

1 DEPARTMENT OF LABOR AND INDUSTRIES

2 STATE OF WASHINGTON

3  
4  
5  
6 ELECTRICAL BOARD MEETING

7  
8 TRANSCRIPT OF PROCEEDINGS

9  
10 Thursday, January 28, 2016  
11

12  
13 BE IT REMEMBERED, that an Electrical Board meeting  
14 was held at 9:00 a.m. on Thursday, January 28, 2015, at  
15 the Department of Labor & Industries, 7273 Linderson Way  
16 SW, Tumwater, Washington, before CHAIRPERSON TRACY  
17 PREZEAU, BOARD MEMBERS ALICE PHILLIPS (Vice Chair), ROD  
18 BELISLE, JOHN BRICKEY, JANET LEWIS, RANDY SCOTT, DAVID  
19 CORNWALL, MIKE NORD, DYLAN CUNNINGHAM, DON BAKER, DAVID  
20 WARD, BOBBY GRAY, KEVIN SCHMIDT, DOMINIC BURKE, and  
21 SECRETARY/CHIEF ELECTRICAL INSPECTOR STEPHEN THORNTON.  
22 Also present was ASSISTANT ATTORNEY GENERAL PAM REULAND  
23 representing the Board.

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

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

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

Thursday, January 28, 2016  
Tumwater, Washington

## I N D E X

| 5  | Agenda Item  | Page   |
|----|--|--------|
| 6  |  |        |
| 7  | 1 Approve Transcripts from October 29,<br>2015, Electrical Board Meeting | 3      |
| 8  | Motion   | 3      |
| 9  | Motion Carried   | 3      |
| 10 | 2 Departmental/Legislative Update  | 4, 15  |
| 11 | 3 Appeals  | 4      |
| 12 | 3 A Evergreen Refrigeration  | 4      |
| 13 | 3 B Merit Electric and Jack D. Lanum                                     | 4      |
| 14 | 3 C Robert McDaniel  | 5      |
| 15 | Motion   | 14     |
| 16 | Motion Carried   | 15     |
| 17 | 3 D Travis Reinhart  | 40, 60 |
| 18 | Motion   | 62     |
| 19 | Motion Carried   | 63     |
| 20 | 3 E McCoy Electric and Kevin McCoy                                       | 41     |
| 21 | Motion   | 55     |
| 22 | Motion Carried   | 57     |
| 23 | 4 Secretary's Report   | 69     |
| 24 | 5 Certification/CEU Quarterly Report                                     | 126    |
| 25 | 6 Public Comment(s)  | 131    |
| 26 | Motion to Adjourn  | 139    |
| 27 | Motion Carried   | 140    |

## PROCEEDINGS

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CHAIRPERSON PREZEAU: All right. So it is 9:03, and it is January 28th. I would like to call the January 28, 2016, Electrical Board meeting to order.

Item 1. Approve Transcripts From July 30, 2015,  
Electrical Board Meeting

CHAIRPERSON PREZEAU: The first item on the agenda is to approve the transcripts from October 29, 2015.

Motion

BOARD MEMBER BAKER: So moved.

BOARD MEMBER NORD: Second.

CHAIRPERSON PREZEAU: Moved and seconded to approve the transcripts of the October 29, 2015, Electrical Board meeting.

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

THE BOARD: Aye.

CHAIRPERSON PREZEAU: Opposed? Motion carried.

Motion Carried

///

## 1 Item 2. Departmental/Legislative Update

2

3 CHAIRPERSON PREZEAU: So firstly, I do know -- I've  
4 spoken with the Chief, and Jose' Rodriguez is -- it is his  
5 intention that he will be here to deliver a  
6 Departmental/legislative update, which is fantastic  
7 because I don't know if all the Board members have had an  
8 opportunity to see the February 2016 Electrical Currents  
9 newsletter. It's a fairly fascinating read in terms of  
10 what is happening or potentially happening. There's  
11 legislation that is -- several pieces of legislation, 12,  
12 in fact, that are in front of our friends in Olympia that  
13 have an impact directly on the program.

14 So we will not hold the agenda for him. But  
15 hopefully he will join us at his earliest convenience.

16

## 17 Item 3. Appeals

18

19 CHAIRPERSON PREZEAU: So that means that we are under  
20 appeals, unless I'm missing something.

21

## 22 Item 3.a. Evergreen Refrigeration

23

## 24 Item 3.b. Merit Electric and Jack D. Lanum

25

CHAIRPERSON PREZEAU: So just an update. And

1 obviously there was an electronic communication to the  
2 Board members that both Evergreen Refrigeration; and Merit  
3 Electric and Jack Lanum; both of those appeals were able  
4 to secure a final order in the interim prior to arriving  
5 in front of this body. So -- and as the principal officer  
6 of the Board, I have the ability to sign these orders, and  
7 obviously if they're consistent -- or if Pam tells me they  
8 look good, then I -- and the parties sign them, then I  
9 sign them as well.

10

11 Item 3.c. Robert McDaniel

12

13 CHAIRPERSON PREZEAU: So that brings us to agenda  
14 item 3.c., which is presentment of final order in the  
15 Robert McDaniel case from the October meeting.

16 So if we could have the parties join us, that would  
17 be fantastic. I believe Mr. McDaniel is here. And  
18 Mr. Henry, the Assistant Attorney General for the  
19 Department.

20 And before we have Mr. Henry or Mr. McDaniel --  
21 reengage the parties, I just wanted to -- I'm hopeful that  
22 all of the Board members received the e-mail from Bethany  
23 indicating that Pam, our assistant attorney general, has  
24 reviewed the final order that was submitted by the  
25 attorney general through Mr. Henry. She believes that it

1 is consistent with the actions that the Board took at the  
2 October 29th meeting. And so what we're here to do this  
3 morning in this situation is not to reopen the merits of  
4 the appeal that we heard back in the October meeting. Our  
5 function in this presentation of final orders is to  
6 determine whether or not the proposed final order that was  
7 sent to all of us is consistent with the actions that this  
8 body took in October.

9 As you recall, at the last Board meeting, we heard  
10 the Department -- or the appellant's appeal to the  
11 proposed decision and order issued on July 2, 2015, in the  
12 matter of Robert McDaniel, which is OAH docket number  
13 2015-LI-00012.

14 Following that hearing, the Board rendered its  
15 decision affirming the ALJ's decision granting the  
16 Department's motion for summary judgment and denied  
17 Mr. McDaniel's motion to retake the journeyman's  
18 examination. I'm sure all the Board members remember that  
19 appeal.

20 It is my understanding that Mr. Henry as counsel for  
21 the Department prepared a proposed order which he sent to  
22 Mr. McDaniel. However, Mr. McDaniel did not sign off on  
23 the Department's proposed order. I am not aware if he has  
24 proposed any alternative language. We will discuss that.

25 But since the parties did not reach an agreement, the

1 matter is before us only on the issue of whether the  
2 proposed order by the Department accurately reflects the  
3 Board's prior decision. The merits of our decision are  
4 not subject to review today regardless of how you voted in  
5 October. We are bound by our previous decision.

6 And today each party is entitled to address only why  
7 the proposed order is correct or incorrect and not whether  
8 they agree or disagree with the Board's decision. Is that  
9 clear?

10 I should have said please -- housekeeping, please  
11 cell phones off or vibrate.

12 And so Mr. McDaniel, since you appear to be in  
13 disagreement with the proposed order but have not filed an  
14 alternative, I would like to ask you to tell us how the  
15 order is inaccurate in your view. Please be specific and  
16 direct us to a particular page where the language you are  
17 discussing can be found.

18 Do you have a copy of the proposed order,  
19 Mr. McDaniel?

20 MR. McDANIEL: I do have, in fact, a copy of the  
21 proposed order.

22 CHAIRPERSON PREZEAU: And Mr. McDaniel, if you would  
23 please state your name and spell it just for the purposes  
24 of our court reporter, I'd appreciate it.

25 MR. McDANIEL: Yes. My name is Robert McDaniel.

1 Last name spelled M-C-D-A-N-I-E-L.

2 Would you like my address?

3 CHAIRPERSON PREZEAU: No, sir.

4 MR. McDANIEL: Okay.

5 I could take issue with two of the recommendations in  
6 the proposed order, but I'm beginning to think that any  
7 further comments or opinions from me will not likely  
8 change the outcome.

9 CHAIRPERSON PREZEAU: So just to clarify,  
10 Mr. McDaniel, the Board has ruled on, as you recall -- and  
11 we had quite a bit of discussion. There was a tremendous  
12 amount of sympathy if I can summarize on behalf of the  
13 Board, and myself included. There was a tremendous amount  
14 of sympathy on your behalf. There was a lot of discussion  
15 about the value of the documentation that you brought to  
16 the Department to sit for the general journeyman's exam.

17 MR. McDANIEL: Yes. And I'd like to make some  
18 comments on those if I may?

19 CHAIRPERSON PREZEAU: Well, no. Because --

20 MR. McDANIEL: So no comments.

21 CHAIRPERSON PREZEAU: I just want to make sure that  
22 you understand there was a tremendous amount of sympathy.  
23 But we are not here to discuss the reasons the Board made  
24 the decisions that we did in October. What we're here to  
25 discuss is why this proposed final order is or is not --

1 does or does not accurately reflect the actions taken by  
2 the Board.

3 It is my understanding that --

4 MR. McDANIEL: I will say this -- I will say this to  
5 save you some time. I think you are bound to enforce the  
6 OAH's opinion as it is. And so by that alone that there's  
7 nothing more that I could say that will change -- it's not  
8 arguable. What's the point of me arguing anything  
9 further? And if I was to suggest that I was in conflict  
10 with the way she applied the rule, I've had my opportunity  
11 to say that.

12 CHAIRPERSON PREZEAU: So -- and so Mr. McDaniel, I'd  
13 like to direct your attention, if I could, on instead of  
14 the ALJ's decision, but on the language that is in the  
15 Department's proposed order. Is that -- I'm sure  
16 Mr. Henry -- do you have a copy of that proposed order in  
17 front of you, Mr. McDaniel?

18 MR. McDANIEL: I do. I just received a copy of it.  
19 And if I go through this --

20 I want to say specifically that I tried -- the last  
21 time I was here, I tried to address the way that she was  
22 interpreting -- I mean "her," speaking of the female judge  
23 made the decision --

24 CHAIRPERSON PREZEAU: So I understand that,  
25 Mr. McDaniel.

1           What I need -- the only -- we have a very narrow  
2 focus today. And --

3           MR. McDANIEL: Well, I just said I accept the  
4 proposed order. I have no choice. There's nothing I can  
5 do to alter that. It's simply a formality.

6           ASSISTANT ATTORNEY GENERAL REULAND: Perhaps I can  
7 clarify -- Mr. McDaniel, perhaps I can clarify one point,  
8 and also for the Board members, is that by signing off on  
9 the order, you're not agreeing that the decision is  
10 correct; you're agreeing that the order correctly reflects  
11 this. You're not waiving any of your rights to go -- to  
12 appeal it further to superior court. You're simply  
13 acknowledging that the order reflects what the Board  
14 ruled, not that you have to -- it is not in agreement with  
15 the decision. I hope that helps.

16          MR. McDANIEL: Yeah. I would have to say that the  
17 Board in its proposed order reflects what was discussed.

18          CHAIRPERSON PREZEAU: Okay. So just to be crystal  
19 clear, that the proposed final order that you have in  
20 front of you, that you have read, that Mr. Henry provided  
21 for you, you find no inaccuracies in the final order; is  
22 that correct? Does it accurately reflect what this body  
23 did in October, whether you agree with the decision --

24          MR. McDANIEL: Yes, I have to agree with what the  
25 Electrical Board did. Yes, I agree with what the

1 Electrical Board did with the information that they were  
2 presented. That I concur.

3 As to whether or not the Board has given all of the  
4 information necessary, that's a different question.

5 CHAIRPERSON PREZEAU: And that question,  
6 Mr. McDaniel, we are not here to --

7 MR. McDANIEL: No, I understand that. So that just  
8 makes everything else that follows just basically moot.  
9 And I'm just here to close up this matter, ask some very  
10 basic questions about what it means to me, and then move  
11 forward.

12 CHAIRPERSON PREZEAU: Very good.

13 So I don't know that I can answer what this step  
14 means to you because I am not your -- not an attorney, and  
15 I don't think it would be proper for me to give you that  
16 advice. Well, I know it wouldn't be proper.

17 MR. McDANIEL: Well, let me explain. I have  
18 discovered through talking to several public employees  
19 that there will be a summary of what took place, that the  
20 State will have access to -- State employees will have  
21 access to summarize what took place here today. Am I  
22 correct? There will be somewhere other than the Web site  
23 available to the public that will contain information  
24 related to this case?

25 ASSISTANT ATTORNEY GENERAL REULAND: Mr. Henry (sic),

1 you are correct that the hearing is a public hearing, and  
2 you've seen the court reporter, Milton, takes down  
3 everything. And the transcript of the hearing, everything  
4 that you said and was said at the last meeting is  
5 available on the Department's Web site, and you as well as  
6 anyone from the public can access that information.

7 If, in fact, you choose to appeal in further, which  
8 is your right, and you should look at the time lines to  
9 appeal it to superior court, then a transcript of the  
10 proceedings would be prepared and submitted to the  
11 superior court for purposes of that court review.

12 MR. McDANIEL: I will say this: I would enjoy a  
13 judicial review of this particular process. But as I  
14 understand, there's a fee attached to that.

15 ASSISTANT ATTORNEY GENERAL REULAND: I believe that  
16 there is a filing fee, but I can't give you advice about  
17 that. You would have to contact superior court and find  
18 that out.

19 MR. McDANIEL: Right. So I go right back to superior  
20 court where I was in the beginning.

21 ASSISTANT ATTORNEY GENERAL REULAND: I don't know if  
22 there's a filing fee because there's already an existing  
23 superior court number. But that's not -- this Board can't  
24 answer that question for you.

25 MR. McDANIEL: Okay. And you cannot answer then by

1 having the mere presence of the electrical programs here,  
2 they cannot answer my question as to whether or not that  
3 there will be another summary expressed on another site  
4 within their realm that will express their opinion.

5 CHAIRPERSON PREZEAU: So I'm not -- your question is  
6 very unclear to me, Mr. McDaniel.

7 MR. McDANIEL: I understand that if I looked up my  
8 contractor's license number or my license number, there's  
9 a public Web site that's operated under L & I that's  
10 available to the public.

11 CHAIRPERSON PREZEAU: Correct.

12 MR. McDANIEL: Now, speaking with a public employee  
13 here from the electrical program, I take it that there's  
14 already a summary that exists about what took place at  
15 this hearing.

16 CHAIRPERSON PREZEAU: Not today.

17 MR. McDANIEL: Well, one of the issues apparently is  
18 that through discovery is that -- and I believe that  
19 that's been ascertained that I have met the education  
20 requirement, correct?

21 CHAIRPERSON PREZEAU: So, Mr. McDaniel, again, we are  
22 not here to discuss any of the merits of your case. The  
23 only -- it would be inappropriate for us to do that  
24 because we've already done that. And the Board has made a  
25 decision. And so, you know, I --

1 MR. McDANIEL: So it's now -- it is important for me  
2 to realize whether you realize -- whether you're -- how do  
3 you say -- acknowledging my education requirement being  
4 met? That's something that I have to do somewhere else?

5 CHAIRPERSON PREZEAU: So Mr. McDaniel, it is not up  
6 to this Board to determine whether or not today your  
7 education requirement has been met. I think if you  
8 reviewed the transcript, there was ample discussion about  
9 the educational piece. But it would be inappropriate for  
10 us to look at that today.

11 So what I'm asking you is -- what I'm -- what I  
12 believe I heard you say previously is that you have no  
13 dispute with the accuracy of the final order that was  
14 submitted by Mr. Henry as the assistant attorney general  
15 to the Department. So --

16 MR. McDANIEL: I believe it is accurate to the day  
17 that it was actually ...

18 CHAIRPERSON PREZEAU: So the Chair would entertain a  
19 motion to accept the final order that was shared with you  
20 this week that was drafted by Mr. Henry, assistant  
21 attorney general representing the Department.

22

23

Motion

24

25 BOARD MEMBER PHILLIPS: So moved.

1 CHAIRPERSON PREZEAU: Is there a second?

2 BOARD MEMBER NORD: Second.

3 CHAIRPERSON PREZEAU: So it's been moved and seconded  
4 to accept the proposed final order as written by the  
5 Department's assistant attorney general, Mr. Henry.

6 Any discussion?

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

8 THE BOARD: Aye.

9 CHAIRPERSON PREZEAU: Opposed? Motion carried.

10

11 Motion Carried

12

13 CHAIRPERSON PREZEAU: Mr. McDaniel, my last comments  
14 would be I would encourage you to continue to work with  
15 the technical specialist and the folks in the electrical  
16 program to seek --

17 MR. McDANIEL: I have made an appointment to see  
18 Mr. Thornton at some point in the future. That depends on  
19 when he gets back to me. But I have made the request.

20 CHAIRPERSON PREZEAU: Thank you. I appreciate your  
21 time again today, Mr. McDaniel.

22

23 Item 2. Departmental/Legislative Update

24

25 CHAIRPERSON PREZEAU: So let's -- I saw that

1 Mr. Rodriguez has joined us. So if we could move  
2 backwards in the agenda and we'll have a departmental/  
3 legislative update from Mr. Rodriguez.

4 MR. RODRIGUEZ: Madam Chair, members of the Board,  
5 thank you for the opportunity to present my report to the  
6 Board.

7 I really don't have anything super outstanding. I  
8 think these are old issues that we all have some knowledge  
9 about, but I just wanted to be on the record letting you  
10 all know what I know about the current state of the  
11 program.

12 As you all know, right now we're in the current  
13 legislative session. And the Department has been trying  
14 to keep all of our stakeholders informed about what's  
15 going on with bills and issues that are being presented  
16 that potentially could affect the electrical program.

17 And so right now in terms of the Department's  
18 sponsorship of bills, we don't have any -- we're not  
19 sponsoring any bills that have to do with the electrical  
20 program. But as indicated in the Electric Currents, we  
21 have listed all the other bills that have come up before  
22 the legislature in one committee or another, one level of  
23 hearing or another that have the potential of impacting  
24 the electrical program.

25 So what I wanted to do was maybe just again go over

1 the process and the role of the agency so that you all  
2 know what we do in regards to these bills.

3 So if it was an agency-sponsored bill, we would have  
4 written the language and we would be working with the  
5 legislators to make sure that there was clarity about what  
6 we were trying to do. As I mentioned, we don't have any  
7 of those kind of bills before us right now.

