

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, July 27, 2017
11 _____
12

13 BE IT REMEMBERED, that an Electrical Board meeting
14 was held at 9:00 a.m. on Thursday, July 27, 2017, at the
15 Department of Labor and Industries, 7273 Linderson Way SW,
16 Tumwater, Washington, before CHAIRPERSON TRACY PREZEAU,
17 BOARD MEMBERS JASON JENKINS, DAVE WARD, JOHN BRICKEY,
18 JANET LEWIS, RANDY SCOTT, DAVID CORNWALL, ALICE PHILLIPS,
19 MIKE NORD, DON BAKER, DYLAN CUNNINGHAM, RYAN LAMAR, BOBBY
20 GRAY 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 Reported by:
H. Milton Vance, CCR, CSR
(License #2219)

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

Thursday, July 27, 2017
Tumwater, Washington

I N D E X

5	Agenda Item	Page
6		
7	1 Approve Transcripts from April 27, 2017, Electrical Board Meeting	3
8	Motion	3
9	Motion Carried	4
10	2 Departmental/Legislative Update	4
11	3 Appeals	19
12	3 A St. Joseph's Heating & Plumbing and Wayne Bullington	19
13	3 B McClure & Sons, Inc.	19
14	3 C BCK Electric and Brian Kealy	20
15	3 D Unity Electric and Gary Warner	21
16	3 E Todd Noice and Todd Noice LLC	22
17	Motion	37
18	Motion Carried	39
19	3 F Andy Alcazar	46
20	4 Secretary's Report	46
21	5 Certification/CEU Quarterly Report	65
22	6 Public Comment(s)	77
23	Motion to Adjourn	86
24	Motion Carried	xx
25		

PROCEEDINGS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

1. Approve Transcripts from April 27, 2017,
Electrical Board Meeting

CHAIRPERSON PREZEAU: And the first item on our agenda is to approve the transcripts from the April 27, 2017, Board meeting. And there's one edit that I am aware of, which is the record reflects that Don Baker was in attendance at the April meeting, and he was not present. So the Chair would accept --

Motion

BOARD MEMBER NORD: Motion.

CHAIRPERSON PREZEAU: Motion to accept the minutes --

BOARD MEMBER JENKINS: Second.

CHAIRPERSON PREZEAU: -- from April 27, 2017, meeting with that edit. Is there a second?

BOARD MEMBER JENKINS: Second.

CHAIRPERSON PREZEAU: So it's been moved and seconded

1 to approve the minutes with that one edit. All those in
2 favor signify by saying "aye."

3 THE BOARD: Aye.

4 CHAIRPERSON PREZEAU: Opposed? So carried.

5

6 Motion Carried

7

8 CHAIRPERSON PREZEAU: Okay. Great.

9

10 Item 2. Departmental/Legislative Update

11

12 CHAIRPERSON PREZEAU: Mr. Rodriguez, good morning.

13 Thank you for coming. It's always a pleasure to have you
14 at our Board meetings.

15 MR. RODRIGUEZ: Madam Chair, members of the Board,
16 thank you for the invitation to speak to you all this
17 morning.

18 I really don't have a lot to share. But I thought it
19 would be important to cover a couple of things.

20 First of all, there are several members of the Board
21 who are up for reappointment. And so -- five of them.
22 And so the latest status is that those nominations are at
23 the Governor's office. And the committee that goes
24 through that process of making those appointments is
25 scheduled to meet today. And so we're hoping that it will

1 be done before today. But it's kind of out of our
2 control.

3 CHAIRPERSON PREZEAU: It would be great because --

4 MR. RODRIGUEZ: Steve here will let you know if we
5 have a decision.

6 CHAIRPERSON PREZEAU: It would be great to have a
7 decision on my birthday. It would be the best present
8 ever.

9 MR. RODRIGUEZ: So I appreciate your patience. It is
10 a process, and we have to follow that process.

11 The other thing I thought I would share this morning
12 is the results of the last legislative session and the
13 budget process. And the electrical program actually did
14 very well.

15 First of all, the good news is that there was no
16 sweep of the dedicated account. So that means that
17 although there were rumors and actual considerations of
18 sweeping the electrical fund into the general fund, that
19 did not happen. It did not appear in the final budget.
20 So that's a good thing.

21 We had in our budget package for the program some
22 wage increases for our inspectors, and that was approved
23 in the budget. And so our inspectors experienced a 5
24 percent pay raise along with a -- it's actually going to
25 be a total of 6 percent in cost-of-living increases. So

1 it's a 2 percent, 2 percent, 2 percent over the biennium.
2 So a total of about 11 percent that our inspectors in the
3 field can expect.

4 We also took care of some of the salary-compression
5 issues. So we had some of our inspectors up against the
6 salary, some of the leads and supervisors. So all of that
7 was taken care of this time. So that's good news for our
8 inspectors.

9 In the budget package, we had also asked for some
10 additional staff, some FTE's. And we got 18 in that
11 package. And the way that we're going to -- the way
12 they're allotted and the way they're going to create the
13 positions and start to hire for them is we'll have nine
14 positions right now starting in July, we'll create seven
15 more positions in January, and then the final two next
16 July. So that's --

17 CHAIRPERSON PREZEAU: Do you know, Jose', what the
18 breakdown is on those? Like ECORE, specialist 2
19 inspectors, do you know what that breakdown is for those
20 18 FTE's?

21 MR. RODRIGUEZ: So we have a proposal. Right now our
22 internal process is that we have to get the Director's
23 approval through the deputy and the budget shop. So we're
24 in the middle of that process. So we're looking at
25 several options.

1 Obviously our supervisors -- our field supervisors
2 and our managers are involved in that as well.

3 I don't know if we're going to share more than that
4 today, Steve.

5 SECRETARY THORNTON: Probably not until we find out
6 which direction we can go. But there is going to be a
7 variety of different positions, not all in any one
8 category.

9 MR. RODRIGUEZ: The other news that I have to share
10 is we carved out of our program 11 program specialist
11 positions to assist the supervisors and the leads in
12 scheduling and managing their inspection workloads. And
13 we've been filling those positions, and now all of the
14 positions statewide are filled.

15 CHAIRPERSON PREZEAU: That's great news.

16 MR. RODRIGUEZ: And we're moving to the next phase
17 there of 1) completing the training program that we've
18 established for them, but more importantly starting to
19 look at the metrics and see if they really are moving the
20 needle in terms of assisting the inspectors and ultimately
21 hopefully getting more inspections out of the process.

22 So that's in the works. And we'll be keeping you
23 up-to-date on how that's going.

24 So Steve, the Chief, will be giving you a rundown
25 today on the fund balance. So if there's interest in the

1 numbers, we'll provide that information today.

2 So having shared that good news, we're still
3 concerned about hiring and retention even with the pay
4 increases.

5 Today we have 11 vacancies. So we have actual --
6 actually six vacancies and five double-fills. And so ...

7 CHAIRPERSON PREZEAU: What's a double vacancy?

8 MR. RODRIGUEZ: A double-fill. So we have two people
9 in a position.

10 Sometimes they're not matched up with the right
11 rotation. And so when we get a prospective candidate, we
12 put them in a position. Or we know that somebody's
13 leaving. It's kind of an overlap thing.

14 So we have on the book 11 vacancies, but six of them
15 are actual vacancies. That's today, and it changes daily.

16 I think what's still on our radar is that we have
17 about 35 plus inspectors that are still in that five-year
18 window to be able to retire. And again, well over 60
19 percent of our existing inspectors are new. So we have a
20 training and learning curve. And then on the other end,
21 we have the potential of more inspectors going out the
22 door.

23 So it's still on our radar. And we're looking at all
24 the things that we can do, all the counter measures that
25 we can implement to try to reduce the negative impact of

1 that.

2 So one of the things that I did want to share with
3 you all is an initiative that we've been working on for a
4 while now. It really came out of the Governor's Results
5 Washington, kind of a discussion that the chief had with
6 the Governor and some of our stakeholders and customers.
7 And it has to do with -- we're calling it interactive
8 video inspections.

9 And so, you know, we have a program here that drives
10 a heck of a lot of miles. I don't have the exact data,
11 but it's over 2 million miles a year, and that's about
12 200,000 plus inspections. And so it makes it very hard
13 for us to meet our mandate of getting to 100 percent of
14 those inspection sites within 48 hours. And as you all
15 know -- some of you know that used to be -- we used to
16 have a self-imposed goal of 24. That's where we'd like to
17 be. And we were doing very well in that area before the
18 recession, but we're not doing so well now because of the
19 labor shortage and the booming economy.

20 So we're taking a look at other things that we can do
21 to try to help manage that workload. And there are
22 certain jurisdictions here and in other states that are
23 using video to be able to do certain kinds of inspections.
24 And so we started to pilot this in our region -- in one of
25 our regions, Region 1. And then Larry Vance, one of our

1 technical specialists carried that project forward as part
2 of his capstone project. And now we're at the process --
3 we've now assigned a program manager -- or excuse me -- a
4 project manager to it.

5 And the purpose will be obviously to help us manage
6 this workload. We're yet -- we're in the process of kind
7 of establishing the criteria for the use of this
8 technology. In other words, it wouldn't be for all
9 inspections. It could be -- again, we haven't settled on
10 anything. But it could be a ditch cover. It could be
11 reinspection corrections, those kinds of things. It would
12 be available to contractors that obviously have a good
13 experience with us in terms of their quality of their work
14 and have the technology on their end to be able to do
15 these things.

16 And so right now as part of the project team, what
17 we're working on is defining that inspection criteria.
18 Obviously we would need a scheduling system for scheduling
19 these inspections. And then the actual inspection
20 process. So integrating that process and getting it all
21 into our mobile as well.

22 So that's kind of where we're at in our project. And
23 I've set a target date of early next year where we would
24 like to actually have this thing up and running and moving
25 out. It doesn't mean that we won't be piloting and doing

1 some more testing and actually offering it up to a few
2 contractors so we can test it, but we'd like to have it up
3 and running for everybody early next year.

4 CHAIRPERSON PREZEAU: That would be great.

5 BOARD MEMBER BAKER: So on the video inspections, as
6 a contractor, I'm real interested in that because that
7 would really benefit us, especially with ditch covers or
8 correction inspections necessarily, those trips back and
9 forth.

10 Have you considered having contractors qualify to
11 have video inspections? Meaning, you have to meet a
12 certain criteria to be eligible to use that because it's a
13 benefit to a contractor to be able to do that.

14 MR. RODRIGUEZ: Yeah. Well, obviously that's part of
15 the project is to figure out what that would look like and
16 how we could make that equitable. You know, we've -- the
17 agency has gone down this path several times and different
18 programs trying to figure out how we kind of set those
19 quality gates, and it can be a challenge.

20 And so the approach is, again, not be too limiting,
21 but just like the Class B's and everything else, there's
22 got to be a process also to call out those folks who are
23 misusing it or aren't ready. So make it equitable.

24 So we don't have a firm answer for you.

25 BOARD MEMBER BAKER: That's a big evolution. That's

1 a big step. And with technology as well. I'm encouraged
2 the Department's looking into it.

3 MR. RODRIGUEZ: Let me just share, it's not part of
4 this particular project, but the agency is looking at
5 business transformation.

6 And one of the things that we're looking is how do we
7 incentivize voluntary compliance. And so -- don't say
8 Jose' said this and go out and start screaming at
9 everybody, but we are thinking about some type of like a
10 Gold Seal or some type of a banner or something that -- so
11 as a contractor, you can be a Gold Seal contractor, which
12 means you've paid your workers' comp, you don't have any
13 outstanding fines and penalties, you know, your
14 inspections, you're hitting a certain percentage of your
15 inspections, and no corrections, that kind of thing. And
16 then that could be used for advertising and those kind of
17 things.

18 So the agency's thinking about as part of our
19 business transformation how we can incentivize voluntary
20 compliance because we can't be everywhere.

21 CHAIRPERSON PREZEAU: I think that's a great idea
22 actually.

23 BOARD MEMBER BAKER: Yeah, that kind of goes with the
24 qualify a contractor for video conferencing; you have to
25 be a gold standard contractor or whatever standard you

1 come up with. That's great.

