

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, October 26, 2017
11

12
13 BE IT REMEMBERED, that an Electrical Board meeting
14 was held at 9:00 a.m. on Thursday, October 26, 2017, at
15 the Ramada Hotel, 8909 West Airport Drive, Spokane
16 Washington, before CHAIRPERSON TRACY PREZEAU, BOARD
17 MEMBERS JASON JENKINS, JOHN BRICKEY, JANET LEWIS, RANDY
18 SCOTT, MIKE NORD, DYLAN CUNNINGHAM, DON BAKER, RYAN LAMAR,
19 BOBBY GRAY, KEVIN SCHMIDT, DOMINIC BURKE and SECRETARY/
20 CHIEF ELECTRICAL INSPECTOR STEPHEN THORNTON. Also present
21 was ASSISTANT ATTORNEY GENERAL PAM THOMURE representing
22 the Board.

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

25
26 Reported by:
27 H. Milton Vance, CCR, CSR
28 (License #2219)

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

Thursday, October 26, 2017
Spokane, Washington

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PROCEEDINGS

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CHAIRPERSON PREZEAU: So good morning. It is 9:02.
It is October 26, 2017. I would like to call the
Washington State Electrical Board meeting to order. So
good morning, everybody.

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

CHAIRPERSON PREZEAU: We have agendas in front of us.
So the first item on our agenda is to approve the
transcripts from the July 27th --

Motion

BOARD MEMBER BAKER: Motion to approve --

BOARD MEMBER NORD: Second.

CHAIRPERSON PREZEAU: Motion and second to approve
the transcripts from July 27th.

Discussion on the motion?

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

THE BOARD: Aye.

CHAIRPERSON PREZEAU: Opposed? So moved.

1 Motion Carried

2

3 CHAIRPERSON PREZEAU: It's my understanding that
4 Jose' is in this county and is possibly trying to drive
5 super well to get from the airport here. And I think he
6 has some very important things to chat with us about. So
7 maybe with everybody's permission, we'll hold that agenda
8 item until Mr. Jose' is able to join us. Reasonable?

9

10 Item 3. Appeals

11

12 CHAIRPERSON PREZEAU: So that puts us squarely under
13 agenda item 3, which is appeals. And before we hear any
14 appeals, just a couple of announcements.

15 So Pam this morning presented me with the final order
16 with Todd Noice which is the matter that we heard in July.
17 So the parties were able to come to agreement on what the
18 construct of the final order looks like.

19 And then you may recall that we -- the Board never
20 actually heard the BCK and Brian Kealy appeal because it
21 was announced at the meeting that they engaged in a
22 settlement, but then we never took it off our docket, if
23 you will, so it kind of stayed on our docket because we
24 can't just -- once it comes onto our agenda, we can't just
25 say like, Oh, hey, thanks. Like we have to have an

1 official notice. We don't need the settlement, but we
2 need notification of settlement.

3 So I signed that acknowledgment. So it basically
4 just takes it off our agenda.

5

6 Item 3.A. Husky Injection Molding Systems

7

8 CHAIRPERSON PREZEAU: As you can see, this Husky
9 Injection Molding Systems has been continued until the
10 January meeting, so we're not going to hear that today.

11

12 Item 3.B. St. Joseph's Heating & Plumbing
13 and Wayne Bullington

14

15 CHAIRPERSON PREZEAU: But what we are going to hear
16 today is the Saint Joseph's Heating & Plumbing and the
17 Wayne Bullington matter.

18 So if the parties are here this morning, I would very
19 much like to invite them up to -- Mr. Bullington?

20 MR. BULLINGTON: Yes.

21 CHAIRPERSON PREZEAU: If you would please, sir, come
22 up to the table.

23 And if you would just give me a moment to turn my
24 attention to your paperwork ...

25 And one thing I would like to do before we get into

1 the matter is I know that the record will reflect this,
2 but make sure that it's recognized that the Board has a
3 quorum before we go to the appeal.

4 So Ms. Zurlini and Mr. Bullington, if you would
5 please state your name and spell it for the purposes of
6 our court reporter.

7 And then I'm going to go through sort of a script
8 that has the instructions for our process this morning.
9 Is that reasonable?

10 ASSISTANT ATTORNEY GENERAL ZURLINI: It is.

11 CHAIRPERSON PREZEAU: Very good. Ms. Zurlini, you
12 want to go first?

13 ASSISTANT ATTORNEY GENERAL ZURLINI: Sure.

14 My name is Angela Zurlini. And my last name is
15 spelled Z-U-R-L-I-N-I.

16 CHAIRPERSON PREZEAU: Thank you.

17 Mr. Bullington.

18 MR. BULLINGTON: Wayne Bullington. Last name is
19 spelled B-U-L-L-I-N-G-T-O-N. And I'm the owner of Saint
20 Joseph's Heating and Plumbing.

21 CHAIRPERSON PREZEAU: Very good. Thank you.

22 So good morning. My name is Tracy Prezeau. I'm the
23 Chair of the Electrical Board. And the matter before us
24 today is an appeal in the matter of Saint Joseph's
25 Enterprises, LLC, doing business as Saint Joseph's Heating

1 and Plumbing and Wayne Bullington versus the Department of
2 Labor and Industries, docket number 09-LI-2016-00255 and
3 docket number 09-LI-2016-00254.

4 This hearing is being held pursuant to due and proper
5 notice to all interested parties in Spokane, Washington
6 on October 26th at approximately 9:08 a.m. This is an
7 appeal from a proposed decision and order issued by the
8 Office of Administrative Hearings on January 30, 2017.

9 It is my understanding that decision upheld citations
10 and notice numbers ERADJ00705, ERADJ00706, ERADJ00707 and
11 ERADJ00708 issued by the Department of Labor and
12 Industries on March 15, 2016. It is further my
13 understanding that the appellant has timely appealed that
14 decision to the Electrical Board.

15 At this time, the appellant, Mr. Bullington, is
16 present and represented by himself. And the Department
17 is present and represented by Assistant Attorney General
18 Ms. Zurlini.

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

1 such will independently review the action taken by the
2 Department.

3 When the Department issues penalties that are
4 appealed, the hearing is assigned to the Office of
5 Administrative Hearings to conduct the hearing pursuant to
6 the Administrative Procedures Act. The administrative law
7 judge who conducts that hearing then issues a proposed
8 decision and order. If either party appeals, that
9 decision is subject to review by the Electrical Board.

10 Please keep in mind that while our review is de novo
11 -- so we sit in the same position as the administrative
12 law judge -- we will review the entire record regardless
13 of whether a certain piece of evidence is referenced by
14 the administrative law judge or either party. But we are
15 bound by the evidence in the record and no new evidence
16 can be submitted at this hearing.

17 Each party will be given approximately 15 minutes to
18 argue the merits of your case. Any Board member may ask
19 questions, and the time may be extended at the discretion
20 of the Board.

21 At the conclusion of the hearing, the Board will
22 determine if the findings and conclusions reached by the
23 administrative law judge are supported by the facts and
24 the rules and the law pertaining to licensing, supervision
25 and certification.

1 So I know that Ms. Zurlini, you've been through this
2 process before, so you are likely familiar with it.

3 But Mr. Bullington, I want to make sure that you
4 understand what's going to happen.

5 So we're going to -- because you appealed the
6 administrative law judge's proposed final order, you have
7 the burden of proof in front of this adjudicated body.

8 Everybody that's on this Board comes from the
9 electrical industry. So we have electrical contractors.
10 We have electrical utilities. We have electricians. We
11 have a representative from cities that have their own
12 licensing jurisdiction, a member of the public. So I want
13 to make sure you know that the folks that are rendering
14 the decision today come from the industry and have -- you
15 know, I'm an electrician. So we have some context.

16 So -- and we are also bound -- so everybody's got the
17 same packet that the parties have and read it and made
18 notes. So we come into this hearing with the same -- with
19 the transcripts from the administrative hearing that you
20 guys had -- and I don't remember the date -- but that the
21 judge -- or the ALJ made the decision regarding. We have
22 all of that stuff, the exhibits the Department through the
23 assistant attorney general submitted to that ALJ; we have
24 all that information.

25 So this opportunity is for you to tell us not new

1 information because we can't accept new evidence from
2 either party, but give us an opportunity to understand
3 from your perspective why these citations are
4 unsubstantiated. Does that make sense?

5 MR. BULLINGTON: Sure.

6 CHAIRPERSON PREZEAU: So I just -- so I'll give you
7 about 15 minutes, and then I'll give Ms. Zurlini the same
8 opportunity. When she's done -- and certainly Board
9 members can ask questions of either party and have some
10 discussion.

11 Sometimes people ask for opportunity to rebuttal,
12 just like the ALJ did in the official proceeding. We're
13 always going to err on the side of access, if that makes
14 sense.

15 Are you comfortable with this process? You
16 understand what is going to happen?

17 MR. BULLINGTON: I am comfortable. I understand.

18 CHAIRPERSON PREZEAU: And Ms. Zurlini?

19 ASSISTANT ATTORNEY GENERAL ZURLINI: Yes.

20 CHAIRPERSON PREZEAU: Very good.

21 BOARD MEMBER BRICKEY: Madam Chair?

22 CHAIRPERSON PREZEAU: Yes.

23 BOARD MEMBER BRICKEY: If I could make a
24 clarification, you referred to cities as having licensing
25 jurisdiction.

1 CHAIRPERSON PREZEAU: Excuse me.

2 BOARD MEMBER BRICKEY: Permitting authority.

3 CHAIRPERSON PREZEAU: Yeah, permitting authority.

4 Authority having jurisdiction is what I --

5 BOARD MEMBER BRICKEY: Yes.

6 CHAIRPERSON PREZEAU: Thank you for the
7 clarification.

8 So Mr. Bullington, the floor is yours.

9 MR. BULLINGTON: Okay. I just wanted to start off by
10 saying that I've been in business for over 14 years. Most
11 of my work I do in the city of Spokane who I've always got
12 along great with. I have a spotless record with them. I
13 have always tried to be very compliant and transparent.

14 What brought up this issue is I did two furnaces in
15 the city of Spokane Valley. And in their jurisdiction
16 when I went to pull mechanical permits like I normally do,
17 they informed me that I needed to pull two electrical
18 permits through Labor and Industries, which I did. And in
19 doing that, the inspector had a conversation with me. And
20 there was a low-voltage permit that I was not requested to
21 get and the electrician did not get. And then having a
22 conversation with the inspector, I explained to him that I
23 had been doing work in the city of Spokane for a long time
24 and that we were not required to pull electrical permits
25 for a mechanical changeout unless the circuit needed to be

1 modified if it didn't have a legal ground, for instance,
2 then there needed to be a circuit pulled -- you know, a
3 proper permit to pull a new circuit.

4 So my argument is -- and again, I'm not -- I don't
5 know if everybody's read all the notes, but I'm not
6 contesting what happened whatsoever. My issue and what
7 I'm pleading to the Board is if there could maybe be a
8 little leniency on the fact that I went to the city of
9 Spokane for all these years, and whenever I would pull a
10 permit I would go to the permit specialist and they would
11 never tell me that I needed a permit. All of these jobs
12 for a long time have been inspected, and the inspectors
13 never mentioned that there needed to be an electrical
14 permit, never mentioned that there was an electrical
15 permit, and never enforced anything as such.

16 And in my defense I could show you contractor after
17 contractor that has been doing the same exact thing that I
18 have been doing, some licensed in electrical, some not.
19 Companies like Sturm, companies like KTU that I used to
20 work for that I know some of the supervisors of the
21 service department, and all of them have the same story.
22 We haven't been required to pull an electrical permit.
23 They don't ask for permits. They don't ask for licenses.

24 ASSISTANT ATTORNEY GENERAL ZURLINI: And I don't mean
25 to interrupt Mr. Bullington, but what he's now presenting

1 is not in the record.

2 CHAIRPERSON PREZEAU: Well -- and Ms. Zurlini, as I
3 was discussing with our attorney general is it's actually
4 -- some of it is in the record, and it's what you objected
5 to and the ALJ sustained your objection and ordered for
6 this hearsay to be stricken from the record.

7 So Mr. Bullington, I would request that you refrain
8 from referencing other employers that may or may not be --
9 because -- do you remember this part in the record where
10 the --

11 MR. BULLINGTON: Yes.

12 CHAIRPERSON PREZEAU: And I could go to the
13 transcript page if you want me to.

14 MR. BULLINGTON: I apologize.

15 CHAIRPERSON PREZEAU: If you would refrain from --
16 because we're not -- the judge actually sustained
17 Ms. Zurlini's objection during the hearing and ordered
18 this content to be stricken, so it's not to be considered
19 by any of the Board members in rendering our decision.

20 MR. BULLINGTON: Okay. Could I just make one --

21 CHAIRPERSON PREZEAU: So you can certainly continue
22 to talk, but if you recall, like what the judge said is
23 you can't make statements about other employers because
24 you didn't substantiate that in this evidence in the
25 record. Does that make sense?

1 MR. BULLINGTON: Yeah. Could I just make one final
2 point to that? I understand where you're coming from.

3 But the reason why I don't have --

4 CHAIRPERSON PREZEAU: So --

5 MR. BULLINGTON: -- anybody on my behalf is because
6 they're afraid of getting in trouble and they're wondering
7 why are you getting in trouble.

8 CHAIRPERSON PREZEAU: So this is -- I understand
9 that. This is the same decision that the ALJ rendered
10 that this was hearsay evidence; you could not substantiate
11 that and it was going to be stricken. So we're not to
12 consider that.

13 Do we understand, Board members?

14 I understand your frustration. But if you had
15 brought -- if there was evidence in the record, then we
16 could consider it. But the ALJ rendered a decision, and
17 we're bound by that decision. Unless the Board wants to
18 do something differently or my assistant attorney general
19 tells me we can do something differently.

20 ASSISTANT ATTORNEY GENERAL THOMURE: The problem is
21 is that Mr. Bullington is making statements attributable
22 to other entities which is, in fact, hearsay. He had an
23 obligation to corroborate that hearsay at the time of the
24 administrative hearing. The judge indicated that she did
25 not -- you do have the opportunity to review evidentiary

1 rulings if there is a basis to do that. However, I think
2 the problem here is that Mr. Bullington is attempting to
3 introduce evidence into the record by way of his
4 statements again that are -- he had the opportunity to
5 call witnesses at the administrative hearing from those
6 other entities. He did not do so.

7 Now we are bound by the evidence in the record, and
8 Mr. Bullington -- I think Ms. Zurlini's objection is that
9 he's now attempting to reintroduce that same or similar
10 evidence that he did not fully substantiate or produce at
11 the time of the administrative hearing.

12 So if the Board thinks differently, certainly at the
13 end could review that. But somebody would have to make a
14 motion or Mr. Bullington would have to make a motion to
15 have that part of the record included.

16 CHAIRPERSON PREZEAU: Does that make sense,
17 Mr. Bullington?

18 MR. BULLINGTON: Yes.

19 CHAIRPERSON PREZEAU: Board members, do you have any
20 questions?

21 MR. BULLINGTON: I'm merely bringing that up just as
22 a consideration. I understand that it's not considered as
23 concrete evidence at this point in time. But it's -- it's
24 the only thing I really have to stand on.

25 I guess I would like to finish up with the fact that

1 in discussing this matter early on with one of the
2 supervisors from L & I, he made the comment to me that "I
3 don't think that your argument is with Labor and
4 Industries; I think it's with the City of Spokane."

5 And I understand that this is all just subjective
6 argument on my part at this point in time, but I'm just
7 pleading to the Board to consider that -- look at my
8 record and consider how long I've been in business.

9 I haven't got in any trouble. I've always tried to
10 be compliant. And I was doing what the City of Spokane
11 asked me to do. I wasn't hiding anything.

12 And again, to back up my argument, when I went to the
13 City of Spokane Valley, I did exactly what they asked me
14 to do.

15 And in my defense, I honestly did not know that the
16 City of Spokane jurisdiction was actually L & I's
17 jurisdiction by the way that they have ran things forever.
18 I thought that it was their jurisdiction and they call the
19 shots. In my ignorance I apologize.

20 I did have just one question on the citations. On
21 number J00706, this is pertaining to a permit. Somebody
22 else pointed this out to me. But is it possible that that
23 is something that should have been issued by the City of
24 Spokane? Could that possibly be considered? Because it
25 is in the city of Spokane.

1 CHAIRPERSON PREZEAU: Mr. Bullington, I've sat on
2 this Board since 2005, and I've been the Chair since 2011.
3 And you are not the first person to ask when a citation is
4 given regarding lack of permit. And you will likely not
5 be the last.

6 And I don't mean to be condescending in any way,
7 shape or form. It's -- the reason -- the way the law and
8 the rules are written, the citation is for not having a
9 permit because of the way the law and the rules are
10 written. But what it really comes down to is the lack of
11 -- the permit is what compels inspection. And that's the
12 life-safety piece. So because the way the law is written,
13 the citations reference lack of purchasing of the permit,
14 but what's really in jeopardy is the fact that without a
15 permit there can be no inspection. So there can be no
16 guarantee that the installation is done in a way that is
17 -- complies with the law and doesn't compromise life
18 safety.

19 Does that answer your question?

20 MR. BULLINGTON: Sure.

21 BOARD MEMBER LEWIS: Madam Chair?

22 CHAIRPERSON PREZEAU: Yes.

23 BOARD MEMBER LEWIS: I thought I heard your question
24 to be, Should the City of Spokane have issued the citation
25 as opposed to the State of Washington.

1 MR. BULLINGTON: Yes.

2 BOARD MEMBER LEWIS: Because they are the authority
3 having jurisdiction.

4 MR. BULLINGTON: That is my question.

5 CHAIRPERSON PREZEAU: Yeah, and I think I can answer
6 that. But I am curious to see if whether or not
7 Ms. Zurlini is going to address that in her remarks, and
8 perhaps then instead of coming from me, it would come from
9 the Department since I don't work for the Department.

10 Does that make sense?

11 MR. BULLINGTON: (Nodding affirmatively.)

12 CHAIRPERSON PREZEAU: Very good.

13 But I think Ms. Zurlini will address that.

14 Do you have anything further, sir?

15 MR. BULLINGTON: No. I just -- again, I'm just
16 asking for a plea of ignorance and maybe a consideration
17 of dropping some of the fines or lowering some of the
18 costs.

19 CHAIRPERSON PREZEAU: So noted. Thank you.

20 Ms. Zurlini.

21 ASSISTANT ATTORNEY GENERAL ZURLINI: And I will go
22 ahead and just start with that point so I don't forget to
23 include it later on.

24 So the authority having jurisdiction is required by
25 RCW 19.28 to maintain at least the requirements -- 19.28

1 is the minimum. And if they want to -- or if it wants to
2 have a higher standard, then it can do so by ordinance.

3 In this case, RCW 19.28 requires a permit -- an
4 electrical work permit. And that's what Mr. Bullington --
5 actually Saint Joseph's Plumbing was cited for.

6 And in this matter, as Mr. Bullington stated today,
7 the material facts are not in dispute. He does not
8 dispute the fact that he did the termination and
9 retermination of line voltage and low voltage cable at the
10 Kip address which is the noncompliance location on the
11 citation. He has fully admitted that he didn't get an
12 electrical work permit, that Saint Joseph's is not an
13 electrical contractor, he is not a certified electrician,
14 and that Saint Joseph's -- he is employed by Saint
15 Joseph's, and in this case was employed to do electrical
16 work that he was not certified to do.

17 So material facts establish the basis for all four
18 citations.

19 Within the transcript you also read about five other
20 locations that Mr. Bullington performed the same work at.
21 He received warnings for all five of those locations.
22 That could have been 20 additional citations that the
23 Department in an act of benevolence did not issue actual
24 citations and felt that it was taking compliance effort
25 through the four, and by doing so educating Mr. Bullington

1 on what the law requires.

2 Mr. Bullington asks for your leniency, and in doing
3 so, he says that over the last ten-plus years he's run a
4 clean show, his company has.

5 Mr. Bullington was an electrical trainee and an 07
6 electrician for the greater part of that. He continued on
7 with his continuing education. And so for Mr. Bullington
8 to disclaim the fact that he is without knowledge of what
9 RCW 19.28 requires and what the WAC requires I believe is
10 questionable.

11 In this matter, the material facts establish the
12 basis for the citations. And so the Department asks that
13 you affirm the four citations and their associated
14 penalties.

15 MR. BULLINGTON: I have -- excuse me, could I rebut
16 just one comment made?

17 CHAIRPERSON PREZEAU: Just -- let me see if the Board
18 members have any questions for Ms. Zurlini.

19 BOARD MEMBER BAKER: I have one question.

20 CHAIRPERSON PREZEAU: Don.

21 BOARD MEMBER BAKER: Could you go back and readdress
22 I think his question as to why the City of Spokane did not
23 issue a citation for the permit, and rather the Department
24 of Labor and Industries issued that citation?

25 ASSISTANT ATTORNEY GENERAL ZURLINI: So in the

1 transcript there is no evidence as to -- testimony
2 regarding that question was not elicited, and so I can't
3 tell you why the City of Spokane did not.

4 What I can tell you, as you know, RCW 19.28 requires
5 the use of an electrical work permit for the termination
6 -- re-termination and de-termination of line and low
7 voltage cable, and that's what the State of Washington --
8 that's the compliance effort it took.

9 He didn't get one from -- Mr. Bullington did not
10 obtain an electrical work permit from the city, and so he
11 is in violation of 19.28.

12 And at least with the city, as far as my
13 understanding, a city being the authority jurisdiction,
14 that its ordinances at minimum have to maintain the
15 standard in RCW 19.28. If it wants to do something
16 greater to afford protections to the people here in
17 Spokane, it can do so. But at minimum, RCW 19.28 had to
18 -- and Mr. Bullington needs to comply with it.

19 BOARD MEMBER BAKER: Thank you.

20 CHAIRPERSON PREZEAU: Yeah, so it's difficult to know
21 why -- well, we can't know why the City of Spokane did or
22 did not do. But what everybody I think understands is
23 that there are somewhere around twenty plus -- 27
24 municipalities that are the authority having jurisdiction
25 with respect to permitting and inspection. But what we

1 also know to be true under 19.28 and 296-46B, the
2 associated Washington Administrative Code, is that the
3 Department of Labor and Industries still has compliance
4 authority in all 27 of those municipalities that have
5 their own inspection and permitting which is why the
6 Department has jurisdiction in this matter.

7 Any other questions before I let Mr. Bullington
8 rebut Ms. Zurlini?

9 Very good.

10 MR. BULLINGTON: I just wanted to mention that I was
11 a licensed 07 electrician, and I carried that license for
12 some years.

13 And yes, I am familiar with the WAC and the RCW. But
14 again, I just wanted to point out there that -- two
15 things.

16 Because I was never required to have an electrical
17 permit and every contractor that I came in contact was in
18 the same boat, that the City of Spokane never required an
19 electrical permit, never required an electrical
20 contractor's license. They looked at it and treated it as
21 if it was a plumber changing out a hot water tank and --
22 on landing and relanding wires. That's the way that they
23 honestly treated it.

24 And I've even had -- you know, again, this is
25 circumstantial. I don't think it's in the previous court

1 record. But I've had conversa --

2 CHAIRPERSON PREZEAU: Actually it is.

3 MR. BULLINGTON: Huh?

4 CHAIRPERSON PREZEAU: It's in here. It's in the --
5 you made the same argument in front of the administrative
6 law judge. It's in the transcript.