8 When a legislator or another interested party  
9 presents a bill, that bill will go through an analysis,  
10 and a determination will be made as to whether the  
11 electrical program is impacted or not. That bill is  
12 usually sent to the Department, and we are asked to  
13 provide a technical review of the bill and in some cases  
14 provide technical assistance to whoever the legislator or  
15 the stakeholder is that was proposing the legislation.  
16 And we do that with transparency. In other words, we will  
17 data. We will provide recommended language or language  
18 that will provide clarity to the intent that you're trying  
19 to get across. That does not mean, though, that we are  
20 sponsoring or -- or excuse me -- in support of the bill.  
21 Okay? A lot of cases we end up being in the neutral  
22 position which is providing technical assistance.

23 So with the objective being that if it does pass, we  
24 would want it obviously to be workable. And we would also  
25 want to make sure that the legislators in their role are

1 making informed decisions so that they know what the  
2 impacts are.

3 So we do a bill analysis and we do a fiscal impact,  
4 fiscal note that lets them know both what the impact might  
5 be on such things as scopes of work, rules, those kind of  
6 things, things that may have to change in the program to  
7 make it happen and then what it would cost to implement  
8 those.

9 So that's our process. And I just wanted to let you  
10 all know that because you might see this and go, "Wait a  
11 minute. What's the Department doing here?"

12 So we don't have any agency-requested legislation  
13 that impacts the electric program, but I did want to share  
14 a couple of them that are out there that we are  
15 sponsoring. And they do have some -- one of them at least  
16 has some potential electrical implications in that right  
17 now food trucks are a kind of a booming industry right  
18 now. We've had like about a 75 percent increase in the  
19 number of inspections that we've had to do on food trucks.

20 So these vendor units if they were manufactured out  
21 of state and have been owned out of state and operated out  
22 of state for six months, under out factory-assembled-  
23 structures rules, they would be exempt from an inspection  
24 -- a plan review and inspection.

25 Because of the danger to -- potential danger to

1 public safety and worker safety because we have workers in  
2 these things, we have decided to propose that the vending  
3 units, that the exemption be taken away so that it would  
4 require a plan review and an inspection from the  
5 Department, our Factory-Assembled-Structures section. And  
6 there obviously are electrical components to those vendor  
7 units.

8 So that's out there. And it's gotten out of both  
9 houses, so it will go for -- we expect it will go forward.

10 The other one is not related to electrical, but it's  
11 mirroring electrical. We have -- the electrical program  
12 as you all know is a dedicated account, kind of a fee for  
13 service. Well, a lot of our other public safety programs  
14 in our -- in my division have the same -- operate the  
15 same, they're a fee for service in Elevator, Contractor  
16 Registration and Factory Assembled Structures.

17 So we've got a proposal forward to create a dedicated  
18 account for those three programs as well so we can do a  
19 better job of responding to the needs of our customers.

20 So that's out there.

21 So that's all we have on the legislative front in  
22 terms of initiatives.

23 During this session there will also be an opportunity  
24 to pass a supplemental budget. And for us, the things  
25 that are included in our supplemental package are boiler

1 and electrical fees, a fee increase. And the proposal is  
2 to do a cost-of-living increase. That's a fiscal growth  
3 policy -- (inaudible). And it's projected to be at 4.32  
4 percent. And that's what's proposed right now.

5 Again, those fees are to keep up with our operating  
6 costs and to make sure that the fund stays solvent and  
7 viable.

8 CHAIRPERSON PREZEAU: So Jose, if I may interrupt you  
9 to clarify?

10 MR. RODRIGUEZ: Yes.

11 CHAIRPERSON PREZEAU: So I understand -- and maybe  
12 others already understand.

13 So is that supplemental budget then, the 4.32  
14 percent fee increase, it's a separate -- is it going --  
15 it's going through a separate process, it's a separate  
16 package than the wage package for the inspectors that was  
17 supported by --

18 MR. RODRIGUEZ: It's a stand-alone --

19 CHAIRPERSON PREZEAU: They're happening concurrently  
20 but separately.

21 MR. RODRIGUEZ: Correct.

22 CHAIRPERSON PREZEAU: Very good.

23 MR. RODRIGUEZ: We did lump boilers and electrical  
24 together. That was -- the OFM guidance this year was that  
25 we could propose the increases, but probably limited to

1 fiscal growth factor unless we can show a need for --

2 CHAIRPERSON PREZEAU: Hardship.

3 When was the last time we had a fee increase? Do you  
4 recall? It's been some time.

5 SECRETARY THORNTON: Yeah. '12, I think. Yeah,  
6 2012.

7 CHAIRPERSON PREZEAU: Rod.

8 BOARD MEMBER BELISLE: I'm curious if you can recall  
9 when the last time the Department fund was swept and put  
10 back in the General, and how -- if that would be  
11 compatible with that 4 percent. More or less? Do you  
12 know or recall?

13 MR. RODRIGUEZ: (Addressing Mr. Thornton) Are we  
14 going to talk more about the budget?

15 SECRETARY THORNTON: Later, yeah, at the end of the  
16 day today.

17 MR. RODRIGUEZ: Correct me if I'm wrong. But we --  
18 yes, our fund has been swept in the past.

19 But what we did -- remember, we made a decision --  
20 one of my next topics -- is that we're going to replace  
21 the mobile inspection system. And we've allocated -- we  
22 got authorization to spend 3.2 million on that. And that  
23 program is happening right now. That project's being  
24 developed right now. So that will be bring the fund down  
25 a little bit.

1           Our variance right now is because of our hiring and  
2 retention problems. We've got about 13, 15 vacancies.  
3 We've had that for about the last couple of years.

4           And so we've had -- so that variance builds up.

5           But the mobile project will bring it down.

6           Now, I don't know if I'm getting to your answer -- or  
7 your question.

8           Right now -- and you've got to correct me on the  
9 number here. I think the Board would like us to have six  
10 months of operating expenses in that dedicated account.

11           OFM's guidance has been two months. We don't like  
12 the two months because that's a little too close. We  
13 sometimes -- a permit can -- when somebody takes out a  
14 permit, we're obligated to do an inspection; it could be a  
15 year later. So we got to be ready to do it.

16           CHAIRPERSON PREZEAU: Yeah. So it's -- we -- I  
17 think, Jose -- you know, I mean, been around the Board  
18 prior to the construction depression, right? last quarter  
19 of 2008 I guess, the Board had a standing opinion which  
20 was we'd prefer to have six months of operating, you know,  
21 operating budget in the bank. We recalibrated those  
22 expectations going through that -- those lean times in the  
23 hopes that we could make balanced decisions, especially  
24 regarding human beings and employment, and meet the  
25 customers' needs and keep the -- serve the stakeholders.

1 So we recalibrated from that six-month benchmark and  
2 actually adopted a accounting practice of at least three,  
3 which --

4 MR. RODRIGUEZ: Yeah, we settled on three.

5 CHAIRPERSON PREZEAU: Which makes everybody -- makes  
6 me itchy, right? three months. But knowing that -- I  
7 think we had a high degree of confidence in the Chief at  
8 the time and his staff every day monitoring those  
9 financial numbers and having them post on expenditures,  
10 feel comfortable -- more comfortable.

11 SECRETARY THORNTON: And I think what Rod was after  
12 was that it was 3.4. They took 1.7 two different -- they  
13 split it in half. And that was about '13 -- 2013 I would  
14 guess? It was since the fee increase.

15 BOARD MEMBER BELISLE: Right. My point was the  
16 Department was doing a good job managing their funds,  
17 building a budget, establishing a rainy-day fund, if you  
18 will, to allow for growth and service and everything else.

19 And then the Department sweeps 3.4 million. And now  
20 the economy's recovered. The Department can't make the  
21 inspections in a timely manner according to a lot of  
22 reports. And so now we have to go back and ask for 3.4  
23 million back? I mean, I'm curious how much we're asking  
24 for back because it really, you know, should have stayed  
25 with the Department to begin with. I guess that's my

1 opinion. And it's unfortunate that we have to go through  
2 this procedure to try to get the money back to fund the  
3 Department for a cost of living which is pretty critical I  
4 think to operating the Department.

5 BOARD MEMBER BURKE: And it's only 4.3 percent when  
6 they swept 10.

7 BOARD MEMBER BELISLE: Exactly. That was my question  
8 was, yeah, the difference.

9 MR. RODRIGUEZ: Again, this is the way the fund is  
10 set up. We're paid to manage it. And I think our program  
11 does a good job of managing it.

12 Now, the dedicated account, although it has the  
13 pluses is that you're not competing with the general fund.  
14 So -- but they can sweep the money. And we still require  
15 authorization for any expenditures. So we still have to  
16 live within our authorization. That's our reality.  
17 That's why we really monitor it pretty closely.

18 So the other thing is on our expenditure side, we did  
19 receive and are starting to spend the 3.2 million for  
20 replacing the current inspection system mobile. So the  
21 funding was approved last budget cycle.

22 Since then -- and this -- so the project to replace  
23 mobile actually started in August of 2015 being a fiscal  
24 year. And the project team and developers were assembled  
25 and did all their project planning.

1 Business needs requirements have been completed. And  
2 there's about eight major modules of business procedures  
3 where they had to do that work. So all of those business  
4 requirements are right now in the process of being  
5 finalized.

6 And then the next phase will be development. And  
7 then we're hoping that by around March of 2017,  
8 approximately March of 2017 we'll have something that  
9 we'll be able to start to roll out so that July 1, 2017,  
10 when the system is up and running, it would move into a  
11 maintenance phase.

12 So that's the project schedule, and everything's  
13 going pretty good right now.

14 I just offer it up. I don't know if it's what the  
15 Board would like. But at some point when we start to have  
16 something to show you all, if you all are interested, I'd  
17 be happy to --

18 CHAIRPERSON PREZEAU: Absolutely. Always maintain  
19 that one of the things that I think that the Board  
20 members, and myself included, appreciate is understanding  
21 -- when we pull the curtain back a little bit more on day  
22 to day, what happens day to day and how -- I was -- I was  
23 tremendously impressed when I reviewed the transcripts and  
24 in real time from our October meeting when Dene Koons  
25 stated that there are 800 requests for inspections daily

1 in his program. That's 17,000 a month day in and day out.

2 And, you know, as there are some employers in the  
3 room, understand that on any given day, you don't have a  
4 100 percent of your labor force. You have vacations and  
5 holiday and personal time and sick leave. So to  
6 accomplish that with the team is astronomically impressive  
7 and I would love to see the prototypes or whatever you can  
8 share with us in real time as it moves forward; I would  
9 personally be fascinated by that.

10 MR. RODRIGUEZ: Okay, we'll schedule it.

11 The other thing we've done is, as you all know, we  
12 are having a hiring-and-retention problem. And we've put  
13 together a Lean process to try to identify some counter  
14 measures. And we have been working very hard to implement  
15 those counter measures.

16 You all are familiar with the fact that we -- because  
17 you mentioned it -- I assume you all are familiar with the  
18 fact that we did submit a classic comp package to try to  
19 get our inspectors, leads and supervisors pay increases.

20 So that will go through the HR process. It's  
21 currently at State HR for being considered. And we're  
22 hoping --

23 CHAIRPERSON PREZEAU: And I'm not trying to pin a  
24 tail on a donkey here, but what -- what's the time line  
25 for that? I mean, roughly what has historically been your

1 experience with these classification and compensation  
2 packages?

3 MR. RODRIGUEZ: Well, I have the answer because I  
4 asked yesterday.

5 Early summer we should get the first indications as  
6 to whether or not we will move to collective bargaining.  
7 Don't quote me on that. Well, I will be quoted (looking  
8 at court reporter).

9 CHAIRPERSON PREZEAU: Yes, you will be.

10 MR. RODRIGUEZ: But I understand it's about 33 to 35  
11 other packages out there. So that's our competition,  
12 about 35 other packages.

13 So I don't know the mechanics, but it'll get wittled  
14 down to a certain number that will go to the bargaining  
15 table. And then it'll be bargained. And then if the  
16 Governor -- some recommendations on those will go to the  
17 Governor's office, and then the Governor will put it in  
18 his budget. Or not. Then it goes through the legislative  
19 process, gets approved. If it all goes well, then in July  
20 2017 we'll see the increase.

21 CHAIRPERSON PREZEAU: I was going to make a joke, but  
22 I probably shouldn't.

23 2017. July 2017 process.

24 Well -- and again, you know, I know, Jose, that you  
25 were not able to be with us in Spokane. But we said this

1 to the Chief who was delivering -- and we had a very  
2 substantive conversation after we achieved most of the  
3 agenda from the October meeting about the recruitment-and-  
4 retention issue.

5 So any action that -- I think it's -- I don't like to  
6 make assumptions, but I get the sense that the Board  
7 members are highly compelled by -- I shouldn't say  
8 compelled. They believe that inspectors should be the --  
9 some of the top of the folks in the industry. And they  
10 are. In order to maintain that, they need to be  
11 compensated appropriately.

12 So I got the sense that this Board supported that  
13 classification and compensation package. And any action  
14 that this Board can take or attempt to take to demonstrate  
15 that support if that would be helpful, we need somebody to  
16 give us some clear direction on that.

17 MR. RODRIGUEZ: Okay.

18 BOARD MEMBER BURKE: I just have a comment. July of  
19 2017 is you're kicking the can a year and a half down the  
20 road. I mean, what's happening in the next year and a  
21 half? Because that decline seems like -- it seems to me  
22 that it's just going to -- it's going to be exponential.  
23 So by the time 2017 shows up, there's, you know, the next  
24 year and a half, we're going to have huge losses.

25 So what -- is there anything in place right now I

1 guess would be the question that we're trying to do to  
2 help soften that blow? And to your point, if there's  
3 anything that we can do to help, I think we've stated it  
4 pretty clearly that this is important to everybody in this  
5 room. So ...

6 MR. RODRIGUEZ: So the classic comp package is the  
7 normal process for getting salary increases. And again,  
8 it's a statewide process.

9 We in a different program, the Elevator, we have a  
10 problem that's probably even more critical. We tried to  
11 do it in a supplemental, but there was decision made at  
12 the executive level, the Governor's office, that we would  
13 stick to the normal process. So there's no way of  
14 shortening that time frame.

15 What we are doing and have been doing now for the  
16 last year or so is trying to focus on those things that  
17 are within our control. So we -- the first thing we  
18 focused on was the steps.

19 So when you come in at a -- you get hired at a  
20 certain range. And it starts at step A and it ends at  
21 step L. So there's increases in those steps. It's kind  
22 of a longevity in those steps. We were bringing in folks  
23 at different levels based on their experience and  
24 everything.

25 So one of the things that we could have been

1 criticized about was that we weren't exercising all of the  
2 levels that we had to be able to attract people. So we  
3 made a decision to bring everybody in based on if they had  
4 I'll say the minimum qualifications. Then we would bring  
5 them in at step J. And then if they had higher than that,  
6 we can bring them up to step L.

7 So what we did, though, is that we had folks that we  
8 had already hired that were at different ranges or  
9 different steps. So the OFM rules -- or the personnel  
10 rules changed so that in collective bargaining, the last  
11 round of collective bargaining that we can now -- if we  
12 have a hiring-and-retention problem, we can move people up  
13 in those steps. So we moved everybody below J to J, and  
14 everybody at J to L. So --

15 BOARD MEMBER BURKE: Good to know.

16 MR. RODRIGUEZ: -- a little bit of a bump. But that  
17 was within our control.

18 The other thing that we're doing is taking a look at  
19 workloads and how can we help our inspectors manage their  
20 workloads.

21 As you can imagine, the workload impacts morale.

22 BOARD MEMBER BURKE: Oh, absolutely.

23 MR. RODRIGUEZ: So the other step that we have taken  
24 is I've authorized the establishment of some program  
25 specialist positions. And we're going to create 11 of

1 those positions. And they would -- each electrical  
2 supervisor in the field would get one of these positions.  
3 And the purpose of this is to, first of all, improve the  
4 customer experience.

5 Right now, if a customer's out there. They have a  
6 pending inspection. They're waiting on the inspector. Or  
7 they have a question about their permit or their  
8 correction, they probably call their customer service  
9 folks. They may or may not know what's going on, have  
10 trouble to find out.

11 This will be a dedicated person that's working with  
12 that supervisor and the inspection team. They'll know  
13 where the inspectors are, what's on their workload that  
14 day, what's going on with that particular permit. And  
15 they can also help free up some of the inspectors'  
16 inspection time by focusing on those other tasks like  
17 requesting access, things like that that cause the  
18 inspectors to lose time during the day with their  
19 inspections.

20 And -- but this is not going to take away from our  
21 customer service. We're still going to have people who  
22 come in to the front counter looking for permit, looking  
23 for information. Our customer service program will  
24 continue to support that. This is to build additional  
25 capacity that will help our customers and help our

1 inspectors.

2 So we're putting together a training and a  
3 recruitment plan now.

4 BOARD MEMBER BURKE: Thank you. Good to hear that  
5 that's happening.

6 CHAIRPERSON PREZEAU: So Janet, please.

7 BOARD MEMBER LEWIS: Are these new program specialist  
8 positions going to be paid out of the electrical fund?

9 MR. RODRIGUEZ: Yes.

10 BOARD MEMBER LEWIS: Is that in lieu of hiring more  
11 inspectors or will it take away from that?

12 MR. RODRIGUEZ: I've been asked that question. So I  
13 think if we got to that point -- again, this is not a  
14 problem -- the hiring and retention and because of what's  
15 going on in the process, I think we're going to experience  
16 a vacancy rate here for a while. So I don't see it as an  
17 immediate problem.

18 Now, if we get down the road and it looks like we  
19 have to make decisions between these program specialist  
20 and inspector, I will be on the side of the inspectors.  
21 We'll have to make some decisions then.

22 But again, if it adds value and if it really does  
23 free up inspectors' time, so that's ...

24 CHAIRPERSON PREZEAU: Bobby.

25 BOARD MEMBER GRAY: I have a similar question. It

1 seems like the primary candidates for those positions  
2 would be the inspectors. So will this pull people out of  
3 the field and put them in the office and take the ability  
4 to respond to inspections ...

5 MR. RODRIGUEZ: I don't think we see it that way  
6 right now. But it's an open-and-competitive process. I  
7 think what we're probably going to experience is some of  
8 our current customer service folks who would like to  
9 promote and have an interest might want to take those  
10 jobs. But again, it's an open recruitment. I don't know  
11 if you have a business for yourself, but we may be looking  
12 at some of the folks that you all have, your installers  
13 and stuff, looking for people who have some knowledge  
14 about the electrical industry.

15 BOARD MEMBER GRAY: And I have another question,  
16 through the Chair.

17 CHAIRPERSON PREZEAU: Yes, please.

18 BOARD MEMBER GRAY: It seems like our restrictions  
19 for qualified candidates for inspection are pretty strict,  
20 and that's a good thing. We want quality people out there  
21 looking at those installations. But I wonder if there's  
22 been any thought to having some sort of a training program  
23 sponsored by the State maybe through one of the junior  
24 colleges where we could actually take someone that doesn't  
25 have those qualifications and somehow train them up to a

1 point where perhaps they wouldn't come in as a J or an L  
2 but something less than that where they would work perhaps  
3 under the supervision of a qualified inspector until they  
4 can reach a level of competency.