2 MR. RODRIGUEZ: But there's still a lot of work to be
3 done.

4 CHAIRPERSON PREZEAU: Well, let us know if you need
5 any input from this body at any point along the way.

6 Any other questions for Mr. Rodriguez?

7 So Mr. -- a great update on the visual inspection
8 program. And then also, do you have any -- are you able
9 to comment on the update on the rollout of the mobile
10 inspection? I know you commented on that in the April
11 meeting that I think that program or that product was
12 delivered \$500,000 below budget, and it was rolling out
13 in April. Do you -- can you -- is --

14 MR. RODRIGUEZ: Yeah, the rollout is complete. In
15 fact, we -- it has now shifted from the developed phase to
16 the maintenance phase. And so we have -- we continue to
17 identify things that, you know, the inspectors are finding
18 that could either be enhanced or create a problem, and
19 we're addressing those.

20 I'm not sure how many versions have gone out. Have
21 we rolled out any new versions?

22 SECRETARY THORNTON: I think there's been two new
23 versions.

24 MR. RODRIGUEZ: Yeah. So we've actually had -- we're
25 on mobile point 2.

1 And so I think if I had to categorize the areas where
2 our inspectors would say that it could be improved is in
3 our mapping.

4 The mapping application that we're using, it's
5 contracted statewide. That's the contracted application.
6 And it has some challenges both in the accuracy and the
7 way that it presents that information. So we're looking
8 at other alternatives to that. It's nothing that can't be
9 fixed. But I think as an agency, again, for that business
10 transformation, the agency's going to have to settle on
11 some type of a mapping program that can be used by all of
12 our programs in the agency. So we're looking for an
13 enterprise solution for mapping.

14 I've been getting feedback from a few contractors who
15 actually get their corrections before the inspector even
16 leaves their work site. Get an e-mail with the
17 correction, and they know what to do to fix it. So
18 there's some positive comments about that. And that's all
19 subject to connectivity as well.

20 And I think the one thing -- our inspectors did have
21 some concerns about the printing. So again, it's just
22 something internal. But everything so far that we've
23 identified we can fix.

24 BOARD MEMBER BAKER: Larry, if you need help with the
25 video inspections, we'd be happy to volunteer for any load

1 bank inspections.

2 MR. VANCE: Sure.

3 CHAIRPERSON PREZEAU: Somehow I knew that that was
4 coming.

5 I think that's a brilliant application. It's because
6 it's such a -- and we talked about that in the rulemaking
7 with the load bank testing and the inspections. And I
8 think that this video -- interactive video inspection of
9 load banks are a perfect application for that.

10 BOARD MEMBER BAKER: Why not.

11 A question I have for you. Was the 11 vacancies, do
12 you track how long it takes to fill vacancies? Are we 45,
13 60 days? And I don't know what positions you're trying to
14 fill. But do you track those, how long those vacancies
15 have been --

16 MR. RODRIGUEZ: Yeah, we keep a lot of data about
17 that because we're obviously trying to build a case for
18 initial compensation. And I don't have the numbers off
19 the top of my head how long we're at right now.

20 Steve, I don't know if you can --

21 SECRETARY THORNTON: We -- there isn't really an
22 average, but I can tell you that we've had -- or we had a
23 lead position open in Wenatchee for a year and a half.
24 The Bellevue supervisor's position has been open for three
25 different times now.

1 And so yeah, it's not anything that would -- I mean,
2 it wouldn't be a good number if we -- and I'm sure we can
3 get that from H.R., from our Human Resources. We track
4 all that stuff now. Our candidate pool and how many
5 people are in it, and so we can I'm sure get that number.

6 BOARD MEMBER BAKER: Just curious. I mean, I know
7 some positions probably fill quicker than others. And
8 location ...

9 SECRETARY THORNTON: Uh-huh. Location has a big
10 impact on that.

11 BOARD MEMBER BAKER: Sure.

12 SECRETARY THORNTON: That's one of the reasons for
13 some of our double fills is that if we find somebody we
14 think would be a good candidate, I would rather put them
15 on and get them started training and stuff in the location
16 that's handy for them rather than wait until it comes up
17 where we actually need them. Maybe we can get them to
18 move or, you know, shift people around, something. But to
19 let people slip through the cracks just because they're
20 not where our vacancy's at I think's a mistake.

21 BOARD MEMBER BAKER: Thank you.

22 CHAIRPERSON PREZEAU: Great.

23 Is it appropriate to ask you about the potential
24 impacts of the legislature failing to pass a capital
25 budget?

1 MR. RODRIGUEZ: The answer I would give is no, I
2 don't think it's inappropriate. But my response is it's
3 limited to what I know, and that is that we've looked at
4 it and the electrical program is not impacted by that.

5 I think -- the rest that I know is what everybody
6 reads in the paper is that there's about 400 staff
7 affected by that who are in the current layoff because of
8 that.

9 I know at the agency level, capital-improvement-wise
10 that we had in there that is on hold is our DOSH --
11 (inaudible) -- is in that package. And so that's been a
12 little -- that's the only impact that I know of.

13 CHAIRPERSON PREZEAU: And then the only other comment
14 that I would like to make is it seemed -- it's an
15 incredibly great day, right? to have a operating budget
16 with all of the things that you mentioned: the 18 FTE's,
17 the cost and comp package. And it was amazing -- we
18 started that process -- I don't remember what Board
19 meeting you came to and said -- because we asked you when
20 could we anticipate that that is a potential reality, and
21 you said July of 2017. And I was shocked by the delay,
22 how long the process takes.

23 But incredibly grateful that we were successful in
24 that endeavor. And I would just like to say that I think
25 the Department and the electrical program and the Chief

1 and you and Director Sacks did a great job of shepherding
2 that and making sure that that happened and for all the
3 right reasons, right? To make sure that we're able to
4 retain the experienced inspectors, supervisors and
5 specialists even, and technical specialists and even
6 specialist 2 and make sure that this program continues to
7 run in the most effective way, right? Because we all
8 recognize that it is the folks that operate this program
9 day in and day out that provide value to electricians and
10 stakeholders and customers and contractors. I'm just
11 incredibly happy that we -- that that happened. So thank
12 you for that.

13 MR. RODRIGUEZ: Well, it took quite a few folks. I'm
14 getting a lot of credit for, you know, for just leading a
15 team that really did everything from our budget -- I call
16 them budgeteers -- our budget folks to our staff, our
17 supervisors, our managers, technical specialists, the
18 Director as you mentioned, different analysts around the
19 agency, our legislative liaison, everybody who -- and
20 lobbyists who supported us. And, you know, I'm with you.
21 It's been very good.

22 And we firmly believe that to be successful you got
23 to invest in people, technology and processes. So this
24 was the people part, so ...

25 CHAIRPERSON PREZEAU: Great.

1 Any other questions for Mr. Rodriguez?

2 Thank you very much for joining us. It's always a
3 pleasure to have you.

4 MR. RODRIGUEZ: Okay. Thank you.

5

6 Item 3. Appeals

7

8 CHAIRPERSON PREZEAU: Okay. So we are under appeals.
9 And a little bit of an update. We'll take these in order.

10

11 3.A. St. Joseph's Heating & Plumbing and Wayne
12 Bullington

13

14 CHAIRPERSON PREZEAU: So as you can read, the St.
15 Joseph's Heating and Plumbing and Wayne Bullington has
16 been continued to the October Board meeting.

17

18 3.B. McClure & Sons, Inc.

19

20 CHAIRPERSON PREZEAU: I am pleased to announce that
21 we do have an agreed final order in the matter of McClure
22 and Sons. And both parties have -- I have it in front of
23 me. And both parties have signed this agreed final order.
24 And Pam has had an opportunity to review it, and it is
25 consistent with the actions this body took on April 27th,

1 and so I am going to sign this. And that matter will be
2 closed.

3 And then I -- so that's the good news.

4

5 3.C. BCK Electric and Brian Kealy

6

7 CHAIRPERSON PREZEAU: The not-so-great news is that,
8 as you recall, the BCK Electric and Brian Kealy matter, I
9 announced at the April meeting that they had agreed on a
10 settlement because we were slated to hear that appeal in
11 April. And we didn't because the parties had indicated
12 they had reached a settlement.

13 What I am unpleased about is that the parties do not
14 have a final order. And I do not believe that Brian Kealy
15 -- I have the sign-in sheets from the front door, and
16 neither Mr. Leonard who is the assistant attorney general
17 for the Department nor Brian Kealy are present in the
18 room today. So let the record reflect that. So I have no
19 final order to sign.

20 We have no understanding of the settlement. We have
21 no update on the status of this. And so I would like to
22 direct the secretary to ensure that this matter is
23 scheduled for hearing at the October meeting and notify
24 the parties as such.

25 ASSISTANT ATTORNEY GENERAL THOMURE: Madam Chair?

1 CHAIRPERSON PREZEAU: Yes, ma'am.

2 ASSISTANT ATTORNEY GENERAL THOMURE: In terms of the
3 update, I did want to advise the Board that I did receive
4 an e-mail from the assistant attorney general, Mr.
5 Leonard, yesterday indicating that the paperwork had not
6 been completed. He did ask that the presentment be
7 continued to the October meeting. However, I believe you
8 and I have discussed that in terms of procedurally, the
9 Board does not have either a settlement or a withdrawal of
10 the appeal, and it is my recommendation to the Chair that
11 in those circumstances that we need to proceed with
12 hearing the appeal unless some sort of agreed order is
13 presented prior to that date or the appealing party
14 dismisses the appeal. But we can't just continue to let
15 it kind of hang out there with no resolution.

16 CHAIRPERSON PREZEAU: My hope quite honestly is that
17 if we schedule it for hearing and notify the parties, that
18 that might motivate them to get their paperwork -- or take
19 whatever necessary action that is appropriate given the
20 circumstance.

21

22 Item 3.D. Unity Electric and Gary Warner

23

24 CHAIRPERSON PREZEAU: All right. And then in the
25 matter of Unity Electric and Gary Warner, suspension of

1 Unity Electric's electrical contractor license and
2 revocation of Gary Warner's administrative certificate, it
3 is my understanding that the Department and the parties
4 have entered a settlement. And so that -- we've been
5 given notice that the case has been settled and the appeal
6 has been withdrawn. So those -- and I think we shared
7 that decision with the Board members so you knew --
8 because we had six dates that we scheduled to hear that
9 matter. So those dates certainly can be released to your
10 calendar to enjoy the balance of the summer.

11

12 Item 3.E. Todd Noice and Todd Noice LLC

13

14 CHAIRPERSON PREZEAU: So then we're under appeal E,
15 which is the matter of Todd Noice and Todd Noice, LLC.
16 And I believe the parties are here. I believe Mr. Noice
17 is here and so is Ms. Clark-Mahoney. And I would request
18 that the parties come up to the respective tables.

19 BOARD MEMBER GRAY: Madam Chair, a point of order.

20 CHAIRPERSON PREZEAU: Yes.

21 BOARD MEMBER GRAY: Could you remind us what the
22 quorum is?

23 CHAIRPERSON PREZEAU: The quorum for the Board?

24 BOARD MEMBER GRAY: Yes.

25 CHAIRPERSON PREZEAU: So I believe the quorum is

1 eight.

2 BOARD MEMBER GRAY: Thank you.

3 CHAIRPERSON PREZEAU: And we actually have ten seated
4 in the room right now, right? And Dave Ward is present as
5 well as is Alice. But I know that Alice is -- she's
6 having an important telephone conversation, but she will
7 rejoin us as she can.

8 BOARD MEMBER GRAY: I just noticed three people are
9 missing out of -- I just wanted to make sure.

10 CHAIRPERSON PREZEAU: No. I think that's -- it's
11 always -- it's never a bad thing to get on the official
12 record that we have a quorum and our decisions have merit.
13 So I appreciate that.

