRPERSON PREZEAU: Oop.

21 MR. PUENTE: P-U-E-N-T-E. I am the new Assistant
22 Director for Field Services and Public Safety, so I again
23 want to welcome everyone today.

24 And I'd like to provide an update so far on issues
25 that are going on with the electrical program.

1 So first what I'd like to do is talk about our
2 interactive virtual inspection program and provide a
3 little update on what's going on with that.

4 Currently right now we're working on remodeling the
5 office space. My understanding is as of yesterday that
6 was completed.

7 Secondly, all of the technology equipment has been
8 ordered. It should be here by the end of this week and
9 installed.

10 We sent out a recruitment to our electrical
11 inspectors informing them of some job openings that are
12 going to be in the IVIP program so that they're aware of
13 that in case they want a transfer or request and apply for
14 a job.

15 And also our intent is to begin this pilot project
16 March 1st of this year. It's going to run for
17 approximately nine months. So from March 1st through
18 December 31st of this year we're intending to the IVIP
19 project.

20 CHAIRPERSON PREZEAU: So David, if I may interrupt?

21 MR. PUENTE: Yes, ma'am.

22 CHAIRPERSON PREZEAU: Is that the -- when you say
23 March 1st through December 31st, that's like the pilot?
24 And then you're going to look at making it perhaps more
25 robust? Or ...

1 MR. PUENTE: So -- correct. Our intent is to do the
2 pilot for nine months and learn. So we have a small
3 number of electrical contractors that we're going to be
4 working with that have agreed to work with us so that we
5 can learn. Pilot this out, use the system, et cetera.
6 And then our intent is ultimately to make this a permanent
7 thing. Obviously this is something that we want to get
8 ahead and moving forward with our technology. So yes.

9 CHAIRPERSON PREZEAU: Perfect. Thanks.

10 MR. PUENTE: Yes, ma'am.

11 A quick update on rulemaking. There will be a
12 detailed rulemaking update/legislature update from our
13 secretary, Stephen Thornton; our electrical chief will
14 provide that. But I wanted to quickly cover rulemaking
15 for the adoption of rules scope for work 02 residential
16 and 04 sign specialties. That rule will be effective
17 February 23rd of 2018.

18 CHAIRPERSON PREZEAU: So David, I have one more
19 question about it. Because I received a posting yesterday
20 that said that the adoption date was January 23rd, but the
21 effective date is February 23rd. And I'm not 100 percent
22 sure I know exactly what that means other than -- I'm
23 curious. So for 04 and 02 electricians and their
24 employers, they will not be able to do that additional
25 scope of work until February 23rd; is that correct?

1 MR. PUENTE: Yes, ma'am. It's effective February
2 23rd.

3 CHAIRPERSON PREZEAU: Very good. I just wanted that
4 clarification.

5 MR. PUENTE: So an update on our mobile program.
6 After talking to the chief and staff, we continue to
7 receive positive comments from the automatic notifications
8 of the inspection results. So far it seems to be going
9 pretty well. We're continuing to receive positive
10 comments on our service.

11 Program Specialist 2's, to provide an update, I
12 believe at our last meeting Jose' Rodriguez provided a
13 summary of that. All of our positions have been filled.
14 So we have 11 program specialists throughout the state
15 that are assigned to each supervisor in our regional
16 offices. They are helping the electrical inspectors
17 handle customer calls that are coming in. The feedback
18 that we're receiving from our customers is going very
19 well. It appears to be working very well for the program.
20 We continue to move forward with that service that we're
21 providing.

22 The next thing I wanted to briefly talk about is
23 funding. The balance is holding steady. Currently right
24 now the funds are already committed and projected to trend
25 downward for the next few months. But we also anticipate

1 that they will trend going back upwards.

2 I also wanted to talk briefly on the supplemental
3 legislative budget that we're working on. As we recall,
4 the last time that Jose' was here talking to the Board, we
5 discussed that for salaries, we ended up getting a wage
6 increase for the electrical inspectors last cycle. One of
7 the things that occurred is that it was not fully funded
8 in the program. So this time because of the short
9 session, what we're doing is we're requesting
10 authorization for that. At this point we anticipate that
11 will be moving forward. We haven't received any
12 indication that it's not. So that's the current update
13 that I have with that.

14 Our vacancy rate. The electrical program is holding
15 steady between 10 to 13 vacant positions statewide.
16 Currently we have a couple that are here in the central
17 office that we're currently recruiting for.

18 Currently right now out of our inspector staff, we
19 have estimated about 27 that are eligible for retirement
20 within the next three years which is an issue that we're
21 trying to address. The program is currently -- as we do
22 hiring, what we're also looking for is potential hire into
23 the future. So there are times when we're trying to fill
24 -- double fill in anticipation of upcoming retirements as
25 we move forward to address that gap within the next three

1 years.

2 Reciprocity. We received two contacts. So one, we
3 received a letter from Oregon indicating to us that
4 they're interested in having discussions about this topic.
5 The second one is our chief electrical inspector has been
6 in communications with Idaho about licensing differences
7 between the states. And my understanding is from
8 conversations that we have is that both Oregon and Idaho
9 are interested in having future conversations about
10 reciprocity.

11 CHAIRPERSON PREZEAU: Terrific.

12 MR. PUENTE: The last thing here that I wanted to
13 discuss is our chief electrical inspector's currently
14 working on scheduling stakeholder meetings. We anticipate
15 to have 17 of those throughout the state. We will be
16 having those in March, April and May of this year, and
17 that should be coming out in our Electrical Currents in
18 the near future.

19 So those are the things that I have to provide this
20 morning.

21 CHAIRPERSONS PREZEAU: Any questions from Board
22 members?

23 I would like to offer -- this Board -- I know it's a
24 short session, so the session -- you know, our next Board
25 meeting isn't until April. And this session, assuming

1 sine die occurs, you know, as scheduled, then it will be
2 finished before the next Board meeting.

3 This body has written letters to help inform the
4 Governor and the majority leader and the speaker about
5 issues of paramount importance to the program. And if you
6 believe at any time that -- particularly with respect to
7 this -- I'm not exactly sure what the proper wording is,
8 but the lack of allocation of funds for the class and
9 comp, if you think that we need to -- think it would be
10 helpful for us to send some correspondence in support of
11 that -- those funds, we will be -- I'm sure -- this Board
12 was pretty unanimously, you know, supportive of the class
13 and comp and followed it very closely. And so I think
14 that's a pretty easy action for us to take in the event
15 that you think it might be helpful going forward.

16 MR. PUENTE: We appreciate the support, and if needed
17 I will reach out to you and the Board.

18 CHAIRPERSON PREZEAU: Very good. Thank you.

19 Yes, Don.

20 BOARD MEMBER BAKER: The 02 and 04 rule change going
21 into effect February 23rd, how is the Department notifying
22 the stakeholders that that's in effect? Is that -- how is
23 that being rolled out?

24 SECRETARY THORNTON: Through the Currents newsletter,
25 there will be an article in there that makes it public

1 that that's the official date.

2 BOARD MEMBER BAKER: When is that Currents ...

3 SECRETARY THORNTON: The next one's due out the first
4 of the month. So probably in ten days to two weeks.

5 BOARD MEMBER BAKER: Okay. So the February Currents.

6 SECRETARY THORNTON: Yes.

7 BOARD MEMBER BAKER: Thank you.

8 CHAIRPERSON PREZEAU: Bobby.

9 BOARD MEMBER GRAY: Thank you, Madam Chair.

10 Regarding reciprocity, I'm encouraged to hear that
11 we've opened that door at least.

12 How about Alaska? Is there any discussion with
13 Alaska at all?

14 SECRETARY THORNTON: Haven't had any contact with
15 them, no.

16 BOARD MEMBER GRAY: Thank you.

17 SECRETARY THORNTON: But I could put that on my list.

18 CHAIRPERSON PREZEAU: Yeah, I mean, I -- I'm excited
19 about -- I'm excited that the state of Oregon reached out.
20 We've -- you know, some of those talks have been stalled
21 in the past, and if there's anything that we can do to
22 help keep moving them forward. Obviously we've had lots
23 of conversations at these meetings regarding trying to
24 secure reciprocity with all least our border states,
25 right? Oregon and -- and especially with all the special

1 rulemaking around the, you know, provisional licensing and
2 all of that stuff that we did to try to staff work
3 especially this last year 2017 which was an interesting
4 experiment. Ultimately it wasn't super successful in
5 terms of attracting workers. And, in fact, I think it was
6 -- Dominic, you were like the solution to this is
7 reciprocity, and I think everybody in here has a tendency
8 to believe that.

9 I mean, it's not the silver bullet, but it certainly
10 would help significantly.

11 BOARD MEMBER BURKE: Yeah, to -- you need a longer
12 term fix than what we were -- what we implemented.

13 SECRETARY THORNTON: And the general comments have
14 been that the shortage of electricians is a common issue
15 with everybody, so the climate's as good as it's been in a
16 long time to have those conversations about being able to
17 move the workforce across borders.

18 CHAIRPERSON PREZEAU: Agreed.

19 Any other questions for David Puente?

20 Thank you very much for joining us.

21 MR. PUENTE: Thank you, Madam Chair.

22 CHAIRPERSON PREZEAU: It's nice to see you. Have a
23 good day.

24 MR. PUENTE: You too.

25 CHAIRPERSON PREZEAU: Okay. So just a bit of an

1 update before we -- as we move into the appeals section.

2 As you guys can see, we have -- oh, sorry. Steve,
3 did you want to add?

4 SECRETARY THORNTON: Do we want to go through the
5 bills right now?

6 CHAIRPERSON PREZEAU: Yeah, let's go ahead. Yeah,
7 let's do that.

8 SECRETARY THORNTON: I'll make a quick rundown of the
9 legislation that's out there right now. I think you all
10 have a copy of these.

11 So House Bill 1430 and Senate Bill 5304 requires the
12 Department to adopt the non-administrative portion of the
13 electrical rules through a process in which the
14 Department, Washington cities and the Technical Advisory
15 Committee have an equal vote in the adoption of the rules.

16 Senate Bill 5211 removes the ability of the
17 Electrical Board to hear appeals, would make the
18 administrative law judge the final order.

19 House Bill 1855 requires business name and electrical
20 contractor's license number to be marked on vehicles while
21 used in the electrical construction trade.

22 House Bill 1871 effective January 1 of 2022 requires
23 electrical or plumbing certification for employees of
24 state agencies while performing electrical or plumbing
25 work on the premises of a state agency employer.

1 Number 6 there, Senate Bill 6126 --

2 CHAIRPERSON PREZEAU: I think you skipped 5.

3 SECRETARY THORNTON: It's down at the bottom. We had
4 it on there twice.

5 CHAIRPERSON PREZEAU: Oh, got it. Okay. Sorry.

6 SECRETARY THORNTON: Requires completion of an
7 apprenticeship to receive journey-level certification.

8 House Bill 2123 and Senate Bill 5860 allows credit
9 towards qualifying for a specialty certificate of
10 competency for work experience not in the electrical
11 construction trade, also provides a grandfathering
12 opportunity on certain specialties for individuals that
13 can show they've been employed in that specialty prior to
14 January 1st of 2002.

15 Senate Bill 6127, this pertains to the plumbing laws.
16 Creates a master plumber certificate, an administrator
17 certificate, and a plumbing contractor license. We've got
18 some electrical laws that exempt some work and allows some
19 plumbers to do some minor electrical work, incidental work
20 like changing out a water heater and some of that kind of
21 stuff. It would require some changes in our laws where we
22 reference plumbing. We haven't proposed any changes as of
23 yet.

24 Number 9, House Bill 1952, which is the duplicate one
25 from up above, passed the House on the 24th -- what was

1 that? Wednesday I think -- and changes the city seat on
2 the Electrical Board to a voting position; provides cities
3 with the ability to enforce laws regulating aspects of
4 electrical licensing, certification and visible display;
5 allows cities to establish penalties and appeal process.
6 Does not diminish the Department's ability to do that; it
7 just gives the cities the ability to.

8 And each one of those bills above has either one or
9 two asterisks behind it. The ones with one asterisk are
10 still in committee. They must pass out by the 2nd of
11 February. The ones with two have passed the committee and
12 are waiting for the House, and they'll have to be out by
13 the 14th of February.

14 And that's it for what we have for now.

15 The rulemaking part I'll cover in the Secretary's
16 Report.

17 CHAIRPERSON PREZEAU: Any questions regarding this
18 legislative update?

19 It's not quite as daunting as in years past, but
20 still some issues of grave concern.

21 SECRETARY THORNTON: Yeah, some things that pertain
22 to the electrical department and this Board.

23 CHAIRPERSON PREZEAU: So here's what I would -- I'd
24 like to be a little bit proactive, and we've done this --
25 as I've said, we've done this in the past knowing that

1 there is pending pieces of legislation that have a direct
2 impact on this body and the program itself.

3 The Chair would be interested in creating, just like
4 we have in years past, a political legislative
5 subcommittee from this body in the event that we need to
6 respond to -- in writing to pieces of legislation that
7 have a direct impact on the Electrical Board.

8 BOARD MEMBER PHILLIPS: Do you need a motion?

9 CHAIRPERSON PREZEAU: I don't need a motion. I just
10 want to hear what the Board -- I just want to hear if the
11 Board is in support of that, and then if -- I need some
12 folks that would be willing to pay some attention to these
13 pending pieces of legislation, and then in the event that
14 we needed to craft a letter would participate in doing
15 that.

16 BOARD MEMBER PHILLIPS: Madam Chair?

17 CHAIRPERSON PREZEAU: Yes.

18 BOARD MEMBER PHILLIPS: I think that we have done
19 this in the past, and it was very effective. And I think
20 because the -- we need to react in a timely manner when
21 these things come up that it would be prudent for us to
22 create that subcommittee.

23 BOARD MEMBER LEWIS: Madam Chair, I would volunteer.
24 Janet Lewis.

25 CHAIRPERSON PREZEAU: All right. So Janet.

1 BOARD MEMBER NORD: Madam Chair, I'll also volunteer.
2 I've been on it before.

3 CHAIRPERSON PREZEAU: Yeah, you've been on it before.
4 Can I have one more name?

5 BOARD MEMBER JENKINS: Madam Chair, I'll volunteer
6 also.

7 CHAIRPERSON PREZEAU: All right. Excellent.

8 So we've got Janet, Mike and Jason. And I will
9 monitor. And we will -- you know, obviously in the past
10 -- it's a little bit awkward because it's hard to
11 authorize a subcommittee to make a statement on behalf of
12 the balance of the Board. But I think -- I would hope
13 that the actions that we have taken in the past have built
14 confidence by the balance of the Board that any
15 correspondence that goes out under our signature is going
16 to be level headed and appropriate.

17 Any concerns? We're good? Okay. Thank you.

18 All right. So Steve, the rest of your comments are
19 going to be reserved for the Secretary's Report?

20 SECRETARY THORNTON: The Secretary's Report, yep.

21 CHAIRPERSON PREZEAU: Sorry. So -- I didn't mean to
22 cut you off earlier. I guess I'm a little over-
23 caffeinated.

24 ///

25 ///

Item 3. Appeals

CHAIRPERSON PREZEAU: So we are under appeals. And I just want to make an announcement, and that is, as you may recall, we had an appeal last month which was Saint Joseph's Heating and Air Conditioning, and we were able to secure a final order -- agreed-upon final order. So that's why it's not scheduled for presentment. As the presiding officer, I signed that after Pam reviewed it for accuracy. So that is off of your docket.