5 Has that -- any thought been given to that,  
6 sponsoring a training program?

7 MR. RODRIGUEZ: Well, we have -- again, we've got  
8 other programs where we're having that problem. And the  
9 minimum "qual" here, though, is that somebody have a  
10 license. So that's our challenge is we're looking for  
11 licensed people. And I don't know that we could  
12 accomplish that, give them their license if we brought  
13 them in without a license. That would be our challenge.

14 CHAIRPERSON PREZEAU: That's an interesting concept,  
15 though. I mean, it's apprenticeship for inspectors.  
16 There may be some value to -- it's very creative. I like  
17 the way you're thinking.

18 Steve.

19 SECRETARY THORNTON: Yeah, and we've talked about  
20 when people pass their journeyman's test, also giving them  
21 a notification that in the future when they've got their  
22 experience, they might want to, you know, keep the  
23 inspection program in mind and let them know that there  
24 are options out there for that kind of stuff when they get  
25 their -- you know, when they get their license and they

1 pass their test, they're not really looking at doing this;  
2 they're looking to go out and do the work. But, you know,  
3 a little advance notice for them so we're not trying to go  
4 out and contact everybody at the spur of the moment when  
5 we have openings.

6 CHAIRPERSON PREZEAU: Janet, did you have something  
7 else?

8 BOARD MEMBER LEWIS: Yes. One more question on the  
9 program specialist. Is the pay band for that  
10 classification higher than the electrical inspectors?

11 MR. RODRIGUEZ: No.

12 BOARD MEMBER LEWIS: Thank you.

13 MR. RODRIGUEZ: It would range --

14 SECRETARY THORNTON: Range, 42. And inspectors are  
15 59. So ...

16 MR. RODRIGUEZ: So there's a lot of things that we're  
17 taking a look at. And there's a whole series of counter  
18 measures. We're looking at workload as well, how can we  
19 help manage the workload. So we're just asking ourselves  
20 questions. Are all the 48 -- our requirement to do  
21 inspections under 48, are all inspections the same? Are  
22 there more important inspections than others? And if we  
23 had a scheduling system, is there a way that we could  
24 accommodate both? Somebody who needs an inspection today  
25 or somebody needs to wait a couple days to get an

1 inspection. And experimenting with -- using technology to  
2 conduct some inspections where we would -- you know, we  
3 could Skype, do face time, some type of -- use technology  
4 to do certain kinds of inspections.

5 So we're keeping the book open.

6 And another thing to help on recruitment and  
7 retention is if somebody -- we can change a rules a little  
8 bit if somebody's getting ready to retire. Maybe they're  
9 looking for three months, four months, six months work.  
10 We'll maybe only have a couple part-time inspectors fill  
11 the positions and things like that. So we're looking at  
12 each and every possibility.

13 CHAIRPERSON PREZEAU: So perhaps -- you know, I don't  
14 want to continue to interrupt you, Jose, but hopefully you  
15 appreciate this back and forth. I think it's valuable.

16 But if you were -- if you could, sort of in the same  
17 band is if you could give us an update on where we're at  
18 with that ethics policy to allow inspectors to deliver  
19 industry training, I think it's part of this conversation.

20 MR. RODRIGUEZ: And that is one of the counter  
21 measures.

22 As I reported last time, our -- we -- the agency has  
23 agreed to open up our policy again for a change that would  
24 allow teaching under certain circumstances.

25 We have defined the criteria that we think that would

1 reduce the risk to both the inspector -- because this is  
2 personal liability when it comes to ethics violations, and  
3 reduce the risk to the agency as well.

4 That is still at the ethics board for review. And  
5 we're kind of at a crossroads. The ethics -- what we're  
6 looking for the ethics board to do with their review is to  
7 provide safe harbor. So that means if they review it and  
8 they say it's okay, our inspectors if they make the proper  
9 declarations and they're doing the teaching in accordance  
10 with the guidelines, they're not violating any of those  
11 guidelines, it would provide them some safety and security  
12 from personal liability. So -- but it's taking a lot  
13 longer than we would like. That board only meets  
14 quarterly, and they only have a certain amount of things  
15 on their agenda. But we are pushing it.

16 I would prefer -- there's a risk in moving forward  
17 without that safe harbor. And I wouldn't want to put  
18 somebody or the agency at risk at this point. So ...

19 CHAIRPERSON PREZEAU: No. We've come this far. I  
20 think it would show -- demonstrate some measure of bad  
21 faith to move ahead, knowing that there was a decision  
22 pending from the ethics board.

23 Again, this is another issue that I think is  
24 unanimously supported by the members of this body. And if  
25 there's any correspond -- if it's appropriate to send

1 correspondence to the ethics board in support of that, I'm  
2 more than happy to have that conversation as well.

3 MR. RODRIGUEZ: I think in our arguments, we  
4 indicated that our stakeholders enlisted the Board and  
5 would be in favor of it.

6 CHAIRPERSON PREZEAU: Very good.

7 MR. RODRIGUEZ: Anything else that I can answer from  
8 the Board?

9 CHAIRPERSON PREZEAU: I think, Jose -- again, always  
10 appreciate your time. I know that you are an  
11 exceptionally busy individual here. And always appreciate  
12 you coming down, giving us an update.

13 Are there any other questions from Board members?  
14 Dave.

15 BOARD MEMBER WARD: Just a couple thoughts. I really  
16 like the idea of some letter of support on their  
17 compensation request. That's a big issue. And -- because  
18 it's so -- it's revenue driven. It seems like if we could  
19 raise of priority of that and separate it out in some way  
20 from this Board, I think that would really help the  
21 Department I would think. It certainly wouldn't hurt.

22 The other thing, I like your idea, the training  
23 program for inspectors. And I was sitting here thinking  
24 about the program they have at Centralia College, that  
25 energy excellence program. They kind of have a framework

1 already. And we've been talking with them about something  
2 similar for linemen and substation wiremen and leader  
3 techs where it's kind of a pre-apprenticeship type thing.  
4 And because they'd have to reinvent it then, it's just  
5 kind of just latching on to we have this curriculum now.

6 So that's -- so wouldn't have to reinvent it if  
7 that's an option for the Department. And it might be  
8 worthwhile to have a discussion with them. They have a  
9 pretty good board that drives that whole thing. So just a  
10 thought.

11 MR. RODRIGUEZ: And some classifications we've  
12 already contemplated -- we're actually going to do the  
13 same thing in our Elevator program. There's a elevator  
14 assistant classification. But you can bring someone in  
15 without an Elevator mechanic's license. But, you know,  
16 it's also going to be about two, maybe three years. We  
17 haven't experimented with it. But at least two years to  
18 get somebody up to speed before they can inspect -- but  
19 yeah, there are possibilities. And we're looking at every  
20 one of them.

21 CHAIRPERSON PREZEAU: Any other questions from the  
22 Board?

23 Again, thank you, Jose. It's always nice to have you  
24 here. Very informative.

25 MR. RODRIGUEZ: And again, thank you all for your

1 willingness to serve the Board.

2 CHAIRPERSON PREZEAU: Okay. So a question for Board  
3 members. We've been -- it's not quite an hour. We're  
4 going to go back to appeals. Do we need to take a quick  
5 break before we do appeals? Or do you want us to get into  
6 it? Do we need a coffee break? Or are we good?

7 BOARD MEMBER: Keep going.

8 CHAIRPERSON PREZEAU: Keep going. All right. Very  
9 good.

10

11 Item 3.d. Travis Reinhart

12

13 CHAIRPERSON PREZEAU: So agenda item 3. We have 3.d.  
14 We have the Travis Reinhart appeal. So if we could please  
15 have the parties please come up and join us. Is  
16 Mr. Travis Reinhart here?

17 MS. RIVERA: He signed in.

18 CHAIRPERSON PREZEAU: And our attorney is going to go  
19 check the hall. We'd very much like to err on the side of  
20 access rather than not.

21 But I also don't like to penalize the punctual.

22 This is really critical because it is Mr. Reinhart's  
23 appeal. And if Mr. Reinhart is not here --

24 ASSISTANT ATTORNEY GENERAL REULAND: He was here. He  
25 signed in. I would suggest maybe starting with the other

1 appeal, giving him an opportunity to return.

2 CHAIRPERSON PREZEAU: Okay. So -- okay, yeah. Well,  
3 I mean, if my attorney's telling me, give him access ...

4

5 Item 3.e. McCoy Electric and Kevin McCoy

6

7 CHAIRPERSON PREZEAU: Are the parties in the McCoy  
8 Electric and Kevin McCoy ...

9 MR. McCOY: We are here.

10 CHAIRPERSON PREZEAU: All right. So let's do that.  
11 Okay. So very good.

12 So good morning. My name is Tracy Prezeau. I am the  
13 Chair of the Electrical Board.

14 The matter before us today is an appeal in the matter  
15 of McCoy Electric and Communications, Inc., and Kevin  
16 McCoy versus the Department of Labor and Industries,  
17 docket number 04-2015-LI-00060 and 04-2015-LI-00061.

18 This hearing is being held pursuant to due and proper  
19 notice to all interested parties in Tumwater, Washington  
20 on January 28, 2016, at approximately 9:58 a.m.

21 This is an appeal from a proposed decision and order  
22 issued by the Office of Administrative Hearings on  
23 September 1, 2015. It is my understanding that decision  
24 upheld citations and notice EBOES00835 and EBOES00836 and  
25 reversed citations -- excuse me, upheld those citations by

1 issued by the Department of Labor and Industries on  
2 January 6, 2015. It is further my understanding that the  
3 appellant has timely appealed that decision to the  
4 Electrical Board.

5 At this time, the appellant, Mr. McCoy, is present.  
6 And I'm assuming, Mr. McCoy, you're representing yourself  
7 today?

8 MR. McCOY: Yes.

9 CHAIRPERSON PREZEAU: Very good.

10 And the Department is also present and represented by  
11 assistant attorney general Mr. Greaves.

12 ASSISTANT ATTORNEY GENERAL GREAVES: That is correct.

13 CHAIRPERSON PREZEAU: Very good.

14 The Electrical Board is the legal body authorized by  
15 the legislature to not only advise the Department  
16 regarding the electrical program, but to hear appeals when  
17 the Department issues citations or takes some other  
18 adverse action regarding an electrical license,  
19 certification and/or electrical installations.

20 The Electrical Board is a completely separate entity  
21 from the Department and as such will independently review  
22 the action taken by the Department.

23 When the Department issues penalties that are  
24 appealed, the hearing is assigned to the Office of  
25 Administrative Hearings to conduct the hearing pursuant to

1 the Administrative Procedures Act. The ALJ who conducts  
2 that hearing then issues a proposed decision and order.

3 If either party appeals, that decision is subject to  
4 review by the Electrical Board. Please keep in mind that  
5 while our review is de novo, we sit in the same position  
6 as an administrative law judge and will review the entire  
7 record regardless of whether a certain piece of evidence  
8 is referenced by the ALJ. We are bound by the evidence in  
9 the record, and no new evidence can be submitted at this  
10 hearing.

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

15 At the conclusion of the hearing, the Board will  
16 determine the findings and conclusions -- will determine  
17 if the findings and conclusions reached by the ALJ are  
18 supported by the facts and rules pertaining to licensing,  
19 supervision and certification for electrical  
20 installations.

21 So are there any questions before we begin, either  
22 Mr. McCoy or Mr. Greaves? Is that process clear?

23 MR. McCOY: Yes.

24 ASSISTANT ATTORNEY GENERAL GREAVES: Perfectly clear,  
25 yes.

1           CHAIRPERSON PREZEAU: So Mr. McCoy, as the appealing  
2 party, you have the burden of proof to establish that the  
3 proposed decision is incorrect. Therefore, we'll hear  
4 from you first.

5           And if both parties -- for the benefit of our court  
6 reporter, if you would please when you introduce yourself  
7 if you would also spell your name.

8           Mr. McCoy.

9           MR. McCOY: Kevin McCoy. K-E-V-I-N, M-C-C-O-Y.

10          And I guess I go?

11          CHAIRPERSON PREZEAU: Yes, sir, please.

12          MR. McCOY: On January 16th of 2015 I received a  
13 citation notice that I had failed to purchase a permit  
14 before starting work. The permit in question was purchased  
15 on October 9th of 2014, a little over three months prior  
16 to this notice.

17          When I went back and looked at the permit and the  
18 notice, they were both dated the same day, October 9th.  
19 There was -- I had no understanding why I would be issued  
20 a citation, so I appealed it because it was the same day.

21          The hearing was set for August of 2015. And two  
22 weeks before the hearing was when I received the notice  
23 showing that I purchased the permit at 10:45, and we  
24 started work at 9:00 am, or at least that's when the  
25 inspector was there.

1           From everything I read when I go to the appeal  
2 meeting, they have no ability to do anything but say black  
3 and white, you know, "yes" or "no." And so that's why I  
4 appealed it to here is because I just feel it was  
5 inadequate information. You know, I believe I have to  
6 agree with the thing. Three months prior to doing the  
7 work or, you know, getting the citation that late, I had  
8 no ability to -- I tried to call the Department of L & I  
9 to see if they had any information. Everybody said well,  
10 you got the permit on the day the citation was issued.  
11 That's why I appealed it. If they would have sent that  
12 letter that day, obviously I wouldn't have even appealed  
13 anything. I would have had to pay a fine and move on.  
14 But I -- I want to say it any other way, but it almost  
15 feels like I'm set up, like just a single piece of paper,  
16 and I would have known what was going on. But I can't  
17 imagine why anybody would have done anything different  
18 than me said, "Well, I'm going to appeal this because I  
19 have a permit purchased on the same day."

20           And I'd like it to show in the record I've been in  
21 business 20 years, and I've had no citations in regards  
22 the whole time.

23           CHAIRPERSON PREZEAU: Thank you, Mr. McCoy.

24           Mr. Greaves.

25           ASSISTANT ATTORNEY GENERAL GREAVES: Thank you.

1 Lionel Greaves -- L-I-O-N-E-L is the first name.  
2 Last name is Greaves -- G-R-E-A-V-E-S. I am the assistant  
3 attorney general here on behalf of the Department of Labor  
4 and Industries.

5 What I appreciate about Mr. McCoy throughout this  
6 proceeding has been that he's been very straightforward in  
7 this process. And as a result of that, I think the issue  
8 before this Board is pretty clear.

9 There's no real contest over the fact that a  
10 violation occurred, and the citations that were issued  
11 were appropriate in light of that, both in terms of the  
12 monetary penalty and in terms of the substance of what the  
13 citations were issued for.

14 What Mr. McCoy is asking this Board for unfortunately  
15 as best I can tell in performing legal research is relief  
16 that the Board just does not have the power or the  
17 authority to grant in terms of returning his appeal bond.  
18 The statute that controls in this case, RCW 19.28.131  
19 which is referenced in our brief I believe on page 4, the  
20 legislature has set forth in mandatory language that where  
21 the appeal is taken to the Office of Administrative  
22 Hearings and the result is that the citations are affirmed  
23 as they were in this case, that those costs are then  
24 basically provided directly to the Office of  
25 Administrative Hearing so that that hearing cost can be

1 covered.

2 And here that's what happened. We went to an appeal.  
3 Mr. McCoy had his day in court to present his arguments.  
4 It's unfortunate that Mr. McCoy did not know or did not  
5 understand that there was evidence indicating that he had  
6 purchased his permits hours after work had commenced. But  
7 that is no basis for overturning the statute or for  
8 returning the appeal bond.

9 And if anyone has any questions, I'm happy to answer  
10 them.

11 CHAIRPERSON PREZEAU: Mr. McCoy, I'll give you an  
12 opportunity for any rebuttal. Any additional comments you  
13 would like to make this morning?

14 MR. MCCOY: Not a lot. Just I -- like I say, I  
15 believed the one board could only make one decision one  
16 way or the other. And I don't if this Board is any  
17 different. But it seemed like an injustice. But if  
18 that's the way it's got to be, at least I got my day in  
19 court to be heard about this injustice.

20 It seems like if you're going to send out a citation,  
21 that you should send out all the information. Like I say,  
22 I tried to make my phone calls. I tried to access more  
23 information. And suddenly it showed up two weeks before  
24 the State had the information, but they wouldn't -- or I  
25 guess the Department in this case wouldn't give it to me.

1           CHAIRPERSON PREZEAU:  Yeah, so I have the unfortunate  
2   -- or we have the unfortunate responsibility of affirming  
3   your suspicion, which is we are bound by, you know, the  
4   statute 19.28 and its associated related -- the Washington  
5   Administrative Code.  There's no -- we don't have the  
6   ability to -- even though there can be a tremendous amount  
7   of sympathy for folks that come here and appeal.  And  
8   often, cases, the folks that do appeal are very -- their  
9   situations from my perspective are very similar to yours.  
10  They're good actors in the industry.  They are licensed  
11  contractors.  They employ certified electricians.  They do  
12  good work.  And they appeal oftentimes because for the  
13  same reason you appealed is because you felt that, you  
14  know, after the fact you go back and look at your records,  
15  think that maybe there's been a clerical error made  
16  because your records indicate that you should not have  
17  received the citation, or they are, you know, folks --  
18  it's not infrequent that folks in your position feel that  
19  they deserve a break.  And although, I think personally,  
20  and maybe even professionally, there are members of this  
21  Board that may share your opinion, but unfortunately we  
22  don't have the flexibility to demonstrate those opinions  
23  in this realm.

24           What I will say, though, is what I think -- I'm glad  
25  that you did go through the appeal process, not because

1 you took a day off of work and paid the appeal money and  
2 that there was some loss endured on your behalf because I  
3 think this is not -- this is not the first appeal that the  
4 Board and the electrical program for the Department learn  
5 valuable lessons and how we interact with customers and  
6 stakeholders.

7 And I think that there is -- this may not deliver  
8 much satisfaction to you, Mr. McCoy, but I think the hope  
9 going forward that we can -- the work that we do here can  
10 reduce the frequency of folks that sit in that chair or go  
11 to the Office of Administrative Hearings and sit in front  
12 of an ALJ feel that the process was not as perfect as it  
13 could be. You are helping make the process better and in  
14 hopes that will reduce in the future the people that sit  
15 in that chair that are you in right now because we have  
16 maybe established departmental policies that give people  
17 more information so that they can make an informed  
18 decision about whether or not to move forward or not.

19 Does that make sense?

20 MR. McCOY: It's what I expected. But I just -- I  
21 had to be heard. I just felt that was -- there had to be  
22 some responsibility of the Department to send out accurate  
23 information, and in a court of law, I feel that I would  
24 have gotten some ...