7 MR. BULLINGTON: Yeah. But as far as -- I'm aware of
8 the WAC and the RCW. But again, in this circumstance was
9 -- this jurisdiction was run by the city, and they acted
10 like it was completely their ballgame.

11 And I'll just finish with that.

12 CHAIRPERSON PREZEAU: Thank you.

13 Ms. Zurlini, do you have anything you want to add?

14 ASSISTANT ATTORNEY GENERAL ZURLINI: Yeah, just
15 briefly.

16 So we've got two things going here. We have the
17 material facts that support the issuance of all these
18 citations, and that's what I would ask every Board member
19 to look at when making a decision in this case.

20 What Mr. Bullington is now offering is his argument
21 as to why he did what he did. And when you read Ernie
22 Crocker, his testimony -- he's the lead mechanical
23 inspector for the City of Spokane -- he was very clear
24 about what happens when a person -- a tradesperson goes
25 into the City of Spokane, asks for a permit. The permit

1 specialist satisfies the request by first looking to make
2 sure that whatever permit is being asked, that the person
3 have the correct licensure. And so for -- it's in the
4 transcript that to go beyond -- for the permit specialist
5 to go beyond the scope of satisfying that request is not
6 something that they do and it's not reasonable considering
7 that there are multiple tradespeople on the same job, each
8 coming in for their own piece of the type of work that is
9 being performed.

10 When Mr. Bullington went into the City of Spokane
11 where he's said he's worked now for the last ten years
12 asking for a mechanical permit, they do check -- or they
13 did check to make sure that he is a construction
14 contractor, which he is, and they satisfied his request
15 and issued the mechanical permit. They would have no
16 reason to know without Mr. Bullington providing the full
17 scope of what he was actually doing to have the foresight
18 to think, Well, what else is he going to do. And so it
19 was not the City of Spokane's responsibility to identify
20 Mr. Bullington's scope of work at the Kip Lane address and
21 all the other addresses he's been working at for the last
22 ten years.

23 MR. BULLINGTON: Could I make one comment?

24 CHAIRPERSON PREZEAU: Sure.

25 MR. BULLINGTON: If you go to the county -- if you go

1 to the City of Spokane Valley, these permit specialists
2 know what you're doing. They know you're changing out a
3 furnace. They know that the furnace has wires going to
4 it. They know that those wires have to be unlanded and
5 relanded. And they require you to go get an electrical
6 permit. They tell you you have to go to L & I to get an
7 electrical permit. The county and the City of Spokane
8 Valley does the same thing.

9 And I would also just like to remind everybody that
10 -- the former docket that in asking Ernie Crocker, the
11 head electrical inspector over at the City of Spokane,
12 Does your system --

13 CHAIRPERSON PREZEAU: What page are you reading from?

14 MR. BULLINGTON: I'm reading on page 85.

15 CHAIRPERSON PREZEAU: Is that of the transcript or of
16 the Board packet 85?

17 BOARD MEMBER: Transcript.

18 MR. BULLINGTON: The transcript, yes.

19 CHAIRPERSON PREZEAU: Okay.

20 MR. BULLINGTON: And my question on page 85 and line
21 number 8: "And what safeguards does your system have in
22 place to assure that somebody is licensed in electrical?

23 "None -- none that I know of."

24 And on the previous page, on page 84, "So tell me,
25 when someone goes to your department to pull a permit to

1 change out a furnace, what safeguards do you have in place
2 to assure that all of the proper permits are being pulled?

3 "I don't know that we have any safeguards as far as
4 that. We don't know when we go to do a furnace if that
5 particular contractor, unless we look it up, is licensed
6 to do both."

7 I mean, I'm sorry, I just -- that's -- I mean, I
8 could understand a little bit on the end of the permit
9 specialist. They're only trained to a certain extent.
10 But these inspectors are going out to these jobs. They're
11 seeing that a furnace is changed out. And these guys have
12 worked in the trades, and they for sure know that those
13 wires had to be unlabeled and relabeled. And they're
14 looking at the circuit. They're making sure it's legal.
15 They're not even -- they're not even noticing -- I mean,
16 they look at the mechanical permit. They're not even
17 noticing that there's no electrical permit. They're not
18 saying "boo" about it.

19 I just think that that is not --

20 CHAIRPERSON PREZEAU: So Mr. --

21 MR. BULLINGTON: I mean, honestly what's the bigger
22 threat to the public?

23 CHAIRPERSON PREZEAU: Yeah, I -- Mr. Bullington, I
24 have a lot of sympathy for that. I wish -- but I was told
25 -- I was given a piece of advice a time ago, which is you

1 cannot control the behavior of others, only how you
2 respond to it. I can't -- I have no jurisdiction over the
3 City of Spokane. Right?

4 But what I do understand, sir, is that you were an
5 electrical trainee, as was I a long time ago during my
6 career as an electrician. I also understand that you sat
7 for and successfully passed the 07 exam.

8 MR. BULLINGTON: Yes, ma'am.

9 CHAIRPERSON PREZEAU: And that actually has -- and I
10 sat for and successfully passed the 01 exam. Different
11 exams, but they -- you know, they test your ability to
12 understand the National Electrical Code, and they also
13 understand what is in this book (indicating) is 19.28, the
14 law, and 296-46B, the rules -- the Washington associated
15 code -- or Administrative Code. And I know as an
16 electrician that as a trainee it was my responsibility to
17 understand what's in this book. And it is definitely my
18 responsibility as a journey-level electrician to know what
19 the rules are. And all of the rules that the Department
20 has cited -- and the law -- is incumbent upon those that
21 engage in the electrical industry either as a contractor,
22 as a trainee or as an electrician to have awareness of.

23 And it is -- from my perspective, the record is
24 very clear. And the Department could have issued I
25 believe -- and I'm looking to Ms. Zurlini to corroborate

1 this, but I believe 24 total citations which is on Board
2 packet page 61. Right? It is testimony with -- so Board
3 packet 61 which is transcript page 41. And I'm reading
4 from line 2.

5 "And there were actually 24 potential violations
6 presented by those six locations?

7 "Yes, ma'am.

8 "And four of which you would agree are at issue
9 today?

10 "Yes, ma'am."

11 I believe this is Ms. Zurlini in her questioning --
12 his name is --

13 BOARD MEMBER LaMAR: Jacob Radan.

14 CHAIRPERSON PREZEAU: -- Jacob Radan.

15 "Actually, ma'am, we issued warnings."

16 "The remaining 20 alleged violations, did you issue
17 citations to Mr. Bullington and St. Joseph's for those?

18 "Actually, ma'am, we issued warnings.

19 "And why did you do so?

20 "Again, it is -- when we perform an investigation,
21 we were not out for anything other than to show what is
22 required from the RCW. And in an attempt to be fair
23 with Mr. Bullington, instead of issuing all of these
24 as citations -- which, you know when I talked to
25 Mr. Bullington, he did advise me that there was some

1 family issues, so taking that into account, I went to my
2 supervisor and I requested with Bob that we may turn these
3 into warnings versus citations.

4 "So out of the 24 violations, Mr. Bullington and
5 St. Joseph's were only cited for four?

6 "Yes, ma'am."

7 So Mr. Bullington, I believe that the Department met
8 their burden of evidence in proving that the work -- and
9 you even admitted it in the transcript and even this
10 morning. What is not in dispute is the work that was
11 performed.

12 And what you are asking this Board for, unfortunately
13 we don't have under the law to ability to comply with. We
14 are bound to uphold the administrative code and the
15 statute. And so we don't have the ability to say, "Hey,
16 you know, in this instance you're a really good guy and
17 you got a really good record and we're really sorry this
18 happened." We don't have the legal latitude to do that.
19 All we have the ability to do is to review the record and
20 say, Was the Department justified in issuing the
21 citations. And given the fact that Department already
22 issued 20 warnings in conjunction with the violations and
23 only issued four citations, my perspective this morning is
24 that the Department demonstrated a level of leniency that
25 -- demonstrated a level of leniency.

1 And so at this moment what I would like to do is hear
2 from other Board members about what their position is on
3 the matter in front of us.

4 Mr. Burke.

5 BOARD MEMBER BURKE: I just want to clarify for the
6 record, Who is the authority having jurisdiction for
7 electrical permitting in Spokane? Is it L & I or is it
8 the City of Spokane?

9 CHAIRPERSON PREZEAU: So for permitting and
10 inspection it is the City of Spokane.

11 BOARD MEMBER BURKE: I just want to -- it's a
12 compliance discussion versus a permitting discussion. So
13 I just want that on the record.

14 CHAIRPERSON PREZEAU: Okay.

15 Any other questions, comments, Board members?

16 BOARD MEMBER JENKINS: On I guess page 94 of the
17 transcripts -- page 74 transcripts.

18 CHAIRPERSON PREZEAU: Page 74 of the transcript.

19 BOARD MEMBER JENKINS: Yes.

20 CHAIRPERSON PREZEAU: Page 94 of the Board packet.

21 BOARD MEMBER JENKINS: What I am concerned with is an
22 answer from Mr. Ernest Crocker.

23 It says, "If the individual is a licensed contractor
24 and has certification for doing that work, (to just)
25 unhook (and rehook wires), we do not require a permit."

1 My bigger concern is, Well, he doesn't have a
2 license, so it doesn't make -- that doesn't change the
3 result of this investigation. But I'm more concerned with
4 they're not requiring a permit for that type of work where
5 the State does. And so that to me is more a need-to-be-
6 fixed item with the State -- or the city, not so much with
7 the State.

8 CHAIRPERSON PREZEAU: I agree with you. There's some
9 -- you know, this case is interesting in that it seems to
10 -- and I think what I'm hearing you say is the same
11 conclusion that I came to, which is -- and Ms. Zurlini
12 mentions this is the statute requires that, Hey, if a
13 municipality wants to have permitting and inspection, the
14 standard has to be equal or better. And what I think ends
15 up being discovered in this case is that it appears with
16 the information in the transcript that the City of Spokane
17 does not have a permitting and inspection model that is
18 equal or better given this information here. And I think
19 that's why in the transcript -- and I don't remember which
20 page it is, but Mr. Crocker indicates that he is -- maybe
21 as a result of this investigation is working with the lead
22 in Region 6 over here in Spokane to try to figure out how
23 do we get things back on track. And that's not the matter
24 in front of us today this morning.

25 We can ask the Chief to -- you know, if you're

1 interesting in having that conversation with the Chief,
2 then we can do that. But this is the matter that's in
3 front of us is whether or not these citations were
4 appropriately given.

5 And I want to remind Board members that don't get
6 hung up in, Hey, he didn't buy a permit, and the City of
7 Spokane doesn't issue permits. What it really comes down
8 to is the fact that this work was done without inspection.
9 And this is -- these are furnaces in people's homes.

10 Any other questions or comments from Board members?

11 BOARD MEMBER LaMAR: Madam Chair, in fact, I don't
12 remember which page it is, but Mr. Bullington did
13 introduce that the inspection is pretty important because
14 what can happen at the end result that people's lives are
15 at risk.

16 CHAIRPERSON PREZEAU: Agreed. I said like --
17 because he actually asked Mr. Crocker, What would happen
18 -- who would have the liability in the event that
19 something catastrophic happened as a result of a
20 negligent or haphazard electrical installation. So it's
21 clear in the record that Mr. Bullington understands that.
22 But that's --

23 You know, the thing about electricity is it's
24 invisible and it can kill you.

25 BOARD MEMBER LaMAR: And it's indiscriminate.

1 BOARD MEMBER BRICKEY: Madam Chair, representing the
2 City of Longview and cities with jurisdiction, 19.28.0101
3 sub (3) has been referenced with regard to cities having
4 the right or authority to enact and enforce any
5 ordinance, rule or regulation requiring an equal, higher
6 or better standard. And I want to note this of
7 construction: equal, higher or better standard of
8 materials. It doesn't say anything about administration
9 of the code.

10 I will tell you that the City of Longview in
11 Mr. Bullington's case would have required an electrical
12 permit. But in my read of 19.28.010 sub (3), I think it's
13 pretty specific to construction and materials, not the
14 administration of how permits are issued or how
15 inspections occur.

16 If there is a dispute and this is something that
17 would be handled outside of this case, if there is a
18 dispute of local jurisdictions, whether they have indeed
19 adopted an equal, higher or better standard, 19.28.020 --
20 or 021 gives an arbitration and appeal process to deal
21 with that.

22 CHAIRPERSON PREZEAU: Yeah. And we -- I'm glad that
23 you bring that up because we've had this conversation
24 before. And I think if you continue reading 19.28.010
25 subsection (3), it goes on to read, "In a city or town

1 having an equal, higher, or better standard the
2 installations, materials, devices, appliances, and
3 equipment shall be in accordance with the ordinance, rule"
4 -- and it talks installation and I guess maybe inferred
5 from that -- I mean, this is an interesting conversation.
6 I believe the application has always historically been
7 it's not just the permit and inspection, right? It's --
8 well, it is, but it's not just the installation; it's the
9 permitting and inspection because that's what the cities
10 do, right? So it is the permit and inspection.

11 But interesting -- you know, I welcome this
12 conversation, you know, later today under a different
13 agenda item. But the Board has in front of it a decision
14 to render. And at this moment the Chair would entertain a
15 motion.

16

17 Motion

18

19 BOARD MEMBER JENKINS: I motion to keep citations
20 ending with numbers 705, 706, 707 and 708 as they stand.

21 CHAIRPERSON PREZEAU: So what I understand -- before
22 we entertain a second -- is I understand, Jason, your
23 motion is to uphold the proposed final order in -- the
24 ALJ's decision to uphold citations ERADJ00705, 00706,
25 00707, 00708.

1 BOARD MEMBER JENKINS: That's correct.

2 CHAIRPERSON PREZEAU: Is there a second?

3 BOARD MEMBER NORD: Second.

4 CHAIRPERSON PREZEAU: Discussion on the motion?

5 Bobby.

6 BOARD MEMBER GRAY: Madam Chair, I support the motion
7 on the floor. I think this Board's been very consistent.

8 Almost all of these that we hear, there is a certain
9 amount of empathy that the Board feels towards the
10 appellant. In almost all cases there was some item there
11 where a person was not knowledgeable or misunderstood,
12 miscommunicated to. But I think we've been consistent,
13 and I think we need to maintain that consistency for the
14 fairness of everybody in this state and all the people at
15 risk.

16 Thank you.

17 CHAIRPERSON PREZEAU: Thank you, Bobby.

18 Any other questions or comments or concerns?

19 BOARD MEMBER LEWIS: Madam Chair, I also support the
20 motion not only on the grounds of not taking out a permit
21 and getting the inspection, but also performing work
22 without having a valid contractor license or certificate.
23 And, you know, this is akin to the underground economy.

24 You had every opportunity to reinstate your license.

25 And I think that's just as egregious as not having an

1 inspection.

2 MR. BULLINGTON: Can I make one quick point there?

3 The majority of this --

4 CHAIRPERSON PREZEAU: Mr. Bullington, this matter is
5 now being discussed by the Board members.

6 MR. BULLINGTON: Okay.

7 CHAIRPERSON PREZEAU: Thank you.

8 Any other questions, concerns from Board members?

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

10 THE BOARD: Aye.

11 CHAIRPERSON PREZEAU: Opposed? Motion carried.

12

13 Motion Carried

14

15 CHAIRPERSON PREZEAU: So the Board has made its
16 decision, Mr. Bullington.

17 And Ms. Zurlini, have you prepared a final order?

18 ASSISTANT ATTORNEY GENERAL ZURLINI: I have prepared
19 a final order. And what I did, Madam Chair, is I
20 distilled the order from OAH down just to the salient
21 facts in terms what was issued, what was stipulated to,
22 and the final outcome. Removing from that order the
23 argument about the city and other things I just clouded
24 what really happened here.

25 CHAIRPERSON PREZEAU: Yeah. No, I'm glad because --

1 I'll turn the Board members' attention to the proposed
2 final order from the administrative law judge.

3 There was some statements that were made both in the
4 order summary and also in the findings of fact that were
5 confusing.

6 What I mean by this is like example in Findings of
7 Fact 4.3, it refers to the appellant as being an HVAC
8 contractor when, in fact, he's technically not an HVAC
9 contractor; he is a construction contractor. But -- I
10 think that's what your license says.

11 And so there's -- and then it says, you know, in 4.6,
12 it says it didn't obtain an electrical permit from the
13 Department. Well, that's for the Kip Lane address, and
14 that's in the city of Spokane and couldn't get it from the
15 Department.

16 So there's some erroneous pieces in here that aren't
17 substantive enough to say that we got -- but they are
18 annoying or problematic. It presents some level of issue.

19 So Mr. Bullington, what is -- so the Board has made a
20 decision to uphold the four citations. And what's going
21 to happen now is Ms. Zurlini has a proposed final order
22 that basically encapsulates what the proposed final order
23 from the administrative law judge that you have in your
24 book and the Board's action today upholding those four
25 citations.

1 So what happens going forward is I'm going to ask you
2 to consult with Ms. Zurlini and have a look at that final
3 order -- proposed final order and see if you can agree to
4 the terms of that final order.

5 Now, you don't have to like the fact that the Board
6 -- you don't have to agree with the Board in that we
7 upheld those four citations. But if the document that
8 Ms. Zurlini has accurately portrays what happened at the
9 -- in front of the ALJ and the decision that was rendered
10 today, that's not in dispute, then if you can agree on
11 that, then Ms. Zurlini can present that order for our
12 signature, and it can be moved forward.

13 You certainly have appeal rights for our decision.
14 And I -- it would be inappropriate for me to advise you
15 what those appeal rights are. But others are able to do
16 that -- attorneys.

17 Does make sense?

18 MR. BULLINGTON: Uh-huh.

19 CHAIRPERSON PREZEAU: So if you dispute or do not
20 agree with the document that Ms. Zurlini has drafted, then
21 what -- and if I don't want to -- if you say, This doesn't
22 accurately portray what happened, then what will happen is
23 we will schedule what's called presentment of final order
24 and we will put it on our agenda and we will hear in
25 January, likely in Tumwater, Washington, why the material

1 -- not -- we won't hear about why the citations should or
2 should not have been upheld or not. What we will only
3 discuss is whether or not the document Ms. Zurlini has
4 drafted accurately represents the actions the Board and
5 the ALJ took.

6 Does that make sense?

7 MR. BULLINGTON: Uh-huh.

8 CHAIRPERSON PREZEAU: Do you have any questions?

9 MR. BULLINGTON: No, I don't think so, not at this
10 time.

11 CHAIRPERSON PREZEAU: Ms. Zurlini, do you have any
12 questions?

13 ASSISTANT ATTORNEY GENERAL ZURLINI: No.

14 CHAIRPERSON PREZEAU: If you're able to reach an
15 agreement as to the form of the order before the next
16 meeting, please forward it to the Secretary of the Board's
17 office, and they will ensure it gets signed and copies
18 provided for the parties.

19 Thank you very much.

20 ASSISTANT ATTORNEY GENERAL ZURLINI: Thank you.

21 MR. BULLINGTON: Thank you.

22 CHAIRPERSON PREZEAU: Okay. So Board members --
23 Milton, how's your paper?

24 COURT REPORTER: I'm -- we're good.

25 CHAIRPERSON PREZEAU: So we are under Secretary's

1 Report, but I'm curious if -- is Jose' here?

2 UNIDENTIFIED: They just arrived.

3 SECRETARY THORNTON: Yeah, they landed just -- yeah,
4 they should be close.

5 CHAIRPERSON PREZEAU: Okay. Very good. Why don't we
6 -- how about this: Let's take a quick five-minute break
7 because then we can go on the record -- let's -- I have 7
8 minutes to 10:00. Let's come back at five minutes after
9 the hour, and we'll hopefully have Mr. Rodriguez. How
10 does that sound?

11 (Recess taken.)

12 CHAIRPERSON PREZEAU: Okay. It is 12 minutes after
13 10:00, and I would like to reconvene the October
14 Electrical Board meeting.

15

16 Item 2. Departmental/Legislative Update

17

18 CHAIRPERSON PREZEAU: And we have been joined this
19 morning by Jose' Rodriguez and David Puente. If you would
20 -- gentlemen, if you would be kind enough to come up, I'd
21 love to chat with you this morning.

22 And gentlemen, if you would be kind enough to state
23 and spell your name for the court reporter, I'd greatly
24 appreciate it.

25 MR. RODRIGUEZ: So I'm Jose' Rodriguez, the Assistant

1 Director for Field Services, Employment Safety. I'll
2 spell the first name. J-O-S-E. Last name Rodriguez --
3 R-O-D-R-I-G-U-E-Z.

4 MR. PUENTE: Good morning. I'm David Puente, his
5 replacement as Assistant Director for the Department of
6 Labor and Industries. David is common spelling. Last
7 name P-U-E-N-T-E.

8 CHAIRPERSON PREZEAU: Thank you, gentlemen.
9 The floor is yours.

10 MR. RODRIGUEZ: Okay. Well, thank you again for the
11 opportunity to address the Board this morning, Madam
12 Chair.

13 But David Puente here is graciously accompanying me
14 today because I've announced my retirement from the
15 Department as the Assistant Director. And it'll be
16 effective the end of December.

17 And so my commitment to Ernie LaPalm, our Deputy, was
18 that I would give him, you know, a few months to help --
19 to work in finding my successor. And the agency has named
20 David to be my successor. So I wanted to -- I don't think
21 we're going to meet again before the holidays, so I wanted
22 to make sure that I had the opportunity to introduce him
23 formally to the Board. But rather than read off all of
24 David's qualifications, I'll just have him ... if it's
25 okay --

1 CHAIRPERSON PREZEAU: Absolutely, absolutely.

2 MR. RODRIGUEZ: -- address the Board.

3 CHAIRPERSON PREZEAU: Thank you.

4 Mr. Puente.

5 MR. PUENTE: Good morning, Madam Chair. Good
6 morning, everyone.

7 Again, my name's David. I've been with Labor and
8 Industries for a little over 25 years.

9 A little bit about my background.

10 I started with the Department as a fraud
11 investigator, then I went into the Division of
12 Occupational Safety and Health. And I have -- my degree
13 is out of Central Washington University in occupational
14 safety and health. So I worked in the safety and health
15 side for about 15, 18 years over at -- out of our Yakima
16 office. I was in Eastern Washington for approximately 18
17 years. I transferred over to our central office in
18 Tumwater about seven years ago. And I was the statewide
19 compliance manager for DOSH. I then became the Deputy
20 Assistant Director for DOSH. And the last three years
21 I've been serving with the agency as the HR director.

22 It's a pleasure and it's an honor to be here, and I
23 look forward to working with all of you.

24 CHAIRPERSON PREZEAU: Thank you.

25 Any questions for Mr. Rodriguez or Mr. Puente?

1 I got some.

2 Well, firstly, I have to -- I will say this -- is,
3 you know, we have four meetings a year, and we usually try
4 to get one over in Spokane and maybe in Ellensburg,
5 Wenatchee because, you know, electrical work doesn't just
6 happen on the west side of the Cascades. And so -- but
7 when I -- but, you know, when I found out that Jose' was
8 going to be here this morning, I was like, What is
9 happening?