I just want to clarify one thing. As you can see, the Kirby Electric matter and the Bid Mechanical matter, if you printed the agenda that was sent to us, it indicated that those were continued to July. That was a clerical error. And if you look at your agenda this morning, it is correct that the Kirby Electric matter or 3.b. and Bid Mechanical, 3.c., those are continued to April. So I just wanted to call your attention to that.

Item 3.a. Husky Injection Molding Systems, LTD

CHAIRPERSON PREZEAU: And with that, we are under agenda item 3.a., which is the matter of Husky Injection Molding Systems.

So would the parties that are involved with that

1 matter come forward.

2 MR. LEES: Good morning.

3 ASSISTANT ATTORNEY GENERAL LOWY: Good morning.

4 CHAIRPERSON PREZEAU: Good morning. My name is Tracy
5 Prezeau. I am the Chair of the Electrical Board. The
6 matter before us today is an appeal of -- matter of Husky
7 Injection Molding Systems, LLC (sic), docket number
8 04-2016-LI-00113.

9 This hearing is being held pursuant to due and proper
10 notice to all interested parties in Tumwater, Washington
11 on January 25th at 9:23 a.m. This is an appeal from a
12 proposed decision and order issued by the Office of
13 Administrative Hearings on June 20, 2017.

14 It is my understanding that decision reversed
15 citations and notice ECAML02694 and ECAML02695 issued by
16 the Department of Labor and Industries on January 15,
17 2016. It is further my understanding that the Department
18 has timely appealed the reverse decisions to the
19 Electrical Board.

20 At this time, the original appellant -- I think we
21 have representatives of Husky Injection Molding, or
22 perhaps counsel in Mr. Lees.

23 MR. LEES: Yes, that's correct.

24 CHAIRPERSON PREZEAU: It was pretty easy, but Mr.
25 Lees, if you would be kind enough to introduce yourself

1 and state and spell your name for our court reporter.

2 MR. LEES: I'd be happy to. My name is Judd --
3 J-U-D-D, last name is Lees -- L-E-E-S -- from the law firm
4 of Sebris Busto James. I represent Husky Injection.

5 CHAIRPERSON PREZEAU: Excellent. Thank you.

6 And the Department is present and represented by
7 Assistant Attorney General Ms. Lowy.

8 ASSISTANT ATTORNEY GENERAL LOWY: Good morning. My
9 name is Marta Lowy. I'm an assistant attorney general,
10 and I represent the Department of Labor and Industries.

11 With me, Dave Campbell, lead electrical inspector for
12 the Department of Labor and Industries.

13 May I proceed?

14 CHAIRPERSON PREZEAU: I'm sorry? Oh, bear with me
15 for a second. I'm going to do just some procedural stuff.

16 The Electrical Board is the legal body authorized by
17 the legislature to not only advise the Department
18 regarding the electrical program but to hear appeals when
19 the Department issues citations or takes some other
20 adverse action regarding an electrical license,
21 certification or electrical installation. The Electrical
22 Board is a completely separate entity from the Department,
23 and as such will independently review the actions taken
24 by the Department.

25 When the Department issues penalties, the hearing is

1 assigned to the Office of Administrative Hearings to
2 conduct the hearing pursuant to the Administrative
3 Procedures Act. The ALJ who conducts that hearing then
4 issues a proposed decision and order. If either party
5 appeals that decision, it is subject to review by the
6 Electrical Board. Please keep in mind that while a review
7 is de novo, we sit in the same position as the
8 administrative law judge and will review the entire record
9 regardless of whether a certain piece of evidence is
10 referenced by the ALJ. We are bound by the evidence in
11 the record, and no new evidence can be submitted at this
12 hearing.

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

17 At the conclusion of the hearing, the Board will
18 determine if the findings and conclusions reached by the
19 ALJ are supported by the facts, the laws and rules
20 pertaining to electrical installations.

21 Do the parties understand the process that we are
22 going to undertake this morning?

23 ASSISTANT ATTORNEY GENERAL LOWY: Yes.

24 MR. LEES: Yes.

25 CHAIRPERSON PREZEAU: And a reminder to the Board.

1 We are bound to the transcript. And we're not going to
2 allow -- if people -- we're not going to allow the
3 introduction of new information. But certainly, as I said
4 in the opening statement, that regardless of whether a
5 piece of evidence was referenced in the transcript or by
6 the ALJ or by the parties, it is within the bounds of
7 discussion.

8 I do want to start off before we hear this case to
9 clarify in that this Board only has -- the Department
10 issued three citations, one having to do with whether or
11 not Husky Injection Molding was a registered contractor.
12 That is not within our jurisdiction this morning, right?
13 Our jurisdiction are the Department's appeal of the
14 citations ending in 2694 and 2695.

15 Is there anything else I need to say about that, Pam?

16 ASSISTANT ATTORNEY GENERAL THOMURE: I don't think
17 so.

18 CHAIRPERSON PREZEAU: Very good.

19 So Ms. Lowy, I believe you are the appealing party.
20 You have the burden of proof to establish that the
21 proposed decision or portions of the proposed decision is
22 incorrect. And so we'll begin hearing remarks from you.

23 ASSISTANT ATTORNEY GENERAL LOWY: Thank you.

24 We are here and respectfully urge you to reverse the
25 proposed final order that was issued by the administrative

1 law judge and which erroneously relieved Husky Injection
2 Molding from the responsibility of complying with
3 Washington law.

4 I understand that all of you members may have had an
5 opportunity to review the briefing and the exhibits that
6 were introduced. And as you just have heard, the matter
7 involving registration of the contractor, the citation
8 that does not involve electrical citations has been
9 appealed by Husky to superior court. We are here on the
10 Department's appeal because we believe that the
11 administrative law judge misapplied the law.

12 What are the facts in the case? Husky -- and I will
13 refer to it as Husky for brevity -- submitted a bid to
14 install equipment for Evergreen Plastic. The
15 administrative law judge saw the bid, acknowledged that
16 Husky was involved in work that was not within the
17 parameters of electrical work but determined that an
18 exemption applied to Husky's activities because 296 -- WAC
19 296-46B-925(23) applies in this case. That is an
20 exemption that applies to power-generating equipment.
21 Husky Molding Injection does not involve power-generating
22 equipment; it involves plastic-bottle-generating
23 equipment. This is what Husky produces: plastic bottles.
24 Not generate -- not power. It's not a power generating
25 piece of equipment.

1 The administrative law judge was inclined to look for
2 some exemption for Husky. It should have looked to WAC
3 296-46B-925(22) because that is the appropriate equipment
4 that Husky was installing in Washington state. And a
5 review of that provision shows that the activities that
6 Husky was involved in -- wire cutting, installing a tray
7 cable, wiring -- these are not exempt activities. No
8 exemption applied to any activity that Husky was involved
9 in when it did the work.

10 The second citation that the ALJ also refers to was
11 the provision that involved obtaining a permit or a
12 provisional permit prior to beginning work. The ALJ
13 erroneously decided that because Husky was exempt under
14 296-46B-925(23), it didn't need to obtain a permit before
15 it began the work. Well, there is no question and never
16 was a question that the equipment that Husky was
17 assembling and installing in Clark County was not
18 generating power; therefore, anything else that is
19 attached to it was erroneous and should be reversed.

20 I would be remiss if I didn't add the administrative
21 law judge didn't deny that electrical work was done; he
22 simply misapplied the law applicable to it.

23 There was a bid. Exhibit G is the bid that Husky
24 submitted to Evergreen Plastic, and it allocates exactly
25 the tasks that were allocated to Husky as the lead

1 inspector testified and as indeed Husky staff testified.
2 They performed work which under Washington law is
3 electrical work. They installed wiring, the cable tray.
4 There is electrical wiring. And this is all work that
5 requires licensing and certified individuals to perform
6 the work.

7 I know that I don't have to say it to this body, but
8 I will for the record anyway. The laws are in place to
9 protect the public, to protect life, to protect property
10 and to protect fair competition. The citations and their
11 attendant penalties were properly issued that are the
12 basis on the work that Husky performed, and we ask that
13 you reverse the findings of fact of the administrative law
14 judge and affirm the citations issued along with their
15 penalties because they were correct and issued based on
16 the work that Husky was performing while not licensed
17 while -- that had submitted a bid and performed electrical
18 work.

19 Thank you.

20 CHAIRPERSON PREZEAU: Very good. Thank you.

21 Mr. Lees.

22 MR. LEES: Yes, thank you. Good morning, Chair
23 Prezeau and members of the Washington State Electrical
24 Board.

25 Again, my name is Judd Lees, and I represent the

1 appellee, Husky Injection Molding Systems in this appeal,
2 which again is limited to two citations involving the
3 electrical citations. The other citations are currently
4 before the superior court.

5 And as Ms. Lowy indicated, the burden is on the
6 Department to establish that the judge's determination in
7 this, in the proposed findings, that the exception applies
8 is not supported by a preponderance -- or has to
9 demonstrate by a preponderance of the evidence that the
10 judge got it wrong.

11 What is interesting in this case is the appeal is
12 very narrow. And I'm going to refer to a few things in
13 the record before you. It does not touch on any of the
14 findings of fact that were made by the judge. We had a
15 very lengthy hearing. It was well testified to. A number
16 of exhibits, two on behalf of the Department, and two on
17 behalf of Husky Injection.

18 As to exactly what happened when the nature of the
19 work that was being performed down there in Vancouver.

20 And under the findings of fact -- and they are
21 located on page 27 of the packet here, there are a number
22 of findings that the Department in this case has not
23 appealed. They've indicated the facts are what the facts
24 are. And the findings of fact with regard to the
25 electrical work are 4.17 through in essence 4.26.

1 But the gist of all these findings of fact is a clear
2 division of labor that occurred. Again, it's undisputed
3 as to what the Husky Injection technicians did and as to
4 what a certified electrical subcontractor, Northwest
5 Electrical Contracting, did.

6 My client is a manufacturer and supplier. It's a
7 multi-national manufacturer of these huge component
8 machines that fabricate a variety of things, in this case,
9 plastic bottles. And as a multi-national supplier,
10 they've been in existence for 64 years, and they've
11 testified in the transcript, they've supplied roughly
12 6,000, 5,000 of these machines and have never run into an
13 issue where the state or the country or whatever alleges
14 that this is electrical work. And that is again because
15 of this division of labor that has occurred in this case
16 and is set forth in I believe Exhibit G. Here is what
17 Husky will do, the technicians, and here is what the
18 electrical contractor -- subcontractor will do.

19 And what Husky does is fabricate these various
20 components, assemble them on the factory floor,
21 preconnectorize them, cut wires that connect them so that
22 the components can talk to one another. It's kind of a
23 complicated machine. There's a power display -- a PDP --
24 a power distribution panel -- and then various components,
25 and they have to work in concert.

1 So the testimony was in the record that they were
2 fabricated, assembled, and then because there's no box
3 large enough to carry this component machinery, they were
4 then disassembled. The wires were taken apart and labeled
5 and rolled up and put inside the various components. So
6 you can see that I believe in Exhibit B. They had some
7 pictures of the wires once they were taken apart and slid
8 into the various components. So at the time it would
9 arrive the technicians -- the Husky technicians could then
10 reassemble it, plug the various types of connections,
11 these preconnectorized connections into one another,
12 assemble the machine, but carefully delineate that the
13 electrical power wiring from the PDP, the power
14 distribution panel, to the various components would be
15 done by a subcontractor of the owner's choosing.

16 More importantly, the electrical subcontractor's
17 responsibility was to power the equipment, that is, find a
18 power source, run the conduit to the machine, wherever the
19 owner decided to put it, and power it up.

20 So there's a clear division of responsibilities. And
21 again, the findings of fact indicate as to what Husky did
22 and what the subcontractor did, and in essence the judge
23 summarized a variety of these findings of fact. At 4.24,
24 again, on page 27, he says (as read), "The molding
25 injection system had been previously assembled at the

1 appellant's factory, tested, disassembled, shipped and
2 then reassembled at the Evergreen facility." And then
3 there are a number of findings of fact as to what the
4 subcontractor did and which are found I believe in 4.20,
5 21, 22 and 23, which were basically that once the
6 injection molding system was properly reassembled and
7 ready to be energized, the Northwest Electrical contractor
8 contacted the Department to get a final inspection. They
9 also did all the final connections. And based on that,
10 the judge determined that this was not electrical
11 installation work.

12 Now, there was a great deal and is a great deal of
13 testimony in the transcript regarding look at all these
14 wires, they're transmitting, they're going to transmit
15 energy or will transmit energy; that sounds and looks like
16 electrical work. And what is interesting is that while
17 there is a broad definition of electrical installation, it
18 is trumped by these exemptions. So no matter how many
19 wires are involved or how complex it looks, if an
20 exemption applies, it is not electrical installation work.

21 And one of the things I asked Mr. Campbell, who's
22 here today, at the hearing was after there was testimony
23 regarding all these wires and the complexity of it is
24 whether under WAC 296-46B-100 whether that was trumped by
25 this exemption, and his testimony -- and it's on page 177.

1 He basically read it aloud because I asked him to. And it
2 says, "An installation includes the act of installing,
3 correcting, repairing, modifying or otherwise performing
4 work on an electrical system, component, equipment or wire
5" Very broad --

6 CHAIRPERSON PREZEAU: Mr. Lees, if I could just --

7 MR. LEES: My apologies.

8 CHAIRPERSON PREZEAU: No, no. I just want to
9 clarify. The page you just referenced, is that the actual
10 -- the Board packet page or is that the --

11 MR. LEES: The Board packet. My apologies.

12 CHAIRPERSON PREZEAU: Thank you, sir.

13 MR. LEES: All my references are to Board packet.
14 That's what you have in front of you.

15 CHAIRPERSON PREZEAU: Thank you. Sorry for the
16 interruption.

17 BOARD MEMBER BAKER: What page again?

18 MR. LEES: It's page 177.

19 CHAIRPERSON PREZEAU: I apologize for the
20 interruption.

21 MR. LEES: No, I -- please. It's for clarification's
22 sake.

23 It is at line 8. It's basically -- it's just a
24 restatement of 296-46B-100.

25 And again (as read), "An installation includes the

1 act of installing, correcting, repairing, modifying or
2 otherwise performing work on an electrical system,
3 component, equipment or wire" Very broad. Obviously
4 when we stepped into this case, we're looking at that
5 broad definition. But it goes on to read "except" -- the
6 testimony or transcript reflects "for," but the language
7 is "as" ... "except as exempted by WAC 296-46-925."

8 So regardless of all the wires or the complexity --
9 and again, what was described at the outset of the
10 inspection was, I see people and I see them connecting two
11 sides of equipment; that's electrical work.

12 The element issue as the judge found is whether or
13 not the exemption applies under the subheading 23.

14 We had also argued that 22 should apply because
15 primarily -- they are a manufacturer. They weren't
16 brought in here to install or assemble the machine that
17 they had no connection with.

18 And so the judge looked at that and determined that
19 23 applied. And the arguments that were submitted here,
20 the written arguments and the arguments today are not that
21 this should be narrowly construed or that the Department's
22 jealously guarding the scope of this exemption, and
23 instead, again, we would argue that the judge correctly
24 applied it, and in the alternative could have in our mind
25 applied subheading 22. And that's because of the key

1 words in both 22 and 23.