25 CHAIRPERSON PREZEAU: Well, and I think -- it never

1 dawned on -- it's never come up previously. And I think  
2 we can all take, you know, what's the crux here from my  
3 perspective or what you believe is the crux. And I'm  
4 looking at under tab labeled "Appellant's Exhibits," and  
5 it's typewritten page 80 and 81. And what is potentially,  
6 you know, the crux of your position as I understand it is  
7 page 80 is what I believe a screen shot of the -- I don't  
8 know if this is the PAIRS system but the inspection permit  
9 request system that the Department uses. And as you can  
10 see -- I'm sure you all looked at this in reviewing the  
11 transcript, there's a time stamp on here which is how we  
12 knew that the permit was performed after the inspector  
13 John Boespflug was on site.

14 But if you turn the page to 81, this is the  
15 documentation that the individual or the entity that pulls  
16 the permit, requests the permit. So you indicated in your  
17 comments today and also in the transcript at the ALJ  
18 hearing, had you known there was a time stamp on here --  
19 but there's a way to put the time stamp on here, that  
20 potentially would have given you more information.

21 So I'm not sure -- you know, again, as I said,  
22 constantly striving towards improving the system. And  
23 hindsight is always 20/20. Even in this case, I'm not  
24 sure even having a time stamp would have potentially  
25 persuaded you not to pursue the appeal because you might

1 have -- may or may not have records that your employees,  
2 what time they started work that day on that house. But  
3 again, moving towards a more perfect system or a better  
4 system.

5 Rod, did you have your hand up?

6 BOARD MEMBER BELISLE: Yeah, I did. I -- and you  
7 know, I agree with Tracy's perspective in general, you  
8 know, in seeing your side of it. Although, as a Board  
9 member, we have seen appeals where a permit was only  
10 purchased after the fact only because an inspector showed  
11 up. And had that inspector not shown up on that day,  
12 would there have ever been a permit for that job? We'll  
13 never know that.

14 But I think in many cases that's a risk some  
15 employers are willing to take. They operate without a  
16 permit until the day they get caught, and then they  
17 purchase a permit.

18 And so we have to draw a line on what's the rule, and  
19 we need to be fair across the board. And if this is the  
20 first time in 20 years, I applaud you; that's fantastic.

21 I feel like there's something missing here, you know,  
22 some communication. I know from my experience working on  
23 a job site, when an inspector showed up on the job site,  
24 we either had a permit or we didn't, and he would ask for  
25 it or ask to see it or make some indication that "Hey, you

1 guys are here without a permit." There's nothing in the  
2 record to that conversation. So I don't know if that  
3 conversation happened or not.

4 I know as an employee, if the inspector showed up,  
5 and I didn't have the permit, I would convey to the  
6 employer we got a permit. Either he said get it within  
7 the hour or we're going to be cited. Or I would say, "We're  
8 getting cited." And then you would not have been unknown  
9 to this whole thing.

10 And I'm not sure why that conversation didn't happen.  
11 And maybe that's something within staff training here at  
12 L & I that can be addressed, or maybe that's a way they  
13 avoid confrontation because of, you know, some of the  
14 not-so-quality employers out there.

15 But that's unfortunate that didn't happen. And I  
16 feel like that's a missing piece here because you  
17 shouldn't have been left in the dark until you received a  
18 piece of mail. If that's the first time you had heard of  
19 this, that's really unfortunate. And I don't know what we  
20 do about that. I'm not sure we can do anything.

21 MR. McCOY: Well, apparently that did happen. When I  
22 was at the appeal hearing, the inspector, John Boespflug,  
23 said that he was at the job site when my guys were there  
24 and found that they didn't have a permit. Like I say, so  
25 that was October 9th. I hear about it January 16th, over

1 three months later. And, you know, I start my day at 6:00  
2 a.m., and I usually quit at 6:00 p.m. And to go back  
3 three months and figure out what was going on, all I could  
4 do is look -- you know, when I called the Department, if  
5 that -- if somebody would have just said that. I -- it  
6 would have saved me the appeal right away. Because I'm  
7 not going to appeal something that I see I've done wrong.

8 We do new construction homes. You have to get a  
9 permit on a new-construction house. You can't get power  
10 to it.

11 CHAIRPERSON PREZEAU: Fake it.

12 MR. McCOY: Yeah, you can't fake it on those.

13 So, you know, \$800 in appeals is no small change to  
14 me. I've -- I spent the first 12 years, never owing a  
15 penny to anybody. And since 2008 I've taken \$150,000 debt  
16 down to \$60,000, paying back everything that all the  
17 builders walked away and left me with. So money's  
18 important to me. Time's important to me. And I needed to  
19 speak my piece on this.

20 CHAIRPERSON PREZEAU: Bobby.

21 BOARD MEMBER GRAY: Thank you, Madam Chair.

22 I think the term I would use rather than sympathy  
23 would be empathy. Because as a small contractor and a  
24 small business owner where you're trying to do multiple  
25 roles including managing the finances that always seems to

1 come in, this could not only affect your ability to work,  
2 but also your reputation. That's something that's always  
3 important to us.

4 And from personal experience, that was probably the  
5 most embarrassing thing for my business is when I had an  
6 oversight like that and got caught. And I guess if  
7 there's anything consolation I would offer up that this  
8 would be an investment going through the appeal process  
9 that at least you have on record and for public review the  
10 fact that you've done everything you can to try to I guess  
11 offset the fact that you made a mistake, you admit you  
12 made a mistake, it was not intentional, and you don't plan  
13 on ever doing it again. So I know that's of little  
14 consolation, but perhaps that investment would be to  
15 protect your reputation, your brand more so than just  
16 losing it out of pocket.

17 CHAIRPERSON PREZEAU: So -- and I just want to -- and  
18 thank you, Bobby. Empathy is a better adverb.

19 I know that one of your -- within your appeal letter  
20 or correspondence, you asked that the appeal bond be put  
21 towards the cost of the citations. And I'm hopeful,  
22 Mr. McCoy, that you understand what Mr. Greaves remarked  
23 about, but what -- the fate of that appeal bond is clearly  
24 articulated in the electrical statute 19.28.131.

25 And I don't -- I mean, I have it. I could read it to

1 you verbatim.

2 MR. McCOY: I know exactly what it says.

3 CHAIRPERSON PREZEAU: Okay. In which case, we --  
4 this body has no flexibility to or any discretion to do  
5 anything or direct anybody to do anything different with  
6 that appeal bond than what it indicates, clearly  
7 stipulates in 19.28.131.

8 And the language -- we don't have the ability to go  
9 against statute. So I just wanted to make sure that you  
10 understood that and recognize that we don't have any of  
11 that flexibility.

12 And so to that end, I -- are there any other comments  
13 or questions from Board members regarding the McCoy  
14 Electric and Communications and Kevin McCoy appeal that's  
15 in front of us?

16 Yes, Alice.

17

18 Motion

19

20 BOARD MEMBER PHILLIPS: I would make a motion that we  
21 affirm citation number EBOES00835.

22 BOARD MEMBER NORD: Second.

23 ASSISTANT ATTORNEY GENERAL REULAND: Do you want to  
24 affirm the citation or do you want the adopt the proposed  
25 decision and order from the Office of Administrative

1 Hearings in its entirety?

2 BOARD MEMBER PHILLIPS: That's what I wanted. So do  
3 you want me to restate that?

4 CHAIRPERSON PREZEAU: So what I understand what your  
5 original intent was, your motion is to adopt the proposed  
6 order in its entirety from the Office of Administrative  
7 Hearings including all findings of fact, conclusions of  
8 law and the initial record as written.

9 BOARD MEMBER PHILLIPS: That's correct.

10 CHAIRPERSON PREZEAU: That's your motion?

11 Is there a second?

12 BOARD MEMBER NORD: Second.

13 CHAIRPERSON PREZEAU: So it's been moved and seconded  
14 to adopt in its entirety the findings -- the proposed  
15 findings of fact, conclusions of law and initial order  
16 from the Department -- or from the Office of  
17 Administrative Hearings. Any discussion on that? Rod.

18 BOARD MEMBER BELISLE: Just to be clear, under the  
19 initial order, there is no ability for this Board to  
20 affirm a citation and waive a penalty; is that correct?

21 CHAIRPERSON PREZEAU: That is correct. We are bound  
22 by -- we affirm the citation. We are bound by the penalty  
23 schedule that is stipulated in 296-46B.

24 ASSISTANT ATTORNEY GENERAL REULAND: I think the  
25 proper term is this Board has no authority to act in

1 equity.

2 CHAIRPERSON PREZEAU: Yeah. We can modify, we can  
3 alter the -- as you are intimate -- or you're aware,  
4 right? because we've done it multiple times. But if there  
5 are no errors in the proposed findings of fact,  
6 conclusions of law and initial order, we have no ability  
7 to operate as Pam says, legal term, in equity to somehow  
8 waive or reduce the corresponding fines unless they were  
9 inconsistent with the schedule in the rule.

10 Any other questions on the motion?

11 So all those in favor of affirming in its entirety  
12 the findings of fact, conclusions of law and the initial  
13 order submitted by the Office of Administrative Hearings  
14 signify by saying "aye."

15 THE BOARD: Aye.

16 CHAIRPERSON PREZEAU: Those opposed? So moved.

17

18 Motion Carried

19

20 CHAIRPERSON PREZEAU: So thank you, Mr. McCoy.

21 Again, I hope that your ability to have voice in this body  
22 indicated -- oh, yeah, a public record about what happened  
23 will give you some relief.

24 Additionally, I have some things that I am supposed  
25 to say.

1           The Electrical Board has made its decision. And  
2 Mr. Greaves as the prevailing party, have you prepared an  
3 order -- a final order, or will you prepare -- do you have  
4 one for presentment today?

5           ASSISTANT ATTORNEY GENERAL GREAVES: I do, Judge.  
6 I'd be happy to review it with Mr. McCoy to sure it is in  
7 agreement with him. I apologize for my ignorance. I  
8 didn't bring copies for everybody. But --

9           CHAIRPERSON PREZEAU: It's not necessary.

10          So if -- so if the parties could adjourn maybe to the  
11 hallway, and you can -- and Mr. Greaves, if you could  
12 share that proposed final order with Mr. McCoy, if it  
13 could get agreed upon, then just bring it back and let us  
14 know if Mr. McCoy agrees to your proposed final order.

15          If -- just I want to advise the parties that if you  
16 do not reach an agreement today, this matter will be  
17 automatically set for presentment, which you saw earlier;  
18 we did with Mr. McDaniels. And if an agreed order has not  
19 been received by that date, the parties at the next Board  
20 meeting which would happen in April, the parties would  
21 come back and go through presentment of final orders.

22          I get the sense that that's not -- I am cautiously  
23 optimistic that we can find resolution today. I just  
24 wanted to advise the parties to that.

25          Rod.

1           BOARD MEMBER BELISLE: I guess I just -- to provide  
2 information to anybody who might read this transcript, is  
3 there something the Department can provide so that  
4 Mr. McCoy, should he receive something in the mail in the  
5 future, would have the appropriate person to contact to  
6 where this could have been avoided? I mean, it's really  
7 unfortunate that so much time went by before he received a  
8 piece of information in the mail, and then, in fact, if he  
9 did make those phone calls and couldn't get clarity, now  
10 we're here today, everybody looking at this, going, "This  
11 shouldn't have happened." So I guess I'm looking for, you  
12 know, perhaps before he leaves, the Department could  
13 provide some direction on where a contractor would receive  
14 this sort of information.

15           Is that possible?

16           CHAIRPERSON PREZEAU: So Steve, that's outside of my  
17 realm -- or our realm. And I don't know if -- if you can  
18 -- I don't know that -- I don't know if you can deliver  
19 that answer other than --

20           SECRETARY THORNTON: Well, I'll have to talk to him,  
21 sit down and talk to him and see just where everything  
22 fell apart so that we got that time lapse and see if there  
23 isn't a way that we can fix that.

24           CHAIRPERSON PREZEAU: I just -- so what I'm hearing  
25 you say is there a commitment from the program for -- you

1 know, we talk about -- we heard Mr. Rodriguez -- we know  
2 that the Department and the electrical program uses Lean  
3 process for striving for continuous and constant  
4 improvement. I think there is an opportunity here. And  
5 what I'm hearing you say is that we are -- you are making  
6 a commitment to see this continuous improvement through;  
7 is that correct?

8 SECRETARY THORNTON: Anytime we can improve, we want  
9 to.

10 CHAIRPERSON PREZEAU: So thank you, Mr. McCoy. Thank  
11 you, Mr. Greaves.

12 ASSISTANT ATTORNEY GENERAL GREAVES: Thank you.

13

14 Item 3.d. Travis Reinhart

15

16 CHAIRPERSON PREZEAU: So we are now -- I'm going  
17 backwards to agenda item 3.d.

18 Is Mr. Reinhart present? Is Ms. King present, the  
19 assistant attorney general representing the Department?

20 I very much want the record to reflect that we  
21 called the parties in the Reinhart versus the Department  
22 of Labor and Industries appeal at 9:58 a.m., and they --  
23 Mr. Reinhart was not present. And so to make  
24 accommodation for Mr. Reinhart, who is the appellant,  
25 right? If the appellant is not here, obviously that

1 changes things terrifically.

2 So I want the record to reflect that it is now 10:26.  
3 We have finished with the other outstand -- or the other  
4 appeal that is on the record. So this would be the final  
5 agenda item under appeals which is agenda item 3.

6 Again, is Mr. Reinhart present? Is Mr. Reinhart  
7 present? I'm going to do this three times. Is  
8 Mr. Reinhart present?

9 It's Mr. Reinhart's appeal. So what we need to --  
10 Pam, make sure you're watching closely. In order to --  
11 because this is his appeal because it is not the  
12 Department's appeal, because he is not here, what is in  
13 front of us as the Board is -- we would like to call your  
14 attention to the proposed order issued by the Office of  
15 Administrative Hearings. We need to -- we don't  
16 necessarily need to -- again, because Mr. Reinhart, it is  
17 his appeal, is not present. We don't necessarily need to  
18 go through the entire case because I'm assuming, Ms. King,  
19 that the Department -- I should ask you, Does the  
20 Department --

21 ASSISTANT ATTORNEY GENERAL REULAND: In this  
22 particular circumstance, what I would suggest is that you  
23 take from the Department -- what is the Department asking  
24 the Board to do, either to adopt the proposed decision  
25 from the Office in its entirety or not.



1 adopt in its entirety the proposed order from the Office  
2 of Administrative Hearings in the matter regarding Travis  
3 Reinhart versus the Department of Labor and Industries.

4 ASSISTANT ATTORNEY GENERAL KING: Pardon me. Sorry.

5 The order that I brought and prepared does say "final  
6 order" instead of "proposed order," so it's --

7 ASSISTANT ATTORNEY GENERAL REULAND: No, you're  
8 right. It is a final order that the Board will sign.

9 CHAIRPERSON PREZEAU: So again, the motion before the  
10 Board is to adopt in its entirety the proposed order from  
11 the Office of Administrative Hearings regarding Travis  
12 Reinhart versus Department of Labor and Industries appeal.  
13 It's been moved and seconded.

14 Any discussion on the motion? Seeing none, all those  
15 in favor, signify by saying "aye."

16 THE BOARD: Aye.

17 CHAIRPERSON PREZEAU: Opposed? Motion carried.

18

19 Motion Carried

20

21 CHAIRPERSON PREZEAU: So we don't have to read the  
22 piece about the disputed final order?

23 ASSISTANT ATTORNEY GENERAL REULAND: No. She has --  
24 Linda, did you bring a proposed order with you?

25 ASSISTANT ATTORNEY GENERAL KING: I did.

1 ASSISTANT ATTORNEY GENERAL REULAND: And I'll review  
2 it. And then if it's appropriate, we'll indicate that  
3 Mr. Reinhart did not appeal.

4 CHAIRPERSON PREZEAU: Did not appear.

5 ASSISTANT ATTORNEY GENERAL REULAND: Appear. Did not  
6 appear.

7 CHAIRPERSON PREZEAU: Appear. Very good.

8 So how about a break now, Board members? So what I  
9 would very much like to do is 15 minutes? 15 minutes,  
10 come back at a quarter till? Is that reasonable? Thank  
11 you very much. We are in recess.

12

13 (Recess taken.)

14

15 CHAIRPERSON PREZEAU: I would like to call the  
16 January 28, 2016, Washington State Electrical Board  
17 meeting back to order.

18 And I know -- it's amazing to think there were  
19 moments -- days that we thought that this meeting was  
20 going to be -- take two days. And just like again, you  
21 never know what -- life is like a box of chocolates.

22 SECRETARY THORNTON: I just wanted to see if you had  
23 a sense of humor.

24 CHAIRPERSON PREZEAU: Well -- you know.

25 So before we go into the Secretary Report -- and

1 Steve and I -- as Board members are aware, we were  
2 furnished with a number of additional budgetary type  
3 performance metrics with the intention of having, as we  
4 discussed in October, an expanded program and budget  
5 discussion.

6 I'm just curious. Some of the Board members have  
7 inquired, Steve, do you have any concept of how long that  
8 discussion has the potential?

9 SECRETARY THORNTON: I would guess an hour or less,  
10 unless you have a lot of questions about what we're going  
11 to present. Each person's probably going to present for  
12 four to ten minutes, and there's three people. So ...

13 CHAIRPERSON PREZEAU: Okay. What I would like to do  
14 -- and I know it's not on the agenda -- is ask Rod to give  
15 the Board an update on a special project that technically  
16 he and Dominic are representing the Board in a stakeholder  
17 group that is working across -- apprenticeship division as  
18 well -- and also Don Baker is an alternate. What we want  
19 -- and hopefully it'll make more sense once Rod explains  
20 -- gives his update. But we wanted participation from the  
21 Electrical Board. And I wanted to -- because the issue  
22 they're discussing has to do with apprenticeship and  
23 supervision and scopes of work, if you will.

24 We thought it would be most beneficial to have a  
25 Board member who represents electricians and a Board

1 member who comes from the contractor community. Because  
2 that's really kind of the nexus of where that happens.  
3 And so Rod has been able to attend -- there's been two  
4 meetings. Unfortunately because they're busy fellows,  
5 Dominic and Don haven't been able to attend either of  
6 those two. But there's ongoing discussion.

7 So Rod, if you would be kind enough to share with the  
8 Board a little bit of what that project is and where  
9 you've gone.

10 BOARD MEMBER BELISLE: Sure. So the Washington State  
11 Apprenticeship Training Council made a motion at one of  
12 their meetings to adopt a committee to look at the  
13 electrical apprenticeship standards and how they correlate  
14 with the electrical licensing and enforcement division  
15 rule and law.

16 There is a -- kind of the nexus behind this is the  
17 Washington State Apprenticeship Council has often made  
18 determinations regarding electrical programs that would be  
19 considered to be in conflict with the electrical  
20 standards. And so the idea was to get them on the same  
21 page to make sure that the council understands what the  
22 Department is doing and the Department understands or  
23 works with the council to make good determinations.