14 Okay. Very good.

15 So what our attorney is asking is whether or not the
16 present but temporarily missing Board members, if they are
17 going to hear this argument, right? this appeal. Because
18 if they're not going to hear the appeal -- if they don't
19 hear the discussion, then it is likely inappropriate for
20 them to participate in any decisions.

21 However -- perhaps -- yeah, so I was going to say,
22 perhaps Technical Specialist Mr. Vance could maybe notify
23 Alice Phillips -- Vice Chair Alice Phillips, that we're
24 about to hear the appeal, and that maybe it would be great
25 if she could possibly join us. I am assuming -- and the

1 same with Mr. Ward.

2 And we have some procedural things to do before we
3 start to hear the matter. So because the parties are
4 here, let's continue.

5 ASSISTANT ATTORNEY GENERAL THOMURE: I think you can
6 proceed with preliminary procedural issues without the
7 rest of the Board members being here.

8 CHAIRPERSON PREZEAU: Agreed.

9 So I am going to -- so the matter before us today is
10 an appeal in the matter of Todd Noice and Todd Noice LLC
11 versus the Department of Labor and Industries, which is
12 docket numbers 10-2016-LI-00285 and docket number
13 10-2016-LI-00286.

14 This hearing is being held pursuant to due and proper
15 notice to all interested parties in Tumwater, Washington
16 on July 27th at 9:32 a.m.

17 This is an appeal from a proposed decision and order
18 issued by the Office of Administrative Hearings on March
19 2, 2017. And it is my understanding that decision upheld
20 the Department's position regarding timeliness and
21 jurisdiction, and as such, citations and notice numbers
22 ECOXE01037, ECOXE01038 and ECOXE01039. And those
23 citations were issued by the Department of Labor and
24 Industries on January 25, 2016.

25 It is further my understanding that the appellant,

1 Mr. Noice, has timely appealed this decision.

2 The Electrical Board is the legal body authorized by
3 the legislature to not only advise the Department
4 regarding the electrical program but to hear appeals when
5 the Department issues citations or takes some other action
6 regarding an electrical license or certification or
7 installation. The Electrical Board is a completely
8 separate entity from the Department, and as such will
9 independently review the actions taken by the Department.
10 And when the Department issues penalties that are
11 appealed, the hearing, as you well know, is assigned to
12 the Office of Administrative Hearings to conduct the
13 hearing pursuant to the Administrative Procedures Act.
14 And in this case, there's a slight nuance to it in that
15 the Department rendered a decision that the original
16 appeal of the three citations already listed was untimely.
17 And then Mr. Noice sought relief from Whatcom County
18 Superior Court, and that relief was granted in the form
19 of remanding it back to the Office of Administrative
20 Hearings.

21 ASSISTANT ATTORNEY GENERAL THOMURE: Correct.

22 I'll jump in here. So procedurally, it was remanded
23 to the Office of Administrative Hearings for a hearing on
24 the issue of timeliness only, not on the merits of the
25 underlying appeal.

1 Basically it's my understanding that the parties can
2 obviously -- and correct me if I'm wrong -- but it's my
3 understanding that the superior court said that Mr. -- is
4 it Noice?

5 MR. NOICE: Noice.

6 ASSISTANT ATTORNEY GENERAL THOMURE: -- was entitled
7 to hearing and present testimony as to why his appeal
8 should be considered timely as opposed to the Department
9 just issuing, making that decision.

10 I believe that's -- so now the review by this body is
11 on the decision of the Office of Administrative appeals
12 (sic) on just the issue of whether it's timely or not
13 based on the record that was made at that body.

14 CHAIRPERSON PREZEAU: I agree with that.

15 And the ALJ who conducts that hearing then issues a
16 proposed decision and order. And then if either party
17 appeals, that decision is subject to review by the
18 Electrical Board.

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

22 Each party will be given approximately 15 minutes
23 today to argue the merits of your case. And any Board
24 member may ask questions and the time may certainly be
25 extended at the discretion of the Board.

1 At the conclusion of the hearing, the Board will
2 determine if the findings and conclusions reached by the
3 ALJ are supported by the facts and the rules pertaining to
4 licensing and certification and timeliness and
5 jurisdiction.

6 So -- and Mr. Noice, since this is your appeal, you
7 have the burden of proof. And as such, you will present
8 your case first.

9 MR. NOICE: So you guys have all read the case,
10 right?

11 CHAIRPERSON PREZEAU: Yes.

12 So Mr. Noice, what we -- what all the Board members
13 have in front of them is an Electrical Board appeal packet
14 that contains the original citations, likely the same
15 evidence that you had when you were in front of -- you and
16 Ms. Clark-Mahoney were in front of the ALJ. We have the
17 same exhibits. We have your pictures. We have the record
18 from the phone calls from the Department. We have the
19 original citations. And we have complete transcripts of
20 the hearing that you had in front of Administrative Law
21 Judge Ms. Erickson on February 16, 2017.

22 MR. NOICE: Well, if you guys have all -- you have
23 the whole packet, the whole thing in its entirety, then
24 why I'm sitting here ought to make a lot of sense, why I
25 was -- I mean, I'm a pretty persistent, pretty meticulous,

1 you know, careful guy. And when --

2 ASSISTANT ATTORNEY GENERAL THOMURE: Just a moment.

3 Can everyone --

4 MR. NOICE: Just look at the circumstances in total
5 on the whole case. Why are we --

6 ASSISTANT ATTORNEY GENERAL THOMURE: Sir -- sir --
7 can everybody hear him?

8 BOARD MEMBER: You need to move the microphone ...

9 BOARD MEMBER PHILLIPS: Yeah, thank you.

10 CHAIRPERSON PREZEAU: And what I would really like to
11 do is -- Mr. Noice, if you would spell your name for our
12 court reporter.

13 MR. NOICE: N-O-I-C-E.

14 CHAIRPERSON PREZEAU: Great.

15 And Mr. Clark-Mahoney, would you do the same.

16 ASSISTANT ATTORNEY GENERAL CLARK-MAHONEY: C-L-A-R-K
17 hyphen M-A-H-O-N-E-Y.

18 CHAIRPERSON PREZEAU: And as I said, Mr. Noice, we
19 will have you present your -- so basically just to make
20 sure that you understand the process today is you have the
21 initial 15 minutes to tell this body why you believe that
22 your original appeal for the three citations was timely,
23 the same matter that you argued in front of the ALJ on
24 February 16, 2017.

25 I want to -- I would like to caution both parties

1 that we are, as I said in the opening, we are limited to
2 the information that was encompassed in that hearing.
3 What I mean by that, if you have a new document that you
4 did not present to that ALJ, we can't see that. We can
5 only -- we're bound to the record that was created when
6 the ALJ closed the matter at the hearing on February 16,
7 2017.

8 And before I give you an opportunity to make that
9 case -- and then what will happen is Ms. Clark-Mahoney
10 will have the same 15 minutes to present her case. You
11 guys can have rebuttel. And Board members can ask
12 questions of either party to clarify any position.

13 What I would like to do, though, for clarity -- and
14 it hasn't happened to this point. And I want to get -- I
15 would like to ask the parties to consider consolidating
16 the two dockets. Because technically the citations that
17 were given to Todd Noice and the citations that were given
18 to Todd Noice LLC have two separate docket numbers in
19 front that the judge -- the ALJ heard. There was no
20 motion to consolidate. It wasn't officially in the record
21 from that hearing on February 16, 2017. So -- I am also
22 not an attorney and -- but when I review the transcript, I
23 infer from the transcript that the ALJ heard them in a
24 consolidated manner even though that wasn't technically
25 addressed and then issued two separate proposed final

1 orders, but those proposed final orders that make up -- to
2 those two docket numbers are identical.

3 So even though the final action was separate, the
4 hearing basically consolidated them. And her response to
5 both docket numbers was identical.

6 So what that means, Mr. Noice, is that by
7 consolidating them, we are -- instead of hearing docket
8 ending in 285 first, and then doing the exact same thing
9 for 286, what I'm asking the parties is to go on the
10 record either affirming or denying that you want to hear
11 them together.

12 MR. NOICE: I'm okay with it because an appeal, it's
13 all going to be the same case. And the fee for the
14 appeal I think is the same. In other words, if it was
15 three citations and it's \$200 apiece, well, that's \$600
16 for the appeal. This way it looks like it's only \$100 for
17 the appeal. Or if it goes to superior court in
18 Bellingham, I think that's \$240 for the appeal. So
19 whatever it takes to make the appeal price the least, I'm
20 -- that's what I want.

21 CHAIRPERSON PREZEAU: Yeah, I am uncertain about
22 whether or not it will have an impact on any fees or
23 appeal costs, but what it will do is it will make this
24 process consume less time.

25 MR. NOICE: Well, I get less envelopes in the mail

1 too.

2 CHAIRPERSON PREZEAU: I'm sorry?

3 MR. NOICE: I get less envelopes in the mail too.

4 CHAIRPERSON PREZEAU: That's possible.

5 Ms. Clark-Mahoney, are you okay with consolidating
6 the two docket numbers?

7 ASSISTANT ATTORNEY GENERAL CLARK-MAHONEY: Yes.

8 CHAIRPERSON PREZEAU: Thank you.

9 Have I missed anything?

10 ASSISTANT ATTORNEY GENERAL THOMURE: Nope.

11 CHAIRPERSON PREZEAU: Okay.

12 So Mr. Noice, if you would be so kind, we would love
13 to hear from you about why you believe that this body
14 should agree with your position that you timely appealed
15 these three citations to the Department of Labor and
16 Industries so that --

17 MR. NOICE: Well, you have the whole case, when you
18 look at everything that transpired, you know that I took
19 great pains to make sure that I did my due diligence to
20 get everything correct. And I called repeatedly and was
21 given some misinformation. And here I am.

22 So that's the gist of it. It doesn't get any simpler
23 than that.

24 If you look at the whole case and, you know, if
25 you're a contractor and -- (inaudible) -- and they miss

1 what could have burnt down the house that they were there
2 to inspect, and they issue a citation for -- let's split
3 hairs over -- (inaudible), you know, why would you not
4 pretty adamantly appeal the case. I mean, that's why I'm
5 here.

6 CHAIRPERSON PREZEAU: And Mr. Noice, I think I want
7 to make sure that this gets in the record as well because
8 when I read this appeal packet, I noticed very quickly
9 that the notice that was sent to you on April 6, 2017,
10 regarding this appeal hearing today erroneously identified
11 to you that this appeal hearing was scheduled to be in
12 Tacoma.

13 MR. NOICE: Well, that just adds to the -- I mean --

14 CHAIRPERSON PREZEAU: So I just want to tell you I
15 appreciate the fact that -- because what we were -- what I
16 was going to advocate for is that if you were not able to
17 be here in Tumwater rather than the notice in Tacoma, that
18 we would continue this until the October meeting so that
19 you had an opportunity to attend a meeting. And I
20 appreciate the fact that you with less than 24 hours
21 notice arrived at the correct location. So I want -- I
22 would be remiss if I didn't mention that. So thank you.

23 MR. NOICE: I just got up a little earlier is all.
24 It's a long way to go to Bellingham.

25 CHAIRPERSON PREZEAU: Understood.

1 Do you have anything -- are you -- do you have
2 anything else you wanted to add?

3 MR. NOICE: If you guys have questions, have at it.

4 CHAIRPERSON PREZEAU: Well, I think -- unless the
5 Board members have burning questions, I'm going to ask
6 Ms. Clark-Mahoney to present her case if you're ready.

7 ASSISTANT ATTORNEY GENERAL CLARK-MAHONEY: I'm ready.

8 Thank you very much, Madam Chair and Board members.

9 The facts, I agree, are very clear in this matter,
10 that the information sent to Mr. Noice was that the -- he
11 received the information; it told him that he had 20 days
12 -- within 20 days to file his appeal. He did not do so.
13 It was the 21st day. And in spite of his having two phone
14 calls with the Department as well as the instructions --
15 and by the way, he also earlier having received the direct
16 mail citation on Sunday, and then on Tuesday waiting until
17 -- to sign so that he could have an extended amount of
18 time with which to appeal. Still missed the appeal.