10 BOARD MEMBER GRAY: What's wrong?

11 CHAIRPERSON PREZEAU: Yeah, exactly.

12 Because although Jose' has always been incredibly
13 accessible and, you know, we have our meetings in the
14 Tumwater L & I office, even sometimes your schedule
15 doesn't permit you to come downstairs.

16 And so the fact that you came to -- over to
17 Spokane --

18 MR. RODRIGUEZ: In the weather.

19 CHAIRPERSON PREZEAU: In the weather -- I said, What
20 is going on?

21 So we knew that your retirement was coming, but we
22 didn't know -- I didn't know it was so -- it was upon us.

23 And the reason that I -- and then I have some
24 questions for you.

25 But I was talking with Jose' during the break, and I

1 said, you know, for heroes, retirement is never good
2 timing, right? So when you have heroes within your
3 industry that decide to retire, it's never good timing for
4 the rest of the folks that are left behind. And this --
5 or that are left doing the work. And that is definitely
6 true of Jose'.

7 And even -- it's ironic; I think it was the April
8 meeting when you were addressing the body, and I said,
9 Hey, it's possible I don't get reappointed to this Board,
10 so it's possible this is the last time you and I have this
11 conversation. And then we had a conversation in July.
12 And --

13 MR. RODRIGUEZ: And you're still here.

14 CHAIRPERSON PREZEAU: This is the last time we're
15 going to have this conversation in this way. And I just
16 want to like -- it is appropriate to remind the industry
17 and everybody in this room some of the things that Jose'
18 helped get done because it has real impacts on
19 electricians and contractors and state workers and their
20 families.

21 And so if you guys -- you know, I don't know that --
22 I don't know if Jose' was the one that said, Hey, let's
23 start using Lean processes at the State. But I sure know
24 that for me, he's the face of the Lean process in terms
25 of, you know, application and continuing to operate under

1 those guiding principles and, you know, what does that
2 look like in all of our processes and how can that make
3 our -- how can that benefit the stakeholders? How does
4 that make us better as a deliverer of services for our
5 customers? And that's Jose'.

6 And then you remember you were instrumental in -- and
7 you would argue I'm assuming, like you -- I'm not trying
8 to make you feel uncomfortable. I think you're a fairly
9 humble human being. But you will say, Well, I wasn't
10 instrumental in helping like get the inspectors the
11 ability to participate in continuing education; all I did
12 was help bring the group together. So like you're what I
13 consider a servant leader. You would -- you bring -- you
14 do incredibly good work and very rarely do you take credit
15 for it. You give the credit to the other folks, and
16 that's very noble.

17 So you were instrumental in restoring inspectors'
18 ability to delivery continuing education and training for
19 electricians and contractors, and that benefits our
20 industry.

21 And the mobile inspection initiative. So under your
22 tenure, like we've got a whole new inspection system that
23 is -- you know, has gone from implementation to, hey,
24 refinement again, like having a Lean lens put on it. Like
25 how do we make it better. And included in that, and I

1 think, you know, Don, you were superexcited to find out,
2 Wait a minute, so immediately after my inspection, I'm
3 going to get an e-mail that says my inspection is clear?
4 And it's like, Yes, as long as we have wi-fi. You know,
5 as long as we have access to the Google. And that was
6 under your tenure.

7 And then, you know, we also had -- we saw the
8 Department respond to, you know, the electrical industry
9 and its massive expansion up to the third quarter of 2008.
10 And we had I think 144 inspectors and obviously support
11 staff and all kinds of, you know -- and then we didn't.
12 Because I remember Ron Fuller reporting to this Board in I
13 believe late 2009, early 2010, he said the state forecast
14 is that the electrical construction industry will not
15 return to pre-2008 levels until 2014. And I remember
16 looking around the room saying, That's four years from
17 now. And it actually took longer than that, right? And
18 we weathered that. And we had --

19 And to your credit, we had -- is it Bob Thomas that
20 does the crazy charts and graphs? Like he was potentially
21 -- in hindsight we now have a mechanism to predict if
22 we're making those same sort of mistakes in terms of are
23 we losing touch with the industry so that doesn't happen
24 again, right? And that's huge. Because, you know, a wise
25 person -- or a smart person runs from their own mistakes;

1 a wise person runs from the mistakes of others. And now
2 the Department will likely never repeat that or like
3 losing touch with what exactly is happening, right?
4 Because we have forecast models now that we run from.

5 And then the class and comp package. And I remember
6 -- I don't remember what the meeting it was, but you sat
7 in that chair and said, Madam Chair, members of the Board,
8 if we get this passed, we won't see -- those inspectors
9 will not see a wage increase until July of 2017. And I
10 actually audibly made some -- a snarky comment because I
11 was like, What? It's going to take that long?

12 And it did take that long. But we got I think
13 everything that we needed, right? And we got a budget
14 passed with funded, you know, full-time employees, FTE's,
15 and we're hiring those folks, and some of those folks are
16 going to do training and education in different parts of
17 the state to make sure that we continue to improve, and
18 that stakeholders and customers continue to be the
19 beneficiaries of that.

20 And so I think -- I would be remiss if we did not
21 call all those achievements on the record.

22 And the fact that, you know, you have a historical
23 trend of being a problem solver and not a problem maker,
24 which I think is -- it's not -- your predecessors have not
25 always been able -- I have not always been able to say

1 that as honestly as some of your predecessors. So --

2 And you are a true problem solver regardless of what
3 the politics are, right? You do what's right regardless
4 of who's watching and who's not watching. And that's
5 called integrity.

6 So Mr. Puente, I'm incredibly excited about working
7 with you. And I hate to tell you this, but you got some
8 really big shoes to fill. And I'm pretty sure that you --
9 I look forward to seeing you fill those shoes and being
10 successful.

11 MR. PUENTE: So do I.

12 CHAIRPERSON PREZEAU: Thank you for coming. Thank
13 you for coming. It means a lot. Thank you.

14 (Clapping.)

15 MR. RODRIGUEZ: I do have one final report.

16 CHAIRPERSON PREZEAU: Well -- you see this, Jose'?
17 This (showing) is the transcript from July, and these are
18 my questions for you.

19 But that's -- you know, I'm sure you got it. But
20 yeah, I would love to hear your report.

21 MR. RODRIGUEZ: Well, I've always been honored by the
22 opportunity that the Department gave me to have this
23 position.

24 You know, I did 30 years in the military, I thought
25 that was a really personally and professionally rewarding

1 career.

2 And I was very likely that I fell into another
3 organization where -- you know, in the military, it's
4 about the mission. That's what people focus on. Probably
5 just like your jobs. You know, it's about getting that
6 job done, getting it done right and to the best of your
7 ability. And then you move onto the next challenge.

8 And so I did that for 30 years in the military, and I
9 just happened to find an organization where I could get
10 into the same mission, you know, which is keeping
11 Washington safe and working. So when you think about that
12 as a mission, it's pretty enduring. The fact that as a
13 public servant, you can continue to serve not only the
14 communities that you're supposed to serve, but they're the
15 communities that you actually live in. And that's what I
16 try to remind our inspectors that, you know, as
17 inspectors, they're helping to keep -- maintain the
18 viability of the electrical industry, but they're also
19 making their communities where they live better and safer.
20 And so it's a noble enterprise, a noble mission.

21 So thank you all very much for the kind words today.
22 And I'm very humbled by that. But for me, it's been a
23 pleasure to serve.

24 Now, in terms of my update, legislative-wise, as you
25 all know, this would be the short session coming up

1 starting in January. And so the guidance that kind of
2 goes out to the agencies from the Governor is to keep
3 things to maintaining what you have or things that are
4 really kind of emergency things that come up.

5 So we don't have any agency-sponsored legislation
6 coming up in this next session. That does not mean that
7 one of the stakeholders or somebody or a legislator could
8 propose legislation that might impact the electrical
9 program. And our job there is to obviously is as that
10 legislation is proposed to provide the information that
11 they need to a decision on. So we're kind of going to see
12 ourselves I think in the support role this next
13 legislative session.

14 On the other front, rulemaking, which happens almost
15 continuously, you know, we're still going through the code
16 adoption. And so all that's ongoing right now.

17 I don't know if, Steve, you've gotten any chance to
18 talk to the Board?

19 SECRETARY THORNTON: No.

20 MR. RODRIGUEZ: Not yet? Okay.

21 So we do have some rulemaking on the 02 residential
22 and 04 signs and scopes of work I believe. If I read the
23 minutes right, you all might be considering some of those
24 today?

25 CHAIRPERSON PREZEAU: Uh-huh.

1 MR. RODRIGUEZ: So you'll get into that.

2 Budget. We are not proposing anything for the
3 electrical program as well in terms of a budget. But we
4 do have to make sort of an administrative correction.

5 When we got the class and comp package and we got the
6 additional salaries, because the budget was passed at the
7 very last minute or last hour, it didn't transfer over
8 into this biennium. So we're going to have to request
9 that money and get it into our budget. But I'm told it's
10 kind of an administrative thing. It's not only this
11 program; it's happened in other programs, other accounts
12 as well.

13 CHAIRPERSON PREZEAU: So because of the timing of the
14 capitol budget -- excuse me -- the operating budget,
15 because the capitol budget never actually -- there was no
16 up or down on that, right?

17 MR. RODRIGUEZ: So in the budget, we're -- proposals
18 for different classifications to get this class and comp
19 bumped, those were approved. And they usually come with
20 the funding. That's the way it works. But for whatever
21 reason, the funding didn't shift over. And so we just
22 have to go back and ask for that funding.

23 It's happening in several programs. Everywhere where
24 we did a class and comp bump, we had to go back and get
25 that money -- the authorization put back into our account.

1 CHAIRPERSON PREZEAU: But are the inspectors getting
2 paid?

3 MR. RODRIGUEZ: Yes.

4 CHAIRPERSON PREZEAU: Okay.

5 MR. RODRIGUEZ: It does not affect anybody's
6 paycheck.

7 CHAIRPERSON PREZEAU: Okay. That's odd.

8 I mean, I sort of operate under the principle that if
9 I sign something that says I'm going to pay this amount of
10 money, and if I don't pay that amount of money, then it's
11 kind of on me, right?

12 MR. RODRIGUEZ: Well, in our budget process, really
13 it wasn't until a couple weeks ago when we really at our
14 level, at the agency level, we find out what's actually in
15 the bank, what money we do have to operate with. So it
16 takes a while to construct a budget.

17 CHAIRPERSON PREZEAU: So Jose', this might be apples
18 and oranges. So I understand the class and comp. But
19 then there was also some FTE's, full-time employees, and
20 you'd hired 9 of the 18 that were authorized. This was
21 the report of July. Are those FTE's in the same bucket as
22 the class and comp in terms of what you just said?

23 MR. RODRIGUEZ: Yes.

24 So there's FTE's that were also approved in the
25 budget. I have 17. Was it 17?

1 SECRETARY THORNTON: Yeah. 17 and 1.

2 MR. RODRIGUEZ: 17 and the trainer. I'm sorry.

3 CHAIRPERSON PREZEAU: Yeah. No, got it. 17 and 1.

4 So 18 FTE's. One is going to be to provide education and
5 training, and the other 17 are to be inspectors/ECORE.

6 MR. RODRIGUEZ: Correct.

7 CHAIRPERSON PREZEAU: Okay.

8 MR. RODRIGUEZ: And we're placing them in over the
9 biennium. That's the way the budget is built also that we
10 bring on -- we don't bring them all on at the same time.
11 So as we hire this group, then at certain dates with our
12 windows, we'll go hire the remaining inspectors.

13 So those FTE's, their salaries and their class --
14 with the class and comp bump are in the budget.

15 So it's all that money. But for the inspectors who
16 are already existing who got the class and comp bump, that
17 money did not transfer over --

18 CHAIRPERSON PREZEAU: Transfer over.

19 So we're likely to hear about that and the impact on
20 our electrical fund when the secretary gives --

21 MR. RODRIGUEZ: We're going to see a dip. And then
22 it'll be restored.

23 CHAIRPERSON PREZEAU: Got it. Thank you.

24 MR. RODRIGUEZ: The other thing that I'd like to
25 report is that we do have the 11 program specialist 2

1 positions that we created and started working on a couple
2 years ago. Those have all been hired statewide, and
3 they're all in some different levels of training.

4 I just met yesterday with some of our inspectors, and
5 they're very appreciative of the fact that they're getting
6 some help with their workloads with those program
7 specialists.

8 CHAIRPERSON PREZEAU: I'm glad -- because the last
9 time you talked about having listening sessions with
10 inspectors, they likely had a different message for you.
11 Do you remember that?

12 MR. RODRIGUEZ: Yeah. It's a lot different when you
13 get to experience it.

14 CHAIRPERSON PREZEAU: I'm glad that it's where we're
15 at. You know, I'm glad.

16 MR. RODRIGUEZ: But I would just caution the Board as
17 well, the chief is very aware of this. At some point, you
18 know, we're going to have to make those FTE's whole. In
19 other words, we're going to have to count them as part of
20 our -- they're permanent employees, but at some point we
21 got to include them in our FTE numbers. I think it would
22 be a great problem to have if every one of our inspector
23 positions was full and then we had to decide whether we
24 need a program specialist or an inspector. That's going
25 to be a different decision window, but we'll all be in a

1 better place I think ...

2 CHAIRPERSON PREZEAU: I agree.

3 MR. RODRIGUEZ: You mentioned mobile inspections.

4 So the one thing -- it is working pretty well. The
5 one thing that has come up as an issue, and it came up
6 again in my discussions yesterday with inspectors is our
7 mapping system. And so we built in GIF technology into
8 the mobile. And the maps aren't the most accurate or the
9 most up-to-date. The GIF system, though, was part of
10 Department of Enterprise Services that the state of
11 Washington contracts for some of our -- procures some of
12 our IT systems and software. And this was DES' -- this is
13 the software that was afforded to us.

14 So we're going to put some work around this as the
15 agency goes through business transformation. There are
16 other programs who need some mapping software. And so
17 it's going to become a business transformation item to try
18 to find an enterprise and better mapping system. So there
19 may be some costs down the road for that. But ...

20 CHAIRPERSON PREZEAU: It's kind of essential. I
21 mean, I've been to the stakeholder meetings, and we've had
22 -- you know, whether it was with rulemaking or, you know
23 -- and what's really, you know, obviously with the 27
24 cities having, you know, their own jurisdiction
25 contractors, you know, I think Don even said this, "It

1 would be great if I could type in a zip code, and it would
2 tell me is this a local jurisdiction." Does the city --
3 does the Department have -- for the purposes of permitting
4 and inspection.

5 And, you know, and like multiples times like because
6 the way, you know, the lines are drawn, it's still
7 incredibly difficult to know exactly -- I mean, it's
8 interesting is -- you know, my driver's license says that
9 I live in Tacoma. My husband's driver's license says that
10 he lives in University Place. We are still married and
11 live in the same house. So ... right? So I understand.

12 So it would be great is if those other agencies,
13 maybe if we could do some cost sharing on -- so that we
14 can get the best mapping because I would think that the
15 elevator program and think that boilers and other
16 regulated programs that mapping is important for them too
17 in terms of program inspections and ...

18 MR. RODRIGUEZ: My future -- vision of a future state
19 would be -- I was hoping we could get it in the GIF, but
20 we didn't -- is that the contractors who are requesting an
21 inspection could put a thumbtack on a map and tell us
22 exactly where it's at. And then all these disputes about,
23 you know, the trip fees because it wasn't --

24 CHAIRPERSON PREZEAU: All that goes away.

25 MR. RODRIGUEZ: It goes away.

1 CHAIRPERSON PREZEAU: That's beautiful. See, look at
2 that. You're actually like retired, and you're still
3 fighting for the right ...

4 MR. RODRIGUEZ: Yeah, trying to get it.

5 So speaking of that, another one I know we've
6 presented to the Board before, but we are moving forward
7 with interactive video inspection programs.

8 I've come to this Board before, and I've gotten your
9 support. You know, we've got a hiring-and-retention
10 problem. Today that problem is -- in terms of data and
11 statistics or numbers, criteria that state HR uses to
12 evaluate whether or not a class and comp package is
13 warranted, we're right on the borderline. So we are not
14 officially have a hiring-and-retention problem, but we
15 still have a workload problem because we don't have enough
16 inspectors to get to all the sites.

17 And our data told us when we did our hiring and
18 retention -- or class and comp package -- excuse me; sorry
19 ... for the reporter -- but when we did our class and comp
20 package, one of the things that we talked about was the
21 number of inspectors that were due to retire. So that is
22 still out there. So probably around 30 inspectors in the
23 next three to five years will be walking out the door, and
24 we need to find replacements for them. So if we got an
25 additional 27 inspectors today, we would just break even

1 on the 220,000 inspection requests we get every year.

2 CHAIRPERSON PREZEAU: Wow, that's worth repeating.

3 So what I think I just heard you say is we could -- we
4 need 27 more inspectors in order to meet the workload --
5 the historical and present workload of the 200,000
6 inspections --

7 MR. RODRIGUEZ: I'm looking at Mr. Thornton there
8 because I believe that is the last number I saw.

9 CHAIRPERSON PREZEAU: Wow.

10 MR. RODRIGUEZ: And if we're going to lose more, you
11 know ...

12 So it's -- I see us at least plateauing right now.
13 But I don't really see us getting well until we get
14 past --

15 CHAIRPERSON PREZEAU: So from your vantage point, the
16 new norm for the foreseeable future is inspections within
17 48 hours which is the statutory requirement rather than
18 what historically it used to be our goal was inspections
19 within 24. Like 48 is going to be the new norm ... for
20 the foreseeable -- with the information we have right now.
21 Is that a fair characterization?

22 MR. RODRIGUEZ: Yes, ma'am.

23 CHAIRPERSON PREZEAU: Yeah. So I mean, to me the
24 virtual inspections -- you know, I'm not interested in
25 watering down the historical practice because we don't --

1 because we have a -- apparently we don't have a
2 recruitment-and-retention problem; we have a workload
3 problem. I don't care; we can call it whatever we want.
4 But just making sure that, you know, electrical
5 installations are being performed by certified
6 electricians in the appropriate ratios by licensed
7 contractors in a safe way.

8 But I do think that there's a lot of logic behind,
9 Hey, if you got a -- if you need, you know, a ditch
10 inspection out in Forks, you can get wi-fi, you know. It
11 would be great if you can have a, you know, a drone with
12 our phone, right? and say this is the temporary power for
13 the house and building out in Forks and here it is, right?
14 Great, that looks good.

15 MR. RODRIGUEZ: Show me the address.

16 CHAIRPERSON PREZEAU: Show me the address, yeah. I
17 mean, it has some, you know, like some reasonable side
18 words put on it, and it kind of dovetails into something
19 that you talked about last quarter which was this like
20 gold standard certified employers which as an idea that I
21 think is super brilliant. And I had some conversations
22 with some folks in the interim, and it's my understanding
23 that maybe like this gold standard certified employer was
24 really more -- like I was looking at it from a very narrow
25 lens of electrical contractors. And I would still like to

1 look at it from a very narrow lens of electrical
2 contractors because rather than, Hey, general contractors,
3 then -- right? It's because if we could get it lifted for
4 electrical contractors, then maybe it gets lifted for
5 other contractors. And the thing that I like about this
6 is -- we talked about this last quarter, right? Don, you
7 were kind of like, Hey, this is great.

8 BOARD MEMBER BAKER: I've been waiting for the phone
9 call.

10 CHAIRPERSON PREZEAU: I know. It is, Hey -- it's
11 like if we've got, Hey, this person -- you know, so
12 Prezeau Electric, they don't have any citations for six
13 years. They pull all their permits. They pay their
14 workers' comp. Like, Oh. Like we're going to gold
15 certify entities that follow the law and the rules and do
16 a good job. And then they maybe get elevated for the
17 virtual inspections, right? It's because they're good
18 actors and can demonstrate such. So like they already
19 meet that criteria. And so maybe for those folks, even
20 the -- and I'm just, you know, spitballing, but maybe the
21 scope of inspection type gets a little bit broader for
22 them because they're good actors and because they've --
23 you know. We could write some pretty rigorous standards
24 for that, right? to help with our workload problem.

25 MR. RODRIGUEZ: So that's the vision for the agency

1 in terms of business transformation. And this -- I forget
2 what the official title is of that project. But it's one
3 of 19 projects that the agency's going to be looking at
4 this biennium which is how do you incentivize voluntary
5 compliance; I think that's the term we're kind of using.

6 CHAIRPERSON PREZEAU: I like it.

7 BOARD MEMBER JENKINS: Madam Chair, can we expand a
8 little bit on video inspections where they are with that
9 and where it's being done at and how many inspections that
10 we're looking have been done already and ...

11 MR. RODRIGUEZ: So right now it's still a project.
12 So we have -- the things that are in place right now is we
13 have tested the technology. So we believe the technology
14 is there to make it happen ... as long as we have
15 Internet, some type of connectivity.

16 The second thing is a scheduling system. So we had
17 to work on a scheduling system, and we went out and rented
18 I guess, contracted for a scheduling system, one that was
19 used in Pima, Arizona. And so we have a scheduling system
20 now.

21 The next step that we're working on today is trying
22 to find out how we're going to man -- how many inspectors
23 are we going to put to work that schedule. And then we're
24 going to pilot it -- I call it a kind of a soft rollout.
25 Work with a few contractors who are willing to work with

1 us to work the bugs out, see if the scheduling system
2 works, see if the inspections work.

3 And then hopefully early next year we can start to do
4 these.

5 And again, I'm looking at the Chief. We're looking
6 maybe 20,000. If we could do 20,000 of these a year, you
7 know, that would be ...

8 CHAIRPERSON PREZEAU: Well, it's 10 percent, right?
9 That's -- that would be 10 percent of the like annual
10 global inspections, right?

11 MR. RODRIGUEZ: Right.

12 SECRETARY THORNTON: Not quite, but close.

13 MR. RODRIGUEZ: So anyway --

14 CHAIRPERSON PREZEAU: And especially, what's
15 interesting is, you know, is recognizing that sometimes
16 like -- you know, you're going to have more than one
17 inspection per permit, right? So if you're going to build
18 a house, you're going to have, you know, inspection of the
19 temporary power. Then you're also going to come back and
20 have rough-in inspection which that temporary power still
21 would be there. And you're also going to have final
22 inspection.

23 And so there are some situations where there's
24 redundancy in the inspection process, depending on what
25 the project is. Does that make sense?

1 BOARD MEMBER BAKER: Madam Chair?

2 CHAIRPERSON PREZEAU: Yep.

3 BOARD MEMBER BAKER: Jose', the inspectors that would
4 tentatively man that video inspection system, are you
5 thinking that those inspectors could possibly telecommute?
6 Where do you see them physically working from?

7 MR. RODRIGUEZ: Well, we have some decisions to make
8 going forward in terms of where we end up.

9 But initially it's going to be centralized in
10 Tumwater only because we'll be co-located with our
11 information services folks and technology folks who can
12 fix things if we have a problem because it's easier for us
13 to diagnose what the problem is if we're working in that
14 building, whether it's on our end or on the contractor's
15 end.