24 So we met twice. The first meeting was kind of just  
25 to lay the ground work and talk about what the issues at

1 hand were. And we determined the issues at hand -- we're  
2 looking at ratio and what's in the RCW/WAC versus what the  
3 apprenticeship division is allowing. Supervision and how  
4 that's enforced. Related supplemental instruction. And  
5 then geographic area was also brought up as a  
6 consideration of things that we need to look at of whether  
7 an apprenticeship program can have statewide geographic  
8 area or just a certain county or how that all works.

9 So those are the four topics.

10 The second meeting we met, Mr. Reynolds -- Jim  
11 Reynolds was there from the Department which was critical.  
12 I really appreciate him participating. Because the first  
13 meeting we had was a lot of opinions by everyone in the  
14 room, and nobody really knew what the Department's opinion  
15 was. And so it was great to have Mr. Reynolds there. He  
16 brought a great amount of clarity to what we were trying  
17 to determine. We talked about approved apprenticeship  
18 programs and whether they need to affidavit apprenticeship  
19 hours or whether they can provide completion certificates  
20 because both are mentioned in the RCW/WAC. We talked  
21 about documentation of an apprentice if they were to get  
22 cancelled or transfer programs if those hours haven't been  
23 documented through the "ARTS" system -- I believe they  
24 call it "ARTS" -- how that would be handled. We discussed  
25 how L & I actually approves apprenticeship programs to

1 refer apprentices to the state to allow them to test.

2 Many of those things were unclear to a variety of people  
3 in the room.

4 So I think now after that second meeting, everybody  
5 at least is on the same level of understanding of what the  
6 Department expects to see when they walk onto a job site  
7 to do an inspection, what they expect to see when somebody  
8 completes an apprenticeship program, or how their hours  
9 can be tracked. And we made great progress. I don't know  
10 that we've actually made a determination on anything, but  
11 our goal at the end of this process is to have a template  
12 that would identify if you're going to be an  
13 apprenticeship program in the electrical environment you  
14 would at least do a minimum list of criteria so that  
15 anybody walking in the door trying to start an  
16 apprenticeship program will at least meet a basic minimum  
17 standard.

18 And so that's where we're at. And I guess that's all  
19 I can report.

20 CHAIRPERSON PREZEAU: Thank you, Rod. Thank you for  
21 the information. And thank you for agreeing and  
22 participating. It can be sometimes a bit of a slog at  
23 times. But I appreciate your willingness to invest that  
24 time and brain power.

25 Any questions for Rod? Excellent.

1 I know, Steve, you're getting geared up and ready to  
2 go.

3 I just wanted to announce to the Board that I did  
4 sign -- we made a motion to sign the final order in the  
5 Robert McDaniel case. I also signed the final order in  
6 the Travis Reinhart case, as well as the McCoy Electric  
7 and Kevin McCoy. So there's been resolution, some bitter,  
8 but resolution all of those appeals that we brought in  
9 today which means that we won't have any carryover of  
10 presentment of final orders in April.

11

12 Item 4. Secretary's Report

13

14 CHAIRPERSON PREZEAU: So Steve, you're -- it's your  
15 ball.

16 SECRETARY THORNTON: Okay. How's everybody doing  
17 today? Good? Good.

18 Now, for the budget report, in December the  
19 electrical fund balance was \$8,231,716, which keeps it at  
20 about five months operating cost which is where we've been  
21 for quite a while.

22 Our average monthly expenditures are about a  
23 \$1,675,000. In FY2016 we're looking at expenditures to go  
24 up a little bit to about a \$1,735,000.

25 We've begun to see the cost for rewriting mobile

1 coming out of the fund. That will be something that we'll  
2 look at on the charts a little later. And we'll talk  
3 about that and how we've got that projected and how it's  
4 going.

5 And at the current staffing levels, we project the  
6 fund to be at about \$7,832,000 at the end of the biennium,  
7 which is about four and a half months worth of operating  
8 cost. So it's going to go down as we start paying for  
9 mobile.

10 CHAIRPERSON PREZEAU: But it's still a higher number  
11 than last fiscal year.

12 SECRETARY THORNTON: Yeah. We're not spending quite  
13 as much money right now. But I mean, I see some months  
14 where it's going to go the other way; we're going to spend  
15 a little more than what's projected.

16 As far as customer service goes, we sold 30,381  
17 permits last quarter. 27,720 of those were processed  
18 on-line. About 91 percent of all permits are purchased  
19 on-line, and that's been pretty standard for quite some  
20 time now. It fluctuates a little bit, but not a lot.

21 95 percent of contractor permits are sold on-line.  
22 And that stays pretty consistent. Everybody that's into  
23 on-line stuff has pretty much gone there. Those that  
24 don't are staying the old way.

25 Homeowners on-line sales increased about 2 percent in

1 the last quarter. They're up to about 58 percent done  
2 on-line.

3 On-line inspection requests are at about 81 percent  
4 and is pretty much unchanged. Those stay pretty  
5 consistent also.

6 About 70 percent of our electrical license renewals  
7 are done on-line. And that's about a 1 percent increase  
8 from the last quarter. Some things are gradually  
9 migrating more towards the Internet. Others are staying  
10 pretty consistent. We get a little bit more work done all  
11 the time over the Internet.

12 Our 48-hour response time, our goal is 94 percent.  
13 Last quarter we were at 86 percent.

14 Our anticipated compliance level is about 1,052.  
15 Last quarter we were at 928. As the inspection workload  
16 per inspectors goes up, our response times go down, and we  
17 have less time for compliance. So those two numbers are  
18 pretty much related to our staffing issues.

19 The number of stops per day is at 10.

20 We issued 10,959 serious corrections.

21 Our licensing turnaround was 100 percent the same  
22 day. So that's their goal, and they've been doing really  
23 well at getting the licenses back out on the same day that  
24 they get the request.

25 Turn-around time for plan review, it's part of the

1 busier season for plan review. So it's at 1.6 weeks. And  
2 their target is 1.5. So they're a little slower than what  
3 their target is. But like I said, it's must the busier  
4 time of the year for them.

5 We had 6,056 licenses processed. And the workload in  
6 the workforce is stabilizing. The turn-around time for  
7 processing licenses has returned to pretty much the same  
8 day. When we get the applications, we get them sent back.

9 Phone calls have remained steady. And licensing has  
10 generally been able to maintain and hold times of a minute  
11 or less.

12 And that's it. Other than I think Larry's got some  
13 testing lab information.

14 No new testing labs. And that's it for what was on  
15 the Secretary's Report.

16 And as far as the added information about the budget  
17 stuff, Don's here, and he's on a pretty tight schedule.  
18 So I'll have him talk about that first. And this  
19 (showing) is the chart that everybody has. Do you want a  
20 copy of it or -- no? You've got it down by heart, huh?

21 CHAIRPERSON PREZEAU: So we're going to -- certainly  
22 this doesn't mean that you can't ask questions of Steve  
23 regarding this Secretary's Report, but because of time  
24 lines ...

25 SECRETARY THORNTON: Yeah. He's got somebody waiting

1 upstairs for him.

2 CHAIRPERSON PREZEAU: Understood.

3 MR. JENSON: So what you've got in front of you is --

4 CHAIRPERSON PREZEAU: So Don, state your name and  
5 spell it for the court reporter please.

6 MR. JENSON: My name's Don Jenson. D-O-N,  
7 J-E-N-S-O-N.

8 As you might be able to tell looking at me, I'm a  
9 numbers geek. And I'm okay with that label.

10 The resource that I provide for Steve and his team is  
11 kind of that outside look. I mean, I know about this much  
12 (gesturing) about what electrical guys do out there. But  
13 being that outsider, it allows me to take a look at data  
14 and forecast some trends. I'm fairly conservative.

15 So what you see in that report in front of you is our  
16 assessment.

17 CHAIRPERSON PREZEAU: This one (showing).

18 MR. JENSON: That report, exactly.

19 We've got a revenue section there. So we're  
20 forecasting some revenue.

21 It's typically -- I'm a pretty conservative guy. So  
22 it's typically based on where we are today. If we kept  
23 that same rate of growth or that same zero growth, if we  
24 kept everything the same, this is where our revenue would  
25 end up.

1 Expenditures, I do the same thing. So you're looking  
2 at a comparison there between revenue and expenditures and  
3 how it relates to the fund balance. That's the key thing  
4 for this report is the fund balance. We want to make sure  
5 that we're spending what we've been authorized, but we  
6 don't want to put a target -- we don't want the electrical  
7 fund to have a transfer out. We're not supposed to call  
8 it a sweep. But a transfer out like we had a couple years  
9 ago. That's not desirable to anybody. Even though I only  
10 know this much (gesturing) about what you guys do, I know  
11 that that's not cool to have that money disappear.

12 So in essence, this is the tool that we use -- the  
13 main tool that we use. I update it every month when new  
14 actual figures, actual revenue, and actual expenditures go  
15 in. Then we project out for the rest of the biennium.

16 Once again, I'm that outsider.

17 What I've learned from Steve and Rod and Larry over  
18 the years, though, is that they'll -- if they chose to,  
19 they'll attach some growth factors. If they think revenue  
20 based on my flat-line thing probably isn't real, there's a  
21 way that they can do projections themselves to forecast,  
22 well, what would revenue look like at a 6 percent growth  
23 rate or a 2 percent growth rate. Once I turn it over to  
24 them, it's really up to them to decide how to play with  
25 it.

1           And once again, I think they're-- everybody's looking  
2   at the impact to the fund balance. Once again, we want to  
3   make sure we have enough in the -- for working capital.  
4   But we don't want it to be so big that you're a target.

5           So that's really -- oh, and then in addition to that,  
6   I also supply Steve and his team reports on a monthly  
7   basis showing expenditure trends, things like that. A  
8   little highlights here and there. "Hey, it looks like  
9   your admin hearings are going up compared to" -- you know,  
10  "Your admin hearing costs are going up compared to last  
11  time."

12           Yes, I'm a numbers geek, but I'm always looking for  
13  the story. So if I'm seeing expenditures go up, I'm going  
14  to ask the experts, you know, "Is this the beginning of a  
15  trend or is that kind of an anomaly?"

16           That revenue spike we had back in June of '14 when  
17  everybody was rushing to get those permits --

18           CHAIRPERSON PREZEAU: Oh, yeah, the residential  
19  permits.

20           MR. JENSON: Yeah, exactly, before the new code.

21           To a numbers -- you know, once again, to the outside  
22  numbers geek like me, I'm like, "Wow, I think this is  
23  pretty cool." I went to them for the story.

24           And they're going, "Don't get excited. It's a spike.  
25  It's going to negatively impact the few months going

1 forward."

2 So once again, I provide them the data. They educate  
3 me. And we once again, the key -- the big idea behind  
4 that report is the fund balance.

5 So that's really all I wanted to share today, or what  
6 Steve wanted me to share today, unless there's any  
7 questions.

8 CHAIRPERSON PREZEAU: Any questions for Mr. Jenson?

9 MR. JENSON: Thanks for letting me come down. I  
10 appreciate it.

11 CHAIRPERSON PREZEAU: Well, thank you for the report.  
12 It's pretty impressive. Thank you.

13 SECRETARY THORNTON: It gives us a lot of  
14 information.

15 MR. JENSON: A lot of information. Thanks again.

16 SECRETARY THORNTON: Thank you, Don.

17 And if you look at the fourth line down, it says  
18 expenditures for mobile. And then down in the other  
19 section it shows what we've projected. The actual  
20 expenditures have been less than the projected numbers.

21 CHAIRPERSON PREZEAU: Oh, the allotment.

22 SECRETARY THORNTON: Yeah, in all six months.

23 Sooner or later it's going to go the other way. But  
24 at this point in time, their estimates have been  
25 substantially over what it's actually costing. But we'll

1 see how it goes in the long run.

2 And other than that, the graphs are pretty  
3 self-explanatory.

4 And this is one of the reports (showing) -- when Don  
5 sends this out, we also get a general overall budget  
6 number. The regions get a regional number that shows  
7 where they're at, plus or minus, on the funds that are put  
8 out to each region.

9 And next, Bob Thomas will show you another graph and  
10 report that he does for us. And it's --

11 CHAIRPERSON PREZEAU: So I think as Bob comes up,  
12 Dominic has --

13 BOARD MEMBER BURKE: Just real quick. This is Don's  
14 form without you guys tweaking it, correct?

15 SECRETARY THORNTON: Yes. That's the form he sends  
16 us.

17 Maybe we ought to -- do we want to do questions on  
18 the Secretary's Report?

19 CHAIRPERSON PREZEAU: I do, yes. This report, I  
20 mean, it's great.

21 Bob, if you want to come up, that's great. But I  
22 have a couple of questions too.

23 SECRETARY THORNTON: Okay.

24 CHAIRPERSON PREZEAU: Dominic, are you --

25 BOARD MEMBER BURKE: No, that's all.

1           CHAIRPERSON PREZEAU:  If you recall, Steve, last  
2   quarter we had -- I asked a question -- it's in the  
3   transcripts -- about the pattern of -- and I don't have  
4   the regional spreadsheet -- budgetary spreadsheet or  
5   expenditure spreadsheet.  I don't know what the name of  
6   that is where it talks about region 1 and allotment for  
7   staffing and, you know, whether you hit the mark.  I don't  
8   have that with me.  But consistently the admin IT, IS, and  
9   I don't know if there's others because again, I don't have  
10  the documentation in front of me.  But assuming that that  
11  part of the program routinely overspends its allotment, in  
12  the grand scheme of things -- you'll recall we had this --  
13  made this same comment -- it's not a huge amount of money.  
14  When you're talking about fund balances in the, you know,  
15  \$7-, \$8 million, it's not a huge amount of money.  But in  
16  the last report, they overspent their allotment by 100  
17  percent.  So it's a fairly substantial overspend, right?  
18  I don't -- there's ramification when I spend -- overspend  
19  100 percent of my income.

20           So I asked for -- you offered some additional key  
21  breakdowns sort of how -- what's -- funding codes,  
22  spending codes.  I think you refer to them as -- and I  
23  know we're going to have this much more global  
24  conversation today.  And so I just want -- if you didn't  
25  -- if you're not prepared to address that question, that's

1 fine. I just want to carry it -- I want to get it in the  
2 minutes and carry over to the next quarter.

3 SECRETARY THORNTON: And I'm not prepared to answer  
4 those. But we'll find out what those were.

5 CHAIRPERSON PREZEAU: You're investing significantly  
6 in a much bigger global more important conversation. So  
7 thank you for that diversion.

8 SECRETARY THORNTON: A lot of times I think those are  
9 one-time charges for different things. They're not  
10 monthly charges. They're things that come up on the spur  
11 of the moment.

12 But I'll find out the exact answers for those for  
13 you.

14 CHAIRPERSON PREZEAU: Very good. Thank you.

15 SECRETARY THORNTON: And Bob's going to talk -- and  
16 that's these set of graphs here that --

17 CHAIRPERSON PREZEAU: Statewide Permit Sales and  
18 Dollars?

19 SECRETARY THORNTON: Yes. And he'll give you a  
20 little background on how we came about to do these  
21 reports. And there's something that is done at the  
22 supervisor's level and something that is reported out at  
23 more of a ground level than Don's numbers which are kind  
24 of -- you know, when the money comes in, he shows us where  
25 it's at.

1 MR. THOMAS: My name's Bob Thomas. I'm the  
2 supervisor here in Tumwater, and I supervise the Tumwater  
3 and Aberdeen offices. I've been around for a long, long  
4 time as Janet remembers.

5 And part of what I've done over the years is I was  
6 here when the permit system, the PAIRS system, was first  
7 put out and when mobile was first put out; I was involved  
8 in all of that. So consequently I know the systems pretty  
9 well.

10 Where this all started -- in these graphs I'm going  
11 to be showing you -- right at the -- layoffs. When the  
12 layoffs hit us, it pretty well devastated us back in  
13 2008/2009. And the question I think at the time -- we  
14 ended up laying off I think a third of our people or maybe  
15 more. And for the people that were here -- I know Steve  
16 down in Vancouver, he had to lay off a bunch. And it was  
17 really, really hard for us.

18 And the question at the time was: Could we have  
19 better seen this coming? You know, could we have seen  
20 this coming a little bit sooner and been a little bit more  
21 prepared and maybe not have to lay off so many people.

22 At the time I think it was Patrick Woods who was the  
23 Assistant Director. And he asked if there was some way we  
24 could monitor things on a little bit better basis to where  
25 we might be able to see patterns and things developing

1 because there was a discussion at the time. People --  
2 some people thought we could have foreseen it better; some  
3 people didn't. And there was -- but there would have been  
4 measures that we might have taken.

5 So they asked in a -- they got a committee together.  
6 And they asked if somebody could put together some kind of  
7 a graph or some kind of a trend that we could watch and  
8 see how things were going and maybe see if there was  
9 something that we could focus on well before we had  
10 problem where we ran out of money and had to lay people  
11 off. Because it came right out of 2007 which we were  
12 trying to get as many people as we could because we  
13 couldn't keep up. And then shortly after that, 2008  
14 started to go down, and 2009, you know, really bad.

15 So going from -- you know, as a State, we always are  
16 behind in hiring. So we were all still trying to hire  
17 when maybe we shouldn't have been, and maybe we could have  
18 foresaw something.

19 Anyway. So they asked if I could put something  
20 together because I know the reports very well. And I --  
21 and so that's where this came from.

22 And I'm trying to kind of show you what I've got. I  
23 don't want to get to the point where I'm boring. So I'll  
24 try to make it as easy as I can.

25 There's a lot of data that's collected in order to

1 get these charts. And there are a lot of charts that I am  
2 asked for separately to do different things, comparisons.

3 But this is one that I put out. Originally it was  
4 actually put out every week.

5 And in trying to find out something to compare so  
6 that it made sense, you'll see that I put overlapping  
7 rolling four-week periods. If you just take like permit  
8 sales and you do every week, you're going to see a real  
9 jagged graph. It just doesn't look -- it's hard to follow  
10 if you try to do it weekly like that. If you try to do it  
11 by the month, then months are different. You have -- some  
12 months have a lot more working days than other months.  
13 And so it doesn't really -- it's not something that's easy  
14 to compare.

15 So what I chose to do is I put together four-week  
16 periods. So I would change every week, but I would do a  
17 four-week period, and that could show the graph a little  
18 bit easier which directions we were headed.

19 The only thing that was left out of that, of course,  
20 is we have weeks that have -- four-week periods that have  
21 more holidays than others. But, you know, there's nothing  
22 that was perfect.

23 And then over a period of time, we could take a look  
24 and see how things looked. Some things are very obvious.  
25 And now as I look at it, I can see things way ahead of

1 time. I can kind of take a look and go, "Okay, there's  
2 something going on there." So that's what -- that's how  
3 these started.

4 So as it went on over the years, then the supervisors  
5 got to where they really liked it. It gives us a lot of  
6 other information, and I'll try to show you a little bit  
7 of that. And so it just kind of kept on and it never kind  
8 of stopped.