19 And there is a distinction between complying with the
20 regulations that established the jurisdiction for the
21 Department to request a hearing and for the appeal to go
22 forward and by having misinformation in the documents that
23 -- for the hearing today in that the Board does have
24 authority to continue hearings. However, neither the
25 Department -- actually nobody has authority to extend the

1 deadline beyond what is permitted. And it is not
2 permitted for employees at the Department to extend the
3 deadline. And if they -- and it is not -- and it's
4 unfortunate, but it also was not required that Mr. Noice
5 wait until the very last possible time that he understood
6 was correct to file his appeal.

7 The evidence in the record before the administrative
8 hearings judge was that it included the document that came
9 from the Department which is the call log which does not
10 have any indication of the discussion of the exact date
11 and Mr. Noice's assertion that there was an exact date
12 given to him over the phone. And then just delivering the
13 citation. I just think that the administrative law judge
14 was correct. There was just not enough information here
15 for the -- anyone, the Department or the ALJ, the
16 Electrical Board or the superior court to find that the
17 regulation can be set aside and the appeal accepted late.

18 Thanks.

19 CHAIRPERSON PREZEAU: Thank you.

20 Mr. Noice, do you have any rebuttel to Ms. Clark-
21 Mahoney's statement? It's okay if you don't.

22 MR. NOICE: I don't think so.

23 CHAIRPERSON PREZEAU: I just want to make sure the
24 parties feel they have ample opportunity to represent
25 themselves.

1 Questions from Board members? Comments from Board
2 members?

3 I mean, I -- on page 14 of the OAH transcript, under
4 oath Mr. Noice agrees he was served the notice of the
5 citations officially on February 16, 2016. And that is
6 supported by documents in the appeal packet including a
7 notice from the United States Postal Service that he
8 signed for the certified mail delivery of the citations.

9 On page 19 of the OAH transcript, it affirms that the
10 Department's call log that I think Ms. Clark-Mahoney you
11 referenced indicating that the first telephone call that
12 the Department received in this matter with Mr. Noice was
13 on February 16th, indicating that he was responding to
14 those citations, right? and that correspondence from the
15 Department because they discuss those matters. And you
16 can find that call log on appeal packet page 141. It's
17 the Department's exhibit I believe.

18 And then on page 26 of the transcript, I noted that
19 it indicates by Mr. Noice that he was served -- he
20 actually opened, went to the P.O. box and was served the
21 direct mail notice of the citations on Sunday, February
22 14th and then, as I said, signed the certified notice on
23 February 16th.

24 And I have looked at the calendar days from -- and
25 counted from February 16, 2016, to March 8, 2016, and I

1 believe that I agree with the Department that that's 21
2 days and not 20 days.

3 So I'm curious what other Board members are thinking.

4 BOARD MEMBER BAKER: Yeah, I agree, it's 21 days.

5 And we've seen cases like this before in the past, and
6 we've been consistently supportive of that 20-day rule and
7 guideline. I don't know how we can reverse the decision
8 in this case.

9 BOARD MEMBER JENKINS: I concur with you also, Madam
10 Chair, those exact same statements you made.

11 BOARD MEMBER NORD: I also agree, Madam Chair.

12 CHAIRPERSON PREZEAU: Yeah, I mean, I definitely have
13 some -- a measurable amount of sympathy for Mr. Noice and
14 would love an opportunity to hear the merits of the
15 citations and that matter. But unfortunately we don't
16 have the jurisdiction to do that I don't believe.

17 We haven't taken formal action yet. However, I do
18 think that if you look at the -- I think the proposed
19 final order that was authored by the ALJ that is identical
20 in both the dockets, right? docket ending in 286 and
21 docket ending in 285, unless I'm remiss and missing
22 something, I see them as being identical.

23 And the only matter I think that we need to provide
24 some guidance for is the ALJ references -- it's several
25 places through this proposed order "the Electrical Board."

1 Like, for example, on Electrical Board packet page 14 in
2 the Findings of Facts, all through the Findings of Facts,
3 the ALJ references that the non-compliance citations were
4 issued by the Electrical Board. That is incorrect. The
5 citations were not issued by the Electrical Board; they
6 were issued by the Department. And this pattern from the
7 ALJ is completed -- is repeated throughout the proposed
8 final order.

9 And I would believe that what we would want to do in
10 a motion is -- or just in discussion, clarify that
11 everywhere in the proposed final order where the ALJ
12 erroneously references the Electrical Board, where it
13 should say the Department, that needs to be corrected in a
14 proposed final order that gets presented to this body.

15 Is that clear enough?

16 ASSISTANT ATTORNEY GENERAL CLARK-MAHONEY: Yes, it
17 is.

18 CHAIRPERSON PREZEAU: So unless there's a need for
19 further discussion, the Chair would entertain a motion in
20 this matter.

21

22 Motion

23

24 BOARD MEMBER NORD: Motion.

25 BOARD MEMBER SCOTT: Second.

1 CHAIRPERSON PREZEAU: So I'm inferring that your
2 motion is to affirm the proposed final order in docket
3 numbers 10-2016-LI-00286 and docket number
4 10-2016-LI-00285, affirming that Mr. Noice's appeal was
5 indeed untimely, and that the Board -- that the matter is
6 closed.

7 ASSISTANT ATTORNEY GENERAL THOMURE: I would suggest
8 that the motion also included be amended to all references
9 from the Electrical Board to the Department of Labor and
10 Industries.

11 That was what you intended?

12 BOARD MEMBER NORD: That is the intent of my motion.

13 CHAIRPERSON PREZEAU: So to be clear, the intent of
14 the motion is to affirm the proposed final order in both
15 of the docket numbers and to make the necessary edits
16 where the Electrical Board is erroneously referenced in
17 the proposed final order where it needs to read the
18 Department of Labor and Industries.

19 Is that your motion?

20 BOARD MEMBER NORD: That is correct.

21 CHAIRPERSON PREZEAU: And that's your second?

22 BOARD MEMBER SCOTT: Correct.

23 CHAIRPERSON PREZEAU: Any discussion on the motion?
24 All those in favor, please signify by saying "aye."

25 THE BOARD: Aye.

1 CHAIRPERSON PREZEAU: Opposed? Motion carries.

2

3 Motion Carried

4

5 CHAIRPERSON PREZEAU: I just want to make sure I get
6 this right on the proposed final order.

7 ASSISTANT ATTORNEY GENERAL THOMURE: It has usually
8 been the custom, Madam Chair, that the prevailing party is
9 asked to prepare an order reflecting the Board's decision.
10 And hopefully the parties will be able to reach an
11 agreement as to that order. If not, it's been our
12 practice to automatically set this matter for presentment
13 at the next meeting which is October of 2017 in Spokane,
14 Washington, at which time if the parties cannot agree on
15 the form of the proposed order, the parties would be
16 required to attend and present the order, and the Board
17 would then entertain -- for instance, Mr. Noice if -- or
18 the Department just argument in terms of why the order
19 does not reflect the Board's decision.

20 ASSISTANT ATTORNEY GENERAL CLARK-MAHONEY: I intend
21 to prepare a proposed order.

22 CHAIRPERSON PREZEAU: And you will consult with
23 Mr. Noice and present him with an opportunity to review
24 that?

25 ASSISTANT ATTORNEY GENERAL CLARK-MAHONEY: Yes.

1 CHAIRPERSON PREZEAU: And hopefully that matter, if
2 possible, if the parties agree on --

3 And what that means, Mr. Noice, is Ms. Clark-Mahoney
4 will prepare a document that's very similar to the one the
5 ALJ authored, right? and send to you. And you have an
6 opportunity to review that proposed final order. And what
7 it will hopefully do will accurately capture the decision
8 that this body made regarding your appeal. And if you
9 don't agree with the content of that document, then we
10 would schedule on our October hearing for this body in
11 October in Spokane an opportunity for you to -- for the
12 parties to argue not about the timeliness, but whether or
13 not that document accurately reflects the decision this
14 body made.

15 Does that make sense?

16 MR. NOICE: So I'd have to run to Spokane to argue
17 it?

18 CHAIRPERSON PREZEAU: That is correct.

19 The members of this Board are electricians. They're
20 contractors. They're engineers. They represent the
21 general public. They represent cities that have
22 inspection and licensing -- or inspection jurisdictions,
23 manufacturers. And they reside all over the state of
24 Washington.

25 And so this body has -- it's important to the members

1 that our meetings are not only convened in Tumwater,
2 Washington at the Department of Labor and Industries'
3 building, and so we move the meeting -- we meet quarterly,
4 and we move that meeting around the state not only to
5 provide some relief for some of the Board members, but
6 also so that it is accessible to the greater citizenry of
7 Washington state.

8 So yes, if you do not agree with the proposed final
9 order that Ms. Clark-Mahoney authors, and it's limited
10 only to the decision that this body just made, and that
11 decision to be clear is to uphold the decision made by the
12 administrative law judge, and with one -- with some edits.
13 Because the administrative law judge mistakenly, like
14 wrongly, cited the Electrical Board in her proposed final
15 order where she should have referenced the Department of
16 Labor and Industries. Because the original citations that
17 you received did not come from the Electrical Board. We
18 do not have -- we don't write citations. And we are a
19 separate entity from the Department of Labor and
20 Industries. And the Department wrote the citations. And
21 so she references the Electrical Board several places in
22 her -- in the ALJ's decision that are incorrect, and we
23 want to correct that because we didn't take those actions.
24 That was -- we're separate from the Department.

25 Which is why we -- when people get citations or are

1 impacted by a decision like yourself that the Department
2 of Labor and Industries issues or renders, because we are
3 separate, we have -- and under Washington state law under
4 the statute, 19.28, we review those appeals and determine
5 if the Department was correct in issuing those citations
6 or not. And so this body has the ability to reverse
7 decisions made by the Department. But in this case, we
8 didn't actually hear the merits or the situation that
9 happened, right? that resulted in you receiving these
10 three citations. The only thing we reviewed was the ALJ's
11 decision and your hearing and the Department's exhibits
12 and the photos that you submitted about whether or not you
13 appealed in a timely fashion the original notice of the
14 citations.

15 Does that make sense?

16 MR. NOICE: So the corrections in the packet with the
17 name, the Electrical Board and the Department, that I
18 don't dispute. But the timeliness I do. So the appeal on
19 the timeliness would be in Spokane or would it be up in
20 Bellingham?

21 CHAIRPERSON PREZEAU: So -- that's a great question,
22 and I'm glad you asked it.

23 So we just heard your appeal on the timeliness. And
24 this body I think unanimously because there was no
25 dissenting votes agreed that you did not file your

1 original appeal for those three citations in a timely
2 fashion.

3 So what this body -- so we have -- we agree with the
4 administrative law judge, and we agree with the
5 Department's argument that your appeal was received by the
6 Department 21 days following official receipt of notice,
7 right? by you. And therefore, your citations, if I
8 understand this correctly, are rendered final at this
9 juncture.

10 I cannot advise you on your appeal rights for --
11 because it would be inappropriate -- for the decision this
12 Board made. But the meeting in Spokane -- the reason I'm
13 making sure you understand the -- I want to make sure you
14 understand the process is what happens next is Ms. Clark-
15 Mahoney will write an order that looks, like I said, looks
16 very similar to the one written by the ALJ. It will have
17 the corrections in there about where she mistakenly
18 references the Electrical Board. But it will likely state
19 that you did not timely appeal the original three
20 citations.

21 And you don't have to like that decision, but if the
22 order is correct, then -- well, if you don't agree that
23 the order -- the document that she writes accurately
24 reflects the action this body just took, then we would
25 schedule it for presentment. And you would -- Ms.

1 Clark-Mahoney and if you wanted to attend, we would hear
2 only your objections to the content of that proposed
3 order.