2 Manufacturer. So we don't have an electrical
3 subcontractor or a contractor stepping in putting in
4 somebody else's equipment. These are manufacturers. It
5 is equipment. It is industrial equipment. And there was
6 a great deal of testimony about that.

7 Three, you see the magic words "assemble" or
8 "assembly" going on here. And again, that term was used
9 really from the get-go when the inspector, Mr. Campbell
10 initially wrote his initial report. These people are
11 assembling something. And the use of factory-trained
12 technicians.

13 Those are all common factors in both 22 and 23. And
14 that's what the judge seized on. So we don't have a
15 situation here where the technicians were involved in all
16 the work. They were involved in a very limited scope of
17 work that did not involve the powering up of the
18 equipment, but merely the assembly and I would argue the
19 reassembly. These machines were tested, fired up, taken
20 apart, carefully coded, and then reassembled at the
21 factory floor.

22 Ms. Lowy's mentioned safety. And that's paramount.
23 And again, we have witnesses in the transcript that
24 testified with regard to that. The primary concern with
25 the Department's desire to open up also the assembly work

1 to the certification process, the use of certified
2 electricians, is that these factory-trained technicians
3 know the equipment, they know the connections, and the
4 argument would be that it's safer for them to be involved
5 in the reassembly, follow the diagrams -- the
6 manufacturer's diagrams for reassembling this work, then a
7 four year -- or an electrical -- a contractor and/or an
8 electrician -- a journeyman electrician who might not have
9 any idea how to assemble that. That's not to denigrate a
10 journey-level electrician in this case. But again, we see
11 the terms "technicians" throughout these WAC's.

12 So we would argue that the judge got it right and
13 that the exemption applies, that the careful delineation
14 here wasn't arrived at by Husky Injection by accident.
15 They knew there are a number of vagaries regarding
16 permits, regarding the connections, regarding who does
17 what, and they delegated that electrical work to a bona
18 fide electrical subcontractor who in turn hired and
19 utilized the certified electricians and obtained the
20 necessary permits and inspections.

21 So we would ask that the Board affirm the proposed
22 rulings, the specific conclusions of law that were
23 determined by the judge based on the evidence, based on
24 the testi -- the demeanor of the witnesses that he heard
25 at that hearing and set aside both noncompliant citations

1 ... absent any questions.

2 Thank you for your attention.

3 CHAIRPERSON PREZEAU: Thank you, Mr. Lees.

4 Given -- unless the Board members want to jump in, I
5 normally would love to -- allow Ms. Lowy an opportunity
6 for rebuttal. And certainly that would be available to
7 you, Mr. Lees, as well. Even in the event of parties
8 represented by counsel, I want to make sure that we err on
9 the side of access.

10 ASSISTANT ATTORNEY GENERAL LOWY: Counsel makes much
11 of assembly. If the Board looks at the transcript, you
12 will note that Mr. Matts from Husky speaks about
13 installation. Throughout the testimony he addresses
14 installation. And, in fact, he says about -- in response
15 to a particular question, "We do this on every install."
16 So I think parsing the words, is it installation, is it
17 assembly, the bottom line is the administrative law judge
18 saw a power generating piece of equipment, and that's not
19 what Husky's equipment is. It simply doesn't generate
20 power. So 296-46B-925(23) is erroneous from the get-go.
21 This is not where it applies. There are no exemptions to
22 the work that Husky performed in Clark County because they
23 did typical work. They did electrical wiring. They
24 installed the cable tray. They submitted the bid which
25 the administrative law judge didn't even address. And

1 again, we ask the Board to reverse the proposed decision
2 and order of the administrative law judge and find that
3 Husky violated Washington law regarding electrical work
4 and obtaining of permits and bidding in Washington state.

5 Thank you.

6 CHAIRPERSON PREZEAU: Mr. Lees, any response?

7 MR. LEES: No. I'm going to surprise everybody and
8 stand down as an opportunity despite having an opportunity
9 to speak. No, I don't.

10 Thank you, though.

11 CHAIRPERSON PREZEAU: Thank you.

12 Ryan, you had -- it looks like you were interested in
13 saying something.

14 BOARD MEMBER LAMAR: I did have a question.

15 So ma'am, you had mentioned earlier that the
16 administrative law judge had erroneously cited
17 subparagraph 23 of 296-46Bravo-925. And you said there
18 was one that was more appropriate. Which one were you
19 saying was more appropriate?

20 ASSISTANT ATTORNEY GENERAL LOWY: Sub 22.

21 BOARD MEMBER LAMAR: Sub 22. Thank you.

22 CHAIRPERSON PREZEAU: Any other questions, Board
23 members? Or are you interested in having some
24 conversation?

25 BOARD MEMBER CUNNINGHAM: Does the exemption under 23

1 clearly define what premanufactured electrical power
2 generation equipment is? Because there's another
3 exemption that talks about electrical power production
4 equipment. Are these terms defined in the WAC rules
5 somewhere? Does somebody know -- these exemptions don't
6 even appear to speak to industrial machinery, air handling
7 equipment, all sorts of manufacturing equipment,
8 preconstructed and shipped to the site. Medical imaging.
9 I mean, there's lots of stuff that gets hooked up on job
10 sites. Where are those things defined so they know which
11 exemption applies?

12 CHAIRPERSON PREZEAU: Well -- and my concern is that
13 -- and I've looked -- this is where things get a little
14 bit -- I thought about this last night, and I looked
15 through the -- you know, I have a set of WAC's and RCW's
16 in a bag right at my feet. And the Department's exhibits
17 include some language but does not include -- so I'm kind
18 of hoping that Pam's paying -- her ears are perked up
19 quite a bit. Because we have -- so we have -- we have
20 some of -- we have some of 19.28 in here as provided by
21 the Department, right?

22 And I also note, Pam -- including sub 23. So we also
23 have sub 22 in here, right? And -- but we don't have
24 definitions. But what we get to bring with us as Board
25 members is what we know about the statute and rule, right?

1 And what I do believe I know as a journey-level
2 electrician is that this is not a electric-powered
3 generation piece of equipment, right? So I -- while I --
4 it is not a generator. It is not a -- it consumes power,
5 which is why they hired Northwest Contractors to hook up
6 the, you know, whatever the amperage and voltage, right?
7 It consumes power.

8 So -- you know. And I -- the parties -- the
9 transcript talks about, you know, subheading 22. And, you
10 know, having some experience with this, I understand --
11 you know, I think I understand what these words -- how to
12 apply these words, right? And many of you in this room do
13 as well. And when you start looking at manufacturers of
14 electrical and telecommunication systems products would be
15 allowed to utilize a manufacturer's authorized factory
16 trained technician to perform initial calibration,
17 testing, adjustments, modification incidental to the
18 startup and check-out of the equipment or replacement of
19 components within the confines of the specific product
20 without permit or licensing -- or required licensing,
21 provided the product has not been previously energized,
22 which testimony indicated that it has. And then, you
23 know, none of these other pieces apply.

24 But I also think it's interesting, and I -- is -- and
25 I'm on Electrical Board appeal packet page 227. So it's

1 transcript page 153. And I believe if I have this
2 correct, this is Mr. Lees' direct with Mr. Matts.

3 Question: "Okay. Install wire tracks?"

4 Answer: "Yeah. Yeah. So we talked about that so
5 some degree today. That goes to wire mesh racks that hang
6 under the mezzanine to carry the cables, to keep them
7 neatly organized and separated within the track."

8 Question: "Okay. We are not talking about a
9 connection to the ceiling of some certain height?"

10 And it has to do with the appeal that we're not
11 dealing with, right? But I'm interested in the
12 installation of the tracks.

13 It goes on to say, line 20, Question: "Okay. Do you
14 know if any of those were already precut before?"

15 Answer: "It is all precut, all predesigned
16 specifically for that mezzanine. It is a standard
17 mezzanine. Designed, precut. It is like a little erector
18 set."

19 And it goes on to -- continues -- this line of
20 questioning continues, and I'm on page Board packet 228,
21 transcript 154, line 3, Question: "Okay. Next below
22 that, performing routing of electrical cables from (the
23 power distribution panel) PDP to the equipments --"

24 Answer: "Mm-hmm."

25 Question: "-- what -- what does that entail?"

1 Answer: "Yeah. Normally we perform that work, so we
2 would have spools of the right gauge wire show up in the
3 factory. We would pull it and we would leave adequate
4 length on the one end dangling out of the bottom of the
5 cable track at the end of the PDP and then the other end,
6 you know, with enough slack on it, let's say, up by the
7 devices that are up on the mezzanine. And that's all we
8 do is just pull the cable through and then wait for the
9 electrician to show up and cut it and terminate it and do
10 all the work to it."

11 Question: "Pull through suggests that maybe pull
12 through conduit; is that the case?"

13 Answer: "Not on the conduit, no. It is hanging in
14 that wire -- laying in that wire --"

15 Question: "The cable tray?"

16 Answer: "Yeah."

17 So -- and then -- so we have Mr. Matts in his direct
18 testimony from Mr. Lees indicating that not only did they
19 install the cable tray, but they installed this specific
20 cabling that comes on the spools, right?

21 And then -- and even if there was some question about
22 what, you know -- and it gets a little bit -- the
23 transcript's not -- it's a little bit difficult in certain
24 places to follow, especially with Exhibit G and the pages,
25 but I think -- I think I understand what's going on here.

1 And then on page -- Board packet page 258, and I
2 believe this is -- I'm sorry, Mr. Lees, I do not know how
3 to pronounce your client's -- your witness --

4 MR. LEES: It's hard to pronounce. Pilavdzic.

5 CHAIRPERSON PREZEAU: Pilavdzic. And for the record,
6 it is spelled P-I-L-A-V-D-Z-I-C.

7 So you were -- actually it should begin on the
8 previous page because it starts with a question from
9 Mr. Lees. It says, line 24, "Okay. With regard to --
10 there was testimony by Mr. Campbell that he was called out
11 based on a concern with the -- a certain wire. Do you
12 know what that wire was anecdotally? What was the nature
13 of the wire that he was called out to inspect?"

14 Answer: "Well, no surprise to me that the
15 electrician who is not familiar with industrial wiring and
16 the requirements of NFPA 79 asked -- would ask a question
17 because wiring will be obviously different. We use
18 specific wire that is allowed by the standard NFPA 79. It
19 is a Machine 2 wire because this is specifically built to
20 the standard."

21 Question: "And this is different than what we have
22 characterized as communication wiring?"

23 Answer: "This is a power wiring."

24 So if you put the -- and again, this is what Mr.
25 Matts and in the transcript the inspector, you had reels

1 of this machine wire 2, right? Machine 2 wire. And that
2 representatives of Husky in direct and in cross in the
3 transcript indicate that not only is it line voltage
4 wiring, so you can get down in the weeds about -- and I --
5 you know, about whether or not the communications cabling
6 which is actually telling pieces of equipment to close
7 contacts, open contacts according to the transcripts. But
8 this cabling by the -- from my perspective from -- under
9 direct and under cross indicate that this is line voltage
10 cabling that representatives of Husky precut, spooled out.
11 Mr. Matts' testimony is very clear. Laid in the cable
12 with ample length for a licensed certified electrical
13 contractor -- an electrician to make the terminations.
14 But the fact is that from my perspective and then to this
15 body is installing the cable tray, that is a system to
16 convey electrical cabling, which they admitted that they
17 installed and waited for -- I mean, I'm glad that Husky
18 had -- or Northwest -- the customer had a licensed
19 electrical contractor do the main power hookup. But with
20 -- unless somebody can show me something differently, if
21 I'm missing something in the transcript, if Board members
22 have some additional pieces of information that I failed
23 to consider ...

24 BOARD MEMBER JENKINS: Madam Chair?

25 CHAIRPERSON PREZEAU; Yes.

1 BOARD MEMBER JENKINS: Considering your whole
2 discussion there, I'm looking at page 177. And that's the
3 same document he mentioned earlier about installation
4 includes the act of installing, correcting and so on and
5 so forth, the installing of the equipment is installing
6 the equipment. There is no exemption in the rules that
7 allow the installation of equipment per generation. I
8 think we've already established it's not generating
9 equipment; therefore, it doesn't apply to the exceptions.
10 Therefore, you can't even look at the exceptions as far as
11 any of the discussion we've been having on this. It
12 doesn't apply. Because this is not a generating piece of
13 equipment.

14 So all the discussion about the way the cables works,
15 what kind of voltage is going across them, all that
16 doesn't apply to the 925 -- what was that -- 22? Or 23.

17 And even on 22, I almost argue that it wouldn't apply
18 even as a telecommunications system because it's not
19 telecommunication. It's industrial equipment. So I don't
20 even know if that exemption would even apply to them to
21 even start. And inside there there's nothing about
22 installation. It's all about testing. So ...

23 CHAIRPERSON PREZEAU: I'm curious to get some
24 contractor perspective on this.

25 BOARD MEMBER BURKE: Actually if you continue on to

1 the next sentence, you stopped at item (iv) -- (22)(iv)
2 out of the Board packet 371.

3 CHAIRPERSON PREZEAU: Hang on a second, Dom. Where
4 are you at?

5 BOARD MEMBER BURKE: Board packet 371. And if you
6 actually continue past the first five items and go to (b),
7 it specifically says, "Except for the replacement of
8 individual components, as allowed above, this exemption
9 does not include the initial installation, removal, or
10 replacement of the product."

11 So it does specifically state that none of the above
12 applies to the initial installation.

13 MR. LEES: If I might interject, there is really no
14 -- aside from the WAC 296-46B-100 which kind of talks
15 about what installation is, there's no definition of what
16 an installation is. According to that, it's the act of
17 installing, correcting, repairing, modifying or otherwise
18 performing work on electrical system. But then you have
19 the exemptions.

20 And again, I would argue that based on the
21 preassembly and reassembly issue that because of the
22 relevant elements of premanufactured equipment, assembly,
23 use of factory-trained technicians, this is different.
24 And again, the record is clear that the equipment supplier
25 here took great pains to carve out a substantial amount of

1 this work to make sure it was performed by certified
2 electricians.

3 BOARD MEMBER BAKER: Madam Chair?

4 CHAIRPERSON PREZEAU: I'm going to go to Bobby, and
5 then we'll go to Don.

6 BOARD MEMBER GRAY: Thank you, Madam Chair.

7 Mr. Lees, would you help me understand something?
8 You referred to Husky as a manufacturer. And that makes
9 sense to me at their manufacturer where they're producing
10 these machines and building them and assembling them
11 there. But once they leave that factory and they come to
12 another location, then it seems to me the manufacturer at
13 that point would be the people that's producing these
14 plastic devices or whatever it is, and that Husky then
15 becomes an installer rather than the manufacturer. Can
16 you help me understand why that's not the case here?

17 MR. LEES: Well, again, based on the fact that we had
18 some testimony regarding this that if we ship it in one
19 box, then it would arrive all preassembled and ready to
20 go, and the only thing it would need to be is powered up,
21 then there would be no question that there's no violation
22 of electrical code . But because it's too big a component
23 system, it requires that it -- once it's together and
24 everything's ready to go, it requires that it be
25 disassembled. And then since Husky put it together, it

1 provides technicians to reassemble.

2 So I understand there's a loose definition of
3 install. One person's installation is another person's
4 reassembly or assembly. But that's really all I can do as
5 opposed to -- because it doesn't depend on the
6 requirements of the owner; they're just reassembling it,
7 other than where this mezzanine goes, and that's a
8 separate piece. But they just put it right back together;
9 it's reassembled. And again, you can see the pictures in
10 there that everything's precoded and rolled up, and it's
11 right near where it has to be put right back together.