9 And one of the things that's been kind of interesting  
10 to me is the original committee that these were sent out  
11 -- it was a budget committee -- and the original committee  
12 has changed over the years. And of course, some people  
13 have come into the electrical program, and some people  
14 have left the electrical program. And as they leave, I  
15 started -- when they would leave, I would kind of take  
16 them off the list basically. And then I would get a call,  
17 "Hey, how come I'm not getting these graphs?" And so  
18 every year, I write a little note. I just did it on the  
19 last one. In fact, I think if you were sent one in the  
20 e-mail, it's probably the older one. And I write out -- I  
21 think about every year, I type out and I tell everybody,  
22 "Anybody that wants to be removed from this list, would  
23 you please let me know." And I have yet to get anybody to  
24 say, "Remove me from the list."

25 CHAIRPERSON PREZEAU: Do you have your own listserv

1 for these?

2 MR. THOMAS: Yeah. It's just -- yeah, it's just a  
3 list of -- yeah.

4 So it's grown over the years. We got people that  
5 have nothing to do with electrical that still want to get  
6 this thing. So it's kind of taken on a life of its own,  
7 and for some reason we just keep doing it. But I know the  
8 supervisors really like it. I know the regional  
9 administrators like it. And I know Jose likes it a lot  
10 because of a little bit different graph sometimes. And  
11 Steve likes it.

12 Basically, this (showing) is the one I send out every  
13 week to the supervisors, the basic graph. And it just  
14 shows the sales for the last six months approximately.

15 And you can see different things here. And it'll  
16 tell you when the first week was, which was July 5th to  
17 August 1st, and then the last week was December 27th to  
18 January 23rd. And you can kind of see what's going on  
19 here. This is the holidays. The low part here is the  
20 holidays.

21 And I'll -- one other thing I'll point out to you is  
22 this "adjusted." You'll see that a couple of times in my  
23 graphs. The "adjusted" is that when we first sell  
24 permits, people come in, and they buy permits. And then  
25 when we go out to the jobs -- the inspectors go out to the

1 jobs, we see whether they've paid the right fees. And as  
2 you can imagine, people always look at a fee schedule, and  
3 they then interpret it their way, and so they pay for what  
4 they think they need or what they think they can get away  
5 with sometimes. But most of the time it's what they think  
6 they need. And a lot of homeowners don't know what the  
7 chart is, and a lot of people don't understand the fees.

8 And so we go back and collect fees. I usually do it  
9 after I think it's -- I'm trying to think when the last  
10 time was I -- I go back for about -- I don't know -- it  
11 could be six months or whatever, and I make an adjustment.  
12 Well, it's going to be -- yeah, it will about in September  
13 I guess was the last time I made the adjustment.

14 When I make that adjustment, invariably we're talking  
15 about a difference statewide of \$40- to \$50,000 of fees  
16 that are collected that weren't paid originally. So I  
17 think that's kind of interesting.

18 So every one of these dots here before this time are  
19 actually \$40- to \$50,000 higher than they were when they  
20 first came out like these guys (indicating). So that's  
21 just something to kind of be aware of what the adjustment  
22 is.

23 And we do them by the sales and dollars. And then we  
24 do the number of permits.

25 And then we have the regional, and this is where the

1 regions and the supervisor like to know, you know, who's  
2 doing what. And generally speaking, as you look at this,  
3 the inspectors in these lower regions have less  
4 inspectors. That doesn't always hold true because there's  
5 a lot of regions that are fairly close. And then we do  
6 the permit -- the number of permits sold. So those are  
7 things that they wanted to keep track of and sectionalize  
8 what are we doing.

9 The other thing they wanted to keep track of is our  
10 response times because if we're supposed to be there  
11 within 48 hours of the request. And so we keep the  
12 statewide response times. You know, a lot of these --  
13 there's a lot of explanation. And I don't know how deep  
14 anybody wants to go or cares. But you can see -- what we  
15 see here just to kind of let you know is about  
16 Thanksgiving we have a number of days off in a row. And  
17 so we tend to when we come back, we get a workload that's  
18 kind of behind. And then shortly after that, we go into  
19 statewide training. And so we have everybody out in the  
20 field for a couple of days. So our response times start  
21 dipping. And we notice that substantially. Until we get  
22 right about to the first of the year when the vacations  
23 are done and everybody's back on board. And then we start  
24 catching up again and the response times start going up  
25 again.

1           So those are the kind of things that we see in these  
2 graphs. And once again, how interesting they are, I don't  
3 know.

4           But we also do a within 24. That used to be an  
5 important number in the old days. I think it's still  
6 important.

7           And then the over -- the under 48 request by region,  
8 and one of the things that you notice, the regions with  
9 the lines that go, you know, that go up and down a lot,  
10 they tend to be the regions with less inspectors so that  
11 they don't have the ability to, you know, have an  
12 inspector out and keep the response times.

13           CHAIRPERSON PREZEAU: Bob, this is just -- the  
14 regional inspection response time within 24 -- with 48,  
15 I'm having trouble with my color. So is that region 6  
16 that is lowest?

17           MR. THOMAS: The lowest, yeah. Region 6 is --  
18 there's -- these graphs are things that are happening now.  
19 And a lot of times there are stories behind what's  
20 happening.

21           CHAIRPERSON PREZEAU: Oh, no, I -- we know about -- I  
22 know where region 6 is. A big area, a big -- there's some  
23 fairly significant projects in some of those places,  
24 depending on where the boundary lies.

25           MR. THOMAS: Exactly.

1           CHAIRPERSON PREZEAU:  So I'm not -- I just -- it was  
2 difficult for me with this light to determine if I was  
3 matching the right color.

4           MR. THOMAS:  Yeah.  So it's -- region 6 is that one.  
5           And they also -- they've got a long way to go for --  
6 they have the fewest number of inspectors.

7           So that coupled with the fact --

8           CHAIRPERSON PREZEAU:  And a high vacancy rate.

9           MR. THOMAS:  Exactly.  I was just going to say that  
10 coupled with the fact that I think for the first time in a  
11 long, long time they just got fully staffed.  But they're  
12 still training those two new guys.  So I think we're going  
13 to see a significant improvement when they're fully  
14 staffed and everybody's trained.

15           But those are -- you know, we could go on -- there's  
16 a lot of things that go on behind --

17           CHAIRPERSON PREZEAU:  No, but it's interesting to  
18 sort of see the level of consistency, if you will, right?  
19 Or a larger level of consistency in 1, 2, and 4, and learn  
20 from those pieces.

21           Like you said, some of them -- there's a story behind  
22 all of them.

23           MR. THOMAS:  Yeah, there are.

24           And once again, doing the graphs as long as I've been  
25 doing them, usually -- a lot of people will look, and

1 we've got another sheet that I'm going to show you that  
2 people will jump to conclusions on, you know. We've got  
3 this, and what's going on over here. There is a lot of  
4 good explanation for a lot of this stuff.

5 Anyway, those are things that go out. And the  
6 interesting -- the electrical supervisors really like --  
7 they really like them. That's probably why I keep doing  
8 them.

9 But -- so this is something that goes out about every  
10 two weeks now. But I do have to tell you that during the  
11 holidays and when things got behind and stuff, I was a  
12 little bit lax. Sometimes I think if you received one of  
13 the -- in e-mail, I had a couple of errors I think on  
14 those that I sent out; that happens too.

15 Now, the -- another graph that goes out -- and this  
16 one was done by originally Steve McLain (phonetic) when he  
17 was in the -- he was the Assistant Director over there.  
18 He asked if I could do a comparison year to year. After  
19 this went on for a little while, then all of a sudden we  
20 had some information that showed up how are we doing from  
21 year to year.

22 And so -- and Jose still likes to get that. When  
23 Steve left, I asked Jose, I said, "Do you still want to  
24 get that?"

25 And he says, "Yeah, I use it all the time. I look at

1 it all the time." And I think Steve likes to get it too.

2 And this is a comparison year to year. Now,  
3 typically what happened on this one, as you can imagine,  
4 is when I got too many years in there, it got to be really  
5 messy. So I started pulling years out just to kind of --  
6 trying to figure out where we were from what point to what  
7 point. And it's kind of interesting if you look at what's  
8 going on. I'll probably take another line out now that I  
9 just started this new year with the red. And that's just  
10 coming out. And you can kind of see how things go here  
11 where we have -- this is like a Thanksgiving period.  
12 Okay, that's when things really kind of start to drop off.  
13 And then you get kind of slower. You get down around  
14 Christmas and New Year's, really, really slow. And then  
15 it comes back up here. And then usually about this time  
16 in June, we're probably at some of our busier times, and  
17 you see the one drop-off that happens all the time, the  
18 4th of July weekend. That -- although people can buy  
19 permits year-round and on the holidays and things like  
20 that, there are certain holidays that they just don't.  
21 There's certain holidays people do take off. The 4th of  
22 July, the whole time, that's one of them a lot of people  
23 taking off. Obviously Thanksgiving is another one.  
24 Christmas. And you can see a bump in here once in a while  
25 for Memorial Day, things like that.

1           CHAIRPERSON PREZEAU: Bob, I would almost, you know,  
2 advocate for retention of the 2009 line because it's a bit  
3 of a barometer of a really bad year, right? That was  
4 really -- so that they always have that reference point.

5           MR. THOMAS: Yeah. And that's why it's still in  
6 here. And I'm not sure which one I'm going to do away  
7 with now.

8           I think that the 2014 because of this anomaly that  
9 you see here is really an interesting one. And I have --  
10 you know, this data, it's so huge by now that I could  
11 feasibly bring up any year, any time, throw a line in  
12 there real simple. I could do it by the region if they  
13 wanted to do it by region. And I get asked that  
14 occasionally by regional administrators to do something a  
15 little bit different, then come up with something else.

16           So -- but anyway, I think everybody here may know  
17 what that's all about, that big thing there.

18           CHAIRPERSON PREZEAU: Yes, residential permits before  
19 the code was adopted.

20           MR. THOMAS: We didn't expect -- every time we have a  
21 code change, we get a little bit of this. And we didn't  
22 expect what happened. And that was one of those things  
23 that we didn't adopt the code in 2011. So by the time the  
24 2014 code came around, there were huge changes for  
25 contractors out there cost-wise.

1           And so when this started happening, and I was  
2 monitoring this, this is exactly the kind of thing, you  
3 go, "You know, is there something weird happening?" I  
4 don't know. I think if you all know Phyllis. Do you guys  
5 know Phyllis Cooper? She does the sales part. She kind  
6 of looks at the sales part. This is more her office for  
7 inspection in other words, all of my data here. So I kept  
8 going over to Phyllis saying, "There's something wrong  
9 here." But there wasn't. They were actually doing that;  
10 they bought a lot of permits.

11           So any time we compared the 2014 year to any other  
12 year, it wasn't right; it wasn't a correct comparison.  
13 Because if you had this (indicating) in part, if you had  
14 this in it, you know, it's a six months period and that's  
15 in there, you look like you're not selling as many  
16 permits. If you didn't, then you were back in this area  
17 where they were recovering from selling all those permits.  
18 And they actually didn't stop recovering for quite a  
19 while. Then it looked like we were selling way more  
20 permits, you know.

21           So anything that was involved anywhere close to that  
22 part here basically wasn't a true comparison.

23           So those are the kind of things that we see over a  
24 period of time.

25           The nice thing -- and I told Steve that -- now also

1 that adjusted is right here (indicating), and that's the  
2 same thing. We're talk about a \$40- to \$50,000 difference  
3 of every dot after that including the two new ones here  
4 (indicating). And so -- and you keep that in mind when  
5 you look at the second graph here that you have the number  
6 of permits sold. And you can see the number of permits  
7 sold is quite a bit higher coming out of this year than it  
8 was last year, which is kind of a nice thought as far as  
9 the idea that, you know, things are going okay. I told  
10 Steve about that yesterday.

11 So these two dots will go up \$40- to \$50,000 apiece,  
12 and they'll pretty much match what you're seeing -- but  
13 that's just a basic -- these are the basic two graphs that  
14 I put out every couple of weeks. And people seem to still  
15 enjoy getting them, and they want to know about them, and  
16 then I'll get questions.

17 The other thing that goes out is that numbers sheet  
18 that you saw here. And this will go out. And there's a  
19 lot more in here. This is the one that gets a lot of  
20 questions. Because the working days is important. We  
21 have reports that tell us stops per day, but that's stops  
22 per day would be the inspectors were in the field.  
23 Because if they're not in the field, then no data goes in,  
24 so we don't know -- you know, we don't get anything else  
25 other than that. So it's just stops per day.

1           This one has stops per FTE day. So that's like,  
2   okay, well, how many stops do you have? And then there's  
3   reasons behind that. So how many FTE's do you have? How  
4   many stops, you know, before you -- so there's a little  
5   bit of difference here, and that's the kind of thing that  
6   catches their attention.

7           The days that the FTE's were in the field, you know,  
8   so the percentage of the time the FTE's were in the field  
9   doing inspections as opposed to training, doing compliance  
10  possibly, out sick, on vacation, all of those things. And  
11  that's kind of where we keep that. And there's stories  
12  behind all of that too. So people kind of jump to  
13  conclusions about what that means. And then there's a lot  
14  of times that stories would -- but those are the kind of  
15  things.

16          You can see the sales per inspector. It just changes  
17  a lot during the year which regions have more sales per  
18  inspector. And typically for the most part last year,  
19  region 5 was -- had a lot of sales. And region 6 during  
20  the summertime has a lot of sales per inspector. Then  
21  they tend to go down quite a bit when the winter comes.  
22  So we see that happen.

23          So these are kind of things that we look at.

24          This goes back -- this is where -- this (indicating)  
25  is where I input the information. A lot of these -- I'll

1 open the real -- I'll open the bigger spreadsheet just to  
2 show. This is a bigger spreadsheet. And I've got all the  
3 different ones down below.

4 There's the input page. You can see that some fields  
5 were filled in before I put the input into them. They, of  
6 course, transferred -- it moves to another page. And  
7 that's how I grabbed the data and put it in. But there's  
8 more information here.

9 But it does go back to this one, if you look, will go  
10 all the way back to that 2009.

11 See I've got all that in there, and it goes all the  
12 way back.

13 If you look at the permits per inspector back then, a  
14 lot of differences.

15 So that's where this comes from. Like I say, there's  
16 a lot of other information in here that we have a tendency  
17 in the Department -- one thing that's noticeable I think  
18 right now is we saw region 2 last year have a big increase  
19 in permit sales. That was pretty evident last year. Of  
20 course, now we get to the quieter times; it's hard to  
21 tell. But the other thing that we've noticed is that the  
22 I-5 corridor when region 2 starts, and pretty soon you get  
23 Pierce County and Snohomish County, and what we're seeing  
24 the first of this year is that all of a sudden region 1  
25 has taken off which is Snohomish County. Basically where

1 most of that comes from is out of the Everett area, the  
2 Snohomish County area because it's right next to King  
3 County there. And we see that movement. And that's kind  
4 of typical of the way in all of these years that things  
5 have passed when things go down it seems like the King  
6 County area, they start first, and then everybody else  
7 kind of goes down. And the same thing with -- (inaudible)  
8 -- when King County starts to take off, then Pierce County  
9 and Snohomish County admittedly start to move down the I-5  
10 corridor. So you see that over the years. And we'll also  
11 see a spike more in Vancouver because it's next to  
12 Portland. So ...

13       There's a lot of patterns that develop over a period  
14 of time. But that's -- once in a while I'll see  
15 something, and I'll once in a while see something, and  
16 I'll make a note of it if I see something. But nothing  
17 really makes a big difference until you see the four in a  
18 row, and it stays that way.

19       Because if you take a look -- I'll show you right  
20 here. This is the time at Thanksgiving where all of a  
21 sudden I've got this big jump here. Okay? Well, that  
22 doesn't make any sense. Why did I have that big jump  
23 there?

24       When we go forward -- we go -- and all of a sudden  
25 you got a big drop-off. So that me over the years I look

1 at, and I go, "Ooh, what's going on?"

2 That signifies to me I got one big huge permit --  
3 (inaudible).

4 I did -- you know, being that I kind of understand  
5 these things pretty well, I take a look at our printouts,  
6 and I go -- I look over there, and I went "Aah, there's a  
7 real change in East Wenatchee. And I looked at that, and  
8 I found a \$65,000 permit. Okay? So that's going to show  
9 for four data points. Until you get past four data  
10 points, you're really not creating any kind of --  
11 (inaudible) -- I guess I should say.

12 And once you get past that, then permits starts to --  
13 we can kind of predict things.

14 So that's it in a nutshell.

15 The only other thing I'll show you real quick is most  
16 of this stuff comes off of two reports, one of them is the  
17 permit sales report. That's where this stuff (indicating)  
18 comes from. And the other one is the inspection activity  
19 report. That's where you find that kind of stuff and that  
20 sort. And there are a ton of reports in our system.

21 I think the electrical is probably able to track more  
22 stuff. It's just an amazing amount of data that is in our  
23 system. So it's all there for pulling out for different  
24 reasons.

25 SECRETARY THORNTON: Next Board meeting we'll

1 probably look at that portion of just all the different  
2 permits that we can -- or different reports we can run on  
3 just about anything you want to name, you know, deal with  
4 funding and stuff at this time.

5 CHAIRPERSON PREZEAU: So, Bob, it doesn't surprise me  
6 actually that you have the ability to have all of this  
7 data because electricians have a tendency to like  
8 information, analytical folks. I appreciate all the time  
9 that went into this.

10 Two questions I have, and then if the Board members  
11 have others, is I'm hoping that you have some voice in the  
12 process of developing the new mobile inspection system  
13 because as a potential point of data collection and how  
14 that system may be an added benefit to the program to  
15 monitor what's happening, potentially capture information,  
16 I'm wondering if there's -- you're consulting on some of  
17 that or making a wish list?

18 MR. THOMAS: Well, let me tell you. We have -- what  
19 we have in the new program -- or the new program being  
20 developed is we've got the users in there, you know,  
21 talking about. Phyllis Cooper is really good on all of  
22 this stuff, and she understands it very well. She's been  
23 there and knows the inside and outside.

24 I get questions sometimes, but I've intentionally  
25 kept myself off of that committee because I'm too close to

1 retirement. And I think that anybody can -- I'll answer  
2 questions anytime, but Phyllis is really, really good at  
3 all of that kind of stuff. And we have some really good  
4 people on that committee.

5 Rod, are you on that committee?

6 SECRETARY THORNTON: Yes, Rod's on that ...

7 CHAIRPERSON PREZEAU: So at least -- you know, I  
8 recognize that -- congratulation on being close to  
9 retirement. There's this -- and given the fact that you  
10 have your own listserv for this -- you know, people like  
11 your graphs. I'm assuming that there's a desire to ensure  
12 that there is a strong data collection component with the  
13 mobile inspection -- the new mobile inspection system.