16 But eventually it could get decentralized. We just
17 got to -- we haven't made that decision yet.

18 BOARD MEMBER BAKER: I think it's an excellent
19 program to be pursuing. And in all seriousness, I would
20 love a phone call to participate. And then that way, you
21 guys can roll that out.

22 You know, the ability to take an inspector who may
23 not have the physical abilities to go out and walk the job
24 can now do an inspection, you know, from his home, per se.
25 That really opens the door for a lot of flexibility.

1 And I think your HR department I think is a really
2 good opportunity --

3 BOARD MEMBER BURKE: Retention too.

4 CHAIRPERSON PREZEAU: Yeah, no, I mean, this is --

5 BOARD MEMBER BURKE: You're going to attract people
6 to come in and do this if they can telecommute. I mean,
7 you're not going to have a problem of retention.

8 CHAIRPERSON PREZEAU: Yeah, no, I echo these
9 comments, right? I think this is potentially another way
10 -- it's not going to be the silver bullet, but it's
11 another way to address the workload problem. Because
12 people, if they can work from home or work from where they
13 -- it's my understanding we have some positions that are I
14 think the term is double-filled because there are certain
15 areas of the state that people like to live in, and
16 there's other areas where they don't like to live in. And
17 so attracting people to certain inspector positions is a
18 challenge. But if you can offer as part of a combination
19 of, Hey, yeah, you don't have to live there all the time,
20 but you are going to have to -- because we can do some
21 mobile -- or virtual inspections. Great.

22 MR. RODRIGUEZ: We expect there's going to be --
23 we're hoping, but at the same time a little cautious
24 because we think it's going to be in high demand, and we
25 want to be able to meet that demand. We don't want people

1 to get discouraged once we get started just because it's
2 not available to you in your area.

3 CHAIRPERSON PREZEAU: Well, and the other thing I
4 think that's really important to understand is the impact
5 that it's going to have on inspectors, right? And I can
6 imagine that there's some trepidation amongst the
7 inspectors and supervisors saying, Wait a minute, this is
8 my work. Because one of the things that's really --
9 people don't like it when you take somebody's work. And I
10 understand that, and I have a lot of sympathy for that.
11 And there can be no inspection system that replaces human
12 beings. It's impossible.

13 MR. RODRIGUEZ: And this will not be for all
14 inspections. It'll be --

15 CHAIRPERSON PREZEAU: No. We -- and that's -- and
16 it's interesting as I remember -- I think we did Class
17 B's. Do you remember? Like when Class B inspections and
18 the permits and, you know, the stickers and all that, I
19 actually fought tooth and nail against it because I
20 thought it was going to jeopardize safety and inspectors
21 and the industry. And I'm sure there's some examples of
22 where that occurred. But for the vast majority of it, it
23 wasn't an issue. And I think if we put the proper side
24 boards on this, you know, which is not -- we're not going
25 to do a virtual inspection of, Hey, I put in a new main

1 breaker in a 2500 amp service. No. We're going to have a
2 look-see at that, right?

3 Janet.

4 BOARD MEMBER LEWIS: I'm wondering whether other
5 jurisdictions, other states are doing this, and if there's
6 any research on it, how effective this kind of inspection
7 system is really.

8 MR. RODRIGUEZ: We do have one or two cities in the
9 state that are doing it. And we went to -- again, Pima,
10 Arizona was kind of our -- in our research, they're the
11 ones who had a more mature and experienced system. And so
12 we kind of copycatted on that one.

13 I don't know if Larry can speak to the Board. If you
14 all are really interested, he's really done all the
15 research on this. Larry Vance, our technical specialist,
16 if you all wanted more information.

17 BOARD MEMBER LEWIS: Well, at some point.

18 I don't know what the Board Chair wants to do.

19 CHAIRPERSON PREZEAU: Well, I think -- I mean, I
20 think there's a huge amount of interest, right? and a lot
21 of curiosity. And, you know, we even have a Board member
22 that wants to participate as a contractor. And I think we
23 all share some of the same concerns of, Hey, we got to put
24 the right side boards on it, and hey, we got to make sure
25 that folks that are using it, you know, are vetted, right?

1 like, you know, good actors. And I think the Department's
2 hearing us. And I think we're operating off the same
3 page.

4 So I think, you know, as we move forward with the
5 soft rollout and understand we'll get some more data --
6 it's kind of exciting that there's not a whole lot of
7 other models. I mean, maybe hearing that there's two
8 other cities that are doing this, you know, maybe --

9 John, could you help us if you're aware of ...

10 BOARD MEMBER BRICKEY: Actually Pierce County is
11 doing it. As far as cities, I know some cities are
12 interested and are doing the same the same thing -- but
13 Pierce County's the one that's kind of been in the
14 forefront.

15 CHAIRPERSON PREZEAU: Go Pierce County, woo-woo.
16 It's where I live.

17 BOARD MEMBER BAKER: To Janet's point, you know,
18 electrical inspections particularly, is there anybody
19 doing electrical inspections? I guess it's similar, but
20 ... You know, we're charged with protection of life and
21 property. By no means do we want this system to water
22 that down, you know, even over time, we'll lose focus of
23 that.

24 So the side boards that you're talking about, you
25 know, determining what's the parameters and which types of

1 inspections are qualified will be important.

2 CHAIRPERSON PREZEAU: Agreed.

3 MR. RODRIGUEZ: And baby steps before we run.

4 CHAIRPERSON PREZEAU: Yeah, no, I mean, I think we're
5 all -- it's all -- and it's kind of exciting that if
6 there's, Wait a minute, there's no other model to look at
7 for electrical inspections, well, maybe we get to set the
8 model. So let's be very intentional about that.

9 MR. RODRIGUEZ: And we're using -- we're applying our
10 Lean principles to that as well. So ...

11 CHAIRPERSON PREZEAU: Excellent.

12 MR. RODRIGUEZ: So that's the official part of my
13 report.

14 And I just wanted to again thank the Board for one,
15 your participation as members. You know, you volunteer
16 your time and your services, your knowledge and your
17 expertise. And, you know, this Board has always been
18 supportive of the electrical program and assisted us with
19 our authorizing environment, those people who control our
20 resources. So we appreciate that, you know.

21 It takes people, processes and technology to be
22 successful, and you all have always made sure that we had
23 the right people and the processes and the technology to
24 get our jobs done. So thank you for that.

25 I just want to make a pitch here for the folks in our

1 electrical program. Everything from the Chief --
2 everybody from the Chief down to the inspectors out in the
3 field. My experience is that they're great people.
4 They're dedicated to public service, the electrical
5 industry, and again, the communities that they live in.
6 And so it's a passion.

7 I don't know how many times I hear our inspectors
8 complain about the workload and the stress that they're
9 feeling. But that's because, you know, they're not taking
10 lunch breaks and working to try to get those inspections
11 done. They don't like to walk out of the office with 30,
12 35 inspections knowing that you can only do about 12 or 15
13 of them a day, and then turning them back in and look at
14 them again the next day with another 30 in the queue.

15 So it's a real challenge. And they're persevering
16 through that. And again, they know that you're supporting
17 them, and they appreciate that.

18 And I leave my post with utmost confidence that Steve
19 Thornton will continue to be a great advocate for our
20 electrical program. You know, he's got a wealth of
21 knowledge. He's a seasoned employee and manager/
22 supervisor, you know. And I think he's the right guy at
23 the right time for this program.

24 With David coming on board, again, you heard a little
25 bit about his background. You know, I am confident that

1 the electrical program will continue to lead in terms of
2 providing timely, quality and cost-effective services to
3 the citizens of Washington state.

4 So, you know, in retirement, I know one day I'm going
5 to have to call an electrician to my house to work on
6 something. But I know when the work is done and that
7 L & I inspector has come and taken a look at it -- now,
8 we'll be watching for that inspector.

9 CHAIRPERSON PREZEAU: I hope you'll ask if they're
10 not visibly displaying their license, right? You would
11 ask to see their certificate.

12 MR. RODRIGUEZ: That not only, but my family and
13 anybody who's in our house will -- we'll go to bed
14 confident at night that they're safe and that somebody is
15 looking out for their safety.

16 So I think we've got a great program. And I think
17 you all are great supporters of that program. So I
18 encourage you all to continue to work together.

19 What I've appreciated about the Board is that it's an
20 opportunity to bring issues to you all, and you all have
21 partnered with us to help find solutions to those
22 problems. So thank you for that.

23 And I might be sitting out there as a observer one
24 day.

25 CHAIRPERSON PREZEAU: I hope so. I hope so.

1 MR. RODRIGUEZ: So thank you all.

2 And that's all I have, Madam Chair.

3 CHAIRPERSON PREZEAU: All right. Any questions or
4 comments for Jose' or David?

5 So I mean, Jose', you prove my point, right? Your
6 closing remarks, you don't even talk about yourself; you
7 talk about the inspectors, which is the most important,
8 you know. And the success of this program rises and falls
9 on what happens in their vehicles in the morning. And the
10 folks that help them, those program specialists and
11 others. And for you to understand that on the human level
12 is why you were so successful and why we're going to miss
13 you so much, right? is because you understand the work
14 from their perspective and how difficult it is to look at
15 30 inspections and no, I'm not going to get all these
16 done, and I'm going to let contractors down, and this is
17 going to have an impact on other human beings, and I wish,
18 I wish, I wish, I wish it didn't look like this, right?
19 The fact that you understand that is huge.

20 And the last -- so thank you for that. And I hope
21 that you have a very long and a very happy retirement.
22 And if you struggle in your retirement, we've got some --
23 Doug Erickson might have some tomato starch that he might
24 give to you so that you can So I think with Doug,
25 you know, he grows nice tomatoes, right? Maybe you can

1 grow some of Doug's tomatoes.

2 But my best to you. I do hope that you will come and
3 see us and give us an update on how your retirement's
4 going.

5 MR. RODRIGUEZ: Will do.

6 CHAIRPERSON PREZEAU: Very good.

7 MR. RODRIGUEZ: Thank you.

8 CHAIRPERSON PREZEAU: Thank you. I appreciate it.

9 I just kind of want to adjourn now. I know we can't.
10 Pam's saying, You can't do that, Tracy. I know.

11

12 Item 4. Secretary's Report

13

14 CHAIRPERSON PREZEAU: All right. So Steve, you want
15 to do the Secretary's Report?

16 SECRETARY THORNTON: Okay.

17 Good morning, Madam Chair and fellow Board members.

18 The Secretary's Report on the budget. The electrical
19 fund balance for September 30th was \$9,798,320. That's
20 about five times what it -- or five months worth of
21 operating capital. So it's --

22 Our average monthly expenditures have increased by
23 about \$135,132. A large part of that is due to the wage
24 increases. And that was for FY16.

25 Customer service-wise, we sold 37,137 permits. About

1 92 percent of those are sold on-line. That stays pretty
2 consistent. Our on-line activity goes up a little bit,
3 but not much. Most people that are involved in that are
4 already doing their work on-line.

5 96 percent of all contractor permits were sold on
6 line. That's a little bit of an increase. I think that's
7 probably due to the fact that some of the older people
8 that aren't really into the Internet are giving way to the
9 younger folks.

10 Homeowner on-line sales decreased by 1 percent. It's
11 down to about 61 percent.

12 Our on-line inspection requests are at 82 percent,
13 which is a little bit of an increase.

14 And during the first quarter, customer service made
15 75 percent of all electrical license renewals on-line.
16 And that again is a 1 percent increase from the previous
17 quarter. So 1 percent increase is about what it runs
18 every quarter.

19 For our key performance measures, our 24-hour
20 response time is at 75 percent. We have a goal of 86
21 percent. So we're still quite a ways off of where we want
22 to be.

23 CHAIRPERSON PREZEAU: Yeah, but I still think --
24 sorry to interrupt, Steve. But with potential of needing
25 to hire 27 additional inspectors to meet the workload of

1 -- we're still getting 75 percent of inspections done in
2 24 hours. That I know it's not the goal, but that's a
3 pretty good track record.

4 SECRETARY THORNTON: And it is. I think we do a good
5 job with the number of people we have. Certainly we'd
6 like to have more and have that be better. But we're
7 working on getting there.

8 And our 48-hour response time is 89 percent. And
9 want it to be 94. So that leaves us with about 11 percent
10 of the jobs that are over 48, which takes us right back to
11 a 10 percent increase in inspectors would, you know,
12 conceivably get us to a very small portion that weren't
13 being done within 48 hours.

14 CHAIRPERSON PREZEAU: Steve, do you guys break that
15 down by region?

16 SECRETARY THORNTON: We can -- yeah, we have the
17 reports that we can run region by region. And
18 geography-wise east of the mountains is considerably
19 higher than west.

20 CHAIRPERSON PREZEAU: With the exception of the
21 islands, right?

22 SECRETARY THORNTON: Right. Although, when you get
23 into the higher density, you know, right around Seattle,
24 some of that stuff isn't as good as you might think it
25 would be just because of traffic and types of buildings --

1 CHAIRPERSON PREZEAU: And the fact that there's 67
2 tower cranes in the city of Seattle.

3 SECRETARY THORNTON: Yeah.

4 CHAIRPERSON PREZEAU: They're calling it Tower City
5 -- or Crane City, excuse me.

6 SECRETARY THORNTON: So a lot going on; that's for
7 sure.

8 So --

9 CHAIRPERSON PREZEAU: Pam's telling me that in Hawaii
10 when they had a bunch of cranes -- tower cranes they were
11 calling it -- like a bunch of construction, they were
12 calling the tower crane the state bird.

13 ASSISTANT ATTORNEY GENERAL THOMURE: That was a long
14 time ago when I was a kid. I digress.

15 CHAIRPERSON PREZEAU: Wanted to get that on the
16 record.

17 SECRETARY THORNTON: Compliance-wise --

18 BOARD MEMBER LEWIS: Seahawks ... the state bird.

19 CHAIRPERSON PREZEAU: That's for the legislature to
20 decide who's the state rock and the state bird, right? the
21 same folks that didn't pay us our money.

22 Sorry. That was out loud. I recognize that.

23 Okay. So back to the report.

24 SECRETARY THORNTON: All right, back to the
25 Secretary's Report.

1 So number of focused citations and warnings. We
2 issued 1,882. And our anticipated number was 1,052.

3 CHAIRPERSON PREZEAU: Where does that anticipated
4 number come from? Is that like a percentage of all the
5 permits sold?

6 SECRETARY THORNTON: That's the -- no. That was the
7 original agreement to stay at a certain level.

8 CHAIRPERSON PREZEAU: So it's policy.

9 SECRETARY THORNTON: Yeah. I think when the
10 reduction in force came, we agreed to keep the compliance
11 level consistent. And that's the number that that works
12 out to be.

13 CHAIRPERSON PREZEAU: So it's not surprising that
14 we're exceeding that because the amount of work that is
15 happening all over the state is no longer in recessionary
16 or depressionary ...

17 SECRETARY THORNTON: Yeah. One of the big
18 contributing factors to that is our ECORE team has kind of
19 fallen into a little niche of I'll call them bad players,
20 which a lot of out-of-state lighting retrofit going on
21 right now coming from, you know, big corporations that are
22 based somewhere other than here so they --

23 BOARD MEMBER BURKE: They're over --

24 SECRETARY THORNTON: -- not knowing what the rules
25 are here.

1 BOARD MEMBER BURKE: They're over 80 percent of them,
2 ECOPE is.

3 SECRETARY THORNTON: Yeah. The ECOPE --

4 BOARD MEMBER BURKE: They're making a pretty good run
5 at it.

6 SECRETARY THORNTON: Yeah. 1,563 of those 1,800.

7 BOARD MEMBER BURKE: They're doing work.

8 SECRETARY THORNTON: And that's one of the reasons
9 we've used some of the FTE's for more ECOPE people.

10 CHAIRPERSON PREZEAU: No, that's great.

11 Bobby.

12 BOARD MEMBER GRAY: Thank you, Madam Chair.

13 Yeah, Steve, I think that's a great argument to
14 support this gold star contractor process.

15 Speaking from NECA's perspective, we try to do --
16 well, we take pride in the fact that we follow the rules.
17 We have safety records and we do everything in accordance
18 to professional industry standards. And yet there's no --
19 there doesn't appear at least to be any kind of advantage
20 to doing that because of all the number of underground
21 things going on. So if we could promote that a little
22 more, perhaps give the people that do try to do the right
23 thing a little bit more of a consideration on that, it
24 would free up perhaps some of your resources to go after
25 some of these people and maybe knock some of that down a

1 little more.

2 And the other thing too from a personal standpoint, I
3 do a lot of traveling, and it is very difficult to travel
4 as everybody knows. But the government is giving
5 incentives to frequent travelers that follow the rules.
6 For example, the global-entry process where when I come in
7 from a foreign country, I can go bypass all of those lines
8 in customs and go right through a kiosk and walk right
9 out. Well, I take that seriously because I don't want to
10 lose that privilege. So I probably am even more diligent
11 now making sure that I don't take anything that's not
12 allowed and I follow all the rules to get through.

13 So I'm just trying to make an analogy here that I
14 think that gold star program would, in fact, even promote
15 better behavior from those people and perhaps those that
16 maybe run in the gray area themselves.

17 Anyway, just making a pitch for that.

18 CHAIRPERSON PREZEAU: Don.

19 BOARD MEMBER BAKER: Well said. I recall that --
20 Steven, can you tell us how many people are involved in
21 ECORE?

22 SECRETARY THORNTON: Eight.

23 BOARD MEMBER BAKER: Eight people now?

24 SECRETARY THORNTON: Yeah. There were six, and we're
25 looking to put two more on.

1 CHAIRPERSON PREZEAU: And then -- I know you're going
2 to get to it, Steve, with the plan review. I'm sure that
3 you guys have one eye also looking at maybe adding FTE's
4 in plan review to get that ...

5 SECRETARY THORNTON: Yeah. And we've got one new FTE
6 there, so ...

7 And, you know, we can jump down to that.

8 The plan-review goal is a week and a half to get a
9 plan in and get it back out. We're at about 2.8 right
10 now, which that's down quite a bit because the capitol
11 budget didn't pass, so that put some of the school
12 projects on hold. So that kind of lightened the load
13 there a little bit as far as new incoming ones and such.

14 But once that gets solved, then I think that will go
15 right back.

16 But yeah, we are looking for another plans exam --
17 examiner.

18 CHAIRPERSON PREZEAU: Excellent.

19 SECRETARY THORNTON: As far as our inspection stops
20 per day, we're at 11.2. I think in previous reports we've
21 been down around 10, and it's just gradually crept up.

22 The guys are working hard; that's for sure.

23 Our electrical disconnect corrections, there's
24 12,778. And Rod's going to give you a breakdown and some
25 more information on that a little later.

1 CHAIRPERSON PREZEAU: Excellent.

2 So yeah, this is -- so that's what -- so if you guys
3 remember the last quarter we had -- you know, I was
4 astounded, and I think John made some comments too, about,
5 you know, we had -- it was reported that the electrical
6 disconnects, you know, in April it was 31,099, and in July
7 it was 43,401. And it made my head kind of spin around.
8 And some other Board members too. And I think that's kind
9 of the reaction that you're having over here to like, Wait
10 a minute, this is for the quarter?

11 So -- you know, and all this I think is important in
12 the entire conversation we've had this morning about
13 virtual inspections and, you know, why this is so
14 important that folks, you know -- Jose' -- self-comply,
15 right? Incentivize and reward self-compliance. And it's
16 because -- and these numbers are shocking from my
17 perspective. And it's not a pun. But it's because this
18 is what this means is if the corrections aren't made, you
19 don't -- if this is a de-energized system, we don't
20 energize it. Or if it's an energized system, if they're
21 not fixed, then the inspector de-energizes the system.

22 BOARD MEMBER BURKE: It's dangerous, period.

23 CHAIRPERSON PREZEAU: Yeah, it's dangerous.

24 And so the Department -- or the Chief has -- so we're
25 going to have -- I think we've got some additional

1 information, but Rod -- Technical Specialist Rod Mutch is
2 going to expand on that. So there's an opportunity to
3 have a more thorough conversation around that.

4 SECRETARY THORNTON: And our licensing process
5 turnaround time, we would like to process 100 percent of
6 them the same day. We're at 98 percent. There again, a
7 lot of that is due to staffing issues, people leaving or
8 nor being able to fill positions.

9 So licensing-wise, during the quarter there were
10 6,765 electrical licenses processed. The turnaround time
11 for that was 97 percent the same day.

12 CHAIRPERSON PREZEAU: And this is really
13 certificates, right? This is workers.

14 SECRETARY THORNTON: Yeah.

15 CHAIRPERSON PREZEAU: Okay.

16 SECRETARY THORNTON: Phone calls have remained
17 steady. We like to have people have a one minute or less
18 hold time. That's crept up to about a minute and a half.

19 We are continually working on IDM which is our
20 electronic conversion of paper over to electronic so that
21 -- it's commonly said we have a war on paper. Just trying
22 to not have to handle as much of that as we can and get it
23 all electronic.

24 And there are -- there were no new testing labs.

25 CHAIRPERSON PREZEAU: How many testing labs do we

1 have? Is it five?

2 UNIDENTIFIED: Seven.

3 MR. VANCE: No, it's more.

4 CHAIRPERSON PREZEAU: Oh, so it's a higher number
5 than seven.

6 MR. VANCE: Yes. I don't have the exact number for
7 you, but there's more.

8 MR. MUTCH: It's twenty.

9 MR. VANCE: Twenty.

10 MR. MUTCH: Twenty-something.

11 MR. VANCE: Twenty-something.

12 CHAIRPERSON PREZEAU: That's good. I thought it was
13 -- there's been times where it's been much smaller than
14 that I think.

15 MR. MUTCH: The engineering firms ...

16 CHAIRPERSON PREZEAU: Yeah, the engineering firms are
17 smaller than that.

18 SECRETARY THORNTON: Over time we've developed a lot
19 of different ways to get products accepted other than just
20 the old way of having it listed. So original way I guess.

21 CHAIRPERSON PREZEAU: Questions for Steve? A
22 question for the Chief? Jason.

23 BOARD MEMBER JENKINS: I don't know if it'd be -- I'm
24 the only one asking for this, but is it possible to have
25 our previous quarter listed here also? It's nice to see a

1 change from quarter to quarter. Is that possible? I
2 don't know if it's --

3 SECRETARY THORNTON: Sure.

4 BOARD MEMBER JENKINS: I'm the only one asking for
5 it.

6 SECRETARY THORNTON: It's a number. We can -- we've
7 got numbers ...

8 CHAIRPERSON PREZEAU: It would be easier because --

9 BOARD MEMBER JENKINS: Or just carry the one from
10 last quarter. I'd just like to see the -- as it's changed
11 from last quarter.

12 ASSISTANT ATTORNEY GENERAL THOMURE: We can see the
13 graph and year.

14 BOARD MEMBER JENKINS: Well, we can keep going
15 further. I was just thinking we'd just add one more to
16 it. But if it's not a big deal, then -- only one is no
17 big deal.

18 CHAIRPERSON PREZEAU: Any other -- oh, sorry. John.

19 BOARD MEMBER BRICKEY: I don't recall -- last time, I
20 was remembering that we talked about the electrical
21 disconnect corrections and we were going to -- I was
22 thinking in my mind we were going to quantify what those
23 looked like, what type of corrections they are.