12 So I understand and respect your argument that that
13 sounds like installation. I would argue it's not.

14 You know, selling a bicycle, and you take it apart
15 because it has to be shipped, and then somebody there from
16 Schwinn puts it back together for you and you're off.
17 That's all.

18 CHAIRPERSON PREZEAU: Is that sufficient?

19 BOARD MEMBER GRAY: Yes, thank you.

20 CHAIRPERSON PREZEAU: Don.

21 BOARD MEMBER BAKER: Earlier you mentioned cutting
22 wires, and that was a red flag for me when you said that.
23 But it feels to me like this discussion is right on the
24 border of, you know, is this a piece of equipment that was
25 the manufacturer is coming in and reassembling? And I'll

1 compare it to a contractor setting up a yard in Spokane
2 and prefabricating assembling, shipping them to Seattle
3 and then reassembling them. Those prefabricated modules
4 still are under the state law and they still have to be
5 inspected. And at some point a cable tray and power-
6 carrying conductors become a building wiring versus a
7 machine, and that's what we're trying to determine here.
8 At what point is it no longer a machine, and the
9 manufacturer technicians aren't authorized to do that work
10 versus it has to be a licensed electricians and a licensed
11 contractor. When we start talking about cable trays and,
12 you know, the wiring that's going back to the main
13 distribution panel, that feels likes building wiring to
14 me. That feels like we're beyond a piece of equipment.

15 Certainly, a piece of equipment where a manufacturer
16 is plugging connectors back together, that's makes sense.
17 The last thing I want to do is create a situation where
18 we're voiding a manufacturer's warranty because their
19 technicians can no longer do the work; it has to be a
20 licensed electrician. But cable trays, running wirings
21 back to the main distribution panel, that sounds like
22 electrical work; that sounds like regulated work to me.
23 Even though it was done in assembly, it was pre-put
24 together and they're shipping it in, we do that all the
25 time as contractors, but it's still licensed work; it's

1 still regulated work. So somewhere in there it feels like
2 it would cross the line from being a piece of equipment, a
3 machine and now we're talking about some building.

4 Dominic, I see you're nodding your head, so you know
5 what I'm talking about.

6 BOARD MEMBER BURKE: Yeah, as soon as you leave the
7 box --

8 BOARD MEMBER BAKER: Yeah, yeah.

9 BOARD MEMBER BURKE: -- in our world.

10 BOARD MEMBER BAKER: Yeah. I don't want my
11 electricians getting into that machine and connecting up
12 the wiring, but at some point it sounds like we've got
13 beyond that.

14 CHAIRPERSON PREZEAU: Board members, other thoughts?

15 So I am in agreement with Don, right? which is why I
16 kept my -- you know, I think it gets a little bit more
17 complex having worked on, you know, experience in this
18 industry where you have manufacturers' representatives
19 that are helping with, you know, bringing -- whether it's
20 a piece of gear, you know, or, you know, other electrical
21 manufacturing equipment to the point of initial startup
22 in, you know, a customer's facility.

23 The pictures of the -- you know, the appellant's
24 pictures of -- the original appellant's pictures of the --
25 with the molded --

1 MS. LEES: It's page 301, 302.

2 CHAIRPERSON PREZEAU: Yeah, thank you.

3 -- molded fittings that just fit together like in the
4 PowerPoint projector, right? It's almost like -- that
5 becomes more difficult. But what I think was clear and
6 unfortunate for -- is -- you know, the representatives of
7 Husky admit that that machine 2 wire is line voltage wire,
8 and that they placed the cable tray and they placed that
9 cable. They didn't -- I understand that they didn't do
10 the terminations, so they didn't, you know, complete that,
11 but they certainly performed a portion of what I believe
12 to be is regulated electrical installation work.

13 BOARD MEMBER NORD: Madam Chair, if I may, on page
14 335 ...

15 CHAIRPERSON PREZEAU: Hang on. Let me get there.

16 BOARD MEMBER NORD: This is the Husky specifications
17 for the installation. Husky states that they believe it's
18 their responsibility to assemble the power-distribution
19 power, install the wire tracks and perform routing
20 electrical cable to the power distribution panel to the
21 equipment. And they use the example of machine, mold,
22 auxiliaries, et cetera. Just because they place that as
23 their specification and they believe it's their
24 responsibility, that doesn't necessarily mean it complies
25 with our laws.

1 CHAIRPERSON PREZEAU: Yeah. And I believe this is
2 what, you know, what I -- a portion of the transcript that
3 I quoted from earlier, this is Mr. Matts' testimony under
4 direct from Mr. Lees. And with your permission I'm going
5 to call the other witness by his first name, Jim -- was
6 addressing this question, and they indicate they performed
7 this work. They installed the -- Mr. Matts said that we
8 installed the wire tracks, which actually is cable tray,
9 that comes from the power-distribution panel and goes up
10 and feeds all the other -- including the transformer --
11 the step-down transformer and everything. And they routed
12 the machine 2 cables. Those cables by the client's own --
13 -- or by the original appellant's own direct testimony is
14 that that is -- and I'll quote it again. It's on
15 transcript page 184, Board packet 258. "This is a power
16 wiring."

17 MR. LEES: If I might, on the PDP, can I jump in?

18 CHAIRPERSON PREZEAU: Sure.

19 MR. LEES: On examination -- and this is the
20 transcript, your packet page 226. Mr. Matts with regard
21 to the issue that was just raised that there's a
22 checkpoint in terms of what Husky Injection does, his
23 testimony -- and we went through this. Mr. Lowy was
24 cross-examining him on the various components. And with
25 regard to the PDP he said -- again, it's page 226, line

1 19. "So the power distribution panel itself shows up
2 preassembled. I mean, all it is is a box with a bunch of
3 switch gears in it. It is a secondary connection point."

4 So it's preassembled. So some of these checkpoints
5 occur on the floor of the customer. Some occur in Canada
6 where these are manufactured.

7 And I guess while I'm here, I would offer that if the
8 Electrical Board is inclined, it would be nice to draw
9 some delin -- if you're not inclined -- well, let me back
10 up a second. I faced the same thing at hearing with cable
11 trays and the electrical inspector, you know, just having
12 this visceral reaction, of course, that's electrical work.
13 And as a non-electrician, I looked up and it's pre-cut and
14 it's just up there.

15 But anyway, to the extent there were concerns about
16 connections or laying of cable trays, that those be
17 addressed separately, and then the connection at least
18 that can provide some guidance if that's the way the Board
19 is inclined, rather than throwing up its hands. Because
20 you share the same issue Ms. Lowy and I did was going
21 through -- parsing through these WAC's, getting some
22 guidance here.

23 This is a well-established contractor. They do it
24 all over the world. And that's -- well, that's what they
25 want is guidance. Hence, the clear delineation of

1 responsibility is to make sure that somebody does the work
2 that's in compliance with the whole code. I just offer
3 that ...

4 CHAIRPERSON PREZEAU: And Mr. Lees, I have a lot of
5 -- I have a tremendous amount of sympathy.

6 It's interesting is -- a bit of history. If I
7 remember correctly, in the state of Washington, you know,
8 regulation of the electrical industry actually goes back
9 to about 1919. And in 1935, we adopted our first national
10 electrical code, and we elected or appointed or
11 established a chief electrical inspector and established a
12 contractor registration requirement.

13 And it wasn't until 1972 or '73 that -- but still,
14 you know, it's a long time ago -- that required workers to
15 be certified.

16 And so this is the, you know, 19.28 and its
17 associated administrative code have been around -- you
18 know, have lived through several legislative sessions and
19 several rule-makings.

20 And while this body -- and I am not sure if parties
21 know the composition of the Electrical Board. But we have
22 members of the Board that are electrical contractors. We
23 have members of the Board that represent the power
24 utilities. We have members of the Board that represent
25 telecommunications providers, telecommunication

1 contractors, and then a whole host of -- we have
2 manufacturers representatives, outside line workers, and
3 then electricians. And so we have what I would argue is a
4 plethora of experience on this Board regarding application
5 of what can sometimes feel incredibly confusing and
6 convoluted and what does it mean to install and what is a
7 piece of electrical equipment and what is -- and so I'm
8 sorry that for -- you know, one of our pieces -- one of
9 places of jurisdiction obviously is to hear appeals of
10 this nature where the Department has rendered citations
11 and oftentimes they have to do with an entity offered to
12 perform electrical work without being an licensed
13 electrical contractor and without, you know, obtaining a
14 permit which is really about calling for inspection. And
15 -- but it's written in a very -- it can be a very
16 confusing set of rules. And from my standpoint today --
17 and I would be more than happy -- I don't know how to
18 offer that clarification other than, you know, it's
19 clearly --

20 And, you know, Dave, we haven't heard from you, but
21 I'm pretty sure you wouldn't call this a piece of
22 generation equipment.

23 BOARD MEMBER WARD: No, it's not.

24 CHAIRPERSON PREZEAU: As a utility provider.

25 BOARD MEMBER NORD: Madam Chair?

1 CHAIRPERSON PREZEAU: Yeah.

2 BOARD MEMBER NORD: May I point out one more item
3 here?

4 CHAIRPERSON PREZEAU: Sure.

5 BOARD MEMBER NORD: Page 334 of our packet for my
6 fellow Board members, this is once again under the Husky
7 specifications to their customers, and it's the
8 responsibility that Husky gives the customer. And the
9 power distribution panel, electrical wiring and water
10 piping kit, it says it is the customer's responsibility to
11 cut, connect and terminate all pre-routed power cables to
12 the equipment.

13 If it's the customer's responsibility as Husky
14 defines it, that would involve a licensed electrical
15 contractor to make those terminations.

16 CHAIRPERSON PREZEAU: What -- oh, I see where you're
17 -- I think I see where you're going with that, Mike. And
18 I think actually I think they did do that. I think this
19 is the work that they -- that Northwest did. Yeah. This
20 is the power -- this is the -- this is the main feed to
21 this piece of equipment.

22 BOARD MEMBER CUNNINGHAM: I think they're talking
23 about the machine 2 cable.

24 BOARD MEMBER NORD: That's what I'm thinking.

25 BOARD MEMBER CUNNINGHAM: They're expecting the

1 electrician to cut that cable to the exact length that it
2 needs to be and to terminate it properly.

3 BOARD MEMBER BAKER: It's the pre-routed portion,
4 that's where they cross the line. When they pre-routed
5 that, now it is electrical work .. in my mind. And I'm
6 talking about --

7 BOARD MEMBER LaMAR: Outside the --

8 BOARD MEMBER BAKER: Pardon me?

9 BOARD MEMBER LaMAR: Outside the machine room,
10 correct?

11 BOARD MEMBER BAKER: Yeah, yeah. They're running to
12 the MVP, right?

13 BOARD MEMBER CUNNINGHAM: Again, I think this machine
14 like Mr. Lees said is too large to ship in one piece.

15 We see this as a consulting engineer all the time
16 with very large air handling units. They're too big to
17 put on track. They break them down into pieces. They
18 have shipping splits. It's one assembly. It's all built
19 at the factory, tested, ships to the site and it's put
20 back together and where connections need to be made that
21 aren't pre-terminated at the factory, that that --
22 (inaudible). I think the danger with this line of
23 discussion like again, I'll reiterate my question before
24 about imaging equipment in medical applications. The
25 electrician will typically install a trench duct or

1 something on the floor, electrical work that's inspected.
2 But Toshiba or G.E. or somebody medical systems will come
3 in with a special cable that's designed for -- it's not
4 building wire; it's finely stranded special wire, and they
5 put it in. It's theirs. They provide it. They bring it.
6 The electrician makes the final connections again.

7 So I'm seeing a lot of parallels between this machine
8 and all sorts of other industrial and medical apparatus.
9 I think there's a big hole in the WAC rules. I'm kind of
10 surprised that this has never come up before.

11 BOARD MEMBER LaMAR: Agree.

12 CHAIRPERSON PREZEAU: Bobby.

13 BOARD MEMBER GRAY: Thank you, Madam Chair.

14 I have a question perhaps for counsel.

15 Clearly, this equipment is not power-generation
16 equipment. It's utilization equipment. And those are
17 clearly defined terms. It may be industrial machinery
18 which in my opinion it probably is.

19 So the citation by the administrative law judge is
20 incorrect, at least in my opinion. It should not go
21 there.

22 So are -- do we have the authority to question
23 whether he or she made the right decision based on that
24 citation or generally speaking should he apply the
25 exemption in 22 rather than 23 and then rule on whether

1 that would have been the correct ruling at that point? Is
2 that a ...

3 ASSISTANT ATTORNEY GENERAL THOMURE: So as all of you
4 know, your review is de novo. This is -- the decision by
5 the administrative law judge is the proposed decision and
6 order which is subject to your review.

7 If the proposed decision and order is in error, you
8 can change that.

9 What that means, however, is you have to go back to
10 the original citation as issued by the Department, and
11 ultimately what your responsibility is, Is there a
12 preponderance of the evidence in the record that supports
13 the decision as issued by the Department.

14 So if you find that the ALJ's proposed findings are
15 in error, you can then look at the citation, see whether
16 that is supported.

17 You have a couple options because you're confined to
18 the evidence in the record. You know, was there evidence
19 in the record of another exemption being argued by -- you
20 know, what did Husky do? What did Husky argue in terms of
21 why that citation was in error?

22 If there's problems, you can send it back to OAH to
23 make that decision. But you'd have to go back to the
24 original citation and see -- and then compare that to the
25 record, see whether a preponderance of the evidence

1 supports that citation as written. And if it doesn't,
2 then you do have the ability as we've talked before to
3 craft appropriate findings of fact and conclusions of law
4 based on the record.

5 BOARD MEMBER GRAY: Thank you.

6 ASSISTANT ATTORNEY GENERAL THOMURE: Does that answer
7 your question?

8 BOARD MEMBER GRAY: It does. Thank you.

9 BOARD MEMBER LEWIS: Madam Chair?

10 CHAIRPERSON PREZEAU: Oh, I'm sorry. Yes.

11 BOARD MEMBER LEWIS: It's clear they don't meet the
12 exemption in (23)(b), but they also don't meet the
13 exemption in (22)(b). I mean -- and so I don't see why
14 we're trying to craft something when they don't meet
15 either exemptions, that it's clear that they were
16 performing electrical work in the field on the job. So I
17 don't see that there's any exemption they need in anything
18 that's in the record that was recommended.

19 CHAIRPERSON PREZEAU: Jason.

20 BOARD MEMBER JENKINS: That's exactly my point also.

21 And I'm -- are we at the point where we need to make
22 a decision on this or -- I can propose if we're ready.

23 CHAIRPERSON PREZEAU: Yeah, I think we're close.

24 I think, Dominic, that was -- was that your position
25 earlier when you were ...

1 BOARD MEMBER BURKE: Yes. (22)(b) speaks to exactly
2 what you were saying.

3 CHAIRPERSON PREZEAU: Yeah. And that 925, subsection
4 (22), the manufacture of electrical telecommunication
5 products, you were reading under (22), subsection (b),
6 this exemption does not include the initial installation
7 which is being placed.

8 BOARD MEMBER WARD: Madam Chair, yeah, I agree. I
9 have to -- I just read what it says, and it seems very
10 clear to me looking at the transcript, looking at the
11 photos. Photo 3 on page 301 looks to me like there's
12 terminal lugs that's going to be landed on a terminal
13 block. And for me, that looks like electrical equipment.