4 Does that make sense?

5 MR. NOICE: Okay.

6 CHAIRPERSON PREZEAU: But you're -- we would not
7 discuss --

8 ASSISTANT ATTORNEY GENERAL THOMURE: So Madam Chair,
9 if I could clarify?

10 CHAIRPERSON PREZEAU: Yes.

11 ASSISTANT ATTORNEY GENERAL THOMURE: Once the Board
12 -- the order -- the final order is issued by this Board,
13 then your next step in the process would be to seek
14 further appeal in superior court which would be superior
15 court I believe in Bellingham.

16 MR. NOICE: Right.

17 ASSISTANT ATTORNEY GENERAL THOMURE: But this --
18 the order has to be signed by the Board for you to take
19 that order to appeal to superior court. You do not have
20 to go to Spokane County to file an appeal of the Board
21 order.

22 MR. NOICE: Okay.

23 ASSISTANT ATTORNEY GENERAL THOMURE: It's only if
24 you dispute the terms of the order that Ms. Clark
25 proposes.

1 MR. NOICE: Two separate things.

2 I'm not going to disagree with the change and you
3 guys -- what's happened today; I'm not going to dispute
4 it. However, when I get my chance to appeal back up in
5 Bellingham, as soon as I get it, guess where I'm going.

6 CHAIRPERSON PREZEAU: So do you have any more
7 questions for us, Mr. Noice?

8 MR. NOICE: No.

9 CHAIRPERSON PREZEAU: Is it clear? Do you understand
10 where we're at now?

11 MR. NOICE: Yep.

12 CHAIRPERSON PREZEAU: Very good. I want to make
13 sure.

14 And Ms. Clark-Mahoney, you will work on that proposed
15 final order; is that ...

16 ASSISTANT ATTORNEY GENERAL CLARK-MAHONEY: Yes. And
17 I -- (inaudible)

18 CHAIRPERSON PREZEAU: I'm sorry?

19 ASSISTANT ATTORNEY GENERAL CLARK-MAHONEY: I know how
20 to get in touch with Noice and present him with the
21 proposed order.

22 CHAIRPERSON PREZEAU: Excellent.

23 Thank you both very much for coming.

24 MR. NOICE: Thank you.

25 CHAIRPERSON PREZEAU: Okay.

1 Item 3.F. Andy Alcazar

2

3 CHAIRPERSON PREZEAU: And then appeal item 3.F as in
4 Frank, Andy Alcazar, it appears the Department has
5 withdrawn their intent to suspend. So we -- great, that
6 matter is closed as well.

7 So Milton, do you want --

8 THE COURT REPORTER: I'm fine.

9 CHAIRPERSON PREZEAU: You're fine?

10 (Addressing Thornton) You want to start with the
11 Secretary's Report? Very good.

12

13 Item 4. Secretary's Report

14

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

17 For the Secretary's Report, the electrical fund
18 balance is \$9,360,000. And that's about five times the
19 monthly costs. So it's enough to operate for about five
20 months.

21 And the average monthly expenditures is \$1,960,000.
22 That's a little bit of an increase, about \$135,000
23 compared to last year.

24 As we talked earlier, the expenditures to rewrite the
25 mobile came in at about \$590,000 under what it was

1 projected at.

2 As far as the fund balance, you know, we talked
3 earlier that it was a good thing that it wasn't raided.

4 CHAIRPERSON PREZEAU: That's a bit of an
5 understatement.

6 SECRETARY THORNTON: Yeah. The intent is to make it
7 not as attractive by the next go-around.

8 So with the new FTE's and the wage increases and that
9 stuff, the fund balance will start to decrease. So we'll
10 keep an eye on that. That will be largely dependent upon
11 how fast we can fill positions which is probably not going
12 to be fast enough to make a huge difference, but we'll
13 keep an eye on it and see how that works.

14 There was a small spike in revenue this go-around.
15 It's June. It's the normal time for a spike just before
16 the code update. People buying their permits to try to
17 stay in the 2014 before we go to the 2017. So next month
18 it will probably drop some. We'll see how that affects
19 the fund balance.

20 So as far as our customer service department, we sold
21 39,413 permits last quarter. That's about -- 92 percent
22 of those were processed on-line. And that stays pretty
23 consistent. A lot of our work is done on-line these days.

24 96 percent of contractor permits were sold on-line.
25 And that's a 1 percent increase. It gradually creeps up

1 as some of us older more paper oriented folks drop out of
2 the work force, then the electronic part goes up.

3 CHAIRPERSON PREZEAU: I still think we should be
4 pursuing perhaps given the fact that we have some revenue
5 a mobile app so -- we talked about this with three
6 different chief electrical inspectors starting with Ron
7 Fuller. And Cathy Bailey was the previous -- a previous
8 Board member that represented the public. And she
9 thought -- I thought it was a great idea when she proposed
10 it. And it was cost prohibitive when she first suggested
11 that.

12 But I think in light of not only -- you know, I just
13 renewed my certificate on-line. And the interactive video
14 inspections and things are moving -- we're moving in that
15 direction. I think it's a great idea to then --
16 especially now that the new mobile inspection program is
17 now in maintenance and no longer in launch that maybe we
18 can turn our eyes towards that concept.

19 SECRETARY THORNTON: And that was something that came
20 up in the stakeholder meetings also that we talked about a
21 couple of meetings ago, that that was something that
22 contractors in particular down in Southern Washington that
23 borders Oregon, they have their app for that stuff, and it
24 was suggested that we get one.

25 I think you can do all of the things that an app does

1 through the normal system; it just takes more steps. It
2 is more convenient, though, I think to just be able to
3 open up an app and do that.

4 Our homeowner permits, there were about 62 percent of
5 those that were purchased on-line. About 82 percent of
6 the inspection requests are done on-line. That also is a
7 little bit of an increase. That 1 percent which matches
8 the increase for the contractors purchasing permits
9 on-line.

10 During this quarter, customer service made 74 percent
11 of all electrical license renewals on-line, which is also
12 a 1 percent increase. So those increases all matched.

13 So from a electrical scorecard, so our inspections
14 within 24 hours were at 70 percent. Our goal is 86
15 percent. That's a large gap. Part of that is due to our
16 vacancies. Part of it is due to increased work. So
17 that's one of the items that has encouraged us to look at
18 the video inspection portion of it. Because the ability
19 to hire people doesn't look to be a large improvement
20 anytime soon with the manpower shortages everywhere that
21 you look.

22 Percentage of inspections within 48 hours, we're at
23 87 percent. Our target is 94.

24 Focused compliance, we had an anticipated number of
25 4208.

1 CHAIRPERSON PREZEAU: Steve, can you tell us where
2 that number comes -- how do you derive that number? Is
3 that based on permits sold?

4 SECRETARY THORNTON: The -- that was an agreement to
5 leave the compliance level. The same when we had the
6 staff reductions. So that number should be pretty
7 consistent for quite some time now. How close we get to
8 that, it has gradually -- the gaps gotten bigger. Part of
9 that is due to shortage of inspectors, more workload for
10 inspections. So the time they have to spend on compliance
11 goes down.

12 Inspection stops per inspector per day is at 10.8.
13 That has crept up a little bit. It used to be a little
14 closer to 10. This time of year we also have a lot of,
15 you know, annual leave and some of those kinds of things
16 which also affect manpower.

17 Electrical disconnect corrections, 43,401.

18 CHAIRPERSON PREZEAU: Let's talk about that a little
19 bit.

20 So remind me what that -- if you receive a electrical
21 disconnect correction, if I remember correctly what that
22 means is if I am a homeowner or if I'm a contractor and
23 I've called for inspection and an inspector has come, that
24 I have corrections if I don't make them, you will
25 disconnect my power; is that correct?

1 SECRETARY THORNTON: Uh-huh.

2 CHAIRPERSON PREZEAU: So these are serious.

3 SECRETARY THORNTON: Yes.

4 CHAIRPERSON PREZEAU: And I reviewed the transcript
5 from the April meeting, and the number reported in April
6 was 31,099. So I'm more than slightly alarmed that a)
7 that in April it was 30,000 and that now it's 43,000.

8 Because these electrical disconnect corrections, it's
9 for the year, right? It's a running annual total?

10 SECRETARY THORNTON: Yeah, this is for the entire
11 year.

12 CHAIRPERSON PREZEAU: It's a lot.

13 SECRETARY THORNTON: Yeah.

14 CHAIRPERSON PREZEAU: I would imagine that if, you
15 know -- it increases likely because the amount of work
16 that is happening is higher, right? I mean, usually
17 workload is higher in the spring and summer months.

18 SECRETARY THORNTON: And I think that the shortage of
19 manpower everywhere has affected that. People trying to
20 get more done in less time. People maybe not in ratio.
21 Some things of that nature which causes corrections to go
22 up.

23 CHAIRPERSON PREZEAU: What would be interesting for
24 me -- I'm a little bit of a numbers geek -- to understand
25 is -- so we know that there was -- according to the

1 report, there was 39,413 permits were sold within the last
2 quarter. What I would find valuable is if in the October
3 meeting if we could put some additional context on these
4 disconnect corrections. And what I mean by that is I
5 would really like to know the -- I would like to see a
6 correspondence between how many electrical disconnect
7 citations were issued in a quarter maybe; that would be
8 easier. And how many total inspections were ordered in
9 that same time. I guess what I'm looking for is what's
10 the ratio between the electrical disconnect corrections
11 and the total number of permits, how often is it
12 happening.

13 SECRETARY THORNTON: And I know that we can give an
14 average number of corrections written per stop. But that
15 would include some others than just these.

16 CHAIRPERSON PREZEAU: I would appreciate that in
17 October.

18 BOARD MEMBER BRICKEY: I think it would helpful also
19 to know what type of corrections rise to the level of
20 disconnect corrections so that we know the context.

21 CHAIRPERSON PREZEAU: I think that's a great request.

22 This number has a tendency -- I mean, it moves
23 around. But I think if I were to go back -- and I will do
24 this -- will go back in my -- I just think it would be
25 great to have a more complete conversation around what is

1 happening in our industry and is -- anecdotally it feels
2 that this -- the number of electrical disconnect
3 corrections is continually increasing, which I'm sure a
4 contributing factor, as you said, is lack of certified
5 journey level electricians and specialty journey level
6 electricians and the volume of work that's being done
7 right now. I mean, there's work happening everywhere.

8 SECRETARY THORNTON: And I think part of that falls
9 that when people can't hire a contractor because they're
10 either too busy or too expensive, they do it on their own,
11 and that generates a lot of corrections.

12 CHAIRPERSON PREZEAU: Yeah, I would imagine that many
13 of these arise from homeowners doing their own work.

14 John.

15 BOARD MEMBER BRICKEY: Having been an electrical
16 inspector in the past and still perform electrical
17 inspections from time to time, the number while it seems
18 large, it also indicates the need for inspectors and that
19 a good job is being done. And so if there were no
20 corrections worthy of disconnect, you might not need as
21 many inspectors.

22 CHAIRPERSON PREZEAU: No, I agree with your logic.

23 SECRETARY THORNTON: And like John said, the number
24 is large. When you divide that into the number of
25 inspections that we do, it will be down probably at one or

1 less. But if I recall, what I've seen in the past on
2 those averages ...

3 CHAIRPERSON PREZEAU: That might be more comforting
4 to know, right?

5 SECRETARY THORNTON: Yeah.

6 CHAIRPERSON PREZEAU: Thank you.

7 SECRETARY THORNTON: So licensing process turn-around
8 time, our goal is 100 percent the same day. We're at 98
9 percent. There again, we've had quite a bit of turnover,
10 vacant positions even in our staff within the building
11 here. So that has affected that along with the next one,
12 our plan review.

13 Our goal is to get a plan in and out in less than one
14 and a half weeks. Right now we're at about 2.6. We've
15 seen no downturn in plan review. It's actually more an
16 upturn. There's more plans in, more large plans.
17 Schools, hospitals. And we've got some huge ones, 400
18 page plan reviews for new hospitals. So that doesn't
19 indicate any kind of a slowdown anytime soon.