14 MR. THOMAS: I'm sure they won't -- like I say,  
15 Phyllis asks a lot of time, "Which of these reports do we  
16 want to keep? And which don't we want to keep?"

17 And so I think they'll be up on that. I think  
18 they'll be real good. And I know Rod is real good at it.  
19 So I'm sure that there's going to be a lot of consistency  
20 in what goes on after this. It's just that I thought by  
21 the time that it actually rolls out, I'll probably be  
22 either almost gone or gone.

23 And in a way, I kind of like that idea because I  
24 don't know that I want to learn the new one.

25 CHAIRPERSON PREZEAU: Got it.

1 All right. Rod, you had your hand up. And then I --

2 BOARD MEMBER BELISLE: Yeah. I just -- in seeing  
3 these graphs and then the comment that region 6 because of  
4 its large area and the distance driving, I was thinking to  
5 myself, I'd be curious to see the miles driven per  
6 inspector per inspection. And you probably have that  
7 graph.

8 SECRETARY THORNTON: We'll run a report next time.

9 BOARD MEMBER BELISLE: I'm wondering if in the mobile  
10 data system -- and maybe we've talked about this -- I know  
11 there was some discussion about GPS mapping kind of  
12 coordinating the inspections. If the geographic area of  
13 that region is causing the difficulty there, if there's a  
14 way to utilize this data to change that.

15 SECRETARY THORNTON: And we will -- like Jose said,  
16 we're open to looking at anything and everything that's  
17 going to make us more efficient. We've looked at some of  
18 that stuff.

19 Part of the problem with GPS stuff is it doesn't get  
20 updated quite as quick as what we need it. But still it's  
21 worth looking at and something that -- we're not taking  
22 anything off the board.

23 BOARD MEMBER BELISLE: Right. Because over the years  
24 that's always been the problem with that area. And it  
25 seems like let's look at that problem and see if there's

1 any kind of solution for geographic challenges.

2 SECRETARY THORNTON: Right. And when you look at  
3 these charts that Bob puts out, when these charts -- if  
4 you look at the response times, and region 6 being, you  
5 know, pretty erratic, when these go upstairs to the fifth  
6 floor, it's about an hour, and Ernie's calling going,  
7 "What's the deal in region 6?"

8 So a lot of people look at these, and if they're not  
9 -- generates a lot of questions. But it makes it easier  
10 to answer those questions also.

11 MR. THOMAS: Well, and I'll tell you -- talking about  
12 that, what they see upstairs -- and I have transposed  
13 numbers before when I'm in a hurry, and I put out the  
14 graphs, and all of a sudden I got Steve at my desk going,  
15 "Ernie wants to know what's going on in region ..." And I  
16 look, and I go, "Oh, I missed that." I just made a  
17 mistake inputting numbers.

18 CHAIRPERSON PREZEAU: Bobby.

19 BOARD MEMBER GRAY: I have a quick question.

20 I can see the value from a supervisor's standpoint in  
21 knowing how many permits are being sold and trending here,  
22 so you can use that for manpower protection. But what I  
23 didn't see is -- because not all permits are created  
24 equal. Some take two days, and some take a year or longer  
25 in some cases.

1           So my question is: Is there a mean time between a  
2 permit being purchased and the request for inspection that  
3 a supervisor --

4           CHAIRPERSON PREZEAU: Final inspection?

5           BOARD MEMBER GRAY: Or even an initial inspection.  
6 So that you could predict your manpower needs and adjust  
7 for vacations and ...

8           MR. THOMAS: Of course, it is real hard. You know,  
9 as supervisors, we have to really watch who we let off --  
10 because we have to do that way ahead of time. So it's  
11 hard to predict that.

12           There is -- I can tell by when the permits are sold,  
13 I can -- we'll see a rise in requests and stuff, you know,  
14 as it goes up. It'll probably be -- you know, it kind of  
15 averages. Some of the, of course, are right away. But we  
16 probably see about a four week where we really see a big  
17 difference.

18           BOARD MEMBER GRAY: So you can average.

19           MR. THOMAS: Yeah.

20           BOARD MEMBER GRAY: So four weeks from the time they  
21 purchase it until they actually --

22           MR. THOMAS: Yeah. That's when we really see the  
23 difference in the actual number of stops being done and  
24 things. But I haven't -- I have never really gauged it  
25 exactly. It's kind of guess -- and we can't -- it's not

1 easy for us to move people around that fast, you know.

2 So if we get one region that gets real heavy, you  
3 know, moving people from one region to another, you can  
4 imagine that, you know, it gets real hard to do. So we  
5 tend to move into positions as they come open, and that's  
6 not done very often. Because everybody right now -- quite  
7 frankly everybody, you know, since this growth has gone on  
8 the last few years, everybody's busy. Everybody's busy.  
9 And so you get the question of who's busier than the next  
10 guy, you know.

11 SECRETARY THORNTON: We do have the group of six SPI  
12 inspectors that are a lot easier to move around and send  
13 to locations for a week at a time. So we have some more  
14 ability that way to adjust manpower. Send them there to  
15 cover for vacations, extended sick leave, those kinds of  
16 things. But you can suck up six people pretty quick when  
17 you're running this close to ground zero manpower-wise.

18 And we use -- Bob's charts, they give us a good  
19 indication of are we on the same path as the past years so  
20 we can know how we're kind of headed in the right  
21 direction?

22 Don's numbers are more this is what we had this  
23 month. And so this is more of an instantaneous view.  
24 This is more a longevity view. So it gives us a pretty  
25 good way to track what's going on and have a pretty good

1 idea of what we can look at the future to be. And with  
2 the prospects of spending the fund down with the mobile  
3 money, it's good to know that things are headed in this  
4 direction or that direction and makes it a little more  
5 comfortable to have the ability to spend that money.

6 And these two sets of charts are what Rod uses to go  
7 into our scorecard which is what -- he's going to talk to  
8 that when we're done here with Bob's charts.

9 MR. THOMAS: And to answer one other question as far  
10 as miles, we do track all of that. Miles per stop. Mile  
11 -- you know, person, how many miles per day. And it goes  
12 right down to the individual all the way to the regions.  
13 You know, how many miles did they put in total? How much  
14 does that average per stop? And it is quite different.  
15 Internal to my office I keep charts just on that for the  
16 guys. Because I might have a guy that doesn't have a lot  
17 of inspections per day, but he's got -- averages 150 miles  
18 per day. But yeah, the data is all there for all of that.  
19 We can keep any of those that we would like.

20 CHAIRPERSON PREZEAU: Go ahead, Don.

21 BOARD MEMBER BAKER. On the statewide sales numbers  
22 and the regional sales numbers, is it safe to assume that  
23 those numbers are in actual dollars? We don't make any  
24 attempt to adjust for any inflation over time?

25 MR. THOMAS: Yes. That's --

1 BOARD MEMBER BAKER: I mean, over the years, you're  
2 going to see these things continue to rise up --

3 MR. THOMAS: Right. Yeah, that's actual. That's  
4 actual. We shouldn't -- we should increase over the years  
5 too. I mean, all of that's taken into consideration. We  
6 haven't had a lot of raises, but we have had some permit,  
7 you know, raises in permit fees.

8 CHAIRPERSON PREZEAU: Yeah, I mean, it's fairly  
9 equitable. We've had this conversation before that the  
10 last fee increase was 2012 -- permit fee increase was  
11 2012. And what we're looking is a 4.32 percent fee  
12 increase. So -- but yeah, no, that's a great question.

13 MR. THOMAS: And that's why the second thing tracked  
14 is the actual number of permits. So that one also --  
15 (inaudible).

16 CHAIRPERSON PREZEAU: Any other questions from the  
17 Board? No?

18 I have one, which goes back to -- you know, Bob, you  
19 started this conversation by saying in hindsight we wanted  
20 to better understand if we had the ability or access to  
21 information to better predict trends going forward or --

22 MR. THOMAS: That was what Patrick Woods originally  
23 wanted.

24 CHAIRPERSON PREZEAU: Do you think that -- so is that  
25 when these -- that's when you started building all of

1 these graphs?

2 MR. THOMAS: Yeah, that's when they asked to have  
3 something put together and that we could kind of watch  
4 what was happening. There was a lot of discussion back  
5 then. And I don't -- it's been so long now, I hate to get  
6 into it. But there was a lot of discussion about whether  
7 or not we should have done something to change going into  
8 it and what happened, you know. Because we were still  
9 hiring, you know, and things were starting to fall --  
10 everybody was still feeling like we're behind, we're  
11 behind, we're behind. And we're still hiring, you know.  
12 And fees were still decreased -- they were, you know, not  
13 changed.

14 CHAIRPERSON PREZEAU: So my question to that point  
15 is: Do you feel as really the specialist in the room in  
16 terms of data collection and how to express it and share  
17 it with others in graph forms and table forms, do you feel  
18 that you have built -- I'm assuming you feel that you've  
19 built the best systems to predict -- we're better prepared  
20 now as a result of the conversations that were canonized  
21 with Patrick Woods to where we're at now.

22 MR. THOMAS: I'm not going to claim to be the  
23 specialist in the room, because there's other people that  
24 do quite a bit of things too. But I do think so. I do  
25 think that this helps. And I think over a period of time

1 we've been able to look and say, "Hey, look at this  
2 coming." And I think that -- I think we -- I think we  
3 would have seen this. I think we would have seen the  
4 permits going down. I think we would have seen the permit  
5 sales going down. I think we could have done some things  
6 to prevent this big of a layoff. We wouldn't have gotten  
7 rid of the layoff obviously. But certainly we were hiring  
8 people when things were -- when we probably shouldn't have  
9 been hiring people. Not to mention the fact that the pay  
10 reduction was in place, you know, and all --

11 CHAIRPERSON PREZEAU: Yeah, no. There was a bit of a  
12 perfect storm.

13 MR. THOMAS: Yeah, it really was. And it was delayed  
14 before we got caught back up.

15 But I feel -- yeah, I feel it could be a lot  
16 different.

17 CHAIRPERSON PREZEAU: I agree with you. Fabulous  
18 information.

19 Any other questions for Bob? Very good.

20 Steve, what do we got next?

21 SECRETARY THORNTON: Rod is going to talk about the  
22 scorecard and where a lot of that information goes and  
23 comes from. And that's this (showing) colored sheets here.

24 MR. MUTCH: My name's Rod Mutch. And I'm a technical  
25 specialist for Steve.

1 I don't know that we've ever shared the full-blown  
2 Scorecard with the Board.

3 CHAIRPERSON PREZEAU: I've never seen this before.

4 MR. MUTCH: So this is how we measure our  
5 performance. What gets measured, gets approved, right?

6 So we have -- the first two pages are a bunch of  
7 boxes with numbers in them, and there's some colors.

8 The second two pages are what we call indicators.  
9 And the second two pages that kind of have data that  
10 explains some of the things that we're measuring.

11 So if you look at the first page, on the left column,  
12 the measure -- there's actually six them. These are the  
13 things that we want to measure.

14 The first one is our response time. We've got data  
15 from the previous fiscal year. Fiscal year 15 is listed  
16 there in about the third column over. And then the next  
17 column over is the target, the item that we're measuring.

18 And then we have columns for each quarter of the  
19 current fiscal year. So this is fiscal year 16, which  
20 started July 1st of 15, and it goes through June 30th of  
21 16.

22 So for the first two quarters, we have data in those  
23 boxes. So our response times statewide, if you look at  
24 fiscal year 15, we were at 91 percent. That's -- our goal  
25 is -- statewide goal is 94 percent. So we were a little

1 bit lower than what our target was. If you look at this  
2 fiscal year, the first quarter, we were down to 88  
3 percent. And the second we're down to 86 percent.

4 This is just raw data. So there's stories behind why  
5 those trends are happening. Some of them have to do with  
6 manpower open positions that we're not able to fill.  
7 Permit sale growth.

8 So there's the indicators on the third page. You'll  
9 see indicator number 2 is average number of inspection  
10 stops per inspector per day worked. So in fiscal year 15,  
11 the statewide number of inspection stops was 10.1. And  
12 for the first quarter of this fiscal year, we had 10.7  
13 stops. In the second quarter, we had 10.2 stops. And  
14 then the cumulative total for fiscal year 16 was 10.4  
15 stops. So the inspection stops go up. Vacancy rate is  
16 up. Permit sales, permit numbers are up. So response  
17 times go down. So this is -- that's kind of how you read  
18 this chart.

19 And then we break it down for each region what their  
20 response times are. So regions 1 and 4 are typically  
21 pretty much higher response times. 5 and 6 have lower  
22 response times. And -- it kind of goes all over the  
23 place. We've got -- different regions have different  
24 issues. Geography. The regions that have lots of  
25 geography were really hurt in the layoffs because -- we

1 had, for example, two inspectors in Okanogan County before  
2 the layoffs; now we're down to one. So if you've got an  
3 inspector that's way isolated, he can't get to those.  
4 Region 1 has an area where they have to fly out to the  
5 islands. Sp they've got issues where their response times  
6 are hurt because you can only make one trip per week to  
7 some areas. Region 3 has the Olympic Peninsula where  
8 they've got lots of geography to cover too. So there's  
9 all kinds of things that go into what affects the response  
10 time. And then -- so this is how we measure that one.

11 The second one which is actually measure number 3 is  
12 the focused compliance. That total compliance number,  
13 what we try to do is leave it approximately the same. We  
14 haven't -- when we've increased the number of inspectors,  
15 we haven't increased the number of citations that we're  
16 trying to target. We want to maintain a level of  
17 compliance and issue the same amount of citations. And we  
18 distribute those throughout the regions based on the  
19 number of inspectors that they have.

20 So when workload gets heavy, focused compliance  
21 usually goes down because you're doing more inspections,  
22 you don't have as much time to address the compliance  
23 issues.

24 At the same time, when work goes up, there's more  
25 underground economy activity out there that we want to

1 address. So there's all kinds of reasons why things go up  
2 and down on this chart as well.

3 The second page -- and we'll go back, and you guys  
4 can ask questions about each of these measures if you  
5 like.

6 The second page, measure number 2 is to reduce the  
7 number of corrections per inspection per electrical  
8 contractor. So this is the correction reduction  
9 initiative.

10 And what we want to do is look at the number of  
11 corrections that a contractor was able to -- (inaudible)  
12 -- in one fiscal year and see if we can get that to  
13 improve in the next fiscal year.

14 So we take the contractors that have had at least 24  
15 inspections in a fiscal year, we look at the average  
16 number of corrections in that group, and the group of  
17 contractors that has more than twice the average number of  
18 corrections gets on this list.

19 So what we do for them is we send them -- each month,  
20 we send them a letter that details all of their  
21 corrections. It's a good tool that they can use. Because  
22 they get a document that has all of the corrections that  
23 were written for that month, and they can look at that and  
24 see how they're doing. They can also go through the list,  
25 and if there are corrections that don't belong to them,

1 for example, maybe we have written a correction that  
2 actually belongs to a homeowner on a contractor's permit,  
3 then they can call us and get that transferred to the  
4 homeowner if it's not within their work scope.

5 So it just gives them a tool to show them the  
6 corrections that they're getting issued. And the goal is  
7 to reduce the number of corrections and thereby reduce the  
8 number of reinspection stops.

9 So you can see that the goal is to reduce them by 15  
10 percent. And right now that target group has reduced  
11 their corrections by 20 percent. So that's a good thing.

12 Measure number 4 is the quality of citations. So  
13 when we write a citation, we want it to be accurate. And  
14 so this is a measure of the number of total citations that  
15 are written, citations and warnings versus the number that  
16 get voided for whatever reason.

17 Sometimes, an appeal comes through, and we review the  
18 citation before we send it on to the assistant attorney  
19 general. If there are errors in the citation, we'll void  
20 them right there. So this reflects the number of  
21 citations that got issued versus the number that were  
22 voided. And we're in the 97, 98, percent, 99 percent  
23 range right there. So that's a good thing.

24 CHAIRPERSON PREZEAU: Rod, may I interrupt you?

25 MR. MUTCH: Yep.

1           CHAIRPERSON PREZEAU: So in light of some of the work  
2 that we did today -- and Rod brought up the question of --  
3 and I don't know if this is possible -- and I'm not  
4 looking for an answer right now, but just asking the  
5 question: Are there other metrics by which we can measure  
6 the quality of citations including the date that they are  
7 delivered versus the date of the alleged infraction?

8           MR. MUTCH: So the inspectors have a standard work.  
9 And in that standard work we have a process for issuing  
10 citations. We have a goal to get the citation issued  
11 within five days of when the violation is discovered.

12           Obviously on this case, that didn't happen for  
13 whatever reason. But we do keep track of that. We don't  
14 measure it and report on it. It would have to be done  
15 manually I think. You'd have to look at each ticket and  
16 the date that it was discovered versus the date that it  
17 was issued. So it would be hard to report actually what  
18 that measure would be.

19           But we -- what we used to do on this measure -- we  
20 changed it a couple years ago. We used to measure the  
21 number of citations that were lost at appeal. So we'd  
22 measure the number that were appealed versus the number  
23 that got voided or lost when it was appealed. And we were  
24 always in the 90 percent range or more.

25           The problem with that one, though, is a citation

1 might get issued today, and it would take six months to  
2 two years before it got appealed. So you'd be looking at  
3 data that's from two years ago. So we changed it to this.  
4 This is more -- a more accurate number of quality I think.

5 So did that help?

6 CHAIRPERSON PREZEAU: Absolutely. Thank you.

7 MR. MUTCH: Number 5 is to increase the percentage of  
8 electrical license or certificate applications processed  
9 the same day. And you can see, we're pretty good at that.

10 The licensing staff keeps track of their forms that  
11 they process. Most of them get processed the same day.

12 The sixth one is the plan review turn-around time.  
13 And our goals are different for whatever quarter you have.  
14 The busier times of the year are the third quarter because  
15 most of the school jobs are coming in. So -- or actually  
16 the busier times would be the first and the fourth  
17 quarters.

18 So right now we're at 1.6 weeks of turn-around time  
19 for a plan to come through. That is a lot better than it  
20 used to be. We were up to four or five, six weeks or a  
21 month at one time. So the process that the plan review  
22 folks have gone through with developing their standard  
23 work has really helped speed that up.

24 So that's the measurements.

25 The last two pages -- like I said, the last two pages

1 are indicators. And there's data there that has to do  
2 with total citations per FTE per month. ECORE, we track  
3 the number of referrals that they refer to industrial  
4 insurance when they're investigating someone and they find  
5 the contractor that's not paying industrial insurance for  
6 their employees, then they refer those to the industrial  
7 insurance folks.