24 SECRETARY THORNTON: And Rod's going to do that.

25 CHAIRPERSON PREZEAU: We are, right?

1 And actually to that point, Rod, are you prepared to
2 do that now?

3 MR. MUTCH: I could.

4 CHAIRPERSON PREZEAU: Because I know what the Chief
5 just handed out or what I believe this handout has to do
6 with rulemaking. But what I'd like to do is swap these
7 two agenda items with people's permission and talk about
8 the serious corrections because it's kind of -- it grabs
9 onto you. And then let's -- so Rod, if we can do that.
10 Then we'll have this conversation, and then we'll go to
11 the update on rulemaking.

12 Steve, does that work for you?

13 SECRETARY THORNTON: Sure.

14 CHAIRPERSON PREZEAU: Very good.

15

16 Item 6. Serious Electrical Corrections

17

18 MR. MUTCH: Good morning. I think it's still
19 morning, isn't it?

20 CHAIRPERSON PREZEAU: Yep.

21 MR. MUTCH: I have prepared a document. And I think
22 most of you have it. If you don't, I've got some more
23 copies.

24 So yeah, every Board meeting we report on the number
25 of serious corrections. And so our mobile inspection

1 program, the inspectors go out and they perform an
2 inspection, and if they find items that need correcting,
3 the program itself has specific code corrections that they
4 can pick from. I think there's like five thousand some
5 corrections in the NEC in the different versions of the
6 WAC and the RCW.

7 So we've gone through and assigned a severity level
8 to you'll of those corrections. And so the serious
9 corrections are those that they'd result in some kind of
10 compliance activity if they weren't corrected. Or if they
11 weren't corrected, we would disconnect power. We would
12 certainly not approve power to be energized for those
13 types of corrections.

14 So the table at the top there kind of summarizes the
15 numbers of permits, and it kind of shows who gets the
16 serious corrections. And certainly licensed electrical
17 contractors compared to property owner permits, the
18 property owners get the majority of the corrections and
19 the majority of the serious corrections.

20 So, for example, total numbers of permits sold, and
21 this data is from fiscal year '17 which is July of '16
22 through June of '17, there were 143,830 permits sold. 90
23 percent of those were sold to electrical contractors. 10
24 percent of those were sold to property owners.

25 These don't include -- there are some permits that

1 are sold; there's 3,200 permits for carnivals, Class B
2 random inspection permits and provisional books. But
3 those are not included in this information.

4 So total numbers of permits, 90 percent are sold to
5 electrical contractors.

6 The total number of inspections, that's the little
7 pie chart down below. Electrical contractor permits
8 account for 193,834 inspections. Property owners'
9 inspections are 27,862. So we issue corrections, and we
10 can tell in our data whether the correction is issued to a
11 property owner or an electrical contractor. Total
12 corrections issued for that fiscal year were over 91,000
13 corrections. Property owners' permits have 30 percent of
14 the corrections issued to those, and 70 percent of those
15 were issued to electrical contractors.

16 CHAIRPERSON PREZEAU: Will you say that one more --
17 would you repeat that?

18 MR. MUTCH: So the total number of corrections issued
19 were almost 92,000. That's about the fourth line down,
20 total corrections.

21 CHAIRPERSON PREZEAU: Oh, got it. Okay. Thank you.

22 MR. MUTCH: So of the 10 percent of property owner
23 permits, the property owners received 30 percent of the
24 total corrections written.

25 CHAIRPERSON PREZEAU: So three times the rate of what

1 contractors do.

2 MR. MUTCH: Correct.

3 CHAIRPERSON PREZEAU: And I know you're going to get
4 down to this, but am I reading this -- I can't stop
5 looking at this bar chart. Is it the conclusion here that
6 a homeowner receives per permit almost one serious
7 correction per permit? So almost every time you go -- am
8 I understanding this correctly?

9 MR. MUTCH: Yes, you are.

10 CHAIRPERSON PREZEAU: So almost every time you go to
11 a homeowner and they're self-performing their work,
12 there's going to be a serious correction.

13 MR. MUTCH: Yeah. So the two bar charts at the
14 bottom are corrections per permit. And then the one on
15 the right is serious corrections per permit.

16 CHAIRPERSON PREZEAU: So actually I was -- and then
17 Janet wants to ask you -- so actually for every permit a
18 homeowner gets, you're almost guaranteed two corrections,
19 one of which is to be serious.

20 MR. MUTCH: Correct.

21 CHAIRPERSON PREZEAU: Okay. Janet.

22 BOARD MEMBER LEWIS: Well, this is property owners,
23 which can be other than homeowners.

24 MR. MUTCH: Yes.

25 BOARD MEMBER LEWIS: Well, all property owners, which

1 could, you know, be owners performing, you know, with
2 their own maintenance staff or unlicensed people. Not
3 just homeowners.

4 Is that correct? That was my --

5 MR. MUTCH: Correct. It includes industrial plants
6 that have their own electrical staff.

7 BOARD MEMBER BURKE: It's getting worse.

8 MR. MUTCH: A school district. You know, the school
9 district property owner buying a permit.

10 CHAIRPERSON PREZEAU: How long have we been tracking
11 this information in this way? I mean, I know that this is
12 produced from July 2016.

13 MR. MUTCH: Yeah, I just updated this. I actually
14 gave this to the Board last year I believe.

15 CHAIRPERSON PREZEAU: Did my head pop off?

16 MR. MUTCH: I didn't get up and explain it. I
17 believe there was a question about serious corrections,
18 and I produced the document and sent it out. But I didn't
19 have an opportunity to explain it. So ...

20 CHAIRPERSON PREZEAU: Well, thank you, Rod, for
21 having an opportunity to explain it. Because this is
22 concrete data that maybe demonstrates that the exemption
23 in the law for property owners, whether they're homeowners
24 or industrial should maybe be -- have some discussion.
25 Because if this is what is happening and -- you know, I

1 mean, the homeowner is one thing, right? But if you're
2 talking about industrial plants where people come to work,
3 vendors and -- I'm shocked. I'm troubled by this.

4 And I am curious to hear if other Board members are
5 troubled by this as well.

6 MR. MUTCH: We don't have data to split up whether
7 they're homeowners, residential permits, or if they're
8 other types of property owners. But that's -- they're all
9 thrown into the same pool of data.

10 CHAIRPERSON PREZEAU: And my apologies because -- did
11 you -- did we get this electronically as part of our Board
12 packets? Or no?

13 MR. MUTCH: Not as part of the Board packet.

14 CHAIRPERSON PREZEAU: Could you please provide this
15 to us electronically.

16 MR. MUTCH: I will send it -- yes, I'll send it to
17 you.

18 CHAIRPERSON PREZEAU: That will be great.

19 And what I would be very interested in having is this
20 become a quarterly or yearly report, depending on how
21 difficult it is to produce. I don't want to create work
22 for you. But I would like the Board to be regularly
23 informed of this -- the status of this.

24 MR. MUTCH: I think we could do that. It's -- now
25 that it's produced, it's just a matter of updating the

1 numbers. So ...

2 CHAIRPERSON PREZEAU: Excellent.

3 BOARD MEMBER CUNNINGHAM: Rod, you mentioned that you
4 don't presently have the data to give the granularity of
5 homeowners versus property owners. And having not
6 personally pulled an electrical permit myself, when that
7 permit request is made, do you gather the data from the
8 person requesting the permit whether they're exercising
9 the exemption as a homeowner to self-perform the work?

10 Boiling it all down, is there an opportunity to
11 capture that data when the permit's pulled? I'm a
12 homeowner. I'm going to use this exemption to get my
13 permit and do the work myself.

14 MR. MUTCH: They do have to sign an affidavit stating
15 they are the homeowner or the property owner. And the
16 permits are sold -- residential permits and commercial
17 permits are delineated. So we could probably get property
18 owner residential permits data compared to property owner
19 commercial permits data.

20 BOARD MEMBER CUNNINGHAM: Yeah, I'm curious to see
21 that data to see if it reinforces what maybe some of our
22 notions are that this is a homeowner problem or more --
23 maybe even more alarmingly, is this a commercial
24 industrial property renter problem that's skewing this
25 data one direction or the other. And those actually may

1 be even more concerning because you're dealing with much
2 more energetic systems and significant hazards to many
3 people.

4 BOARD MEMBER NORD: Well, what concerns me is the
5 fact that this could potentially be schools, health care
6 centers, senior centers, senior health care facilities or
7 living facilities where they have their own on-site people
8 who are supposedly adequately trained and qualified to
9 perform the work, that we all know going into those
10 facilities you see questionable work that puts health life
11 safety at risk.

12 CHAIRPERSON PREZEAU: Yeah, this is a very serious
13 conversation. So Jason, and then we'll go to Dominic.

14 BOARD MEMBER JENKINS: That answered my question.

15 CHAIRPERSON PREZEAU: Okay, very good. Like minds,
16 right?

17 Dominic.

18 BOARD MEMBER BURKE: Mike said, I think you have to
19 take into consideration that a homeowner takes out a
20 homeowner permit with the intention of doing good, knowing
21 that they're not trained, but they're working in the home,
22 and they use the Department as a resource for properly
23 doing it.

24 Now, you intervene and you go to a refinery or you go
25 do any of the installations you're talking about, they're

1 hiring people specifically to do this work.

2 So knowing that number I think is a much bigger
3 ordeal than you probably anticipated walking in here
4 today. Because it includes refineries, other
5 installations. It includes a lot of facilities.

6 CHAIRPERSON PREZEAU: Yeah. I mean, if you -- I can
7 -- I think this body appreciates that is, you know, you're
8 talking large manufacturers that -- refineries, also
9 placed with some of the most vulnerable citizenry, and --
10 but, you know, you have something goes sideways at a
11 manufacturing plant that has -- or a pulp and paper plant
12 that has caustic, that has chemicals, that have -- you
13 know, I mean, you know where this is going, that has the
14 potential to go. And so, you know, that's why this is
15 alarming.

16 BOARD MEMBER BURKE: I would expect the homeowner
17 side to be up is my point, because they're using the
18 Department as a resource to do it. They don't necessarily
19 know exactly how they're trying to abide by the rules, so
20 that kind of makes sense.

21 CHAIRPERSON PREZEAU: No, I understand that.

22 As a homeowner, they're not -- so that's the other
23 troubling piece here is -- so I agree with you is that
24 homeowners are not electricians, but these industrial
25 properties or these places of assembly where they're

1 hiring maintenance electricians, there's maintenance
2 electricians that, you know, are certified. This is very
3 troublesome.

4 With the data we have right now -- I'm not making
5 conclusions, but, you know, glad that you asked the
6 question about, you know, providing some additional
7 granularity. That's a good word.

8 So because this is -- we need to understand is this
9 a homeowner problem or is this an industrial problem.

10 BOARD MEMBER BURKE: Agreed.

11 CHAIRPERSON PREZEAU: If it becomes a community
12 problem.

13 Bobby.

14 BOARD MEMBER GRAY: And it only reflects those that
15 actually took the time to get a permit, and not those that
16 shut the door due to work disasters without getting a
17 permit.

18 CHAIRPERSON PREZEAU: That's a very apt reminder.
19 Thank you for that.

20 John.

21 BOARD MEMBER BRICKEY: I think also should point out
22 that these are corrections that were corrected?

23 MR. MUTCH: Yes. These are corrections that were
24 issued. So if a correction gets issued and it does not
25 get corrected -- the serious ones, we track those, and we

1 send out letters, a reminder, then we send out letters of
2 warning, then we do compliance action. And then we decide
3 if it rises to the level of shutting their power off.

4 So these would have been corrected.

5 BOARD MEMBER BRICKEY: So I would just state that it
6 shows the need for inspectors.

7 And the corrections are getting done. If there were
8 no corrections per permit, that might be an issue.

9 CHAIRPERSON PREZEAU: Yeah. I mean, I think there's
10 certain -- like all of us have called or maybe
11 participated in an inspection process, whether it was as
12 an inspector, as a electrician, as a homeowner/property
13 owner, as a contractor. You know, I've had inspections
14 with no corrections.

15 But I'm curious, like if you could address -- I've
16 turned the page over and I'm maybe getting out of -- is it
17 -- it is a -- oh, now I've read it. I was going to say,
18 You list the serious corrections first. So they really
19 have to do with GFCI, arc fault, grounding, open --
20 openings in boxes and panel covers, bonding. I mean,
21 these are foundational principles. And if you recall, we
22 were in this room and we heard Mr. Mutch talk about --
23 what's the term that we used for those incredibly
24 hazardous installation that happened in Tri Cities?
25 Serious -- it was serious, but ...

1 MR. MUTCH: So those were serious -- they were issued
2 -- the citations were issued as serious nonconforming
3 installations. So when we find --

4 CHAIRPERSON PREZEAU: So included. Those were
5 serious nonconforming.

6 MR. MUTCH: Right. When we find an installation
7 that's really hazardous that's going to imminent danger to
8 life or property, we issue citations for serious
9 nonconforming installations. And that's what that was.
10 It was ungrounded electrical equipment that was accessible
11 to the public that could have caused someone to get hurt.

12 CHAIRPERSON PREZEAU: So, I mean, like to be fair,
13 like these like serious corrections had to do with
14 bonding, grounding, overcurrent, access-to-live parts. So
15 they're pretty -- I'm glad that these are in the "serious"
16 because they should be.

17 MR. MUTCH: Yeah. So about half -- well, depending
18 on whether it's a property owner or an electrical
19 contractor, about half of the corrections -- total
20 corrections that are issued are considered serious
21 corrections. And so, you know, the top -- like Tracy
22 said, the top three serious corrections are ground fault
23 protection required, arc fault protection, and grounding
24 of services. So we find lots of, you know, property
25 owners, especially homeowners that do their own work

1 aren't as familiar with the grounding issues. So we find
2 all kinds of creative ways to ground panels. And so that
3 accounts for a lot of those.

4 The whole numbers in parentheses at the end, that's
5 the actual number of corrections that were issued in that
6 time period, which is a one-year time period.

7 So the top one was lack of ground-fault circuit
8 interrupter protection was issued 3,974 times in that
9 year.

10 The non-serious corrections, those are corrections
11 that are code violations. And so, for example, the top
12 three non-serious corrections are failure to fill out a
13 panel schedule to identify what all the circuits are that
14 are supplying the panel. I think it also -- that also
15 includes marking of a disconnecting means.

16 There's a requirement that all grounds be made up at
17 the time of cover inspection. So we go through with the
18 cover inspection and check that the grounds are connected
19 properly. If they're not connected, then we write that
20 correction.

21 The third one is the field marked equipment with the
22 available fault current. Now, that one I suspect is high
23 because it's a newer code requirement and folks aren't as
24 familiar with that. So it's a requirement that is
25 probably, you know, newer to electricians and they're not

1 familiar with it.

2 And then, of course, the next one is supporting
3 nonmetallic sheathe cable.

4 So those are things that are code violations.
5 They're not -- they don't present imminent danger to
6 someone. So ...

7 CHAIRPERSON PREZEAU: Any more -- thank you, Rod,
8 very much. Appreciate it.

9 Any more questions for Rod?

10 BOARD MEMBER BAKER: Madam Chair?

11 CHAIRPERSON PREZEAU: Yep.

12 BOARD MEMBER BAKER: Just one comment, Rod. The
13 filling out the panel schedules, as an electrician and
14 contractor I would argue that that might be a serious --
15 you know.

16 MR. MUTCH: Sure.

17 BOARD MEMBER BAKER: Maybe it's improperly filled out
18 and -- but ...

19 MR. MUTCH: And the way we -- so this could be a wide
20 range of different things. That code violation section is
21 Article 408.4 (A). So that says that the panel schedule
22 needs to be accurately -- to accurately identify all of
23 the branch circuits that are being supplied. So this
24 could range from not filling the panel schedule out at all
25 to an inaccurate description or one that just says,

1 lights, light, lights, lights, but it doesn't identify
2 where the lights are that are being supplied.

3 CHAIRPERSON PREZEAU: Power, power, power, power.

4 SECRETARY THORNTON: On, on, on, on.

5 MR. MUTCH: Yeah. So ...

6 CHAIRPERSON PREZEAU: Thank you, Rod.

7 MR. MUTCH: Hope that helps.

8 CHAIRPERSON PREZEAU: That helps tremendously.
9 Bobby.

10 BOARD MEMBER GRAY: Rod, how about the missing
11 covers? Is that -- if I'm missing a cover from a
12 Condulet, is that -- is that what that's talking about,
13 or is it talking about missing a cover off a
14 panel?

15 MR. MUTCH: Under the serious corrections?

16 BOARD MEMBER GRAY: Yes.

17 MR. MUTCH: That's 110.12 (A), so that's a general
18 correction for unused openings in electrical equipment.
19 So we're talking about a panel maybe that has holes in the
20 top of it where stuff could fall into it and energize
21 parts.

22 408.7 is the panelboard openings need to be sealed.
23 So you might have a dead front cover on a panelboard
24 that's missing a breaker. So there would be a hole there
25 that something could get in there and short out on it.

1 CHAIRPERSON PREZEAU: But this --

2 BOARD MEMBER GRAY: It would actually have a
3 situation where you have access to exposed parts perhaps
4 rather than just simply --

5 CHAIRPERSON PREZEAU: A KO seal -- missing a KO seal
6 in a 4S box.

7 MR. MUTCH: Right.

8 CHAIRPERSON PREZEAU: Included in this would be like
9 no dead front and no panel cover.

10 MR. MUTCH: Could be, yeah, no panel cover.

11 Although, during the course of construction, the
12 panel cover gets removed and installed multiple times, and
13 that -- usually we don't address that.

14 We find a lot of these on finals where the panel's
15 got holes in it that are accessible. Breaker spaces
16 aren't sealed; there's no breaker in it, and it's open to
17 the bussing of the breaker.

18 So -- and these are subjective. I mean, you take
19 5,000 corrections and you look at each one of them and
20 assign a severity level to it. So, you know, there's
21 potential for hazard, right? in any code violation. But
22 there's -- we have to look and decide how great the hazard
23 is to decide whether it goes into the serious or the
24 non-serious bucket.

25 CHAIRPERSON PREZEAU: Any other questions?

1 I have one, and it's not --

2 I thank you again, Rod. This is eye opening and
3 helpful.

4 John, do you -- I mean, I know you can't speak for
5 all the municipalities. But does the City of Longview, do
6 they keep -- do you guys keep track of this kind of stuff,
7 like similar data?

8 BOARD MEMBER BRICKEY: No, we do not. And I'm not
9 aware of any cities that do track that kind of data.

10 CHAIRPERSON PREZEAU: Okay. Cool.

11 BOARD MEMBER BRICKEY: But when corrections are
12 completed to our satisfaction, that record is not required
13 to be kept.

14 CHAIRPERSON PREZEAU: So what I would like to do is
15 take another quick break, especially for those of us that
16 stayed at the hotel and negotiated a late checkout; need
17 to take care of that. Let's take a -- and then come back
18 on the record under the rulemaking with the residential
19 (02) and (04) specialty scopes of work.

20 And it looks like Milton (the court reporter) could
21 use a break too. So -- and I know that it's almost 12:00,
22 but we'll see what happens. And we'll come back at 15
23 minutes to 12:00. Does that work for everybody? Very
24 good.

25 ///

1 (Recess taken.)

2

3 CHAIRPERSON PREZEAU: Ladies and gentlemen, it's
4 11:48, and I would like to reconvene the October
5 Electrical Board meeting please.

6 So we're back on the record.

7 No, I am not passing around my granola trail mix.
8 But just so you know, there is a little store adjacent to
9 the front desk in the event that you are hungry. It is
10 not my intention to skip lunch. But if we could -- if it
11 makes sense to the other Board members to keep working and
12 maybe have lunch afterwards, we'll do it. But I'm not --
13 it looks like with our remaining agenda items that -- I
14 was asked during the break to make a prediction, and I
15 it's -- I think we have an hour or less of work left in
16 front of us on the record. And maybe I'll pass around my
17 granola bar ... maybe.

18 I really was hoping Pam would be here.

19 SECRETARY THORNTON: I was going to offer to come get
20 my trail mix. You weren't even going to have to pass it
21 to me.

22 CHAIRPERSON PREZEAU: I really was hoping that Pam
23 would be here.

24 BOARD MEMBER JENKINS: There she is.

25 CHAIRPERSON PREZEAU: Because there's some folks that

1 have asked if -- to address the Board, and some are still
2 here and some are not. But ...

3 ASSISTANT ATTORNEY GENERAL THOMURE: You want to take
4 it out of order?

5 CHAIRPERSON PREZEAU: Yeah. Do you take public
6 comment out of order?

7 ASSISTANT ATTORNEY GENERAL THOMURE: This is the
8 Board's agenda. So if the Board wants to agree to that,
9 you know, depending on what you're -- you can take it out
10 of order. If you want to set the precedent of doing that
11 or not doing that. But I think you also have to make sure
12 at the end of the meeting that you also ask to see if
13 there's any additional public comment.

14 CHAIRPERSON PREZEAU: All right. I say we go forward
15 with the discussion about rulemaking. We've already done
16 the serious electrical corrections. We'll do our CEU
17 report, out-of-state licensing requirements, and then make
18 sure that there's adequate time for public comment. Does
19 that seem reasonable? Very good.

20 All right. Steve, it's your ball.

21

22 Item 5. Rulemaking - WAC 296-46B-920
23 (02) Residential and (04) Sign Specialty Work Scopes

24

25 SECRETARY THORNTON: Okay. We passed around what the

1 actual changes to the scope of work for the (02) and the
2 (04) are proposed to be.

3 If you look at what the (02) changes are, it doesn't
4 change the requirements of the (02) license; it just
5 changes where you can do that work. So it's not creating
6 a new license; it just allows the (02) to go up to six
7 floors. It follows the construction type, the 3, 4 and 5
8 construction type where before we just limited it at three
9 floors. As the industry has kind of grown and that type
10 of construction has grown, we haven't -- you know, we
11 still had that limitation in there. So the industry has
12 brought forward these proposed changes.

13 And if you look at that, it actually has notations as
14 to exactly what was deleted and what was added.

15 Any questions on that in particular? Don.

16 BOARD MEMBER BAKER: So Steve, where it says six
17 stories of multi-family dwellings, is that the actual Type
18 3, 4 or 5 construction that's above the Type 1
19 construction?

20 SECRETARY THORNTON: Correct.

21 BOARD MEMBER BAKER: Okay. So it could be an
22 eight-story building with five floors of multi-family.

23 SECRETARY THORNTON: Yeah. It could be a parking
24 garage in a strip mall or something on the first two
25 floors, and then apartments above that. It's kind of a

1 common type of construction right now. And, you know, you
2 could do the first three floors with an (02) and then the
3 last two you couldn't, and it doesn't make a lot of sense.

4 BOARD MEMBER BAKER: So we're not talking about a
5 six-story building; we're talking about six floors of
6 multi-family.