20 BOARD MEMBER BAKER: Well, that capital improvement
21 -- (inaudible) -- that number will improve.

22 CHAIRPERSON PREZEAU: Say that again.

23 BOARD MEMBER BAKER: If they don't pass the capital
24 improvement, then they won't have as many jobs to review.

25 CHAIRPERSON PREZEAU: Yeah, no. Because -- yeah, I

1 understand what you're saying. Hopefully --

2 BOARD MEMBER BAKER: So there is an upside.

3 A little sarcastic. Sorry.

4 CHAIRPERSON PREZEAU: No, I appreciate a good
5 sarcastic comment at the Electrical Board, especially
6 coming from somebody besides me.

7 Bobby.

8 BOARD MEMBER GRAY: Steve, the approved evaluator
9 program, you have the engineering firms that are approved
10 for evaluating equipment primarily I believe, isn't it?

11 SECRETARY THORNTON: Right, yes.

12 BOARD MEMBER GRAY: Number one, how active is that?
13 Are we using that effectively? And number two, is there
14 any way that could be expanded, perhaps reduce the time on
15 plan evaluations? Because I believe those are
16 professional engineers that would do that.

17 SECRETARY THORNTON: Right. And the plans are
18 submitted by engineers. Right now we're looking at
19 electronic plan review, which is something that should
20 speed up the process, should cut down on the amount of
21 paper that we handle. We've -- well, mobile kind of took
22 the front chair time-wise. Now that's back on the agenda
23 to get that up and running.

24 Professional engineers, I don't know, there seems to
25 be a lot of errors to come through in papers. But ...

1 BOARD MEMBER GRAY: But the ones that you've
2 evaluated and approved, whatever there are, six of them?

3 SECRETARY THORNTON: Yes. They're more for
4 equipment.

5 BOARD MEMBER GRAY: I understand, yeah. And so is
6 that being used? Is that being taken advantage of
7 effectively so that they're -- (inaudible).

8 And then number two, though, could that not that same
9 group since you've evaluated them already, could you not
10 extend the plan review process towards that organization
11 maybe to do some plan reviews?

12 SECRETARY THORNTON: And that wouldn't be something
13 that I'd be comfortable with doing.

14 BOARD MEMBER GRAY: Okay.

15 SECRETARY THORNTON: For our licensing, during this
16 quarter there were 6,841 electrical licenses processed.
17 The turnaround time was about 96 percent the same day.
18 And there again, that was due to some staffing shortages
19 in our licensing staff.

20 And when you have new people, which seems like we
21 have them everywhere, you also lose time to training and
22 getting them up to speed and processes.

23 With our -- the temporary license that we had for a
24 while, that look a lot of time to monitor and go through
25 that paperwork, which tied up some of the help that we did

1 have. So that also caused an increase in that.

2 Phone calls have remained steady. And the licensing
3 staff have been able to keep their hold times to about a
4 minute and 30 seconds. And we've also been training
5 people to submit documents to IBM electronically.

6 CHAIRPERSON PREZEAU: What is IBM?

7 SECRETARY THORNTON: That's our -- where we put them
8 into a electronic form, paperwork that we get, and try to
9 cut down on the amount of paper we have to handle, the
10 amount we have to keep for retention purposes and that
11 kind of stuff. You still have to keep it, but at least
12 you're not handling all that paper. And boxes mount up
13 quicker than computer space does.

14 Some other things that are going on right now, we've
15 had some proposals to do some changes to some of the work
16 scopes. We've got one right now that's for the 04, the
17 sign industry. There are some that want some changes to
18 allow some of the LED stuff to expand.

19 The 02 people are talking about some changes to the
20 scope for 02's, maybe to have the number of floors go up.
21 I haven't actually seen that proposal yet, but I know
22 they've gotten the paperwork to turn in.

23 Yesterday we met with the marine people. They're
24 wanting to look at some changes to 555.3, the GFI
25 protection on marinas and such. So I wouldn't be

1 surprised to see a proposal to do a rule change on that.

2 The temporary rule, we decided to not extend that.

3 We talked about that last time. And this, coming around,

4 is a graph of the amount of participation we had in it.

5 And it started at about 18 to 20. It went up as high as

6 50. 54 actually. And then it's dropped off to -- in June

7 we had four, and in July we've had five.

8 So what people were interested, it looks like they

9 came through. The amount of them that stayed and got

10 licensed was even less than that.

11 The Canadian Red Seal part of that operation seemed

12 to be more popular. They have an issue now with a visa to

13 be able to come across the border to work. But at least

14 they've got the ability to test now and get the license if

15 they choose to.

16 Some of the ones that had dual citizenship, that they

17 could come across and, you know, work now. But I don't

18 know that there's too many of those individuals.

19 CHAIRPERSON PREZEAU: I mean, technical specialist

20 Larry Vance reported in April that there was 143 requests,

21 and now 125 have been issued, but only 55 people were

22 actually working here. And then out of the 55, only 24

23 had actually taken the examination. So -- and I think --

24 I wasn't very pleased with those numbers to be honest with

25 you.

1 SECRETARY THORNTON: No. And a lot of what we found
2 was that people were strictly looking at where they could
3 make the most, you know. So even though they could get
4 the license, then it turned out to be a bidding war. I'll
5 go wherever I can make the most and whoever is willing to
6 pay me the most, and that wasn't always here. Even though
7 they had the ability to get here and work without testing
8 for 90 days, that -- you know, if they wanted to come to
9 Washington, it was a good deal for them. But the ones
10 that were strictly looking for money, they had options a
11 lot of other places.

12 CHAIRPERSON PREZEAU: I think it's -- it was an
13 incredibly creative possible solution, right? I think the
14 Department did an excellent job listening to stakeholders
15 and responding to, you know, a creative idea to help
16 improve and staff construction in Washington state. And I
17 -- and unfortunately, it's an experiment that didn't
18 really produce a lot of electricians coming to Washington.
19 And I think that there are additional solutions including
20 conversations we've had around reciprocity with our border
21 states. I think that those conversations should continue.

22 SECRETARY THORNTON: And I think reciprocity is a
23 good answer long-term. Everywhere that you go, everybody
24 you talk to, they're all having the same problems. So how
25 many would come over here to work if we had reciprocity

1 today? There probably would be some. But when it slows
2 down and people need to move around a little more, then it
3 might be a bigger deal. But no, I think it's something
4 that is very worth looking into and something that will
5 need to get in place long-term just for the welfare of the
6 industry.

7 BOARD MEMBER BAKER: I'll tack onto your comments. I
8 agree with everything that was said.

9 From a contractor's perspective, a lot of these guys
10 coming into this state working as electricians may not
11 have necessarily left after 90 days; they may have moved
12 into the office because they're -- not only do we have
13 gaps in the field; we have gaps in the office as well. So
14 some of them could have come in as estimators or project
15 managers or even superintendents for that matter.

16 So in that regard, I think the program is helpful.

17 SECRETARY THORNTON: Well, and that kind of helps
18 the gap. Because it was odd that, you know, out of a 160
19 people, only 25 ended up with licenses. That seemed like
20 a big gap to me. But I hadn't thought about the -- they
21 could move into the office and do that kind of stuff.

22 CHAIRPERSON PREZEAU:: So just to be clear, this is
23 no longer an option.

24 SECRETARY THORNTON: No, no. It expired I believe on
25 the 19th of July. And we didn't extend it again.

1 Jose' brought up the video inspections, the virtual
2 inspection thing this morning.

3 So right now I'm contacting different types of
4 contractors to try and figure out what the list of items
5 that we could look at might be, what kind of interest
6 there is in it, how much they think they might use it.

7 One thing we don't want to do is over-promise and
8 under-deliver. If all of a sudden we decide to do this
9 and there's 3,000 requests and we've only got two people
10 to do it, that would kill the whole process in itself. So
11 right now it's designed to look at small, quick type
12 inspections, 15 minutes or less, so that we can basically
13 take 15 minutes to do the inspection, do our documentation
14 and be ready for the next appointment. And they're 30
15 minutes apart. So that will be the premise we start with.

16 Some of the benefits for us are access issues. A lot
17 of things that we will look at in this will be like a
18 circuit addition, a microwave, a dishwasher where the
19 impact to the customer to be home for the bid, for the
20 installation, for the inspection, and we seem to always be
21 the last one there, so we're the one that takes the brunt
22 of their discontent. But I think that would help
23 everybody, that kind of a scenario.

24 Ditch covers, particular in streets, parking lots
25 where you tie everything up waiting for a cover

1 inspection.

2 Something else that came up -- I talked to a
3 contractor yesterday, and he thought that -- temporary
4 power poles. They own them. They maintain them. They
5 put the same ones up. But, you know, just collected
6 different ideas as I talk to people.

7 The load bank. We hadn't really had that on the
8 list. But it's another one that makes sense for timing.
9 As long as you don't want us to sit there at 3:00 in the
10 morning and look at it on video.

11 But anything like that that is good for the industry
12 and saves us time is high on the priority list.

13 CHAIRPERSON PREZEAU: Go ahead, Don.

14 BOARD MEMBER BAKER: Can I take you back to the 02
15 proposal that you mentioned is coming forward? I know
16 that was at the TAC and was voted down, didn't go into the
17 standard proposals. But I know that that language has
18 been tweaked a little bit. There's been some
19 conversations. And I'm just curious, what's the process
20 to make that rule change and get that implemented, if it's
21 agreed to? Is that something that can be done in short
22 order or is it two years out? How is that ...

23 SECRETARY THORNTON: I don't think it can be done in
24 short order on a permanent basis. Yeah, I don't know.
25 We'd have to explore other avenues if it was something

1 that was agreed to we were going to do. I don't know.

2 We'll have to see how that conversation goes. Changing
3 the scopes hasn't been a real popular subject in the past.
4 And we haven't been in manpower issues like we have today.

5 BOARD MEMBER BAKER: So with the normal course of
6 business then, what would be the anticipated time that
7 someone could expect that rule change to take place, if it
8 was to take place?

9 SECRETARY THORNTON: I would guess six months.

10 BOARD MEMBER BAKER: Thank you.

11 CHAIRPERSON PREZEAU: Any other questions for the
12 Chief?

13 So I think we should consider taking a break.

14 SECRETARY THORNTON: Okay.

15 CHAIRPERSON PREZEAU: Unless you have more.

16 SECRETARY THORNTON: Well, I have a couple more.

17 Along with all of our new people -- and one thing we
18 came out of our SPI program with was a good training plan
19 for inspectors.

20 One of the next things that's pretty high on my
21 agenda is to get a training plan put together for leads
22 and supervisors. With the number of new people we have,
23 we're getting in a situation where the applicants we have
24 don't have an extended amount of experience. So a good
25 training plan for everybody I believe is something that

1 will make consistency within the Department better than it
2 is today for sure.

3 CHAIRPERSON PREZEAU: It's a great idea.

4 SECRETARY THORNTON: And I think that's probably
5 everything that I have.

6 I may contact some of you for some information about
7 the video inspection stuff. I'm going to try and get a
8 good cross section of people to get a reasonable amount of
9 input on this before we get started with it so we can be
10 efficient at it.

11 CHAIRPERSON PREZEAU: I think that sounds incredibly
12 reasonable. And I'm pretty sure Don would love to
13 participate in that.

14 BOARD MEMBER BAKER: Absolutely.

15 CHAIRPERSON PREZEAU: Any other questions, or is
16 there anything that we want to talk about before we take a
17 break?

18 Before we do that, I just want to make sure that for
19 folks in the audience, if you wanted to address the Board
20 under public comment, there are sign-in sheets on that
21 table adjacent to the entry door. And so if you wanted to
22 address the Board, make sure that you're on there.

23 And we will take a break. I have 20 minutes to
24 11:00. How about we take a 15-minute break and come back
25 on the record at five minutes to 11:00.

1

2

(Recess taken.)

3

4

CHAIRPERSON PREZEAU: Okay. So it is 10:56, and I would to reconvene the July 27, 2017, Electrical Board. And we have completed the Secretary's Report.

7

8

Item 5. Certification/CEU Quarterly Report

9

10

CHAIRPERSON PREZEAU: So I think we are under agenda item 5. So Certification/CEU Quarterly Report. So if Technical Specialist Vance would join us, that would be fabulous.