14 CHAIRPERSON PREZEAU: So I think the -- I get the
15 sense that the Board -- there's consensus among the Board.
16 I think the trepidation is historically we have tried with
17 varying degrees of success to live up to making a good
18 record about dealing with a proposed final order written
19 by an ALJ and to do so in a way that makes a good record.
20 And I'm --

21 ASSISTANT ATTORNEY GENERAL THOMURE: So I have a
22 suggestion to make.

23 First, I think you need to call for a motion -- if
24 all discussion has been completed, then it would be
25 appropriate to entertain motions from the Board regarding

1 just the basics in terms of the citation, whether the
2 proposed decision should be affirmed or the conclusions of
3 law should be affirmed or not affirmed. Then we've had
4 discussions in the past about how to handle crafting of
5 the corrected order based on the Department's
6 conversations and determinations, and what we've come back
7 around, it would be my recommendation that you make a
8 general ruling, and then perhaps turn it back to counsel
9 to craft appropriate findings and conclusions. And then
10 assuming they can come into agreement with that. If not,
11 then those -- it can be presented to the Board for further
12 clarity if the parties can't -- but that helps us -- that
13 helps out with some problems that have occurred at
14 superior court that we aren't always -- or the Board
15 members, those details, that sometimes the parties need to
16 make sure that the order going up on appeal is sufficient.

17 And so I would suggest that we handle -- you know,
18 unless counsel has a different perspective on that.

19 But I think you can tell the parties which ones to be
20 affirmed and which ones should not be affirmed, you know,
21 unless somebody has a better suggestion, a simpler way of
22 doing that.

23 CHAIRPERSON PREZEAU: I think that is the -- I was
24 going to strive to say -- express that same sentiment;
25 although likely not quite as succinctly.

1 Motion

2
3 BOARD MEMBER JENKINS: Madam Chair, I'd like to make
4 a motion to affirm 2.3 non-compliance citation ECAML02694.

5 ASSISTANT ATTORNEY GENERAL THOMURE: As issued by the
6 Department.

7 BOARD MEMBER JENKINS: As issued by the Department.

8 CHAIRPERSON PREZEAU: Is there a second?

9 BOARD MEMBER PHILLIPS: Second.

10 CHAIRPERSON PREZEAU: So it has been moved and
11 seconded to affirm non-compliance citation ECAML02694 as
12 issued by the Department.

13 Discussion on the motion? Ryan.

14 BOARD MEMBER LaMAR: I'd like to just bring up that I
15 find the WAC's insufficient to support this type of
16 industry. I think it's very important that if we can, if
17 we can bring it up for further discussion later after the
18 vote to talk about the insufficiencies to enable an
19 industry where they can actually create a product in their
20 factory, but the WAC's don't allow them to bring it over
21 to another area and reassemble it because if some of the
22 minutia that comes in with our WAC's to protect. I'd like
23 to think that it should be under the factory warranty.

24 If I was a consumer, I wouldn't want to buy this
25 product knowing that if I have to pay beyond my like my

1 return of cost on it, my ROI, I may not want to buy this
2 product because now I have to go through permitting and
3 local jurisdiction -- local requirements to have an
4 electrician for everything that was done at the factory
5 that was okay at the factory to begin with.

6 So I really think that the WAC's need to be reviewed
7 so that we can enable that type of operation so that as
8 long as you bring and assemble your box, reassemble it in
9 a location and don't do anything more than that, hire a
10 certified electrician, get licensed by the state and get
11 your permit, then you should be okay. Right now the WAC's
12 are insufficient for it.

13 CHAIRPERSON PREZEAU: Great. Thanks, Ryan.

14 Any other comments? All right.

15 So a reminder, the motion is to affirm non-compliance
16 citation ending in 2694 as issued by the Department. All
17 those in favor, signify by saying "aye."

18 THE BOARD: Aye.

19 CHAIRPERSON PREZEAU: Opposed? Motion carries.

20

21 Motion Carried

22

23 Motion

24

25 BOARD MEMBER JENKINS: Madam Chair, I'd like to make

1 a motion to affirm non-compliance citation ECAML02695 as
2 issued by the Department.

3 BOARD MEMBER PHILLIPS: Second.

4 CHAIRPERSON PREZEAU: It's been moved and seconded to
5 uphold -- or affirm non-compliance citation ending in
6 02695.

7 Discussion on the motion? Seeing none, all those in
8 support signify by saying "aye."

9 THE BOARD: Aye.

10 CHAIRPERSON PREZEAU: Opposed? Motion carried.

11

12 Motion Carried

13

14 CHAIRPERSON PREZEAU: So the Board has made its
15 decision.

16 Ms. Lowy, as the prevailing party, the Department's
17 attorney, have you prepared an order or will you prepare
18 an order and work with Mr. Lees in doing so?

19 I am supposed to say I would like the parties to
20 adjourn to the lobby to see if the terms of the order can
21 be agreed upon.

22 Please do not leave today until you let us know if
23 you will need additional time or have reached an
24 agreement. Please be advised that if you do not reach an
25 agreement today, this matter will automatically be set for

1 presentment at the next regularly scheduled Board meeting.
2 If an agreed order has not been received by that date, the
3 parties will be expected to file their proposed orders and
4 appear and advise why their proposed order best reflects
5 the Board's decision. Hopefully this will not be
6 necessary.

7 If you are able to reach agreement as to the form of
8 the order before the next meeting, please forward it to
9 the secretary of the Board's office, and they will ensure
10 it gets signed and copies provided to the parties.

11 Counselors, are there any questions about process or
12 outcome?

13 ASSISTANT ATTORNEY GENERAL LOWY: I'm a little bit
14 unclear. Would you want the order drafted today and --
15 because I don't have even the tools to draft it today.
16 But ...

17 MR. LEES: I would suggest because I've done this
18 with the Apprenticeship Council, and that is that we be
19 given a date certain to work together to go through the
20 proposed findings, reverse some, change some to nots, et
21 cetera, and see if we can craft it together. If we can't
22 that -- well, reporting success or failure to you, Pam;
23 you get the latest iteration. And then if there are
24 issues that --

25 ASSISTANT ATTORNEY GENERAL THOMURE: And that's what

1 I would suggest also, Madam Chair.

2 This is a little bit more complicated in terms of
3 some of the findings and crafting that.

4 And so I think what Madam Chair has indicated is that
5 this matter is set for presentment for the April meeting.
6 Hopefully the parties will be able to reach an agreement.
7 If the parties can't reach an agreement, then presentment
8 will occur where each party would be given an opportunity
9 to argue the merits of the order that they proposed to the
10 Board.

11 CHAIRPERSON PREZEAU: Both of you, does that make
12 sense? Mr. Lees? Ms. Lowy?

13 MR. LEES: It does. It does. And we'll do that
14 sooner rather than later.

15 CHAIRPERSON PREZEAU: Thank you very much.
16 Appreciate your time today. Difficult case.

17 So Milton?

18 THE COURT REPORTER: A break please.

19 CHAIRPERSON PREZEAU: That's what I figured.

20 So it's 10:36. Why don't we come back at ten minutes
21 to the hour and we will be under Secretary's Report with
22 Mr. Thornton.

23

24

(Recess taken.)

25

1 Item 4. Secretary's Report

2

3 CHAIRPERSON PREZEAU: Okay. So it is 10:53 and we
4 are back on the record. And we are under Secretary's
5 Report.

6 SECRETARY THORNTON: Are we going to wait for ...

7 CHAIRPERSON PREZEAU: I'm sorry?

8 SECRETARY THORNTON: Are we going to wait for Don
9 and ...

10 CHAIRPERSON PREZEAU: Well, we have a quorum.

11 SECRETARY THORNTON: Okay, all right.

12 CHAIRPERSON PREZEAU: I don't like to penalize the
13 punctual.

14 SECRETARY THORNTON: Okay. Enough said.

15 BOARD MEMBER BURKE: I know I was late. Sorry.

16 SECRETARY THORNTON: Okay. Good morning, Madam Chair
17 and Board members.

18 The Secretary's Report for this meeting, budget-wise,
19 the fund balance on July 1st of 2017 was \$9,356,317. And
20 the fund balance on December 31st of '17 was \$9,352,000.
21 So for that six-month period, we were just basically
22 revenue neutral. The fund balance didn't -- well, it
23 changed what, \$4,000.

24 That \$9,352,000 is about 4 1/2 -- 4.8 times the
25 average monthly operating expenses. The operating

1 expenses for the first quarters of FY18 which is July
2 through December is \$1,952,629, which is an increase of
3 about \$150,000. That's probably mostly due to the wage
4 increases.

5 From the customer service department, we sold 33,600
6 permits. That's about 93 percent of those were sold
7 on-line. And that's about a 1 percent increase from the
8 last quarter. Most of our business is done on-line. The
9 increases are probably due as much to the older generation
10 dropping out rather than the current people doing more
11 business.

12 97 percent of contractor permits are sold on-line.
13 And that's about a 1 percent increase also.

14 Homeowners sales increased 2 percent in the last
15 quarter. They're up to about 63 percent.

16 On-line inspections are 82 percent. And that's
17 pretty constant. Most of the contractors do all of their
18 work on-line.

19 During this quarter customers made 74 percent of all
20 electrical license renewals on-line, which is a 1 percent
21 decrease from the previous quarter.

22 As far as our scorecard goals, we have a goal of 86
23 percent of our inspections completed within 24 hours. In
24 2016 we actually did 65 percent. 2017, we're up to 76
25 percent. So we're getting better as we get our newer

1 inspectors trained and up to speed. So we're headed in
2 the right direction, but we still got a ways to go.

3 Our target for inspections within 48 hours is 94
4 percent. In 2016, it was 83 percent. It's up to 90
5 percent for 2017.

6 Number of focused citations and warnings. In 2016,
7 the field wrote 407. In 2017, they wrote 398.

8 Ecore issued 450 in 2016 and 217 in 2017.

9 So for a total in 2016, we did 857. In 2017, we did
10 669. Part of that downturn in the amount of citations is
11 due to the fact that we've used some of the Ecore people
12 to fill in for areas where we were short on inspectors.

13 Inspection stops per inspector. We were doing 10.6
14 in 2016, and we're doing 10.6 in 2017.

15 Electrical disconnect corrections. 10,529 in 2016,
16 and 11,148 in 2017.

17 Licensing process turn-around, we like to do 100
18 percent of those the same day. In 2016 we met that goal.
19 For 2017, we were at 99 percent.

20 Turn-around time for plan review, we like to keep it
21 at -- our goal is a week and a half. In 2016, we were at
22 3 1/2 weeks. 2017, we were at 2.1. That could -- well,
23 it will change now that the capitol budget's passed.
24 There's some school jobs that have been sitting and
25 waiting to get funded. So those will probably come in

1 now. Some of them have already come through for the
2 schools that could afford to do them without the funding,
3 but there are quite a few sitting that will come through
4 now that the capitol budget's passed.

5 Licensing-wise, during the fourth quarter, there were
6 6,194 electrical licenses processed. The turn-around time
7 was 98 percent the same day. We like that to be at 100
8 hundred also. But with the staffing shortages and such,
9 we didn't quite make that goal.

10 Our phone calls have remained steady, and licensing
11 has been able to hold -- or maintain their hold time of
12 less than a minute and 30 seconds.

13 Staff have been submitting documents to IDM
14 electronically, thus reducing the amount of transitory
15 paperwork. Most of the service locations have been
16 sending documents directly to the electrical licensing
17 boards. This results in faster processing time. We are
18 making a extended effort to eliminate paper wherever we
19 can and try and speed the processes up.

20 No new testing labs have been reported.

21 And on the rule-making front, we went through the
22 legislative stuff and we have a February 23rd effective
23 date for the 02 and 04 licenses. We have received one
24 rule-making petition from the Northwest Marine Trades
25 Association. That's the association where we have a

1 current rule that goes until July 1st. They've asked us
2 to look at extending that out till the 2020 code becomes
3 effective. Their comments have been that they weren't
4 involved in any of that process, and they don't believe
5 that it was -- the information was properly received. So
6 we're going to look at their proposal and start the
7 rule-making process. We'll be back in April for the
8 official direction from the Board.

9 If their rule -- if we accept that and we go forward
10 with it, it would be with a caveat that once the 2020
11 comes out, we're going to go with that ruling. They will
12 have had their chance to make their case to the code
13 committee and see where that takes it.

14 And that's it for the Secretary Report.

15 CHAIRPERSON PREZEAU: Any questions for the secretary
16 -- for Steve?

17 I just -- I have one, and that is, you may recall,
18 Steve, at the October meeting under public comment, there
19 was a gentleman by the name of Mr. Whitten who was from
20 the Spokane Homebuilders Association.

21 SECRETARY THORNTON: Uh-huh.

22 CHAIRPERSON PREZEAU: And he made public comment
23 about maybe some of his members were home builders, and he
24 states specifically in Spokane, in Lincoln County, that
25 there were some significant delays in getting some

1 electrical inspections performed. And you indicated back
2 in October that maybe you would -- you were interested in
3 understanding that a little bit in greater detail. Were
4 you able to ...

5 SECRETARY THORNTON: I have met with Arthur and the
6 president of the Homebuilders Association, and we've
7 discussed what some of their issues are. That's where the
8 bulk of the time that I've used ECORE to do inspections
9 has been is in that area to catch us back up so that we
10 can kind of start the slate anew when the season turns
11 around.

12 I was going to go have a meeting at their regular
13 board meeting, but their agenda was full, so they didn't
14 have room. But yeah, I've talked to Arthur a few times.
15 And our first stakeholder meeting 1st of March is over
16 there. I'm going there first to make sure that they get a
17 chance to let me know how it's going.

18 We've put some extensive effort into going and
19 talking to the new inspectors and trying to let them know
20 how important it is that we get to the jobs and do a good
21 inspection and get onto the next one and, you know, that
22 our customers we have a certain responsibility to get to
23 those job sites.

24 So it's -- the backlog over there is much better than
25 it was. They're a little farther behind just because

1 they've got so many new inspectors that are going through
2 our training program, so they're not in the field quite as
3 much. But that's where I try to divert ECORE when I need
4 to to make sure we're getting our inspections done.

5 CHAIRPERSON PREZEAU: I just wanted to -- thank you
6 for that update. It sounded like you were intentioned --
7 that you had good intentions about responding to their
8 public comment. It sounds like you did that, so I
9 appreciate that.

10 Just for the Board members, with respect to the
11 rule-making of the scopes of work change for 02 and 04
12 specialties and their associated players, I attended the
13 January 3, 2018, public hearing regarding that ongoing
14 rule-making which has been adopted and will be implemented
15 February 23rd. And just for the record, there were 14
16 people in attendance, four were employees -- direct
17 employees of the Department of Labor and Industries, and
18 10 were stakeholders, and 6 indicated -- 6 of the 10
19 indicated that they wanted to make public comment, and all
20 6, their public comment was in support of the Department's
21 proposed rules. So it was pretty overwhelming.

22 Anything else for Steve? Terrific.

23

24 Item 5. Serious Electrical Corrections

25

1 CHAIRPERSON PREZEAU: Okay. So I think we're going
2 to have Technical Specialist Rod Mutch come up and address
3 the Board again about serious electrical corrections.

4 MR. MUTCH: Good morning. My name is Rod Mutch. I'm
5 a electrical technical specialist for the Department and
6 here to talk about electrical corrections that we issue.