7 SECRETARY THORNTON: Correct.

8 CHAIRPERSON PREZEAU: Randy.

9 BOARD MEMBER SCOTT: Where are we in the rulemaking
10 process?

11 SECRETARY THORNTON: Right now, this has been where
12 it's - it's at the stakeholder stage, right?

13 MR. VANCE: Yeah, stakeholders.

14 SECRETARY THORNTON: So the proposals have been put
15 out there. So now it's --

16 BOARD MEMBER SCOTT: So hearing dates? Have there
17 been any?

18 ASSISTANT ATTORNEY GENERAL THOMURE: Has the CR101
19 been filed?

20 MR. VANCE: Yes.

21 SECRETARY THORNTON: Yes.

22 ASSISTANT ATTORNEY GENERAL THOMURE: And the CR102?

23 SECRETARY THORNTON: It's ready to go, right?

24 MR. VANCE: Yeah. It's a week or two away.

25 CHAIRPERSON PREZEAU: So at the stakeholder meeting,

1 September 26th in Tacoma, Larry Vance and -- Technical
2 Specialist Vance and Technical Specialist Mutch made a
3 presentation about these two pending rule changes. And
4 there was some interesting dates of some history that
5 Technical Specialist Mutch shared with the folks in
6 attendance.

7 And including that in 1919, the state of Washington
8 mandated electrical contractors to be licensed. So went
9 back -- so licensing of electrical -- regulation of
10 electrical contractors in the state of Washington goes
11 back to 1919.

12 And in 1935 Washington state adopted the National
13 Electrical Code, and they start doing inspections and
14 appointed a chief and so, you know, the precedent -- the
15 work that we're doing, this goes back to really 1935.

16 And then in 1973, and you guys -- so that's still in
17 the law, the grandfathering of when -- 1973 was when --
18 the year that Washington state said, Hey, workers -- the
19 electricians have to be regulated as well and through
20 certification, right? So we created the (01) and I
21 believe the (02) as well? Or maybe just the (01) in 1973.

22 MR. MUTCH: '73 was the (01), and the specialties
23 were shortly thereafter, a couple of years, '75-ish.

24 CHAIRPERSON PREZEAU: Yeah. So then it goes on --
25 yeah. So in 1975 we created the (02) specialty, the (04)

1 specialty, and the (06) specialty.

2 And then in 1999, the NEC had that three-floor rule
3 that was in our scope, and that was removed in -- the
4 three-floor rule was removed in the National Electrical
5 Code in 1999.

6 So just -- I think all -- hopefully this is -- I
7 found this incredibly informative.

8 And then in the year 2000, the (04) scope of work was
9 expanded to include luminaires, right?

10 And so that provides some context for both the (04)
11 scope and the (02) scope is that the National Electrical
12 Code in 1999 removed the three-floor rule, but we -- you
13 know, we're talking about it now. And just for the
14 benefit of the Board members, I don't believe that -- I
15 believe this is an accurate portrayal of the stakeholder
16 meeting in Tacoma that with both the (04) proposal that's
17 in front of you and the (02) proposal, there was no --
18 everybody that attended the meeting were in favor of
19 particularly the (04) was -- we talked about that one
20 first because it was the least detailed.

21 And the reality is -- and maybe I'm going to
22 hopefully get this right. But this -- just to go into the
23 (04), which is on the fifth page -- the change is on the
24 fifth page, which would allow (04) specialty electricians
25 and (04) administrative contractors to install retrofit

1 kits within housing of existing exterior luminaires that
2 are -- not a whole other structure with like in kind or
3 retrofit kit components.

4 And so the context here is (04)s, they couldn't do --
5 so they could install new signs, and then if somebody
6 said, Hey, I got my sign, and I want you to put LED lights
7 in it, it's not a -- or put, you know, retrofit it so it
8 can accommodate a little bit more energy efficient lamp,
9 they couldn't do that work, which seems kind of odd
10 because an (04) specialty is a 4,000 hour specialty, and
11 there are other specialties within our certification
12 structure that -- I believe it's a -- it's one of the
13 (07)s that could do this work that was not previously in
14 the (04) scope that we're considering amending, right?
15 They could do that work with I think it's 720 hours of
16 fully 100 percent supervised installation, and then they
17 don't have to be supervised and work another -- till they
18 get 2,000 hours of experience, and then they're eligible
19 to sit the exam.

20 So a person that's seeking that specialty could do
21 this work that an (04) couldn't do with 4,000 hours of 75
22 percent supervision.

23 So it seems -- and, you know, I mean -- when I
24 remodeled my house, I put in LED's, right? So I imagine
25 that there's lots of sign and commercial, you know,

1 applications where it seems to make sense that somebody
2 with an (04) specialty journey-level certificate should be
3 able -- and the contractors they work for should be able
4 to perform this work.

5 And then the other thought, just -- there was
6 incredibly good work done around this (02), and
7 particularly by Technical Specialist Vance. If you can
8 look on page 3 in the document you were handed, there's
9 some really great language around what those (02)
10 specialty journey-level workers and their trainees or
11 apprentices can and cannot do. So it specifically exempts
12 or spells out, right?

13 So at the bottom of what's page 2, but it's the first
14 page that we were given, this specialty does not include
15 wiring of, and then it goes on to read any portion of any
16 occupancy of Types 1 or 2 construction or occupancies
17 defined in WAC 296-46B-900, subsection (1) or commercial
18 occupancies such as motels, hotels, offices, assisted
19 living facilities or stores or services, generators, HVAC
20 refrigeration equipment, fire pumps, other equipment that
21 serve other than one- and two-family dwellings or
22 multi-family dwellings of Types 3, 4 and 5. So -- or
23 construction or ancillary structures or interconnected
24 electric power production sources not connected to
25 equipment that supplies one- and two-family dwelling

1 units, so -- or any portion of wiring for conveyances
2 regulated under chapter 70.87 RCW serving more than one
3 residential dwelling unit. So it even addresses
4 elevators, right?

5 So if you're talking about an elevator within a --
6 you know, the penthouse unit that serves one unit, then
7 that's -- you know, it's people -- I don't have an
8 elevator in my house, but some people do. If it's in the
9 dwelling unit, then it's in the purview of that (02). But
10 if it is serving the entire six floors of apartments or
11 condos that is now -- it's (01) work and (01) certified
12 workers and ratios and all of those pieces, right?

13 So I really -- we spent quite a bit of time looking
14 at that language to ensure that it captures everything
15 that we're really talking about (01) in a -- you know,
16 because you're talking about a project that has (01) scope
17 and (02) scope and making sure that the language was tight
18 and easy to understand.

19 And I think -- I just -- Larry did a really nice job
20 on this.

21 Bobby.

22 BOARD MEMBER GRAY: Thank you, Madam Chair.

23 I just want to speak to your comments on retrofit
24 kits.

25 I chaired Code Making Panel 18, which includes

1 Article 600. I'm not a sign expert, but I'm certainly
2 learning a lot. And I think you'll find over the last two
3 or three cycles that there's been a lot more restrictive
4 rules regarding retrofit kits in signs in particularly
5 because of the hazards that those do pose to people.

6 For example, now you're going to have to provide the
7 installation instructions before you have the jurisdiction
8 -- the enforcement agent that comes out to look at that.
9 You have to put them in such a way that they've got a
10 warning sign on them. There's hazards there.

11 So I think there's a lot more to it than just
12 thinking any homeowner or anybody else can go do that and
13 make a safe installation is all I'm saying. I'm not
14 commenting one way or the other on the advantages or
15 disadvantages of this proposed rule change. I just don't
16 want us to think that just simply putting in a retrofit
17 kit is not without some sort of a skill or knowledge or
18 concern regarding safety.

19 CHAIRPERSON PREZEAU: Well -- and just to provide you
20 with a little -- maybe some reassurance, we actually
21 talked about that, right? And one of the sign contractors
22 in the room actually started to engage Rod Mutch on, Hey,
23 maybe these should be Class B or, you know, there's other
24 places in the -- when we did the full rulemaking that we
25 completed really in the July Board meeting, right? there

1 were some changes in the adding to like-in-kind
2 replacement of I believe Class B electrical permits or
3 even different type of, you know, where you don't even
4 need a permit; has to do with, you know, just the
5 replacement of so many snap switches or receptacles.

6 And so one of the contractors said, Well, can we put
7 retrofit kits in there? And I won't put words in Rod
8 Mutch's mouth, but I believe he was reluctant to agree to
9 that. Because for that very same reason, some -- these
10 retrofit kits weren't listed. And so there's an awareness
11 on behalf of the Department and the technical specialists
12 that we're not there yet, right? And so there's still --
13 as this portion of the industry continues to evolve and
14 become maybe more the norm and we start to see all
15 retrofit kits be listed and, you know, start to feel more
16 comfortable that what you can buy off the shelf at the
17 home improvement store when you're talking about retrofit
18 kits is analogous to snap switches and receptacles.

19 So Steve, are you looking for some sort of a formal
20 up or down on these?

21 SECRETARY THORNTON: Yes.

22 CHAIRPERSON PREZEAU: Or some recommendation?

23 SECRETARY THORNTON: Just a recommendation.

24 CHAIRPERSON PREZEAU: So I know that having
25 participated in the stakeholder meeting, I can speak to

1 both of these. And I'm incredibly comfortable with the
2 language that's in both of these scope of -- changes for
3 both the (02) and the (04).

4 And I know for some of you, this may be the first
5 time you're looking at it, so I don't want to push you
6 outside of your comfort level. I mean, when it comes to
7 scopes of work, I can get a little itchy because they last
8 for a long time, right? even though it's a rule. But it
9 feels to me that both objectively and subjectively that
10 the Department has heard the -- you know, heard from these
11 industry bandwidths and have done an incredibly good job
12 of writing language that takes into consideration some of
13 the concerns and making sure that we're not putting folks
14 in a position to perform work that is outside of their
15 training and expertise.

16 BOARD MEMBER BRICKEY: Madam Chair?

17 CHAIRPERSON PREZEAU: John.

18 BOARD MEMBER BRICKEY: If I might, not that it's
19 really important to this discussion completely, but I was
20 wondering if everybody in the room understands types of
21 construction under the building code Types 1, 2, 3, 4 and
22 5. And if anybody would be interested, I would be happy
23 to give a thumbnail sketch of what that is describing.

24 BOARD MEMBER LEWIS: I would be interested.

25 CHAIRPERSON PREZEAU: I think that's a great idea.

1 BOARD MEMBER BRICKEY: So under the building code,
2 there are five types of construction.

3 Type 1 would be the kind of skyscraper type
4 structures you would see in Downtown Seattle. They are
5 completely out of concrete and reinforced concrete.

6 Or Type 2 -- and also skyscrapers; they are out of
7 steel concrete. That's for the structure of the building.
8 If they have steel in them, they have fireproof on the
9 steel, either spray fireproof or encapsulation with gypsum
10 or something of that nature.

11 When you get into the other types of constructions 3,
12 4 and 5, Type 3 is the exterior of a building. They're
13 limited in height, by the way. I'll go back. Types 1 and
14 2 have unlimited heights. When you get to Type 3, it's
15 limited in how that building can go. But the exterior of
16 the building is noncombustible. And the interior can be a
17 separate stand-alone structure within the building shell,
18 and that can be out of either combustible materials or
19 combustible materials that are protected. And all of that
20 determines how large the building can be and how many
21 stories that building can be.

22 In Type 4 is heavy timber, which means that it has
23 large beams. If it has wood finishes inside, they are
24 thicker wood finishes, and they -- that serves as the fire
25 resistive capacity of the building is the fact that it's

1 heavy timber and it takes a long time for timber to burn
2 through that is large in size to the point where it would
3 fail structurally.

4 And then Type 5 construction is the typical frame
5 construction with studs and Sheetrock.

6 And again, those types of construction determine how
7 big a building can be and how tall a building can be.
8 There are some provisions that allow them to be bigger and
9 taller with sprinklers and other open yards and those
10 kinds of things, but that's just a brief thumbnail sketch
11 of type of types of construction.

12 CHAIRPERSON PREZEAU: Thank you, John. Appreciate
13 that.

14 Janet.

15 BOARD MEMBER LEWIS: Well, that's why I wanted to go
16 back to revisit the second part of that. You can stack --
17 can you stack six stories of multi-family dwellings on top
18 of a ten-story Type 1 building?

19 BOARD MEMBER BRICKEY: Don't typically see that, but
20 I think technically you can.

21 BOARD MEMBER LEWIS: Because the way this rule is
22 written, that even if it's a Type 1 or 2, you know,
23 skyscraper or commercial building, whatever, you can --
24 you know, if the local jurisdiction wants to add six
25 stories of multi-family, you could have residential

1 electricians working 12-, 13-, you know, 14-story
2 buildings and --

3 BOARD MEMBER BRICKEY: The question would be whether
4 -- what is the difference, whether the five or six stories
5 are 120 feet in the air or whether they're at ground level
6 as long as the work that's being performed is within those
7 six stories?

8 CHAIRPERSON PREZEAU: Yeah. And to your point,
9 Janet, the -- at the stakeholder meeting, there was some
10 additional concerns. Like you're in very good company in
11 raising that concern.

12 And, in fact, in September it was -- there was --
13 well, I became aware at the stakeholder meeting that there
14 is a project that was approved in the city of Portland
15 that is a timber-frame structure, and it is going to be --

16 BOARD MEMBER BRICKEY: 12 stories.

17 CHAIRPERSON PREZEAU: -- 12 stories, which is -- so
18 that was all -- and it was in the Journal of Daily
19 Commerce I think.

20 So it is my understanding that the way that this is
21 written is that we're not interested -- and I'm looking to
22 make sure this is accurate, right? because I don't want to
23 mislead anybody, but it's my understanding the way this is
24 written, it's the intention of the Department that if
25 you're going to have -- because of -- we were -- folks

1 were concerned about, Hey, because there's sort of a
2 national commitment in the building industry around, Hey,
3 let's focus on engineering wood in ways that we haven't
4 done it before that would allow us to build a 12-story
5 wood building. There's -- and we don't know what's going
6 to happen in the future. We're kind of -- structural
7 members could be produced using technology that isn't even
8 in place today is we didn't -- the intent was -- and I
9 don't want speak for the Department, but I think this is
10 accurate, is the intent was, Hey, we're not interested if
11 we can build a skyscraper out of wood, that that's going
12 to be a residential application.

13 BOARD MEMBER LEWIS: I don't think that was
14 necessarily my question that if you have a building
15 classified as 1 or 2 you can -- you know. And I don't
16 know the building code well enough, but can you then stack
17 six stories of multi-family on top of that and wire that
18 in Romex?

19 BOARD MEMBER BAKER: I think -- John, you might
20 clarify, but the Type 3, 4 and 5 construction is limited
21 in height? 80 feet comes to my mind, but I'm not sure if
22 that's accurate. So at some point they're going to
23 limited --

24 BOARD MEMBER LEWIS: There isn't --

25 BOARD MEMBER SCOTT: There's probably some fire code,

1 right?

2 BOARD MEMBER CUNNINGHAM: -- up to 75 feet or six
3 floors above the Type 1 and 2 construction. And I'm not
4 an architect, but when I see these kinds of projects,
5 usually you're maybe two or three stories of concrete,
6 fire resistant construction. Usually it's concrete. They
7 build a podium that's a couple stories high. It's a
8 parking garage. It's some sort of commercial use. The
9 overall height -- (inaudible) -- it's probably like
10 something like 100 feet. Because you're looking at how
11 high can you reach with a truck, a ladder truck. So
12 you're not -- you can't build a 80-story concrete building
13 and put six stories of wood on top of it. That's not
14 going to -- building official's not going to let that
15 happen.

16 SECRETARY THORNTON: And I believe our thought
17 process was all around the 75 feet that it would be --
18 that was going to kind of be the limiting factor.

19 BOARD MEMBER CUNNINGHAM: And 75 feet in most --
20 (inaudible) -- codes kicks you into a high-rise up to
21 eight stories about the lowest level of exit that's
22 mid-rise, and certain things happen with a lot of
23 building systems once you go to the ninth story of the
24 lowest level, the lowest level at elevation. So if you're
25 built on a hill, the low side of the hill, eight stories,

1 that's -- five to eight stories is a mid-rise building.
2 As soon as you get over to nine stories or 75 feet, it's a
3 high-rise building and all sorts of things kick in from a
4 building code standpoint and an electrical code standpoint
5 that are going to drive up the cost. So usually these
6 buildings are eight stories or less.

7 BOARD MEMBER LEWIS: All right. So they're sort of
8 self-limiting by definition. That's kind of what I wanted
9 to know. Thank you.

10 CHAIRPERSON PREZEAU: Randy.

11 BOARD MEMBER SCOTT: So I have a question about the
12 reasoning behind putting this last underlying piece in on
13 page 3. It says, "For the purposes of this section,
14 classification types of construction are determined by the
15 local building official." Because isn't it actually
16 determined by the code, the state-mandated code, whichever
17 code that is?

18 BOARD MEMBER BRICKEY: When plans come to us, we take
19 a look at what the architect is proposing, and we either
20 agree to it or disagree to it. And so we are the ultimate
21 determiner of the type of construction.

22 CHAIRPERSON PREZEAU: And I want to say -- maybe
23 Larry, you may want to come up to the table please and
24 maybe you'd want to address Randy's question.

25 MR. VANCE: Thank you, Madam Chair.

1 I'm, for the record, Larry Vance. I'm a technical
2 specialist for the Department of Labor and Industries.

3 The Department has a role that we enforce the
4 National Electric Code. We do not interpret or enforce
5 building codes. That's under the purview of cities, towns
6 and counties. So as to make any determination as to what
7 a building construction type is or classify a building
8 would be something that would be outside of our statutory
9 boundaries.

10 But we do want to make it clear -- we wanted to make
11 it clear in the rule as to who does that so that we don't
12 get involved in cross-jurisdictional discussions about
13 this is this or this is that.

14 It's my understanding that within the first several
15 sheets of every drawing set that's approved by a city,
16 town or county that there's an architectural analysis, and
17 that architectural analysis is what breaks down the types
18 of construction. And I think that's what's being talked
19 about as far as the building official either agrees with
20 it or disagrees with it. But that'll be essentially what
21 an electrical inspector will look at. They'll say, What
22 type of construction is this? And they'll look at the
23 drawings, and that's what will rule the day.

24 BOARD MEMBER BRICKEY: Madam Chair, if I could give a
25 little further clarification?

1 CHAIRPERSON PREZEAU: Sure.

2 BOARD MEMBER BRICKEY: And that is, with types of
3 construction, oftentimes you have buildings that mix and
4 match the types of construction. And so the building has
5 to be defined as to be in one type of construction or
6 other for code-application purposes. And so you may have
7 a totally concrete building that's considered a Type 5
8 building for code purposes even though it's concrete. And
9 so that's why the ultimate decision has to come to the
10 building official local jurisdiction to determine what
11 that building will be categorized regardless of materials
12 it's made out of.

13 CHAIRPERSON PREZEAU: Any other concerns, thoughts,
14 questions?

15 So as you heard the Chief, understanding that the
16 process we're at in the rulemaking process for both of
17 these is the 101 -- CR101 has been filed. Stakeholder
18 meeting has been held. The CR102 is going out soon. And
19 the process is not over.

20 But given that where we're at in the process, the
21 Chair would love to officially get on the record how the
22 Board views these two proposed rule changes.

23 BOARD MEMBER BURKE: So do we make a recommendation
24 to approve or do we just -- I'll make a recommendation to
25 approve.

1 Motion

2

3 ASSISTANT ATTORNEY GENERAL THOMURE: A motion --

4

BOARD MEMBER BURKE: Or a motion. Sorry.

5

ASSISTANT ATTORNEY GENERAL THOMURE: -- to support --

6

BOARD MEMBER BURKE: To support the Chief and the

7

rulemaking process.

8

BOARD MEMBER NORD: And I'll second that.

9

CHAIRPERSON PREZEAU: So ...

10

ASSISTANT ATTORNEY GENERAL THOMURE: I think that's

11

unclear. The rulemaking process is different than --

12

BOARD MEMBER BURKE: The rule. Excuse me.

13

ASSISTANT ATTORNEY GENERAL THOMURE: The proposed

14

rule change --

15

BOARD MEMBER BURKE: The proposed (04) and (02) rule

16

changes.

17

CHAIRPERSON PREZEAU: So what I understand your

18

motion to be is to recommend to the Department approval of

19

these two rule changes. Is that your motion?

20

BOARD MEMBER BURKE: True.

21

CHAIRPERSON PREZEAU: And is that your second, Mike?

22

BOARD MEMBER NORD: Yes.

23

CHAIRPERSON PREZEAU: Okay. So the motion is to

24

recommend to the Department the rule changes as provided.

25

Discussion on the motion?

1 BOARD MEMBER SCOTT: Well, I still feel a little
2 behind the curve on this, so I'm going to abstain.

3 CHAIRPERSON PREZEAU: So seeing no other hands, all
4 those in favor of the motion to recommend the current
5 language in the rule change as distributed, signify by
6 saying "aye."

7 THE BOARD: Aye (with one abstention).

8 CHAIRPERSON PREZEAU: Opposed? Motion carried.

9

10 Motion Carried

11

12 CHAIRPERSON PREZEAU: Thanks, Steve. And thank you,
13 Larry, for your help understanding this.

14

15 Item 7. Certification/CEU Quarterly Report

16

17 CHAIRPERSON PREZEAU: And great that you're still in
18 the chair because you want to talk about certification and
19 CEU quarterly reports?

20 MR. VANCE: Sure.

21 I forwarded the members the reports that are based on
22 a years worth of data for the exam, and there's been no
23 movement in the exam as far as pass rates. 01
24 electricians are still at about 50 percent for first-time
25 pass rates. That's essentially unchanged.

1 Residential 02 electricians are down at 25 percent.
2 So that's essentially unchanged also. It might be up a
3 couple of points, and I don't know why.

4 I can't -- offhand I think there's about 1,800
5 residential electricians. And I don't know if those
6 numbers if -- I've been running some numbers lately, and
7 there is somewhat of an uptick in the number of
8 electricians working in the state of Washington that work
9 -- is the number of trainees. And it's not huge, but I
10 think, you know, if there's 800 more of a certain group,
11 whether it be trainees or 01 electricians, it does show
12 that there's people coming into the industry rather than
13 leaving the industry. So I've kind of got a little
14 partial project in the back of my mind, and I'm going to
15 go back and maybe build a little graph and see where we
16 are say, you know, from 2004 to today. Because I think
17 that we have -- what we're having -- we're struggling to
18 hire electrical inspectors. We hear the industry
19 struggling to find qualified people. There appears that
20 there's some movement into this state and that there is a
21 workforce that's risen to the occasion, so to speak, but
22 maybe not to the expectations that everybody wants.

23 Does anybody have any questions about the exam
24 reports or ...

25 There's also the report that shows the examination

1 activity by exam location. And that's just more of an
2 indicator how much that people do utilize the availability
3 of exams anywhere in the United States in preparation of
4 coming here.

5 CHAIRPERSON PREZEAU: Okay. Questions for Larry?

6 So Larry, you mentioned at the last meeting that, you
7 know, obviously with the adoption of the 2017 National
8 Electrical Code, we -- the Department needs to review the
9 bank of questions for the different specialty and general
10 exams -- 01 exams and bring it, you know, just -- and
11 likely when we've done this in the past it doesn't change
12 the substantive questions; it just maybe changes the
13 article and section number and maybe, you know, adds some
14 questions about some new stuff that's in the code.