14

MR. VANCE: Good morning, Madam Chairman, members of the Board. I'm Larry Vance. I'm a technical specialist for the Department of Labor and Industries. And I'm here to talk a little bit about our exams and answer any questions you may have.

19

Looking at the exam report that was the previous year, the journal level pass rate for 01 electricians was hanging right in there at 49 percent. That's usually what it is. There hasn't been a lot of change there.

23

Interesting talking to our licensing staff, even with the temporary option there available for the last 240 days that ended here July 19th, we do have a continuous flow of

25

1 out-of-state electrician applications. Some just forego
2 the temporary route; they just take the normal route,
3 which would be to just apply for the examination. They
4 can pass the open-book examination, then they can go work
5 anywhere they wanted in the state.

6 It was interesting on the emergency rule too that at
7 the end of December right before we added the -- you know,
8 we wanted to -- at the end of June -- excuse me -- at the
9 end of June, we wanted to really kind of take a -- put the
10 temporaries under a microscope there, and there was only
11 11 working in the state. Had been a hundred and forty --
12 that time a hundred and forty some odd. And there was
13 only 11 working. Some of the temporaries had become
14 certified electricians. So yeah, there was 30, 40
15 electricians possibly working somewhere as certified
16 electricians that came in under the temporary. But as far
17 as the temporaries, there was only 11 with temporary cards
18 in their pocket. So it was really looking like that whole
19 program was not very effective.

20 Something that we're getting some questions on now
21 that we've adopted the 2017 National Electric Code is when
22 the examinations will be updated. And we're -- it's
23 something that we usually try to get done a year or so
24 after the date of adoption. We don't -- it's not
25 something that we have to set in stone.

1 Looking at the strategy -- it's an open-book
2 examination, and the strategy -- you can report that --
3 that was sent to the Board as part of this Board packet.
4 Still there was some 2008 exam results on there. It's the
5 very tail end of that.

6 And without talking to PSI, our exam provider, we're
7 just kind of -- we're thinking about exploring not having
8 two exams. In other words, just updating the exam and
9 after a given date you should be using the 2017 for your
10 open-book examination.

11 Because it's not a -- I heard a Board member in here
12 earlier today that they were talking about looking at a
13 very old code book. And it was the same. I mean, it was
14 the same wording. So the code really doesn't change that
15 much; it's just very incremental.

16 So instead of having two exams and having to have
17 our exam provider toggle people between those two
18 examinations, what would it be like to just have one
19 examination that's been updated after a given date.
20 So ...

21 CHAIRPERSON PREZEAU: So Larry, if I could interrupt
22 you.

23 MR. VANCE: Yeah.

24 CHAIRPERSON PREZEAU: On page 5 --

25 MR. VANCE: Let me get that. (Pause) Okay, I'm up.

1 Page 5 of 11.

2 CHAIRPERSON PREZEAU: Okay. And it says electrician
3 01 general exam, and then it has all of those results.
4 And then immediately below that it says electrician 01
5 general exam 2014.

6 MR. VANCE: Right.

7 CHAIRPERSON PREZEAU: So I just want to make sure I
8 understand this.

9 So the folks that are warehoused in the 2014, these
10 are the most current people in the system because they're
11 sitting for the most recently adopted code --

12 MR. VANCE: Yes.

13 CHAIRPERSON PREZEAU: -- that we have test questions
14 for.

15 And the people that are warehoused in the bucket that
16 don't have a year, it's possible that this is a
17 combination of people that are sitting in 2011 code and
18 people that are sitting in '08?

19 MR. VANCE: No. We did not adopt the '11, so when
20 the '14 came in there was actually two code cycles of
21 changes worth, so to speak. So there was more difference
22 between that 2008 exam and the '14 and say the '14 and the
23 '17 will be. I mean, it's again, small very incremental
24 changes.

25 We took this approach last time. But we're just kind

1 of entertaining just updating the exam. Because we do --
2 there are examination questions that are evaluated and
3 sometimes changed. There's thousands of questions in the
4 question bank. Every exam is unique. The idea that the
5 code changed and somebody had a different open book in
6 front of them, it's just really not an impact to people
7 that they're now using different reference material in
8 regards to the examination.

9 So there's got to be some way -- like we look at the
10 2008 exam, there you can see that we've had an exam
11 candidate that it's his 24th attempt, and he took it on
12 the 2008 NEC, and he was not successful. It looks like he
13 probably also -- it was his 23 attempt -- 23rd attempt
14 there. So he can take the exam at three-month intervals.
15 That's a significant investment in exam fees at the time
16 for that person.

17 But having one exam would -- I think would simplify
18 things for the Department and also for the testing
19 provider.

20 CHAIRPERSON PREZEAU: I agree with that. Well -- and
21 given the fact that it's -- I'm not 100 percent sure I can
22 discern from the attempts and the number of pass and the
23 number of fail, but it appears that there is not a huge
24 number of people in this situation.

25 You know, if you look at the first attempt, there's

1 six total participants in that class. And if you look at
2 the third attempt, there's nine total participants in that
3 situation. So, you know, moving -- and I know that this
4 is a snapshot, so there's other people -- because there's
5 no eighth exam attempt in this snapshot, right? and
6 there's no 9 and there's no 10. So there's -- you know,
7 because maybe because of that three-month wait period.

8 MR. VANCE: Right.

9 CHAIRPERSON PREZEAU: But, you know, I am assuming
10 from this data that this is -- you know, the highest
11 number in here, like giving you an idea of how many people
12 are in this silo is nine.

13 MR. VANCE: Right. I mean, it would -- you would
14 look at how many took, you know, were on their ninth
15 attempt.

16 But yet candidate "X" who's at 24, when he takes or
17 she takes their 25th attempt, it's going to show up in the
18 exam room results as a 25th attempt. It might be the only
19 -- there won't be a 24th or a 23rd shown. If they wait
20 three years and take it, they'll show up as a 25th
21 attempt. Because they're tracked by their candidate
22 identification number through the testing agency.

23 CHAIRPERSON PREZEAU: Well -- and it looks like -- so
24 we have this -- like two silos from an exam -- or from a
25 code edition for 01's sitting the exam, for 02's. But it

1 looks like we don't necessarily in all of the specialty
2 certificates do we have multiple silos generated because
3 of -- I started the process of -- I was approved to sit
4 the exam when the 2008 code was in effect. And it's
5 taking me this long to get there. Does that make -- is
6 that accurate?

7 MR. VANCE: Yes. It's still -- a lot of it is the
8 pressure on the 01 exam. That's the majority of the
9 candidates. So you're going to have the majority of the
10 results there.

11 CHAIRPERSON PREZEAU: Yeah.

12 And then I'm continually impressed by how some of
13 these subspecialties have so few exam results in a
14 calendar year.

15 MR. VANCE: Yes.

16 CHAIRPERSON PREZEAU: Right? I mean, you know, the
17 03 pump and irrigation, you know, there was 14 people in a
18 year that attempted to take that test for the first time.
19 It doesn't seem like very many.

20 And, you know, when you look at 03A, the subspecialty
21 of that, again, potentially there's more people than that
22 in this silo, but our report reflects that maybe there's
23 as many as four currently in the system, right? And for
24 04 signs, it's -- again, there's likely more; they just
25 didn't sit the test, right? Repeat or resit the test.

1 But it's 15. Just makes me -- you know, I understand that
2 we have a shortage of general journeyman electricians and
3 also residential and the subspecialties; I get that. But
4 I also think that it's consistently demonstrated that some
5 of these subspecialties, very few people are taking
6 advantage of the opportunity.

7 MR. VANCE: Yes. The 2,000 hour subspecialties were
8 -- there's fast-track paths to working alone. They vary
9 between 700 hours and 1,000 hours and 100 percent
10 supervision. Those were -- came into rule -- actually
11 there was legislation that involved those. They wanted a
12 quick way to get those subspecialties to work and working
13 alone. But yet I agree that we're not seeing a lot of
14 participation there. And I don't know if that's an
15 industry issue or what drives that.

16 CHAIRPERSON PREZEAU: Any other questions for Larry?

17 BOARD MEMBER GRAY: Larry -- and I don't know how
18 much of this is driven by policy in regards to which
19 edition are we going to test to. But it appears to me
20 that somebody that's failed a exam 24 times, the edition
21 date is irrelevant. If they're having that much trouble
22 understanding the code concepts, number one.

23 And number two, I guess I'm a little uncomfortable
24 with somebody that fails 24 times now is still reviewing a
25 2008 edition of the code. It seems like they ought to be

1 up-to-date.

2 All I'm doing is supporting what you're suggesting is
3 that maybe we think about going to a newer edition if you
4 have the ability to do so without some sort of a
5 legislative change to our codes.

6 MR. VANCE: Yeah, it would just be the -- as we
7 update the exam, it would be the latest adopted -- we'd
8 never go beyond an adoptive standard, but we would
9 maintain two examinations.

10 BOARD MEMBER GRAY: Whether or not they've already
11 started the examination on a previous edition.

12 MR. VANCE: Correct.

13 BOARD MEMBER GRAY: I support that.

14 BOARD MEMBER JENKINS: Madam Chair, I'd also support
15 that also, having one exam. So that way they're testing
16 to the latest, you know, usability of the code versus like
17 you say, back in 2008, that's not even appropriate for
18 installation. So that just makes sense.

19 MR. VANCE: Yeah.

20 CHAIRPERSON PREZEAU: Any other questions?

21 Were you going to talk more about the Red Seal? You
22 gave us an update last quarter.

23 MR. VANCE: Yeah, I certainly can. There was 14
24 applications for the examination from Red Seal
25 electricians. And we didn't go back through it and look

1 at the results of those.

2 We did hear that, just some casual conversation that
3 several of them had dual citizenship. But we didn't go
4 back through and look to see if they had actually taken
5 the exam. The other thing that would be hard to do would
6 be to track them down and see if they've actually entered
7 the United States and were able to find employment.

8 What we understand, you know, the emergency rule
9 allowed a Red Seal electrician to qualify all of their
10 hours and experience toward examination. Essentially just
11 show us your Red Seal. Show us that you've got 1,000
12 hours of experience in Canada working, and you qualify for
13 our open-book examination.

14 And so 14 people took advantage of that. Purportedly
15 there was hundreds of available electricians in Canada
16 that could come to work. The thing that's holding them
17 back is the Federal immigration laws. Visas are available
18 for college graduates or farm workers or the like, but
19 they're not available for trades people. So that's a
20 Federal obstacle.

21 So we've done what we can. My personal opinion. If
22 I was sitting on the other side of the border there, and
23 somebody opened an open window up, I would at least apply.
24 Because once I apply, I'm approved forever. And if some
25 day the economic barriers to immigration were to change, I

1 might be able to -- that would come in handy. But it's
2 certainly an interesting political quandary as to, you
3 know -- you'd think that if there's purportedly 900
4 electricians in Canada, in British Columbia, just ready to
5 come across the border that they could. But they can't.
6 They can't because of immigration laws.

7 CHAIRPERSON PREZEAU: Well framed.

8 MR. VANCE: Strange. Yeah.

9 CHAIRPERSON PREZEAU: When I reread the transcript, I
10 know we talked about the national reciprocity group. And
11 I don't know that there's a whole lot around that for
12 today.

13 But I did -- I forgot that one of the things that --
14 until I read the transcripts that one of the things you
15 mentioned to us was that -- so I made a note of it to ask
16 you about it was that the state of Texas is -- desires a
17 national electricians certificate or license?

18 MR. VANCE: They were -- yeah. They brought that up
19 with the NERA group that they're championing a national
20 electricians certification.

21 CHAIRPERSON PREZEAU: Do you know, are they gaining
22 any traction on that?

23 MR. VANCE: Their minutes are pretty truncated. You
24 know, we occasionally have a rumbling about it. Someone
25 will ask us why we're not, you know, doing that. And

1 frankly with the difference in licensing between states to
2 states, I mean, half those states have electrician
3 certification; half don't. So how do you start with a
4 national program when only possibly 50 percent would
5 participate in it. So it's a pretty big -- I don't know
6 that they've got any traction, but ...