7 So each month in the Secretary's Report we discuss
8 the number of serious corrections that are issued. These
9 are corrections that would result in, you know, if they're
10 not corrected and completed would result in compliance
11 activity or actually disconnecting power from someone. At
12 some point in the past we've gone through and assigned a
13 severity level to all of the corrections that the
14 inspectors write. And so we -- there's been questions and
15 interest from the Board about what those corrections are,
16 and last -- you'll recall at the last Board meeting I
17 presented a document that showed the serious corrections.
18 For this -- and there were questions about the difference
19 between residential and commercial and whether the permits
20 were done by contractors or property owners.

21 And so I broke out even more detailed data this time,
22 and so I've got two pages. I've got something for
23 everyone, for right brains or left brains. I have a very
24 colorful side, and then I have the raw data. So you
25 should have that in your packets. I happen to like the

1 data myself.

2 So this gives you -- the chart at the top gives you
3 the total permits, total inspections, the inspections per
4 permit, total corrections, total serious corrections. And
5 it breaks it down by electrical contractor residential
6 permits, electrical contractor commercial permits,
7 property owner residential permits, property owner
8 commercial permits. And then we have annual permits which
9 are issued to property owners, but those are industrial
10 facilities and larger facilities that have staff
11 electricians. Sometimes those electricians are certified
12 electricians. Sometimes they're not. But the law allows
13 property owners to do their own work. And so that would
14 be a mix.

15 And the other thing that's special about annual
16 permits is we issue one permit per year, and we make
17 multiple inspections on that permit. So we'll go out to a
18 facility once a month and do a two-hour inspection of all
19 of the electrical work that was done the previous month at
20 that facility. So the data is a little bit skewed with
21 annual permits as far as numbers of corrections per permit
22 because we do more inspections probably on average for an
23 annual permit.

24 So again, the serious corrections are the ones that
25 cause -- that would cause disconnection of power if they

1 were not completed. Those are things that involve
2 grounding, you know, exposed wiring, things that would
3 create an imminent hazard for someone. And then we have a
4 level of correction that's not quite as serious: failing
5 to fill out on panel schedules, supporting of non-metallic
6 sheathe cable, those kind of things.

7 So if you look at the colorful side, it kind of
8 breaks down where who gets the most inspections, who gets
9 the most inspections per permit, and who gets the most
10 corrections. So what's interesting is that residential
11 comprises a big majority of our work. So electrical
12 contractor residential permits are by far the most permits
13 that we inspect.

14 If you look at the blue -- that's the electrical
15 contractor numbers -- you'll see that under corrections
16 per permit, it's about a half, .52 and .5 corrections per
17 permit for electrical contractors. Compared to property
18 owner permits where they receive up to 1.86 corrections
19 per permit for -- that's for total corrections. And 1.8
20 corrections per permit for commercial permits.

21 So that just breaks down -- there was questions
22 about, you know, property owners, how many of those
23 property owner corrections are for residential, how many
24 are for commercial. And so this kind of breaks down the
25 data between residential and commercial corrections and

1 permits for both contractors and property owners.

2 So kind of -- it kind of shows that, of course,
3 property owner permits receive more corrections per permit
4 and more serious corrections per permit than do electrical
5 contractors.

6 So with that, I'm open for any questions you might
7 have.

8 CHAIRPERSON PREZEAU: Well, I just want -- I don't
9 know how much work it entailed to carve out the
10 residential property owners and commercial property owners
11 and then the annual permits, the industrial property
12 owners. I know that we had a pretty robust discussion in
13 October where several Board members expressed dismay over,
14 you know, serious corrections happening anywhere clearly,
15 but certainly I think if I can summarize the sentiment
16 from the October meeting, there was a measurable amount of
17 alarm regarding serious corrections with, you know,
18 commercial property owners and certainly industrial
19 property owners for obvious reasons. So I applaud the
20 Department and Rod for his work on this to better
21 understand that -- you know, because -- I know that these
22 on the data side when you're looking at the examples of
23 most written serious corrections in fiscal year '17, these
24 are listed not in order of severity but frequency, right?
25 or not in order of hazard but in order of frequency.

1 Certainly one would argue that the issue of non-compliance
2 in terms of grounding a service is certainly a more severe
3 situation than many of the others listed. And, you know,
4 put it in that, you know, bonding of metal piping systems,
5 you know, those happen with less frequency. Those still
6 seem to happen with a level of frequency that is
7 disturbing. And just the fact that when you look at, you
8 know, serious corrections per permit that, you know, for
9 electrical contractors performing residential work and
10 electrical contractors performing commercial work, when
11 you compare, you know, those rates of serious corrections
12 per permit against particularly commercial property owners
13 and industrial property owners, it's a rate of -- for
14 commercial property owners, it's a rate of twice that of
15 contractors -- licensed contractors. And for industrial
16 property owners, it's almost three times that.

17 BOARD MEMBER BURKE: Is this something that would be
18 appropriate to add in the Currents? I mean, this is
19 pretty good information that took a long time to compile,
20 and I think there's a lot of people in our industry that
21 might find this very useful.

22 Just a comment.

23 CHAIRPERSON PREZEAU: Jason.

24 BOARD MEMBER JENKINS: I also want to add, this also
25 drives another subject into view of, you know, these

1 permits are pulled by homeowners that are trying to be
2 compliant. And I can imagine the numbers if we could
3 actually pull the people that were not trying to be
4 compliant and how bad those installations are possibly out
5 there, and drives home the idea of how it's important that
6 we do compliance checks and we do observe and see
7 contractors when -- or people when they're doing work
8 around homes.

9 CHAIRPERSON PREZEAU: Yeah. I mean, to your comment,
10 Dominic, I would certainly encourage the program to
11 consider publishing the information in a Currents
12 newsletter because I think the industry would appreciate,
13 you know, as well -- as much as the Board members
14 appreciate understanding this information.

15 I think you may want to consider that, Steve.

16 SECRETARY THORNTON: Yeah, we'll get it in there
17 before too long.

18 CHAIRPERSON PREZEAU: And then, Rod, is it -- do you
19 believe that we're going to continue seeing reports of
20 this nature maybe not quarterly, but ...

21 MR. MUTCH: If you see value in it, yes, we'd be
22 happy to do that. I don't know -- or if there are --
23 that's broken down about as much as we can. As far as
24 further breakdown of the data, I'm not sure we have the
25 ability to do that. But ...

1 CHAIRPERSON PREZEAU: No, I think the data is
2 complete. I mean, I think -- I don't know that we need
3 any additional specificity. I think that if -- but if
4 it's not too onerous to continue to produce this, whether
5 it's quarterly or semi-annually, I would certainly
6 appreciate continuing to see these reports.

7 SECRETARY THORNTON: It might be interesting to
8 rearrange it like you were talking in the order of
9 severity rather than the number of, and put the higher,
10 you know, the services and the conduits and the grounding
11 issues and see how that relates and not necessarily to the
12 total volume of corrections too.

13 CHAIRPERSON PREZEAU: Yeah. And I think the other
14 story it tells is that, you know, our program works,
15 right? and that, you know, our inspectors are finding and
16 -- you know, our customers are buying permits, you know,
17 not everyone, but, you know, customers are buying permits
18 -- residential, commercial and industrial -- and
19 inspections are happening, and where corrections need to
20 be made, they're being made, right?

21 Any other comments from Board members? Bobby.

22 BOARD MEMBER GRAY: Yes. Until you said that, I was
23 thinking of it the other way. It seems as you -- I think
24 the term you used was "alarming." And I've said that
25 before ... just to add onto what Jason said.

1 When we are inspecting an average of 10.4 inspections
2 a day, you almost got to wonder not only how many are --
3 how much work's being done without getting inspection, but
4 how much are the inspectors able to see and if there's
5 anything passing by. No reflection on them. But there's
6 been an awful lot of time going between jobs.

7 But my other comment or question would be -- and just
8 to address what you said that our system's working. And I
9 don't disagree with that; we're finding things. But to me
10 these are leading indicators that would tell us that if we
11 don't do something to stop this trend, something really
12 bad is likely to happen.

13 So I guess my question would be: Is there anything
14 we can do? This is all interesting, and those of us that
15 work in the industry are concerned about it, but is there
16 anything we can do? Is there anything concrete we can do
17 to stop this trend and maybe reverse it a little bit so
18 we're not seeing these kind of problems where we have
19 unqualified or maybe not as knowledgeable people that are
20 putting themselves at risk and perhaps the person that
21 might buy the residence in the future, putting them at
22 risk. So -- I mean, is there any thoughts about that?
23 Are we discussing what we might do with this to change
24 things?

25 MR. MUTCH: So once a correction's identified like

1 this, we have a process to ensure that they're completed.
2 If they don't get completed, we send out reminder letters.
3 And they get I think three reminder letters. And then if
4 it's not completed, then we follow the process of issuing
5 citations based on the severity of the corrections or even
6 disconnecting their power.

7 I don't know that we've done many power
8 disconnections recently.

9 SECRETARY THORNTON: No, we don't. Usually when we
10 post the tag, that --

11 MR. MUTCH: But we do follow up to ensure they're
12 completed.

13 Now you're right when you say that these are only the
14 corrections that we identify.

15 An inspector from personal experience walks through a
16 project and does an inspection. We can't see every
17 connection. We can't open every box. We can't physically
18 -- in order to identify everything that's wrong with an
19 installation, we would have to pretty much do the
20 installation ourselves. And we can't do that. So that's
21 why we rely on the qualification of those that are doing
22 the installations.

23 Once we identify something, yes, we follow up on it.
24 But I guess you have a larger question there about how we
25 can -- how the State of Washington can ensure that

1 electrical installations are safer.

2 CHAIRPERSON PREZEAU: Bobby.

3 BOARD MEMBER GRAY: Thank you, Madam Chair.

4 Well, one of the things I was thinking of is if it
5 would be possible to sponsor some sort of a policy or even
6 a law that would say if you're going to do your own work,
7 you'd have to have a minimum of a certain number of hours
8 of basic training on what the rules were, especially to
9 address some of those more serious issues that you're
10 finding out there in order to qualify to get a permit
11 even. So if you had some sort of a criteria, it wouldn't
12 have to be great, but some sort of a minimal criteria that
13 points these things out to people before they actually go
14 do the work, it might be a benefit.

15 SECRETARY THORNTON: If they at least knew the names
16 of the books that they needed to --

17 BOARD MEMBER GRAY: Exactly.

18 BOARD MEMBER BURKE: Speaking to a law change in the
19 allowance of residential permits and homeowners pulling
20 permits, it's a bigger picture.

21 CHAIRPERSON PREZEAU: Which -- you know, I'm not sure
22 that I am able to speak to the plausibility of that.
23 However, I --

24 Rod, you've been a technical specialist and you've
25 also served the program as Chief. How long have you

1 worked at Labor and Industries?

2 MR. MUTCH: 16 years.

3 CHAIRPERSON PREZEAU: And so -- and I don't know if
4 this is possible. But under a previous chief, we had this
5 correction-reduction initiative, which had to do more with
6 focused on electrical -- licensed electrical contractors,
7 right? And so there was kind of two universes of folks.
8 There were folks that because they do a high volume of
9 work and had a lot of permits, you would imagine that, you
10 know, they would have -- because of the volume of work,
11 they would have a certain number of corrections, right?
12 And then you had folks that maybe didn't do a lot of work
13 but had a lot of corrections in the work that they did.
14 And so it was almost two pools if I remember correctly in
15 that correction-reduction initiative. And perhaps we can
16 use that history or that previous program to potentially
17 inform us and the Department and the program about is it
18 possible -- perhaps an easier -- perhaps looking at
19 implementing some type of correction reduction initiative,
20 particularly around the serious corrections with respect
21 to maybe again two separate buckets, the commercial
22 property owner permits and industrial property owner
23 permits and maybe some assistance from the program to get
24 those folks a little -- have greater understanding about
25 what a serious correction is and to reduce their number of

1 serious corrections and also, you know, looking at those
2 first.

3 I know the Department has previously gone through
4 trying to do some outreach and training and education
5 around residential property owners, which is a bigger
6 number clearly and perhaps a little bit more difficult,
7 but I would be hopeful that maybe with this universe of
8 commercial property owners and the folks that receive
9 annual permits that maybe there's an opportunity there
10 around looking at some ways to implement a correction-
11 reduction initiative that targets those -- you know,
12 provides assistance to those specific populations to help
13 them particularly with serious corrections. And I don't
14 know exactly what that would look like, but I think that
15 that might be a place that we want to start brainstorming
16 around to see if there's a way to reduce particularly the
17 serious corrections.

18 MR. MUTCH: So the correction-reduction initiative,
19 we still track it. That still exists. And we -- we don't
20 report it on the Secretary's Report, but it is on our
21 scorecard. And what we do is we look at the group of
22 contractors that receives the most corrections in the
23 previous fiscal year and how corrections they receive, we
24 put them on that list, send them out each month a list of
25 their corrections so that they can actually see them all

1 in one place and they can go over it with their
2 electricians and discuss it. And the goal is for the next
3 fiscal year to have them reduce the number of corrections
4 that they receive. So we still track that.

5 I think we have about a 25 percent improvement over
6 that group or, you know, they've received 25 percent less
7 corrections this year than they did last year.

8 And the way we can do that is those -- we have data
9 on those contractors and how many permits they purchased.

10 The vast majority of property owner permits, they
11 only deal with us once. Like once or twice maybe they'll
12 purchase a permit to do a remodel on their home. We don't
13 have a pool of property owners that we can pull that
14 information from. There may be other outreach
15 opportunities that we can do with property owners that
16 would address this. But it's worth exploring I suppose.

17 CHAIRPERSON PREZEAU: Well -- or maybe -- and again,
18 I'm just spitballing here, but I'm looking at the data
19 again, and when you look at the annual permits, again,
20 there's, you know, these industrial property owners, there
21 was 157 of those. And maybe that's where we look at --
22 because the previous -- the correction-reduction
23 initiative was really in the contractor universe; is that
24 correct?

25 MR. MUTCH: Correct, yep.

1 CHAIRPERSON PREZEAU: Maybe it might merit some
2 attention -- and I want to -- you know, not scrutiny but
3 attention about -- with the goal being, let's see if we
4 can reduce particularly serious corrections under these
5 industrial property owners over an annual period by 25
6 percent, that same marker that you have for electrical
7 contractors, given that, you know, likely they are every
8 year buying an annual permit. And so there's maybe a
9 similar opportunity amongst those industrial property
10 owners to try to engage in a correction-reduction
11 initiative for those folks ... to help them, right? and to
12 help them make sure that their staff electricians, whether
13 certified or not, understand the severity of the
14 installations and hopefully will have the potential of
15 reducing hazardous situations in industrial plants.

16 MR. MUTCH: Yeah, we could look into that
17 possibility.

18 The identifier of the electrical contractor license
19 doesn't exist with the owners, so we would have to -- it
20 would probably be a manual process of identifying names of
21 these annual permit holders and addresses and going back
22 and looking at what their -- finding their permit from the
23 previous year and comparing it that way.

24 So we could think about that.

25 CHAIRPERSON PREZEAU: Yeah, no, I'm not looking -- I

1 don't think we're looking for a solution now, but I --
2 it's sort of with the data that seems to be in front of us
3 that there might be an opportunity there to make
4 workplaces safer in the state of Washington.