15 MR. VANCE: Yes. It's -- you know, people do get
16 excited about code changes because, well, frankly there's
17 some new stuff, you know. But really when you take it in
18 the context of the entire code, it's just -- it's very
19 small. And that's kind of a heavy-lift project for us
20 because we have to go question by question by question and
21 make sure that -- in our question database. And then we
22 also have to work with our exam provider, PSI, and they
23 have to go in and essentially load a new question into the
24 database. So it's one of those things. It's that slow
25 moving freight train that every three years that we have

1 to adjust to. And right now we don't have a set date to
2 do that. It's kind of on the -- it's on our horizon, but
3 we're working in that direction.

4 CHAIRPERSON PREZEAU: Yeah, and then --

5 MR. MUTCH: July of '18.

6 MR. VANCE: July of '18. Rod just volunteered.

7 CHAIRPERSON PREZEAU: That's the bogey.

8 MR. VANCE: Well, that's our objective. Whether we
9 reach the objective or not just depends on the workload
10 and where we're at.

11 CHAIRPERSON PREZEAU: Perfect.

12 And, you know, I think we talked at the last Board
13 meeting about -- and maybe it was just in the context of
14 the 01 and the 02 exams. As you can -- as Board members
15 can see, they're still administering exams off the 2014
16 code. And those folks are kind of stuck in that bucket,
17 right? So they can continue -- because they were approved
18 to sit the exam when the 2014 code was the current code,
19 they can continue to sit the exam in 2017 on a 2014 code,
20 which seems -- you know, we don't want to disenfranchise
21 anybody, but you also would hope that electricians,
22 whether they're 01 or 02 or 07 that they are using the
23 most current adopted National Electrical Code.

24 So I'm not -- I'm just getting that on the record I
25 guess is because I think it's worthy of some discussion.

1 And maybe it doesn't have to happen today because we don't
2 even have the exam questions for the 2017 code ready to
3 go. So maybe in the future we can have a more substantive
4 conversation about does that make sense. Because the one
5 thing that the Board has -- we're an advisory board, but
6 the one thing that we really own is the exams and
7 continuing education. So I think that's -- I'd like to
8 see that as a discussion item -- an actual agenda item in
9 the future. And I hope the Board would agree with that.

10 MR. VANCE: Yeah, it's -- just taking a quick breeze
11 through, there's still a little indication that someone
12 has taken the '8 exam, and this is a year's worth of data.
13 So an exam based on the 2008 National Electric Code.
14 There are very few of them. And as the months tick by
15 here, we should see no one on the 2008 code. We're going
16 to continue to see everybody on the '14 code, of course,
17 until we update to the '17 code.

18 CHAIRPERSON PREZEAU: And it's the 2008 code because
19 we -- Washington state did not adopt the 2011 code.

20 MR. VANCE: Did not, yes, correct.

21 BOARD MEMBER JENKINS: Madam Chair, would it be
22 appropriate for the Board to do a recommendation that they
23 move all onto one exam and at some point stop the old
24 exams? Would it be appropriate here?

25 CHAIRPERSON PREZEAU: Well -- and so here's what I

1 would think is, yes, the answer to that is likely yes.

2 And so maybe what we could do is -- I don't want to
3 catch folks like not being -- not having the information
4 they need to say "yes" or "no" to that recommendation is
5 maybe schedule it for the January meeting to have.

6 Because it's a impact not only to the industry and these
7 electricians, but it's also an impact to PSI because if
8 they have to manage, you know, the 2008 exam, the 2014
9 exam and the 2017 exam when we get there, right? So
10 instead of maybe making that recommendation today is
11 having a more substantive conversation about it and a
12 presentation from a technical specialist or the Chief at
13 the January meeting, and then if the Board members feel
14 comfortable after that discussion making a recommendation.
15 Let's maybe have a think about that.

16 Bobby.

17 BOARD MEMBER GRAY: Thank you, Madam Chair.

18 Would that not be a policy change that would require
19 public input before we could make that? Or could the
20 Department just flat say you no longer can test on
21 previous editions?

22 CHAIRPERSON PREZEAU: So that's another reason why I
23 don't want to have this conversation today is because I
24 think -- I'm going to start to grab my RCW and WAC is
25 because, as Pam's already in there, is because we need to

1 understand, you know, statutorily what is our
2 responsibility as the Board and what's our authority,
3 particularly understanding that within the exams and
4 continuing education, we really are the authority on that,
5 the Electrical Board is. And so I think what might seem
6 reasonable is to schedule that discussion for January and
7 start looking at some of the ancillary documents about the
8 statute and the rule that applies specifically to the
9 exams, and then we can have that information as part of
10 our Board packet, so review it before the January meeting,
11 and then have a much more robust conversation about it.

12 Does that seem reasonable? Awesome.

13

14 Item 8. Out of State Licensing Requirements

15

16 CHAIRPERSON PREZEAU: All right. Any other questions
17 about exams for Larry? Because if not, we can move onto
18 our next agenda item, which is out-of-state licensing
19 requirements. Larry.

20 MR. VANCE: In talking with -- in listening to our
21 licensing section, they get calls from all around the
22 world: Antarctica and -- it's just incredible the
23 variety of calls they get from people looking at becoming
24 certified in Washington. And there's a lot of places that
25 you have to bounce around laws and rules and that sort of

1 thing in order to figure out what you need to do. And we
2 have applications that every time a law is changed or a
3 rule changes we say to ourselves, Hey, we need to add that
4 to the application. And what we found ourselves with is
5 this kind of -- this kind of a cyclops of an application.
6 It's a one-size-fits-all application. And if you're
7 coming from out of state, heaven forbid that you get
8 handed one of those because half of the stuff pertains to
9 being an in-state electrician and how do you sort through
10 all of that.

11 So just for licensing staff and for some day public
12 consumption here, I started work on a flow diagram. And
13 essentially is you work yourself from that -- there's the
14 specialties here, and we really don't line up with
15 specialties with other states for the most part. Yes,
16 residential's usually similar. Limited energy's usually
17 similar. Then it kind of just falls apart from there.
18 But once you get into the first column of being an -- of
19 qualifying as an electrician for an electrician exam in
20 our state, you're going in through a path here that's
21 going to get more difficult from the standpoint of
22 documentation.

23 So I'm coming in from out of state. The basis of our
24 licensing laws are around 8,000 hours of experience with
25 4,000 hours of those hours being in commercial industrial.

1 And so you've got an apprenticeship path. The middle
2 column is a licensing state path. Only about half the
3 states in the United States are licensing states. So
4 you've got a 50/50 chance.

5 And then you get into the states that are not
6 licensing states. So as you get into that -- further to
7 that right-hand side there, the more that you're likely to
8 burden our audit program, for instance, with trying to
9 figure out who you are, what your experience is by the
10 records that you're providing.

11 Further into the weeds off of this page are things
12 like out-of-country experience, military experience. What
13 we wanted to -- what I was trying to accomplish here was
14 doing something that say 90 percent of the people from out
15 of state picked up and looked at, they could see what they
16 are and what my path to getting, you know, certification
17 is.

18 And that was just -- I thought I'd share it with the
19 Board.

20 The other thing we're doing is we're just developing
21 a streamline out-of-state application. So it doesn't have
22 any of the Washington things on there. You don't need to
23 fill out an affidavit for Washington experience because
24 you're from out of state, you don't have any Washington
25 experience. So why is that included in an application.

1 So that's what we're up to. We're trying to make it
2 the easiest we can make it for folks coming from out of
3 state to qualify if they do qualify for our exam and
4 making sure that our licensing folks are fully up to speed
5 and able to serve those people.

6 CHAIRPERSON PREZEAU: Is this -- and maybe I missed
7 it, but is this flow chart on the Web site?

8 MR. VANCE: Not yet. It's a draft.

9 Because I don't have the -- we have not completed the
10 out-of-state application yet. It's in the forms and
11 records process, which is another group within our
12 building.

13 CHAIRPERSON PREZEAU: So is it your, what I hear,
14 maybe your intent is once that out-of-state application
15 gets approved by folks that do that, then that and this
16 will be available on L & I's Web site --

17 MR. VANCE: Yes.

18 CHAIRPERSON PREZEAU: -- under the electrical
19 program.

20 MR. VANCE: Yes.

21 CHAIRPERSON PREZEAU: That's terrific.

22 MR. VANCE: Yes. Something like this flow chart with
23 that, yeah.

24 CHAIRPERSON PREZEAU: Kevin.

25 BOARD MEMBER SCHMIDT: This was the first time we've

1 talked about subspecialties or I've seen something about
2 subspecialties. I think we've been mainly focusing on the
3 01 electricians. And I was just trying to get a little
4 bit more clarification in reference to are we -- are we
5 going to start to consider hours and so forth for sitting
6 for the exam for the subspecialties as well?

7 MR. VANCE: Our auditors are certified electricians.
8 They meet the same qualifications as our inspectors do.
9 So that they're able to look at hours and make
10 determinations as to equitable experience.

11 So they find a lot of fraud. Having a robust audit
12 program is just very important because people tend to kind
13 of claim up, so to speak. That seems to be the thing that
14 our auditors find. We're going to kind of turn these
15 hours into better hours. And the older the hours are, the
16 more likely that is the case because it's hard to find
17 substantiation for a reason to discount them. Somebody
18 wrote them down on a piece of paper, but that person's not
19 around to contact anymore. That kind of thing.

20 They do. They look at -- you know, if it fits, it
21 fits. If it doesn't fit, no. I mean -- so ... But you
22 get into that whole realm of that's why the auditors are
23 who they are, and they're able to make those
24 determinations. Based within the rules, but --

25 It's kind of like military experience. There's some

1 military experience that's limited energy. You'll find
2 military experience that's HVAC. And you'll find 01
3 general electrician military experience too for CV's and
4 people that go through construction programs.

5 BOARD MEMBER SCHMIDT: Well, my reason for my
6 question is is that while we all acknowledge there's a
7 shortage of 01's, there's also a shortage of 06's in the
8 state of Washington.

9 MR. VANCE: Yeah.

10 BOARD MEMBER SCHMIDT: And that's a -- you know. And
11 it's not a -- you know, even 4,000 hours is not an easy
12 level to achieve or to get -- you know, to bring those
13 levels up quickly.

14 And so looking at out of state -- and I acknowledge
15 the statement you made where a lot of the states aren't --
16 don't even have something even similar to our 06 program.
17 But I was just trying to decide if there was a -- you
18 know, if that's something we should be looking at because
19 it is a problem within the low-voltage industry as well as
20 the 06's, and especially, you know, based on a lot of the
21 things that are going on with FOB systems and keep-off
22 systems and those things that are definitely 06. And if
23 the 01's can't even complete the electrical, they can't
24 take on that as well.

25 MR. VANCE: Right.

1 BOARD MEMBER SCHMIDT: So that was my question about
2 that is, Are we looking at that? Is there a -- is this
3 system going to consider that as well?

4 MR. VANCE: It does. It focuses on the 01's because
5 the 01's are kind of the majority of our traffic, the
6 majority of the certified people in our state, the
7 majority of contractors. So we're putting a big focus on
8 that to hopefully give our licensing staff and our audit
9 staff more time to look at the other items quicker.

10 If you get off into the weeds -- essentially what we
11 always tell people is look at our work scope and see if
12 you -- if you look like that, then that's what you want to
13 be pursuing.

14 Typically the limited energy from any licensing
15 state's pretty similar to ours. It's fire alarm. It's
16 life-safety systems. It gets interesting when they come
17 from the non-licensing, non-apprenticeship, non-non
18 states. That's where we have to really start looking at
19 things. And it's very limited as to what we can look at.
20 You're looking at letters from employers. You're looking
21 at -- I mean, we're taking -- it's an honor system. But
22 we're also there standing at the gate, so to speak.

23 BOARD MEMBER SCHMIDT: Have we considered making a
24 list of these states in reference to saying these are the
25 states that we recognize their programs?

1 MR. VANCE: We're kind of going down the path of kind
2 of a reciprocal -- of reciprocity there. And that's an
3 area that we're always open to considering. But we've
4 been -- we've had some limited energy reciprocity in the
5 past, and we don't currently have any. We do have very
6 open access to the exam.

7 I mean, if you're a limited energy electrician, you
8 can get qualified and take the exam anywhere in the United
9 States. So there is that ability.

10 BOARD MEMBER SCHMIDT: Right. But the exam's not the
11 issue; it's the recognition of the hours.

12 MR. VANCE: Right.

13 BOARD MEMBER SCHMIDT: That's where it's becoming,
14 you know, a challenge to say someone -- and I'm not -- I'm
15 just picking a state. But California who's been
16 installing fire alarms for the last ten years, you know,
17 they're obviously going to be able to sit for the exam.
18 However, is the state of Washington going to recognize the
19 ten years of experience in California? And actually I
20 don't believe is a licensed state. I'm not sure about
21 that.

22 MR. VANCE: They have become a licensing state.

23 Really, what the auditors look at is, Was this worked
24 -- was this legally worked in that state? And if it's
25 legally worked, meaning that, you know, you needed

1 certification, you were certified, you worked for a
2 licensed contractor, if the contractor -- it gets really
3 involved because of the difference in all the states. But
4 they just looked to see that, you know, is this legally
5 gained experience and is it equivalent to ours. If so,
6 qualify for the exam. So that's what they're looking for.

7 BOARD MEMBER SCHMIDT: Okay.

8 CHAIRPERSON PREZEAU: Any other questions for Larry?

9 Thanks a lot, Larry. This was very helpful. And I
10 look forward to the day when the out-of-state application
11 is approved and it's on the Web site, it's accessible, and
12 so is this because I think this makes it really easy to
13 understand.

14

15 Item 9. Public Comment(s)

16

17 CHAIRPERSON PREZEAU: So I just want to check in with
18 Milton (our court reporter) because he's kind of an
19 important player. And we have one, two, three, four,
20 five, six people that have signed in on public comment
21 that want to address the Board.

22 THE COURT REPORTER: Let's go. Let's keep going.

23 CHAIRPERSON PREZEAU: Does the Board -- do you guys
24 want to keep going? I do too.

25 So with that, I'll take them in order as they signed

1 in.

2 So Tena Risley with Northwest HVAC/R, if you want
3 to ...

4 MS. RISLEY: Thank you, Madam Chair, members of the
5 Board.

6 CHAIRPERSON PREZEAU: And Tena, just if you would,
7 spell your first and last name for the court reporter.

8 MS. RISLEY: Tena -- T-E-N-A, Risley -- R-I-S-L-E-Y.

9 And I am with the Northwest HVAC association and
10 training center located in Spokane representing mostly
11 HVAC licensed contractors, construction contractors and
12 those with electrical certifications. We're also a --
13 have been a Federally accredited program for HVAC
14 vocational training since '99 and we believe in high
15 standards and compliance throughout not just our
16 companies, our member contractors, but their employees as
17 well. So we provide full-time training for any people
18 coming into the industry down to journeyman refresher type
19 of training and other things, either on the electrical
20 side for HVAC or the mechanical side. We're also licensed
21 apprenticeship for Idaho.

22 So I just wanted to speak briefly to some of the
23 issues we've been having out-of-state experience,
24 specifically for 06A, and I am not speaking to 01,
25 specifically for our industry.

1 I myself, I get a lot of phone calls and too walk-ins
2 from contractors that have referred their out-of-state
3 applicants or new employees to me for help in trying to
4 get them certified, or approved I should say, to take the
5 06A exam given their past experience from a legal
6 contractor, and I do actually go through my own
7 verifications before I continue helping with them. So
8 from their legal contractor in another state. And, you
9 know, what we're up against is the comparison for
10 Washington state having the 06A electrical certification
11 to most all other states not having that specific
12 requirement.

13 We're running into issues with -- and it's been even
14 more than a couple years ago I believe. Because I think I
15 -- we did put in a WAC proposal to discuss this same issue
16 a few years ago. We're running into the issue with
17 they're legally working, as Larry was just talking about,
18 in another state for a legal contractor, which is not hard
19 to identify as those applications come in, and are being
20 denied either 100 percent of those hours, whether it's one
21 year of experience or ten years of experience, and are
22 subject to sitting on a trainee card in Washington state
23 for two more years, 4,000 hours. And there are times when
24 I just think there are certain variances within the
25 Department -- I know we've had conversation in a meeting

1 with the Chief to get a little bit more information.

2 At times some of these qualified journeymen HVAC
3 technician types will get one year granted and then have
4 to accumulate that next year of experience before they're
5 allowed to take the exam.

6 We're not concerned about the new applicants coming
7 in and having to wait till they get their 48 hours of
8 classroom training in before they test. There's some pros
9 to that obviously, especially learning some of the
10 Washington state laws. But I get firsthand the
11 frustration from not just the employer that cannot anytime
12 soon plan on paying this guy what he's worth and training
13 their current trainees and having that ratio out that they
14 need. I have firsthand seen them throw up the hands in
15 the air with the process of trying to get out-of-state
16 hours approved and walk away from our trade.

17 I see others that sit, some on still training wages
18 with ten years of experience, where they're getting their
19 hours signed off from maybe one of our graduates that's
20 been out in the field two and a half years and actually
21 got that 06A card. And what I see is that out-of-state
22 journeyman training him while he's getting his hours
23 signed off by the kid that just got his 06A license.

24 So there's a lot of frustration. Of course, there's
25 a labor shortage and shortage of concerns of finding more

1 inspectors. The same goes down for our industry with
2 electricians in HVAC.

3 This has kind of been an ongoing issue I think for
4 her 06A. And I would like to further some discussion.

5 I wanted to -- I meant to -- I meant to -- before I
6 started talking, I meant to also thank on behalf of my
7 association and our industry currently with the current
8 Chief and some communication of just actually having some
9 of these conversations in the recent time here in the last
10 couple years because I don't think we were kind of able to
11 do that before, and I really appreciate having -- being
12 able to have these types of discussions and feeling like
13 we are of some value to the electrical industry.

14 But I'm hoping -- that's our ongoing concern right
15 now. And I've got -- I always have a couple ideas. But
16 is there any comments that Board members might have to
17 continue this conversation beyond today? Any ideas that
18 may help us?

19 CHAIRPERSON PREZEAU: Board members?

20 Well, I mean, Tena, I think, you know, Larry's
21 presentation about the flow chart and out-of-state
22 experience is, you know, is on point with what you're
23 engaging the Board about. It's challenging. And I think
24 we've -- you know, we've had both Rod and I think Larry
25 give presentations about -- there was one meeting where we

1 got a map of all the United States, states that have
2 licensing and states that don't have licensing. And
3 sometimes like in the state of Nevada, the state doesn't
4 have licensing, but Clark County, which is where Las Vegas
5 is, they have a county certificate for workers and
6 regulations. But where it gets hard is when you start
7 talking about the subspecialties outside of 02, right? 06
8 is -- you know obviously, Kevin, you come from that
9 industry bandwidth. And some states, you know, don't have
10 any licensing or certification at all, and some states
11 will have a general journeyman or maybe a residential, but
12 then when you start getting into the degree of
13 subspecialties, that we have in Washington, there's no
14 apples to apples, and so that's where it gets really hard,
15 right? And, you know -- because maybe there's a way to
16 verify those hours and maybe there's not.

17 And so obviously, you know, Tena, we're hearing your
18 comments, which is like firsthand this is my experience
19 and frustration because we have folks coming from a state
20 maybe that even might have certification and licensing,
21 but they don't have it for -- there's no comparable 06A or
22 there's no compare -- you know, 07 or 03, 03A. And it
23 makes it hard.

24 And I don't know that we, you know, perhaps that -- I
25 think this Board is incredibly interested in understanding

1 how do we make it easier for contractors, workers and then
2 customers to get the work done that they need and to make
3 sure we have a viable workforce in Washington state in all
4 of these different industry niches.

5 So maybe we could ask the Department for some
6 additional information be presented at a meeting in the
7 future -- a Board meeting in the future. Because I think
8 most of our focus has been on 01, right? And as Larry
9 just said, that's the largest population of electricians
10 and likely administered contractors in the state of
11 Washington. But maybe drill down a little bit deeper
12 about, you know, 06, 06A, 07, some of those other, you
13 know, subspecialties to sort of get a better understanding
14 of what's the current situation and how do we alleviate
15 some of the friction.

16 MS. RISLEY: You know, I've got a couple notes
17 putting this together on potentially what could change.
18 And years ago -- I know there is one issue that will arise
19 in further conversations, and that'll be, well, that 06A,
20 do we accept it as out-of-state experience without an
21 electrical license in that state. For now he's an 06A,
22 and if he wants to go progress and go into an 01 category
23 and actually switch careers and become an electrician,
24 those hours should be applied.

25 And my answer to that is no. I know years ago when

1 the specialties were set up there was that application
2 that was put into place that currently exists that if you
3 are an 06A, those two years can go into your 01 category
4 if that's where you choose to go.

5 I'm seeing that that is -- I can't speak for the
6 whole industry, but I would like to talk further about
7 this because in my experience for years and years I can
8 name a handful or less of a crossover from an HVAC -- I
9 did have one journeyman electrician that came and got a
10 trade to become an HVAC technician and went that way, and
11 vice versa, maybe one out of twenty-plus years that I've
12 seen an 06A pursue an 01 career, and I've never seen it in
13 the HVAC industry. That person with that 06A license
14 actually has to basically quit his job and go work for a
15 electrical company where there are enough hours to
16 progress as a trainee and get qualified to take your 01
17 exam.

18 So one of the things from -- just to summarize, if we
19 were considering changing how we bring in out-of-state 06A
20 experience, please consider, Well, maybe those out-of-
21 state experience if he becomes that 06A should not ever
22 apply to moving up towards an 01 because I don't think
23 that that's going to be a problem for anyone. And it
24 certainly is not what we're after. We're after just
25 getting more qualified people to test within the 06A scope

1 of work.

2 CHAIRPERSON PREZEAU: Thank you.

3 Okay. Corey Condron with Condron Homes.

4 BOARD MEMBER: You've got a question.

5 CHAIRPERSON PREZEAU: Oh. Sorry. Sorry. I
6 didn't --

7 BOARD MEMBER GRAY: That's all right.

8 CHAIRPERSON PREZEAU: Bobby.

9 BOARD MEMBER GRAY: That's okay.

10 I just want to clarify something if you wouldn't
11 mind, Ms. Risley.

12 I thought I heard you say that part of your challenge
13 is the fact that you personally do vetting on these people
14 when they're candidates when they're submitted to you.
15 And so is the concern that when you through your process
16 of auditing find that you think the person does meet the
17 requirements to sit for the exam, then the Department
18 doesn't agree with you?

19 MS. RISLEY: Well, I mean, the Department, I don't
20 think -- it might be they don't agree and think that it's
21 just not -- there's not a policy in place for them to be
22 able to agree and give them the full hours. They're fully
23 vetted.

24 Now, we don't get an application every single day, so
25 there's a slight process to see where they were from.

1 I can start creating a little database so it makes it
2 easier next time to go there to see if they were legal in
3 that state.

4 But yeah, I think the Department's hands are going to
5 be tied a little bit on a policy or lack of being able to
6 accept all of those hours from each state that does not
7 have a current specialty license.

8 And then just one more comment. When I go to vet
9 somebody to take the Idaho exam that's coming from out of
10 state, whether it's Iowa or Washington to get certified to
11 take the HVAC exam in Idaho state because they didn't have
12 the Idaho apprenticeship, again, they're under the same
13 issue with that because there's almost all states in
14 Washington do not have the apprenticeship requirement that
15 they created years ago. So they're struggling.