7 There was a very large contingent of Texas temporary
8 electricians that did come to the state, that they went
9 through -- they met the qualifications. It wasn't huge.
10 But I mean, if you look at the numbers, we know by that
11 state of origin when you get down to the T's, it's all
12 about Texas; there was quite a few of them. But they met
13 the qualifications. They either passed a state-
14 administered examination or they graduated from a state-
15 regulated apprenticeship program. So either way, things
16 must not be booming in Texas perhaps.

17 CHAIRPERSON PREZEAU: Yeah, I just -- I read that,
18 and I got a little bit alarmed. I remember when we were
19 discussing at this Board when Texas implemented their
20 state certification, and it was not very reassuring that
21 their standards were very high or were equal or better
22 than ours. It troubles me to some extent that a state
23 with those types of standards is advocating for a national
24 standard. And I'm reassured by your comments because I
25 think if anybody's going to drive that -- because there --

1 you know, it seems -- like you said, how do you implement
2 a national standard for electricians when only half the
3 states already have that. So I would be -- want to ensure
4 that if that conversation ever gets some traction, that
5 the states with the highest standards are the ones that
6 are driving that conversation and not others.

7 Any other -- oh, Bobby.

8 BOARD MEMBER GRAY: I know, Larry, that group,
9 whatever it is now, 13 or 15 states that are
10 participating, whatever the number is, I know they're
11 meeting in a couple of weeks.

12 MR. VANCE: Yes.

13 BOARD MEMBER GRAY: So it would be nice since we have
14 a surplus of funds perhaps maybe to send a representative
15 to that meeting just to again see if there's -- or
16 investigate whether or not there's some advantage to us to
17 maybe make another attempt to participating with -- just a
18 thought.

19 CHAIRPERSON PREZEAU: I think that's a very valid
20 suggestion.

21 Any other questions or comments for Mr. Vance?

22 Thanks, Larry. Appreciate it.

23

24 Item 6. Public Comment(s)

25

1 CHAIRPERSON PREZEAU: Okay. So we are under public
2 comment regarding items not on the agenda. And I have --
3 there's two sign-in sheets. One is the appeal sign-in
4 sheet, and one is public comment. But I want to -- the
5 appeal sign-in sheet reflects that Ms. Clark-Mahoney
6 signed in in the Noice matter. Mr. Noice signed in in the
7 Noice matter. And Ms. Greer signed in in the presentment
8 of the McClure final order. So we have addressed that.

9 And then on the public comment sign-in sheet, we have
10 two parties. We have Mr. Matson.

11 So Mr. Matson, if you wanted to come up, we would be
12 more than happy to hear what you have to say.

13 MR. MATSON: Thank you, Madam Chair and Board
14 members.

15 My name is Robert Matson -- M-A-T-S-O-N -- for the
16 record.

17 And I am here to thank you, each and every one of
18 you, for the work that you guys do. It does not go
19 unnoticed. It is very much appreciated throughout the
20 industry.

21 I wanted to thank Chief Electrical Inspector Steve
22 Thornton, Jose' Rodriguez, Clint Bryson (phonetic), Tony
23 Beerworth (phonetic) and this whole Board for the work
24 that you did to ensure that the inspectors got a raise --
25 an overdue raise. That goes a long way.

1 And that's about all. I just wanted to let you guys
2 know that I sure appreciate the hell out of each and every
3 one of you guys.

4 CHAIRPERSON PREZEAU: Thank you.

5 MR. MATSON: And so do the stakeholders out there.

6 CHAIRPERSON PREZEAU: Thank you very much.

7 MR. MATSON: With that said, thank you very much.

8 CHAIRPERSON PREZEAU: Appreciate that. Thank you.

9 So then in order, the next person that requested to
10 address the Board is Mr. James Carpentier from I think
11 Northwest Sign Council Association.

12 MR. CARPENTIER: Madam Chair and the Board, I really
13 appreciate the opportunity to speak. I will be brief.

14 I am here to speak about the rule change that was
15 briefly mentioned by Mr. Thornton by the sign industry.

16 Just to kind of give you a little bit of a preview
17 and, of course, to also ask for your support eventually
18 down the road. But what I want to do is just give you
19 just a little teeny bit of background which is really
20 interesting because I've heard a little bit of some of the
21 issues that we're experiencing and all the trades are
22 really experiencing, and I think it really ties in a
23 little bit with this request even though it's certainly
24 officially not part of the request.

25 But just to reiterate, James Carpentier here on

1 behalf of the Northwest Sign Council and the International
2 Sign Council. And our members are a good number of the
3 sign companies located throughout the state and beyond the
4 Northwest too.

5 And really the request is under the current WAC
6 296-46B-920 rules, the specialty license for the sign
7 industry 04, what it does allow the sign industry to do is
8 to service, maintain and repair exterior luminaires. And
9 the request is to allow for retrofit.

10 And we believe that we're not only qualified, but
11 we're -- we have the certification in the crane aspect of
12 it too, which is kind of a big deal because a lot of our
13 work, as you know, is done in the air, and a lot of the
14 requests that come from clients of our member companies
15 are people -- you know, a lot of times we're on site and
16 they're asking for us to do something, and we say -- in
17 relation to retrofit, and we say, Oh, we can't do that
18 because we're not -- that's not a part of the 04 license.
19 I mean, all our guys would say that. I don't know about
20 the -- the non-members, I don't know if they're saying
21 that.

22 But -- so really, that's where it came about is that
23 the gentleman who applied for the rule-change request,
24 Randy Hanson, we've experienced through the years requests
25 from clients to do this type of work, retrofit work, and

1 he's had to say, No, we can't do it. And I think it
2 really ties in with the workforce issue.

3 I don't -- and they can't get the work done often, or
4 they represent to him that they're having trouble getting
5 the work done. And I think what that can lead to -- and I
6 know in our industry, it leads to things that we don't
7 like to see, you know, illegal types of installations or
8 work by entities or individuals that aren't qualified,
9 licensed to do the work.

10 So this is a pretty -- it's a pretty big issue beyond
11 just the request that I kind of wanted to give you the --
12 and you guys I think have a real understanding of what I'm
13 talking about because I've just in this meeting alone,
14 I've heard you talk about it more than ones.

15 So really, that's it. I just wanted to give you just
16 a little bit of background on the request. And that is
17 something that -- oh, I think you've had the crane
18 certification here in this state since 2010, and we've
19 always been certified and even prior to that to deal with
20 working on cranes and doing it in a safe manner.

21 So really, I don't know if it's appropriate with any
22 questions. I'm happy to answer to answer any questions.
23 If it's not appropriate, we could do that after the
24 hearing or whenever, at a later date too.

25 But with that, thank you for the time.

1 CHAIRPERSON PREZEAU: Our court reporter would like
2 you to spell your last name please.

3 MR. CARPENTIER: Oh, okay. I know why too.

4 C-A-R-P-E-N-T-I-E-R.

5 CHAIRPERSON PREZEAU: Any questions?

6 So I just have one. And that is: Have you found the
7 process working with the Department regarding this request
8 for scope change satisfactory?

9 MR. CARPENTIER: You know, it's funny you mention
10 that. I have that somewhere in my notes to mention it,
11 and I forgot to mention it.

12 CHAIRPERSON PREZEAU: So it's been --

13 MR. CARPENTIER: So it has been -- and I work in a
14 number of different states. And I can only give L & I
15 high remarks for working -- I mean, our member applied
16 relatively easily or very easily for the request. So I
17 give you guys high, high grades from my perspective. And
18 I've seen a number of states not be as amenable or as easy
19 to work with I guess is the way to say it.

20 CHAIRPERSON PREZEAU: I'm very happy to hear that.
21 Thanks.

22 Our opinion is very high of our electrical program
23 and the Department in general. But it's nice to hear that
24 from an unbiased neutral third party that's a stakeholder.
25 That's always --

1 MR. CARPENTIER: In fact, I was going to -- was that
2 the Director? I was going to run after him and tell him
3 that very same thing. It's like -- I give L & I high
4 remarks.

5 CHAIRPERSON PREZEAU: Well -- so Mr. Rodriguez is
6 not the Director, but he's in charge of specialty
7 compliance ...

8 SECRETARY THORNTON: Yeah, field services and public
9 safety.

10 CHAIRPERSON PREZEAU: He's pretty high up on the
11 chain. And he will make sure your comment -- he will
12 relay your feedback to him, absolutely.

13 Thank you for coming.

14 MR. CARPENTIER: Thank you for the time. Appreciate
15 it.

16 CHAIRPERSON PREZEAU: Okay. So there are no other
17 people signed in for public comment. But I certainly
18 would allow for any interested folks in the room.

19 It doesn't appear that that is happening.

20 So unless I'm missing something, I will remind Board
21 members that the October meeting which will be last
22 Thursday in October will be in Spokane. So if you need to
23 make -- is -- do we know the location, Bethany?

24 MS. RIVERA: It's going to be the Ramada.

25 CHAIRPERSON PREZEAU: It'll be at the Ramada. So

1 we're familiar with that hotel. What's nice about that is
2 for folks coming in from out of town, you fly in and walk
3 to the hotel.

4 And if you need to make travel arrangements, please
5 do so through -- I think Megan can help. Is it Megan?

6 MEGAN: Yep.

7 CHAIRPERSON PREZEAU: Megan, that's your silo.

8 And she can help with room reservations and -- no?
9 Oh. Just travel. Very good.

10 Any other issues we need to discuss? Dave.

11 BOARD MEMBER WARD: Just wanted to note that
12 September 19th and 20th we have the 66th annual Governor's
13 industrial safety and health conference in Tacoma. And I
14 want to -- it's always a great event. You might want to
15 take a look at the Web site and see if there's something
16 on the agenda of interest to you.

17 CHAIRPERSON PREZEAU: Will you repeat the --
18 September what?

19 BOARD MEMBER WARD: September 19th and 20th in
20 Tacoma.

21 CHAIRPERSON PREZEAU: Thank you.

22 ASSISTANT ATTORNEY GENERAL THOMURE: I went to the
23 conference last year. It was pretty good.

24 BOARD MEMBER WARD: Actually Rod was a guest speaker.
25 So it's a high bar to meet this year, right, Rod?

1 CHAIRPERSON PREZEAU: Great. Thank you for sharing
2 that. Appreciate that.

3 Bobby.

4 BOARD MEMBER GRAY: And just a brief reminder also
5 that the date -- last date for submitting public inputs
6 for the 2020 National Electrical Code is September 6th or
7 7th. I assume that will show up in the Currents
8 newsletter. But just a reminder that if we want to change
9 something that affects this state, to submit a PI for
10 that.

11 CHAIRPERSON PREZEAU: Great. Thanks, Bobby. It's
12 very important.

13 It's kind of amazing that it's -- that the deadline
14 is September of 2017 for a 2020 --

15 BOARD MEMBER GRAY: It's a long process.

16 CHAIRPERSON PREZEAU: It is a long process.

17 Any other announcements for the good of the order or
18 anything of that nature?

19 All right. With that, I would like to thank all --
20 we have 13 Board members. We're only missing two at the
21 July meeting. It's excellent. Because summer's in full
22 swing. I appreciate everybody prioritizing these
23 meetings. It means a lot to me, and it means a lot to the
24 stakeholders. Thank you.

25 ///

1 With that, the Chair would entertain a motion to
2 adjourn.

3

4 Motion to Adjourn

5

6 BOARD MEMBER NORD: Motion.

7 BOARD MEMBER PHILLIPS: Second.

8 CHAIRPERSON PREZEAU: Moved and seconded to adjourn.

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

10 THE BOARD: Aye.

11 CHAIRPERSON PREZEAU: Opposed? We are adjourned.

12 Thank you.

13

14 Motion Carried

15 (Whereupon, at 11:30 a.m.,
16 proceedings adjourned.)

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 21st day of August , 2017, at Tacoma, Washington.

H. Milton Vance, CCR, CSR
Excel Court Reporting
(CCR License #2219)