5 MR. MUTCH: Yep. That's one of our goals.

6 CHAIRPERSON PREZEAU: Any other questions or
7 comments? Dave.

8 BOARD MEMBER WARD: Great information. I think you
9 hit it right on the head about the property owners. I
10 mean, you got that kind of one-time opportunity to pretty
11 much when they show up to purchase that permit. And if
12 there's some way you can take this information and give
13 them the most common things they need to look for, that's
14 probably would help with some of these at least. But I
15 think you're on to something there.

16 I don't know how you'd do that. It's difficult.
17 Good luck.

18 CHAIRPERSON PREZEAU: All right. Thanks, Rod.

19

20 Item 6. Out of State Licensing Requirements

21

22 CHAIRPERSON PREZEAU: Okay. Out of state licensing
23 requirements. Technical Specialist Larry Vance.

24 MR. VANCE: Well, Madam Chair, members of the Board,
25 for the record, my name's Larry Vance. I'm a technical

1 specialist for the Department of Labor and Industries.

2 As part of your Board packet, you were sent the exam
3 statistics by attempt for the last year. There's been no
4 significant changes in the exam pass rate.

5 One thing that I did see which is kind of indicative
6 of the times that we're in, I went back to the same report
7 for the same time period for 2015, and at that time there
8 was 835 candidates for the 01 journey-level examination.
9 And this report reflects that there's 1,081. So
10 essentially it's a little uptick in the folks that are
11 taking the exam. It does show that there are some folks
12 coming to this -- probably from out of state more so than
13 from with programs in the state.

14 I know that listening to our licensing folks every
15 day, they are talking to a lot of out-of-state people that
16 are wanting to come to work in Washington because of our
17 -- the strength of our economy.

18 In response to that, we've been -- you all have a
19 handout here. And I think that in a previous Board
20 meeting we had kind of an 11x17 version of this. This is
21 -- publication of this is imminent. Steve's got a form
22 number on it down at the bottom, at least part of it does.
23 We've approved the draft. Within a couple of days this
24 will be available on-line.

25 But essentially this really gives somebody a path

1 from out of state on how to get qualified to be able to
2 book the exam. That was our goal here. It's been well
3 vetted by our licensing department. They've been a great
4 part of building this, along with Megan Eriksen.

5 It's hard to explain. And this flow chart seems to
6 do it. So we'll be using this. It'll possibly lighten
7 our licensing workload a little bit because when someone
8 asks a question, we can say, "Here, here's a flow chart
9 where you fit in" instead of trying to point him to a
10 bunch of laws and a bunch of rules. Because while it may
11 seem plain to us because we work with them every day, when
12 you're from somewhere else and you're living out of your
13 car, it's awful hard to read the laws and rules on your
14 phone or wherever you're reading them. So this is an
15 attempt to ...

16 CHAIRPERSON PREZEAU: So Larry, I know that you spoke
17 about this flow chart in October. And there was a -- and
18 that the intent was to get it on the Web site and get it
19 published in a way that people could access easily. So I
20 -- you know, I'm very appreciative of the work that's gone
21 into this.

22 And if I remember correctly from October, there's
23 another department within L & I that you work with in
24 order to produce these things and get them to the point
25 where it can be launched on the Web site.

1 If you had to characterize the work that needs to get
2 done between our conversation in October and getting it
3 on the Web site and where we're at now, where do you think
4 from a percentage standpoint we're at to getting it
5 published? Are we halfway there? Are we --

6 MR. VANCE: Oh, no. We're --

7 MS. ERIKSEN: Today or tomorrow.

8 MR. VANCE: Today or tomorrow.

9 CHAIRPERSON PREZEAU: Oh, okay. So we're 90 percent
10 there.

11 MR. VANCE: We're across the line, yeah. We're
12 across the line. We've received the final proof. Megan
13 received the -- she approved the final proof yesterday.
14 The next thing we get within a day or two is notification
15 of publication. So available on the Internet, yep.

16 CHAIRPERSON PREZEAU: And Larry, I don't know if you
17 want -- we had a conversation -- we started a conversation
18 at the October meeting regarding the examinations, and
19 particularly examinations -- journey-level examinations
20 being offered on multiple editions of the National
21 Electrical Code. And we were -- the Chair was a little
22 bit reluctant to engage with that because we needed to do
23 a little bit of research about understanding whether or
24 not the Board could actually direct the Department as to
25 saying, Hey, we only want to have journey-level

1 examinations on one edition of the National Electrical
2 Code. And before we really fully go down that discussion,
3 when I look at -- looking at page 4 of the statistic
4 summary by attempts, exam by -- examination by attempts,
5 and unless I'm reading this incorrectly, with respect to
6 the general journeyman's exam, am I correct in assuming
7 that right now the only examinations for a 01 general
8 journeyman's exam that are being given in this period were
9 given on the '14 code?

10 MR. VANCE: You are correct.

11 And below that, if we look at the residential
12 examination, there was one candidate on attempt number 7
13 that was administered the 2008 version of the exam. Why
14 that is, I don't know.

15 But the strategy going forward -- there was an
16 article published in the last month's -- in the January
17 edition of the Electrical Currents newsletter that
18 detailed out the Department strategy to update the
19 examination. And in that article, it was explained to the
20 stakeholders that it's our plan tentatively on July 1 of
21 2018 to have one examination, the 2017 on the 2017
22 National Electric Code, and after July 1 of 2018 all
23 exams, all exams are based on the 2017 National Electric
24 Code.

25 So this idea of having split exams or trying to

1 figure out which one you started on or which one you get
2 to continue on, I think for our exam provider it's a bit
3 of a nightmare.

4 I think that Rod Mutch has worked with the exam
5 provider, and I think this is going to be a better
6 strategy for everyone here.

7 CHAIRPERSON PREZEAU: Yeah. And so just -- I asked
8 Pam in preparation for this discussion and did a little
9 research myself as to whether or not the -- had the
10 Department not taken that as policy -- because there was
11 some desire if I recall correctly from the October
12 discussion of some Board members wanting to see that type
13 of outcome, right? And I just want to call to everybody's
14 attention in 19.28.051 which is the examinations and fees,
15 and I'll just read a section of 051, and it says, "It
16 shall be the purpose and function of the board to
17 establish, in addition to a general electrical
18 contractors' license, such classifications of specialty
19 electrical contractors' licenses as it deems appropriate
20 with regard to individual sections pertaining to state
21 adopted codes in this chapter. In addition, it shall be
22 the purpose and function of the board to establish and
23 administer written examinations for general electrical
24 administrators' certificates and the various specialty
25 electrical administrators' certificates. Examinations

1 shall be designated to reasonably ensure that general and
2 special electrical administrators' certificate holders are
3 competent ..." and it goes on.

4 But it is our conclusion that when it comes to the
5 examinations, those are squarely within the authority of
6 the Board to make recommendations to the Department. And
7 I think it might be prudent for the Board to engage in a
8 discussion about policy that Larry just pointed out and
9 maybe go on record either in support of that policy or
10 wanting to recommend a different course of action if
11 that's what the Board wanted.

12 ASSISTANT ATTORNEY GENERAL THOMURE: Madam Chair,
13 could I add to that?

14 CHAIRPERSON PREZEAU: Sure.

15 ASSISTANT ATTORNEY GENERAL THOMURE: As the -- my
16 recommendation to the Board is based on the language in
17 the statute, the Board has the authority to establish and
18 administer. So I don't believe -- it is my interpretation
19 that the Board has the authority to tell the Department
20 how it wants to have the tests done, not necessarily make
21 recommendations. Obviously there's issues of resources
22 and how to do that and working together. But I do think
23 that the way the statute is written is that ultimately the
24 Board does get to decide how to establish and administer
25 the examination for these specific areas. So that is up

1 to the Board.

2 CHAIRPERSON PREZEAU: Alice.

3 BOARD MEMBER PHILLIPS: I'm trying to catch up on why
4 this is so -- why are there these two-tiered tests? Is
5 there some history behind it or ...

6 MR. VANCE: The history was, you know, we were in
7 some irregular times there. We did not -- I don't -- I've
8 been with the Department for 14 years. I've been an
9 electrician since the late '80s, and at no time has the
10 Department not adopted a version of the National Electric
11 Code. We skipped a version, the 2011 version, because of
12 a moratorium on rule-making from the Governor. We
13 couldn't impose a new set of rules.

14 We've also not had a long relationship with our
15 testing contractor. And we've all been learning about our
16 capabilities. But essentially the folks that had started
17 out on the 2008 exam, there was thoughts that we wanted
18 them to have the ability to kind of finish on the 2008
19 over the code change and adoption cycle. Like if you
20 started out that you'd be able to -- but, you know, having
21 done this once now with the test provider and you look at
22 the very incremental changes that we make because of a
23 code cycle or code change, it just doesn't make sense to
24 have, you know, multiple versions of the exam because it
25 just -- they're not that much different. I mean, they're

1 minutely different. And all it does is just makes it a
2 nightmare for our testing contractor to figure out which
3 one, which version, which -- you know. It just -- it's
4 unnecessary duplication I think.

5 BOARD MEMBER PHILLIPS: Thank you.

6 I cannot see any logical reason why you'd want two
7 different tests. It seems to be more productive and
8 brings greater value to have one standardized test that
9 everybody must meet this level.

10 So I would be in support of moving to one test.

11 BOARD MEMBER BURKE: I'd also add, just for those of
12 us that have taken the test, that, you know, the majority
13 of the education behind this test is navigation of the
14 code; it's not knowledge of all 500 pages of the code, you
15 know. So I don't think that -- to your point that the
16 minor changes between the, you know, '14 and '17 or '11
17 and '14 I don't think are the important piece of the
18 puzzle at all.

19 So I'm adding to your point, Alice, that it's more
20 navigation and knowing where to go and how to get through
21 the code book to figure out, you know, to find your
22 answer. So ...

23 CHAIRPERSON PREZEAU: Yeah, and it -- you know, and
24 just adding to this and reviewing this, you know, exams by
25 attempt, there's -- all of the other categories, whether

1 you're looking at administrator or electrician and even
2 master electrician, there's -- it appears that all of
3 these exam candidates with the exception of the one
4 residential candidate that you spoke of, all of them are
5 currently operating off of a single exam of 2014. And so
6 -- I understand, you know, the reason that we didn't adopt
7 the '11 code was because it was monetary, right? Because
8 it was a -- unless you -- unless an agency needed to
9 engage in some type of emergency rule-making, it was --
10 2011 was in the heart of the construction depression, and
11 it was impacting not only this agency but others. And so
12 we were constricted by that. And I would hope that that
13 doesn't occur again.

14 But it feels as if it's -- it only makes sense to
15 administer one exam, whether it's for the benefit of the
16 exam provider, it's the benefit of the industry, it's the
17 benefit of just that simplicity.

18 And I don't know if this is necessary, but I think it
19 would be -- I think it would be better for our record if
20 the Board went on record with a motion supporting the
21 Department's policy of beginning July of 2018 of
22 administering a single -- or all examinations would be
23 conducted off of a single National Electrical Code.

24

25

Motion

1 BOARD MEMBER BURKE: So moved.

2 BOARD MEMBER PHILLIPS: Second.

3 CHAIRPERSON PREZEAU: It's been moved and seconded to
4 affirm the Department's policy of offering examinations
5 off a single National Electrical Code beginning with July
6 of 2018. Discussion on the motion?

7 BOARD MEMBER CUNNINGHAM: Larry, did you -- did I
8 correctly hear that the new -- the exam for 2017 code was
9 available to be taken starting on July 1, 2017? Or is
10 there a one-year shift?

11 MR. VANCE: That's our objective.

12 BOARD MEMBER: 2018.

13 MR. VANCE: 2018.

14 BOARD MEMBER CUNNINGHAM: So it takes a year after
15 the code iteration happens for the exam to be available
16 for new applicants.

17 (Whereupon, record became unreportable due to
18 overlapping of multiple voices.)

19 MR. VANCE: It's a lot of questions. Our question
20 bank is huge.

21 CHAIRPERSON PREZEAU: And 2,500 questions.

22 MR. VANCE: It's a lot of work to go through.

23 And Rod has somehow volunteered to do the heavy
24 lifting on this.

25 But no, it's always a worthwhile endeavor to go

1 through those questions and, you know, it's -- it was a
2 lot of work to put those questions together. We also
3 share those questions with a couple of other states. So
4 it's very interesting.

5 One thing I do see on the statistics report for
6 first-time pass rates or by attempt is that we've slipped
7 a little bit. We're down to 48 percent. We're usually --

8 CHAIRPERSON PREZEAU: Sorry. Hang on just a second,
9 Larry. We have a motion in front of the body.

10 MR. VANCE: Sorry. I'm just sort of rambling here.

11 CHAIRPERSON PREZEAU: No, it's all right.

12 So any other discussion on the motion?

13 BOARD MEMBER JENKINS: Madam Chair?

14 BOARD MEMBER BAKER: May I make one comment?

15 CHAIRPERSON PREZEAU: Okay, I'm going to go to Jason,
16 then I'll go to Don.

17 BOARD MEMBER JENKINS: As far as the motion, are we
18 also suggesting they hit the 2017 code, the questions at
19 the same time on top of being the one test and being 2017?
20 I'm asking.

21 CHAIRPERSON PREZEAU: I believe that is -- yes.

22 So just for clarification, beginning July 1, 2018,
23 the Department will offer one exam -- or all examinations
24 regardless if they are administrator or master or general
25 journeyman or specialty journey-level examination.

1 Examinations offered will be off the 2017 code.

2 Don.

3 BOARD MEMBER BAKER: I support that theory.

4 But the question I have for you, Larry, is when we do
5 implement the next code change and an applicant is in the
6 process of testing, maybe they failed the first time, how
7 does that work for them? Do they -- and I understand it's
8 just a minute change between tests, but will they have an
9 opportunity to sit for the previous code cycle, test two,
10 three times, or will they just get cut off and you're on
11 the next one?

12 MR. VANCE: You just put your 2014 code book on the
13 shelf and bring your 2017 for the open-book exam. I mean,
14 it's -- essentially if you started that -- if you're on
15 like some of our frequent flyers up in the 20s, you know,
16 as far as -- you know, we've got people that have taken
17 the exam twenty-some times, trying to track when they
18 started and what editions they took and -- I guess what
19 we're saying is we're kind of out of that business moving
20 forward. We're -- you know, it's going to be one exam,
21 and it's an open-book exam on the National Electric Code
22 that might be just a tiny bit different than the other
23 previous version. But it's -- we feel it's not a big ask
24 to ask somebody to open a newer book than the older book
25 that they used to take their last exam.

1 CHAIRPERSON PREZEAU: Dylan.

2 BOARD MEMBER CUNNINGHAM: Just following up then.

3 When the next subsequent code change occurs on July 1st of
4 2020, the test would be on 2021; is that correct?

5 MR. VANCE: Yes.

6 BOARD MEMBER CUNNINGHAM: So we're following the
7 year. So if you prepared on the 2017 code and the code
8 change, you would have a year, give or take, to ...

9 CHAIRPERSON PREZEAU: And just to make it more
10 immediate, so the folks that have begun the test process
11 under the 2014 code, right now, these folks that we see in
12 these buckets, they have until June 30th, whatever the
13 last day of June is to test on the 2014. And then -- so
14 they're given -- each time the code rolls over going
15 forward, they would have a year -- you know, they would
16 have a portion of a year to sit the code that they're most
17 familiar with. And then the intent of the Department, and
18 this is what the motion is currently in favor of
19 endorsing, is July 1, 2018, all the exams flop over to
20 applicants being tested on the 2017 code and not being
21 given the option of testing on the 2014.