16 So now we have to properly certify them and they have
17 the qualifications that are met. I use the electrical
18 specialty in this state as one of my processes. For
19 somebody that's trying to take the Idaho state exam and
20 they worked in Washington for the last four years and they
21 weren't required to be in an apprenticeship program, fine.
22 But we won't accept them and approve them to take the
23 Idaho exam if they don't have certain qualifications in
24 place, and that is not just including whatever local
25 licensing it may have been, for gas or what have you, if

1 they worked for a legal contractor, it also has to do if
2 they have the 06A license or electrical training card in
3 Washington. And if they don't, we don't approve them.
4 Because that means they weren't working in Washington
5 state legally, and therefore, we're not going to accept
6 them in another state.

7 BOARD MEMBER GRAY: Thank you.

8 CHAIRPERSON PREZEAU: Highly reasonable. Thank you.

9 Is Corey Condrón from Condrón Homes still here? No?

10 David Christianson (phonetic), Intermountain West
11 Insulation? Nope.

12 James Carpentier, Northwest Sign Council and
13 International Sign Association.

14 MR. CARPENTIER: Hi. James Carpentier. It's --
15 spell my name?

16 CHAIRPERSON PREZEAU: Yes, please.

17 MR. CARPENTIER: James -- you got that -- Carpentier
18 -- C-A-R-P-E-N-T-I-E-R.

19 And I'm going to be really brief. Madam Chair and
20 the Electrical Board, I appreciate all the work you do.
21 Because I work all over the country, and you guys do a
22 really, really good job.

23 And all I want to say right now is thanks for your
24 support of the rule change for the sign specialty license.

25 And really that's about it.

1 I thought I might share a little bit more if it was
2 before the vote. But since it's after the vote, that's
3 about all I have to really say.

4 But I was really glad to hear everything that's going
5 on here because it's giving me ideas for other states
6 where we're having some problems, which I think may
7 provide some assistance. So -- even though it -- you
8 know, but it's been valuable to hear your discussion. I
9 just want you guys to hear that. Thank you very much.

10 CHAIRPERSON PREZEAU: Thank you, Mr. Carpentier.

11 And you came to our July meeting.

12 MR. CARPENTIER: Yeah, I did. I didn't go to the
13 stakeholder meeting, but I was at the July meeting too.
14 So correct.

15 CHAIRPERSON PREZEAU: Thanks for coming.

16 MR. CARPENTIER: You bet. Thank you.

17 CHAIRPERSON PREZEAU: Terry Swanson with Swanson
18 Refrigeration.

19 UNIDENTIFIED: He's gone.

20 CHAIRPERSON PREZEAU: Okay. And then, for the
21 record, State Representative Bob McCaslin was here, and he
22 signed in with no comment. But ...

23 And then Arthur Whitten with Spokane Homebuilders
24 Association.

25 MR. WHITTEN For the record, Arthur Whitten.

1 A-R-T-H-U-R, W-H-I-T-T-E-N.

2 Thank you, Madam Chair, members of the Board.

3 Like the previous speakers, I'll try to keep it
4 brief.

5 I'm here today with Spokane Homebuilders Association.
6 We represent over 700 members businesses that spans across
7 seven Eastern Washington counties, and that includes
8 builders, developers, subcontractors, industry suppliers
9 and other members of the residential construction
10 industry.

11 There was some discussion earlier in the meeting
12 today regarding turn-around times for electrical
13 inspections. I wanted to share some information about
14 what we're experiencing and the feedback my association is
15 hearing from our members. And what we're hearing is that
16 in many cases we're experiencing up to seven to ten days
17 to schedule and complete an electrical inspection. And
18 that's in the Spokane region, but also spanning the other
19 parts of our jurisdiction. And where that's becoming a
20 concern is that it's happening in two areas that we wanted
21 to touch on.

22 Corey Condron who was here before had to go. He's
23 one of our members. And he was going to talk about this.

24 But on one side, it becomes a housing affordability
25 issue when it's delaying other parts of completing the

1 job.

2 At the other end, Corey was going to share a story.
3 But in some cases it's become a safety hazard. When he's
4 digging a ditch installing conduit and then having to have
5 his own employees work around, waiting for that inspection
6 to come in actually puts a serious trip hazard waiting for
7 the electrical inspection to come in. So it's impacting
8 different areas of our industry.

9 And we're beginning to work with Larry on the virtual
10 inspection program. So we continue to encourage the
11 Board, the Department to work on these innovative
12 solutions. We know that the Department's facing the same
13 workforce issues that residential construction is. But it
14 is having an impact in this region. That has been what
15 we've been experiencing in this area.

16 Thank you.

17 CHAIRPERSON PREZEAU: Thank you.

18 BOARD MEMBER LEWIS: A question.

19 CHAIRPERSON PREZEAU: Oh. Janet.

20 BOARD MEMBER LEWIS: And you're speaking specifically
21 outside the city of Spokane since they do electrical
22 inspections?

23 MR. WHITTEN: Correct. Yeah, correct, since the city
24 -- yeah, the city does have its own municipal inspector.

25 BOARD MEMBER LEWIS: Do you have an idea how long you

1 have to wait for city inspections?

2 MR. WHITTEN: No.

3 CHAIRPERSON PREZEAU: Mr. Whitten, these -- if I may,
4 when you indicated that sometimes your members have
5 experienced up to seven to ten days for inspection, is
6 that to complete an inspection?

7 MR. WHITTEN: Yes.

8 CHAIRPERSON PREZEAU: Is that because it's -- maybe
9 some of that's because a reinspection needs to happen, or
10 is this like it's taking seven to ten days to get the
11 first inspection?

12 MR. WHITTEN: Thank you for bringing that up.

13 So in some cases, it has been issues that we talked
14 about, about finding the location of the site, having to
15 come back, having issues that then lead to reinspections.
16 But it has also originated in cases of the initial coming
17 out to the job site has taken upwards of seven to ten
18 days.

19 CHAIRPERSON PREZEAU: And do you -- are you aware
20 what county your members are experiencing the greatest
21 delays?

22 MR. WHITTEN: I've heard specifically Spokane and
23 Lincoln County. But we've also heard of inspectors coming
24 up from Whitman County to complete jobs in Spokane County.
25 Thurston County; Tumwater, Olympia, coming over here to

1 help with that workload issue.

2 CHAIRPERSON PREZEAU: And has your experience in
3 working with the Department on like the virtual inspection
4 and conversations with technical specialists, are you
5 finding those conversations to be helpful?

6 MR. WHITTEN: Yeah, that's actually been very
7 positive so far. Condron Homes is hoping to participate
8 in that program, so that would help. Our industry hopes
9 to continue to be a part of that. We see that as
10 something that can absolutely help.

11 CHAIRPERSON PREZEAU: Excellent.

12 Any other questions?

13 Steve.

14 SECRETARY THORNTON: I would like to know the
15 particulars on the seven to ten days, anything that is of
16 that length, there's got to be some more to it, but ...

17 MR. WHITTEN: And I'd love to put you in touch with
18 some members that could ...

19 SECRETARY THORNTON: Sure.

20 The same thing for Tena and her comments. The
21 particulars on who we've turned down, when, and we'll look
22 at whether we can do something different or there was
23 something that we can -- we could have done then and that
24 we didn't do.

25 We've been down this road with the 01 and the

1 temporaries. And it generally works out that people say
2 they want to do this, but when it comes right down to it,
3 they've got a lot of other options, so they go another
4 direction anyway. But I'll willing to look into any of
5 those scenarios.

6 MR. WHITTEN: Thank you.

7 SECRETARY THORNTON: But I appreciate the feedback.

8 CHAIRPERSON PREZEAU: Perfect. Is there anybody else
9 who did not sign in to address the Board but wants to
10 address the Board under public comment?

11 Seeing no apparent interest, are there any other
12 comments, questions, concerns from Board members?

13 Jason.

14 BOARD MEMBER JENKINS: The earlier subject we were
15 referring to where we had permitting issues where a permit
16 was acquired in some county, was not being done or vice
17 versa. Or the state requires a electrical permit, but the
18 city was not requiring an electrical permit. Is that
19 anything in our wheelhouse? Is that anything we have any
20 information on or discussion about?

21 CHAIRPERSON PREZEAU: Steve.

22 SECRETARY THORNTON: That is probably going to be a
23 discussion between myself and the city that I know of
24 about that particular instance.

25 BOARD MEMBER JENKINS: So we have no input on that

1 or ...

2 SECRETARY THORNTON: Well, I --

3 BOARD MEMBER JENKINS: Or ...

4 SECRETARY THORNTON: I think we do have some input.
5 How much horsepower we have there, I'm not sure. But the
6 conversation definitely needs to go on.

7 BOARD MEMBER JENKINS: It just concerns when I hear
8 that -- because that would have solved a lot of issues had
9 there been something in place.

10 SECRETARY THORNTON: And that just puts the customer
11 in a bad spot.

12 BOARD MEMBER NORD: A question, Steve.

13 SECRETARY THORNTON: Yeah.

14 BOARD MEMBER NORD: If a particular city, using
15 Spokane as an example, decides they don't want to play by
16 the rules that the state of Washington has set up, can we
17 revoke their ability to do self-inspections?

18 SECRETARY THORNTON: I would say no. But I'd have to
19 check into that. I think that probably ...

20 BOARD MEMBER NORD: Because I think if the law says
21 that this is the minimum requirements within the state of
22 Washington, if you as a governmental agency outside of the
23 state of Washington decides to do your own inspection, and
24 you're caused by statute to be at least at this level, but
25 you're choosing not to, then you should not be allowed to

1 do inspections.

2 SECRETARY THORNTON: And -- yeah. My thought would
3 be is that we might raise the flag on that. But that's
4 going to be somebody above us that makes that decision.

5 BOARD MEMBER NORD: Is it more of a legislative
6 probably.

7 SECRETARY THORNTON: I would think so, but ...

8 CHAIRPERSON PREZEAU: So John pointed this out
9 earlier. In 19.28.010, subsection (3), and I -- and
10 subsection (4) come into play. So -- and John read from
11 that statute earlier, that portion of the statute.

12 And then -- but we didn't -- so it says, "This
13 chapter shall not limit the authority or power of any city
14 or town to enact and enforce under authority given by law,
15 any ordinance, rule, or regulation requiring an equal,
16 higher, or better standard of construction and a equal,
17 higher, or better standard of materials" -- it goes on.

18 And then subsection (4) says, "Nothing in this
19 chapter may be construed as permitting the connection" --
20 and it goes on.

21 But then 19.28.021 as John accurately pointed out is
22 the portion of the statute that covers disputes regarding
23 local regulations, and there's an arbitration process.

24 So "Disputes arising under 19.28.010 (3) regarding
25 whether the city or town's electrical rules, regulations,

1 or ordinances are equal to the rules adopted by the
2 department shall be resolved by arbitration. The
3 department shall appoint two members of the board to serve
4 on the arbitration panel, and the city or town shall
5 appoint two persons to serve on the arbitration panel.
6 These four persons shall choose a fifth person to serve.
7 If the four persons cannot agree on a fifth person, the
8 presiding judge of the superior court of the county in
9 which the city or town is located shall choose a fifth
10 person. A decision of the arbitration panel may be
11 appealed to the superior court of the county in which the
12 city or town is located within thirty days after the date
13 the panel issues its final decision."

14 So there's a mechanism. There's a process in the
15 statute. And we got close to seating a arbitration panel
16 when Ron Fuller was the chief electrical inspector. And I
17 don't know that it's helpful or that I can even remember
18 what jurisdiction was -- what it was concerning.

19 BOARD MEMBER NORD: Wasn't that the fire alarms in
20 Bremerton?

21 CHAIRPERSON PREZEAU: That was a different -- that
22 was -- yeah -- well, and there was another --

23 So just for everybody's information, right? So there
24 is a -- as John pointed out earlier in the meeting that
25 there's a statutory requirement for arbitration and review

1 and a process laid out in the event that -- but it
2 certainly doesn't indicate that there's a -- and I'm not
3 an attorney, but it doesn't seem to indicate that the
4 Department has the ability to unilaterally revoke a local
5 authority and their wanting to have regulation within
6 their jurisdiction.

7 ASSISTANT ATTORNEY THOMURE: But the Department can
8 call for the arbitration if it feels that the city is not
9 -- its program is not as effective. It can require the
10 city or town to go through the arbitration process.

11 BOARD MEMBER NORD: Because we need to have
12 consistency throughout the state.

13 BOARD MEMBER BURKE: I'll be brief.

14 But when an entity elects to handle their own
15 inspections and permitting, and they have to go above and
16 beyond the state --

17 CHAIRPERSON PREZEAU: Or equal.

18 BOARD MEMBER BURKE: Or equal. Excuse me.

19 Is that program reviewed by the state, or are they
20 just off on their own and running, and you guys never
21 look at it? So then all of a sudden we get into a
22 situation, you know, where the city doesn't require it
23 but then the State goes in and forces something, and the
24 city may not have required that. Is it reviewed by the
25 State before it's allowed that they can handle their own

1 inspection, or is it -- they just elect to do their own
2 inspections and ...

3 SECRETARY THORNTON: They notify us and we stop
4 selling permits there.

5 CHAIRPERSON PREZEAU: So what I'm hearing is maybe
6 that would be a suggestion for the Department to consider.

7 BOARD MEMBER BURKE: And I think you get into an
8 enforcement issue.

9 CHAIRPERSON PREZEAU: Yeah, because let's be clear.
10 And this has been the subject of discussion in the
11 political legislative arena as well is because even if you
12 have 27 municipalities that are operating their own
13 inspection and permitting, the State still has
14 jurisdiction in terms of compliance in all jurisdictions,
15 which is -- so, you know, certification, licensing,
16 supervision, all the other statutory requirements.

17 Bobby.

18 BOARD MEMBER GRAY: Thank you, Madam Chair.

19 But it seems like it puts the customer or the user in
20 a precarious position because had the gentleman before got
21 a permit from the state which would have driven an
22 inspection, would that inspection come from the city or
23 would it have come from the state inside the city's
24 jurisdiction?

25 SECRETARY THORNTON: The city. Yeah, they're not

1 going to --

2 BOARD MEMBER GRAY: What would have notified -- what
3 would have triggered that inspection?

4 SECRETARY THORNTON: Well, it sounds like the issue
5 there was that the inspectors that were there didn't raise
6 the flag that, Hey, we don't have an electrical.

7 BOARD MEMBER GRAY: No, I understand. But had he
8 followed the rules the way the law is written right now,
9 there is no permit for the city that would have been
10 required. So had he gone to L & I, pulled his permit from
11 L & I, what then would have been the vehicle to get the
12 state or the city to go do the inspection on his work?

13 SECRETARY THORNTON: That's probably where the whole
14 lines is because we would have said, Well, that's not our
15 jurisdiction, so here's your permit back and go purchase
16 one from the city. And then back they come.

17 BOARD MEMBER BURKE: Says, "You don't need one," and
18 then L & I shows up and fines you. Yeah, that's a
19 problem.

20 ASSISTANT ATTORNEY GENERAL THOMURE: So just for
21 purposes of this discussion, you're talking hypotheticals?

22 BOARD MEMBER GRAY: I am, yes, hypothetical.

23 BOARD MEMBER BAKER: Madam Chair?

24 CHAIRPERSON PREZEAU: Yes.

25 BOARD MEMBER BAKER: So I'll weigh in a little bit.

1 I've been doing this a long time, and it's always been
2 challenging going from different jurisdictions. There's
3 always been inconsistencies.

4 Recently I've dealt with inconsistencies with load
5 banks. I call an inspector up in Bellingham, and he says,
6 We don't inspect load banks. Right after I come out of a
7 meeting with the Department of Labor and Industries where
8 they say, Yes, we inspect load banks.

9 So -- and I couldn't convince this inspector to come
10 out and give me an inspection. So it's a challenge we
11 have across the whole state with these different
12 jurisdictions.

13 And I don't understand if the Department is
14 responsibility for the state including the cities because
15 they fall under that umbrella, equal to or better, why
16 doesn't the State have some type of a audit system where
17 they go into these different jurisdictions periodically
18 and audit them and make sure they're adhering to the basic
19 guidelines that the rest of the state is adhering to.

20 CHAIRPERSON PREZEAU: John.

21 BOARD MEMBER BRICKEY: You might find it's a
22 Constitutional matter on how cities are granted their
23 authorities through the state Constitution. But I'm not
24 the legal authority either.

25 BOARD MEMBER BAKER: Because there are a lot of

1 inconsistencies from jurisdiction to jurisdiction.

2 CHAIRPERSON PREZEAU: Well -- and I think some best
3 practices or maybe some suggestions is for stakeholders
4 who happen to be Board members, when you run into those
5 inconsistencies obviously trying to convince the inspector
6 that an inspection needs to be done, and then
7 communicating that experience to the program so that they
8 can be aware of it, right? Because part of the problem is
9 -- maybe there is a Constitutional piece about the way
10 cities are granted authority that prohibits the Department
11 from doing an audit. But once the Department becomes
12 aware of inconsistencies that are happening within a
13 municipality, then they have maybe the ability to address
14 that.

15 And I also think that, you know, it's why we have a
16 member of the Electrical Board who comes from, you know,
17 one of those local authorities because historically the
18 intent from what I understand has been to make sure that
19 the cities that have jurisdiction have a voice on the
20 Board and can bring some valuable information -- John was
21 incredibly helpful today -- on a number of different
22 issues. And that's not an anomaly. But also to ensure
23 that the state program is communicating effectively and
24 proactively with the cities -- the 27 cities that have
25 their own jurisdiction. And it's not a perfect system,

1 right? But it certainly -- when we -- you know, because
2 it's human beings and human beings aren't perfect. But
3 whenever we come across those inconsistencies, whether
4 it's within the state program or the cities and the
5 state's program is communicating those experiences to the
6 Department so that, you know, things -- so that
7 stakeholders and customers and contractors and
8 electricians make the right -- we can move closer to more
9 right outcomes.

10 Bobby.

11 BOARD MEMBER GRAY: A question for counsel.

12 Is it not true that L & I would be the authority for
13 interpreting and enforcing RCW, that the local
14 jurisdiction would only have the authority to the extent
15 that they supplement those rules, not the rules that are
16 -- (inaudible). Is that not correct?

17 ASSISTANT ATTORNEY GENERAL THOMURE: You're asking
18 two different questions. I think what you're saying, a
19 city enacts ordinances, and those ordinances then are
20 subject to interpretation by the city. But the ordinances
21 need to be as effective as the RCW.

22 So what the discussion here is about is whether the
23 Department has the authority to kind of go and -- should
24 the Department be auditing those city ordinances to say
25 whether or not they're as effective. And I don't know the

1 answer to that question.

2 I do know from some other work that we have Federal
3 OSHA, and then the states that elect to do a state plan
4 like Washington, we have WISHA. But OSHA to my
5 understanding audits the WISHA program in Washington and
6 can revoke Washington's state plan status and take it back
7 under Federal status. I don't know what --

8 So states have independent rights, Constitutional
9 rights. We have a state Constitution, those things. So I
10 don't know what the relationship is between the city and
11 state government. But ...

12 CHAIRPERSON PREZEAU: Dominic.

13 BOARD MEMBER BURKE: Does the State receive any
14 monies from the cities to do their own ... so you're doing
15 compliance in an area that you receive no pay for doing
16 that in essence.

17 SECRETARY THORNTON: Yeah. Other than the citations
18 we find.

19 BOARD MEMBER BURKE: Understood. I'm just -- we're
20 taking -- the State is taking on the risk and the
21 compliance risk and the cost of doing that with no
22 supplementation from the cities. So the cities are
23 amending their rules by ...

24 BOARD MEMBER BRICKEY: So can I ask -- the kind of
25 compliance that you're referring to, is that licensing and

1 certification compliance, or is it electrical code
2 enforcement compliance?

3 BOARD MEMBER BURKE: It could be either from what I'm
4 seeing. But ...

5 BOARD MEMBER BRICKEY: Because I'm not aware of the
6 Department doing electrical code enforcement within my
7 jurisdiction at least. Licensing and certification,
8 absolutely. And they collect the fees for license and
9 certification. Cities --

10 BOARD MEMBER BURKE: (Inaudible) -- 46B enforcement?
11 Just 19.28? Is that what you're saying?

12 BOARD MEMBER BRICKEY: Correct.

13 BOARD MEMBER BURKE: Good discussion.

14 CHAIRPERSON PREZEAU: No, it's been -- there was --
15 the last legislative session, there was a bill that -- and
16 I, you know, I've slept since the last time I looked at
17 that, and so I don't remember all the details. But the
18 cities were definitely involved in that conversation
19 around the question you just raised around -- so the state
20 has the responsibility of enforcement of 19.28. And so
21 there was just some conversations about how could we --
22 how could the state electrical program partner more
23 collaboratively with the cities to help encourage the
24 cities to do compliance of licensure and certificates and
25 ratio and those types of things. So -- and it was a I

1 think very good conversation. And it is possible that it
2 will continue in that same form.

3 Don.

4 BOARD MEMBER BAKER: So auditing seems aggressive. I
5 mean, I can see how that probably wouldn't pan out very
6 good for developing strong relationships.

7 SECRETARY THORNTON: No more coffee with John.

8 BOARD MEMBER BAKER: But I'm curious to know, what
9 does the Department do to collaborate with these different
10 authorities having jurisdiction? Do you guys get together
11 semi-quarterly? annually? do lessons learned?

12 This case we heard today is a good example of, you
13 know, sharing with other jurisdictions. Hey, we kind of
14 set this customer up to fail. What can we do better?
15 What does the Department do? Because I know you have
16 them come together when you do your annual trainings and
17 whatnot. Could you explain what you do to work with
18 these cities?

19 SECRETARY THORNTON: And I've been to some
20 individual cities, but I don't know that there is a joint
21 meeting where the cities all get together. I've been to a
22 WABO meeting. I don't get to all of them by any means. I
23 think there's definitely some room to improve that
24 relationship.

25 It's a matter of just finding a forum where you can

1 sit down and talk about it.

2 CHAIRPERSON PREZEAU: That sounds like an invitation.
3 No, that's good. I mean, past chiefs have -- I'm pleased
4 with Steve and his position and like trying to build a --
5 and the cities, you know, trying to build a good
6 partnership because for all the reasons that have been
7 stated previously because it just makes sense.

8 SECRETARY THORNTON: Well, we need to do what's good
9 for the industry.

10 CHAIRPERSON PREZEAU: All right. Excellent.

11 Any other comments or questions?

12 Seeing none, the Chair would entertain a motion to
13 adjourn.

14

15 Motion to Adjourn

16

17 BOARD MEMBER NORD: Motion.

18 BOARD MEMBER JENKINS: Second.

19 CHAIRPERSON PREZEAU: So it's moved and seconded to
20 adjourn the October 26 Washington State Electrical Board
21 meeting. All those in favor, please signify by saying
22 "aye."

23 THE BOARD: Aye.

24 CHAIRPERSON PREZEAU: Opposed? We are adjourned.

25 Thank you, everybody.

Motion Carried

(Whereupon, at 1:25 p.m.,
proceedings adjourned.)

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STATE OF WASHINGTON)
) ss.
County of Pierce)

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

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

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

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

H. Milton Vance, CCR, CSR
Excel Court Reporting

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