22 So any other clarifications needed in order to -- any
23 other discussion? All those in favor, signify by saying
24 "aye."

25 THE BOARD: Aye.

1 CHAIRPERSON PREZEAU: Opposed? Motion carries.

2

3

Motion Carried

4

5 CHAIRPERSON PREZEAU: Thank you.

6 And Larry, as you were ...

7 MR. VANCE: As I -- yes. As I was rambling on there,
8 let me just -- just a little tidbit here. You know, the
9 difference between 2015 and 835 applicants, pretty much
10 unknown origin. It's one thing; we don't know who's
11 taking our exams. We don't know how many are in state.
12 We don't know how many are out of state. We don't know
13 how many people are, you know, out manually, some sort of
14 massive manual operation knowing how many people are
15 retaking an exam because they expired and didn't renew in
16 time. There's a multiple of reasons.

17 But we look at these 835 in 2015, and we look at the
18 1,081 in this one-year period, and we see that the exam
19 pass rate has slipped just a little bit. So it's 48.2
20 percent. Normally up around 50, almost 51. So is that
21 from more people coming from out of state that might not
22 be familiar with our laws and rules not having worked here
23 because that is an aspect of the exam.

24 There's some legislation currently pending that's
25 moving, and that is the apprenticeship requirement for 01

1 journey-level electricians. And if I'm still around and
2 able some time in 2026 or something like that, we might be
3 reporting a pass right on the 01 exam quite a bit north of
4 50 percent.

5 So to kind of speak back to Rod's project with all of
6 the -- looking at the numbers of corrections and that sort
7 of thing, if we get a better trained workforce out there,
8 it's going to certainly be safer here in Washington.

9 CHAIRPERSON PREZEAU: All right.

10 Larry, were you going to talk any more about -- was
11 it your intent to -- do you have any more updates on that
12 virtual inspection pilot?

13 MR. VANCE: Yeah. The pilot -- the pilot is
14 scheduled to begin -- the official pilot is scheduled to
15 begin in March. Now, that's -- we've got quite a bit of
16 work we're doing right now leading up to that.

17 I think that Steve is hiring a -- it's a nine-month
18 pilot. And Steve is in the process of hiring two -- we've
19 got an advertisement out for two inspectors. And there
20 has been a supervisor position created for it. And
21 currently Tony Beerward (phonetic) who's in a trainer
22 position is filling the supervisor role at this time.

23 From a project standpoint, we've selected scheduling
24 software. I've demo'ed to several here in the room. If
25 anyone else wants to see it, I can certainly show you. It

1 takes you about -- probably about two minutes to book an
2 inspection appointment. And when I say "book an
3 inspection appointment," that's at a time of your
4 choosing. If we've got advertised availability for an
5 inspector, the appointment's yours. You know, when you
6 make that appointment, you know, it's our promise that
7 we're there on the other end of it.

8 The way it works is is that I've got a cell phone
9 here in my pocket, and if I'm on a job site, for instance,
10 and I need a -- I've got a general contractor climbing up
11 my back about something, I can go right in here and I can
12 book an appointment in about two minutes. I can turn
13 around and reply to that general contractor, you know,
14 "Well, actually I'm going to have that inspected at
15 11:00," you know, whether it's a trench that's blocking a
16 job site or a concrete pour or all the kind of imminent
17 things that electrical inspectors struggle to get to in a
18 timely fashion. Because there's always those things that
19 everybody wants now, and geographically how do you manage
20 that.

21 So this is a bit of a paradigm shift from right now
22 we have electrical inspectors and supervisors and
23 everybody out there in the field, and they're figuring out
24 when they're going to get places. And this turns that
25 around and makes it so that the customer now figures out

1 when we're going to be there. So they know exactly when
2 we're going to be there.

3 So at the appointed time, we contact them by Skype
4 and we have a little bit of a conversation with them.
5 It's a half an hour appointment. So we're talking face to
6 face. We'll talk about what they've got installed so that
7 we don't have to try to do that, you know, while
8 somebody's holding a phone away from them.

9 And then once we get started, we just ask them to
10 flip the camera around on their phone and start showing us
11 what they've installed. And for these types of
12 inspections, we're looking at -- in fact, I just got a
13 notification that says here, "It's almost time for your
14 IVIP inspection appointment." So I've got an IVIP
15 inspection appointment at 12:30. So I just got a
16 notification that my appointment's coming up here.

17 But essentially we just look through the work. We're
18 only doing this with certified electricians on the other
19 end. It's part of our compliance thing. We're not on the
20 job. So this is a conversation between two professionals,
21 an electrical inspector and a certified electrician and --

22 CHAIRPERSON PREZEAU: Working for a licensed
23 contractor.

24 MR. VANCE: Working for a licensed contractor, right.

25 So there's a great assurance there that what is, is

1 is, you know.

2 And there's been some questions about, for instance,
3 well, how do you know where you're actually at? Well,
4 there's always some things about that, you know. There's
5 a building permit. There's the geography. A lot of times
6 for a ditch cover, for instance, you're just out in a sea
7 of mud, for instance. You don't -- how do you know as an
8 electrical inspector if you're standing there where you're
9 at, let alone doing it by Skype.

10 So yeah, I'm on this project. Great.

11 So we use all of our existing systems in conjunction
12 with this. The inspector has a calendar in Appointments
13 Plus, which is this calendaring software where we -- where
14 the inspector knows what his appointments are. And the
15 inspector upholds our end of the bargain and is contacting
16 each person, entering the information in in our normal
17 inspection software, you know, completing the inspection,
18 uploading the inspection. The customer gets a
19 notification of that, whoever the permit holder is, the
20 contractor typically. The person, of course, that we've
21 been interacting with is -- they're well aware of whether
22 they passed the inspection or not.

23 But essentially what happens is that there's
24 immediate update of the inspection record. If there's any
25 questions from the general contractor or anyone, everybody

1 knows because it's on the Internet. It's already
2 uploaded. And, you know, it's -- it really raises the
3 level of communication. Because when I go and make my
4 appointment, I get a confirmation that I've made my
5 appointment. I get an e-mail confirmation that I made my
6 appointment. Like this just happened, I'll get a text
7 message reminder that I've got an appointment.

8 After the appointment's complete, when the inspector
9 marks the appointment complete in the Appointments Plus
10 software, the consider will receive another e-mail that
11 says, you know, "Thank you for using for IVIP. Would you
12 like to make another appointment?" yada, yada, yada.

13 And also then there's a link, you know, that says,
14 "Help us improve. Tell us what you think." And there's a
15 -- there's going to be -- we plan on having like a very
16 simple three question survey. Because on this pilot we
17 need feedback on how is it working.

18 Now, there's other people, other folks that are doing
19 this. Pierce County's been doing this for some time.
20 Clark County is -- had an interesting conversation with
21 Clark County. Things are booming down there. Just the
22 county along, they're doing 80,000 building inspections.
23 To put that in perspective, we do -- we did about 240,000.
24 So that's a pretty darn busy county.

25 And they started this out -- they started out in an

1 organized fashion with a person in the building. And I
2 was talking about our scheduling approach, and the person
3 I was talking to said that they're having customers
4 contact their inspectors directly. So their inspectors
5 are being peppered all day long with people trying to
6 Skype them. And so they've got their daily workload, and
7 then they got everybody kind of trying to pile in and, you
8 know, like, "Hey, can you look at this?" It's kind of a
9 -- she said that she was very interested in anything we
10 found with our scheduling software.

11 And there's others that are already doing too. Pima
12 County's been doing it for several years in Arizona. San
13 Bernardino County in California. So -- and there's an
14 interesting -- there was an NFPA presentation on it at one
15 of their national conferences here recently. And it was
16 interesting to look at that presentation. It was actually
17 put together from someone down in Clark County.

18 So this platform is something that it's not for --
19 it's not for every kind of installation. But there's so
20 many of these installations that are just a 10-minute
21 look, a 15-minute look. If anybody has ever spent any
22 time on face time or Skype or anything with friends or
23 grandkids or nieces and nephews and all that, you can
24 really only look at that for so long, and then you kind of
25 got to -- you know. I mean, there's a lot of jumping

1 around going on. So as far as this ever being something
2 that's used extensively for large inspections, I think it
3 would be difficult. But certainly for those simple
4 inspections. Especially reinspections of corrections,
5 inspections on rooftops, inspections, you know, that are
6 just very time consuming for everyone, contractors and the
7 Department. I think there's a lot of value in that.

8 Also, just speeding up jobs. Because this tool is
9 just another thing in electricians' tool belts now.
10 That's what it really can be. Because they're the ones --
11 a contractor's never going to -- I mean, Dominic's not
12 going to be able to sit in his office and know exactly
13 when every installation on every job site needs an
14 inspection. It's never going to work from that
15 standpoint. But certainly people out there running work,
16 having this capability, I think it's going to improve the
17 electrical contractors' relationships with general
18 contractors and hopefully -- you know, here at L & I we
19 have goal 3 which is to make it easier to do business with
20 L & I. And I think that this one will definitely do that.

21 CHAIRPERSON PREZEAU: I think I already know the
22 answer to this question, but since, you know -- obviously
23 Mr. Puente also talked about, you know, the pilot
24 beginning March 1st and running through December 31st.
25 And the goal of the pilot -- or one of the goals of the

1 pilot is to learn from the pilots, figure out how, you
2 know, what does it look like going forward. So I'm
3 assuming that this -- that built into this system is some
4 reporting capabilities about total number of inspections
5 requested, total number of inspections delivered, missed,
6 you know. Like there's -- there's got to be some type of
7 data collection already built into the system.

8 MR. VANCE: Yes. These inspectors will be inspecting
9 out of -- in-mobile inspections. You're always inspecting
10 out of your office. For instance, if you're in the
11 Vancouver office, the inspections you do are recorded out
12 of the Vancouver office. These inspections will be done
13 out of the Specialty Compliance office. It's a term we
14 have in mobile inspections that goes way back. We don't
15 want to change it ... because we think it might break.
16 But essentially we'll know all of the inspections that are
17 done out of this office, the numbers of those inspections.
18 The software -- the Appointments Plus software that we use
19 for scheduling, it'll tell us how many inspections were
20 cancelled, how many inspections were made. And as far as
21 our -- we're going to do some hand-tracking through the
22 pilot to measure whether we held up our end of the
23 bargain. And, you know, there's some interesting things
24 that -- like when we're in this building, we're in the
25 middle of doing an IVIP inspection and the fire alarm goes

1 off, we're going to, you know, say we got to go. There's
2 things that -- we had a statewide Internet problem here
3 that lasted the majority of a day. We -- while this is a
4 technological leap and mostly likely very highly reliable,
5 there's going to be some times when things just don't
6 work. And it may be even a user out there that made an
7 inspection appointment that doesn't have cell service.

8 But for the most part it should work. I mean, it
9 works in other areas. Others are doing it.

10 The one thing -- the one hurdle we have is is that
11 anytime as a large state agency that we're trying to
12 communicate with somebody through our network, that's a
13 big deal. And the way this works is we're actually --
14 it's cloud based. We're using a Microsoft cloud. And
15 then out to someone with consumer Skype. So we've solved
16 a lot of those issues as far as reliability.

17 Our initial pilot, consumer Skype to consumer Skype,
18 we had 47 percent success, and that wasn't enough to go
19 forward, but we've learned a lot, and our I.T. folks have
20 done a lot. We're using business Skype to consumer Skype
21 through the Microsoft cloud, and that just -- it seems to
22 be just stellar, very highly reliable. So ...

23 CHAIRPERSON PREZEAU: Bobby.

24 BOARD MEMBER GRAY: Thank you, Madam Chair.

25 Larry, how -- have you already selected the

1 contractors to participate in the pilot? And if so, how
2 did you go out and recruit those?

3 MR. VANCE: First of all, I looked at some criteria
4 that Chief Electrical Inspector Thornton put together as
5 far as, you know, we want to focus on -- wanted to kind of
6 focus on three areas. And those areas were ditch cover
7 inspections, HVAC circuits with a little bit of -- more of
8 a lean -- when we say HVAC circuits, we're talking about a
9 lot of work, occupied single family homes.

10 And then the other one was reinspections of
11 corrections. And we've kind of fine tuned that to
12 reinspections of corrections that don't result in approval
13 of an electrical service.

14 So looking at that, I was just -- I looked around the
15 state and looked for contractors that had a lot of
16 underground work going on. And we currently got about
17 eight or nine on the list. And through the -- the pilot
18 team is looking at this and thinking maybe we want to
19 expand that a little bit. I mean, there was no great
20 criteria other than, hey, who's doing this kind of work
21 right now.

22 Don's made a request to be on the pilot team. And so
23 -- we're just kind of -- we're talking about it, and as we
24 -- I was having a conversation with my neighbor who is an
25 electrical contractor, and it was about a week later he

1 sent me an e-mail, he said, "I've been really thinking
2 about this, and I'd like to really -- I'd like to" -- he's
3 just a two-person shop. But he said, "I'd really like to
4 participate in this."

5 We also had the electrical contractor that came and
6 spoke to us at the Spokane meeting about a year and a half
7 ago. He was there all day. And then at the end of the
8 meeting there, he talked extensively about why the
9 Department doesn't use technology. He's on the pilot
10 group.

11 One person I haven't contacted yet was a gentleman
12 from Prime Electric. He accompanied Steve to meet with
13 the Governor here a couple of years ago, and the Governor
14 kind of kicked this all off when he asked Steve why the --
15 you know, Is the Department using technology, you know, to
16 its fullest capability. And so we started having to ask
17 ourselves this question and start down this road.

18 So it's taken a while, but I think it's really going
19 to be an interesting thing to get going. And maybe some
20 of those electricians out there on the jobs with
21 smartphones that are looking at their phones will be
22 actually, you know, getting some inspection work done and
23 getting something going to forward the job. So ...

24 CHAIRPERSON PREZEAU: Well, I look forward to a
25 report in April.

1 MR. VANCE: Well -- yes, absolutely. No, there's
2 been a lot of people involved in this. I mean, from our
3 I.T. folks to -- I mean, it's taken a lot of people to do
4 this. And it's going to be really interesting to see it
5 step off and go here.

6 CHAIRPERSON PREZEAU: Agreed. Any other questions
7 for Technical Specialist Vance?

8 Milton, I know your paper's getting short.

9

10 Item 8. Public Comment(s)

11

12 CHAIRPERSON PREZEAU: But the last thing that we are
13 under is public comment. And for the record, the only
14 individuals that have signed in are Ms. Lowy and Mr. Lees
15 in conjunction with the appeal.

16 So unless there's anyone else that has -- in the room
17 that wanted to address the Board under public comment?

18 Going once, twice, three times. The Chair will
19 entertain a motion to adjourn.

20

21 Motion to Adjourn

22

23 BOARD MEMBER NORD: Motion.

24 BOARD MEMBER JENKINS: Second.

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

1 adjourn the January 25, 2018, Electrical Board meeting.

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

3 THE BOARD: Aye.

4 CHAIRPERSON PREZEAU: Opposed? We're adjourned.

5 Thank you.

6 Motion Carried

7 (Whereupon, at 12:15 p.m.,
8 proceedings adjourned.)

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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 13th day of February , 2018, at Tacoma, Washington.

H. Milton Vance, CCR, CSR
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