8 Then we track miles and collisions and number of  
9 at-fault collisions per mile driven. So lots of data  
10 there.

11 So that's the Scorecard.

12 CHAIRPERSON PREZEAU: Thanks, Rod. Any questions for  
13 Mr. Mutch?

14 Everybody's kind of kicking out on all these numbers.  
15 It's kind of cool.

16 Thank you very much, Rod. It's nice to see you as  
17 always.

18 SECRETARY THORNTON: So did anything that we talked  
19 about today bring anything to mind that we want to look at  
20 next time in particular?

21 CHAIRPERSON PREZEAU: How do we get on Bob's  
22 listserv?

23 SECRETARY THORNTON: You probably have to an L & I  
24 employee. But ...

25 CHAIRPERSON PREZEAU: That's probably valid.

1 I just like to -- I think it would -- the only thing  
2 that pops up for me is as much as I am not interested in  
3 extended Board meeting lengths for the purpose of  
4 extending Board meeting lengths, but I think it would be  
5 maybe a nice balance to annually maybe review these  
6 numbers, maybe at the end of the fiscal year have a more  
7 comprehensive sharing of information.

8 I think -- I'm looking around. I think that seems  
9 reasonable. And yet still, you know, a valuable summary.  
10 So noted.

11 The only -- any other questions, comments? We're  
12 still under Secretary's Report. Don.

13 BOARD MEMBER BAKER: Steve, I'll take you back to the  
14 Scorecard under number 2, the number of focused citations  
15 and warnings.

16 First, let it be known I thank you for changing the  
17 word from "goal" to "anticipated." That was a nice touch,  
18 nice change.

19 My question for you -- and I don't know if it's  
20 possible. But citations and warnings are kind of grouped  
21 into one category. Would it be possible to show how many  
22 citations and how many warnings are issued? I'm sure you  
23 have the data. It just would be nice to know if we got  
24 926 citations and only two warnings. I'd like to see what  
25 the balance is there.

1 SECRETARY THORNTON: Okay.

2 BOARD MEMBER BAKER: Thank you.

3 CHAIRPERSON PREZEAU: Great question.

4 Any other -- Janet.

5 BOARD MEMBER LEWIS: I'd just like to mention that  
6 the one measurement about working with contractors on  
7 reducing their electrical corrections, I think that's  
8 really an important thing to tout when, you know, maybe  
9 when you're testifying because of all of the  
10 anti-regulation bills that are out there. I mean, this --  
11 we do inspections for public safety, and when we try to  
12 help the contractors make sure they install, you know,  
13 electrical systems safely and we work with them in this  
14 way, I didn't realize you sent them a letter every month,  
15 you know, targeting the high violators that this helps  
16 improve their business as well as protect public safety.  
17 It makes -- it helps them save money. And, you know, the  
18 attitude out there from a lot of people is that the  
19 Department doesn't care about that, and that we're heavy  
20 -- you know, the Department may be heavy handed. But I  
21 just think that's a great indicator to talk about. And  
22 maybe get some contractors to say, "Yes, I'm going to  
23 improve my business because L & I has helped me."

24 SECRETARY THORNTON: One of the other things that it  
25 encourages the contractors to do is when they know there's

1 a list that they may get on if they get a lot of  
2 corrections, they interact more with us to say, "You know,  
3 you wrote that correction to the -- that's not my  
4 correction." And a lot of times that leads to, "Okay, if  
5 it's not yours, who did the work? Because we don't have  
6 another permit there." So it leads to some more  
7 interaction. Some not always pleasant, but then they  
8 encourage them to let us know, you know, how we're doing,  
9 if we're doing something that's not right, we need to  
10 change it. So ...

11 CHAIRPERSON PREZEAU: Go ahead, Rod.

12 BOARD MEMBER BELISLE: I'm wondering if we have  
13 contractors out there that aren't in the top 20 percent of  
14 violators, but because they see this is available, that  
15 would volunteer to say, "Send me that report even though  
16 I'm not on your targeted list."

17 SECRETARY THORNTON: Haven't had anybody volunteer  
18 yet. But ...

19 BOARD MEMBER BELISLE: I guess I just -- if you write  
20 the correction, you write the correction. So if I could  
21 get a report back, even though I'm not a big violator, if  
22 I know my crews, it's this correction across the board,  
23 I'd like to fix that. And that's going to save me time  
24 and money regardless of whether I'm, you know, a bad actor  
25 or whether I just have something that we do wrong a lot.

1           SECRETARY THORNTON:  And it -- it's good information  
2 to have if you're a contractor so you can do just that and  
3 solve some of your own problems even if you just collect  
4 the corrections that you're written.

5           And we would probably be in the correction issuing  
6 business if we all of a sudden had to do that for  
7 everybody that wanted them.

8           (Board Member Gray departed the proceedings.)

9           CHAIRPERSON PREZEAU:  And I just think -- and Janet,  
10 you bring up a very valid point is you look at the 13  
11 bills that we called your attention to.  They sort of seem  
12 to be stemming out of a frustration of stakeholders or  
13 others about regulation.  And as Janet so accurately  
14 pointed out, the corrections reduction initiative has been  
15 in place since it was the former chief Ron Fuller  
16 instituted that.

17          SECRETARY THORNTON:  Right.

18          CHAIRPERSON PREZEAU:  So it's not -- it can also be  
19 stated that it's not something born out of pushback to a  
20 current climate; it was something that was born out of  
21 desire to assist the industry well before any of these  
22 levels of frustration at least manifested in the  
23 governmental legislative realm.

24          So Steve, is that -- does Rod's report sort of  
25 conclude your ...

1 SECRETARY THORNTON: Yes.

2 CHAIRPERSON PREZEAU: Okay. So I have one question  
3 before we move on to the next agenda item, unless anybody  
4 else wants in.

5 One of the things that we did not discuss -- and  
6 perhaps it demonstrates a lack of desire, but as you  
7 recall, when we had a -- were facing a similar legislative  
8 situation to some of these -- you see in -- I'm looking at  
9 the Electrical Currents newsletter, February 2016. And  
10 some of these bills are carry-overs from the previous  
11 legislative session, the 2015 legislative session, in  
12 which the Board may recall that we -- it was the desire of  
13 this body to create a legislative subcommittee to  
14 continuously -- to monitor on behalf of the entire Board  
15 some of this pending legislation, and in the event that  
16 there needed to be some type of official correspondence  
17 from the Board to communicate the over-arching principles  
18 that the Department and the Board represent which is life,  
19 property, public safety, level playing field, all of that.

20 And I'm curious if the body -- if the Board wants to  
21 make a similar recommendation or convene -- identify folks  
22 to sit on a legislative subcommittee to monitor the 2016  
23 legislative session.

24 BOARD MEMBER PHILLIPS: I think that would be  
25 helpful.

1 CHAIRPERSON PREZEAU: So you're volunteering to be on  
2 the committee, Alice?

3 BOARD MEMBER PHILLIPS: Man. Yes, I am.

4 CHAIRPERSON PREZEAU: So any other volunteers that  
5 want to be on the committee?

6 I was on before. I know that -- I would certainly be  
7 more than happy to participate on -- you know, if we could  
8 get maybe one more person that's interested --

9 BOARD MEMBER SCHMIDT: Tracy, maybe you could share  
10 a little bit about your experience and what you -- what  
11 it --

12 CHAIRPERSON PREZEAU: It entailed?

13 BOARD MEMBER SCHMIDT: What it entailed.

14 CHAIRPERSON PREZEAU: Yes, definitely.

15 So -- yeah, because Dennis Townsend was on it before.  
16 And as you well know, he's not -- he is no longer a Board  
17 member. But what we basically did was sort of keep tabs  
18 on legislation that if -- if it were to become -- if it  
19 were to pass out of both houses and gain Governor's  
20 signature would have an impact on the Department, on the  
21 electrical program. That's kind of a broad umbrella. But  
22 some of these pieces are fairly broad.

23 And so all the -- we never met. We never -- we just  
24 basically kept in contact with the Department, the  
25 electrical program, Jose to some extent to see if -- and

1 we never took action.

2 But the same piece was if there's a particular piece  
3 of legislation that may have a constrictive outcome or  
4 result on the electrical program, for example, I think  
5 there's a piece of legislation -- there's pending  
6 legislation --

7 BOARD MEMBER BELISLE: Access for inspectors.

8 CHAIRPERSON PREZEAU: Correct. So House Bill 1375,  
9 which is number 6 on this list. Eliminate special  
10 immunities from prosecution for criminal trespass, whether  
11 those immunities have been legislatively granted. And I  
12 don't want to read the whole thing. But the last sentence  
13 -- or the last stanza says, "which would significantly  
14 reduce the number of inspections that could be performed  
15 with current inspection staff." It's an access question.

16 And so the idea was -- and I think the committee, and  
17 I think the -- I won't speak for the Board. But I think  
18 the Board felt confident in that the members of that  
19 subcommittee understood that what this program is about is  
20 protecting life, protecting property, public safety,  
21 consumer protection, level playing field, you know, all of  
22 those pieces. And in the event that a piece of  
23 legislation suddenly started to I will use the phrase  
24 "grow legs" right? and start to look like it's going to go  
25 somewhere, the charge that the Board gave to that

1 subcommittee is to craft a letter that potentially could  
2 be written to the corners -- Governor, the majority  
3 leader, and the Speaker of the House -- indicating support  
4 or lack of support for a particular piece of legislation  
5 that may have consequence.

6 Does that answer your question?

7 BOARD MEMBER SCHMIDT: (Nodding affirmatively.)

8 CHAIRPERSON PREZEAU: So if there's similar interest  
9 in doing that -- I served on that subcommittee -- again,  
10 we never had to take action, which I think is noteworthy.  
11 Dennis who is no longer with us was on it before. I can't  
12 remember -- Rod, were you on that?

13 BOARD MEMBER BELISLE: (Raising hand.)

14 CHAIRPERSON PREZEAU: So if you're comfortable -- do  
15 you want to do it again?

16 BOARD MEMBER BELISLE: Unless there's others that  
17 would want to ...

18 BOARD MEMBER BAKER: I was on it also.

19 CHAIRPERSON PREZEAU: You were on it.

20 BOARD MEMBER NORD: I was on it also.

21 CHAIRPERSON PREZEAU: Mike, you want to be --

22 BOARD MEMBER NORD: I'll be on it again. Our  
23 lobbyists are more than happy to work with us.

24 CHAIRPERSON PREZEAU: So if the Board is comfortable  
25 -- I mean, we don't need a motion. But the Chair could

1 create -- it's in the bylaws. But if you want to -- we  
2 will move forward, unless there's opposition, we will move  
3 forward with the subcommittee consisting of Rod Belisle,  
4 Alice Phillips, myself, and Mike Nord to monitor the  
5 legislative pieces and take some action if there needs to  
6 be some action taken in the interim. But we'll certainly  
7 not -- we'll keep the Board apprised.

8 Because this is a short session. Our next Board is  
9 the last Thursday in April. I don't know the date of sine  
10 die. And it obviously can be extended where you can have  
11 a special session.

12 Again, just like in 2015 I believe, the scheduled  
13 sine die is before our next Board meeting which is why we  
14 took this action of having a committee to monitor in the  
15 interim.

16 All right. Very good.

17 So are we -- we have Certification/CEU Quarterly  
18 Report, public comments. I'm getting -- I would kind of  
19 like to keep chugging. Is that the -- okay, let's keep  
20 chugging.

21 Yeah, I mean, and as he sort of speaks to that -- and  
22 you know, this is number 10 which is Senate Bill 5686,  
23 House Bill 2081 have a pretty substantial impact. Maybe  
24 not so much in the decisions that this body specifically  
25 reviewed today. But it doesn't always look like what it

1 did today.

2 So John.

3 BOARD MEMBER BRICKEY: So if it's appropriate for me  
4 to speak to one of these, particularly House Bill 2810.

5 CHAIRPERSON PREZEAU: Okay. So it's number 1.

6 BOARD MEMBER BRICKEY: Yes, I'd like to give some  
7 background on that.

8 CHAIRPERSON PREZEAU: Sure.

9 BOARD MEMBER BRICKEY: So the cities with electrical  
10 jurisdiction as granted by RCW 19.28.010, they over the  
11 years have come to realize that we don't have as much  
12 influence or participation in the code-adoption process at  
13 the state level. And while the past chief Rod Mutch was  
14 very inclusive and there were three representatives I  
15 believe at that particular tag, that hasn't always been  
16 the case in the past. And while we have a great chief  
17 right now who is very inclusive, we aren't guaranteed of  
18 that kind of inclusion in the future. And we now as  
19 cities represent a significant portion of the population  
20 of our state. And when we adopt the National Electrical  
21 Code, we are required to adopt equal, higher or better  
22 standards of construction as the state has adopted through  
23 the WAC rules.

24 There are two ways of doing that. One, my  
25 jurisdiction makes reference to the WAC rules and adopts

1 parts A, B, C accepting the inspection fees, and that is a  
2 way we do it; a very simple way; it seems to work well for  
3 us. But other jurisdictions represented by the city's  
4 electrical committee have chosen to go through line item  
5 by line item and adopt the WAC rules as their own rules  
6 with some amendments justifying equal, higher or better  
7 standards of construction.

8 The goal for many of the cities jurisdictions, those  
9 having authority having jurisdiction within those cities  
10 is we would like to make it simpler, be part of the state  
11 adoption and rule-making process and have our input at  
12 that level rather than doing something after the fact.

13 So that's the goal of this particular house bill is  
14 to try to encourage that.

15 CHAIRPERSON PREZEAU: Thanks, John.

16 Any questions for John? Thank you. Appreciate that  
17 background.

18

19 Item 5. Certification/CEU Quarterly Report

20

21 CHAIRPERSON PREZEAU: Mr. Vance, are you ready to --  
22 I kind of hope that you did not expect us to print the 131  
23 page location report.

24 MR. VANCE: No.

25 CHAIRPERSON PREZEAU: It was very interesting -- as

1 you promised in October that it would be an interesting  
2 report. And it was.

3 So please, Mr. Vance.

4 MR. VANCE: Madam Chair, members of the Board, my  
5 name is Larry Vance. And I'm a technical specialist. I  
6 work with Steve Thornton.

7 As Tracy was saying, that the location report is  
8 interesting. I remember back when I took my journey-level  
9 examination in 80s -- late 80s, and I drove to Bellevue,  
10 and I sat in a room about the size of this, and I had a  
11 pencil and I think it was a bubble sheet, and I had my  
12 test adjacent to that. I turned in my bubble sheet and my  
13 test when I was done. And the test was only given twice a  
14 year on the East side and twice a year on the West side.

15 And what that report shows is that virtually anywhere  
16 in the United States you can go into a testing location  
17 and sit for an examination. We've come a ways. We've  
18 come quite a ways.

19 Looking at the exam pass rates for the 01  
20 electricians, if anybody printed it out, it would have  
21 been on page 6. But the last meeting I noticed that there  
22 was a little bit of a difference between the two  
23 examinations. And we still have a difference between the  
24 two examinations. We don't have a whole year's worth of  
25 data yet on the new examination, on the -- the

1 examination's based on the 2014 National Electric Code.

2 But we've had 264 people take that. And the pass  
3 rate is 54.9 percent, essentially 55 percent.

4 The previous examination, there was 571 took that,  
5 and their pass rate was 46.23.

6 So until we really have a whole year's worth of data  
7 to compare apples to apples so to speak, we won't really  
8 know what the average is. But it's still looking higher.  
9 And I don't know that it's an easier exam. It could just  
10 be the period of time that it was implemented on July 1st  
11 of 2015 and rather -- you know, we've been taking the  
12 exams in apprenticeship classes, in -- people that are  
13 certified in other states that are coming to work in this  
14 state -- (inaudible)

15 So I think we've got to let it kind of shake out a  
16 little.

17 CHAIRPERSON PREZEAU: Maybe we should bring Bob back  
18 in here. Because I think that's an interesting piece,  
19 right? Every data point has a story. And potentially --  
20 you've mentioned this that there was a 12 percent increase  
21 in pass rates as we moved from 2008 -- exam covering 2008  
22 NEC and the one covering 2014. But also, what's  
23 interesting is the timing of when those exams were taken  
24 may positively coincide with a significant number of  
25 graduates of state-approved apprenticeship programs which

1 we have seen previous reports through freedom of  
2 information requests that graduates of state-approved  
3 apprenticeship program have a significantly higher first  
4 pass rates of the 01 exam, our general journeyman's exam  
5 than those who sit for the exam with the benefit of  
6 on-the-job training and the basic classroom training.

7 So every data point has a story. It would be  
8 interesting to see what the sequel tells us.

9 MR. VANCE: Well, we're keeping an eye on it. And  
10 we'll have another one of these to you on time with your  
11 Board packet next time.

12 CHAIRPERSON PREZEAU: All 130 pages.

13 MR. VANCE: I don't know if you want the location  
14 report again, if that's interesting to you. But I just  
15 wanted to show it to you one time so you would --

16 CHAIRPERSON PREZEAU: Well, in fact, I would say --  
17 you know, we don't have to print it. But I thought it  
18 would be interesting to see -- I think it does -- you  
19 know, if you're part of the geek squad, it does give you  
20 some -- tell you some interesting things about where --  
21 especially what's happening in state and what's happening  
22 out of state, which I think -- unless there's questions  
23 for Larry, it leads into -- you know, I'm going to sort of  
24 bridge -- leads into -- you mentioned at the October  
25 meeting that I think there were RFP's outstanding to

1 administer the exam?

2 MR. VANCE: There are. And I don't have any new  
3 information on that.

4 Do you have any idea, Steve, where that's at?  
5 Contracts?

6 SECRETARY THORNTON: No, I don't.

7 CHAIRPERSON PREZEAU: Yeah, if I remember -- so I  
8 just was curious if there had been any updates because it  
9 was mentioned I think that PSI, which is our current  
10 administrator of the journey level and the specialty  
11 journey level exams and administrator/master, that they  
12 have -- it was your understanding that they were -- had  
13 all -- had responded to the RFP, request for proposal,  
14 like they're in the mix. But we don't know where that's  
15 at. And we don't have an understanding of time lines for  
16 that request for proposal? Or do we?

17 SECRETARY THORNTON: I don't know what the time line  
18 is on that.

19 MR. VANCE: It's been going on for quite some time.  
20 And it's in one of those other parts of the building so to  
21 speak.

22 CHAIRPERSON PREZEAU: So I write down July 2017  
23 again?

24 SECRETARY THORNTON: We hope not.

25 CHAIRPERSON PREZEAU: All right. Larry, do you have

1 anything else?

2 MR. VANCE: No, I do not.

3 CHAIRPERSON PREZEAU: Any other questions for Larry?

4 MR. VANCE: Thank you.

5 CHAIRPERSON PREZEAU: Thank you.

6

7 Item 6. Public Comment(s)

8

9 CHAIRPERSON PREZEAU: Okay. So I have in front of me  
10 the individuals requesting to speak because we are now  
11 under agenda item 6 which is public comment.

12 So I'm going to do these in order of signed in. It  
13 should be pretty --

14 Robert McDaniel as we know has signed in and is no  
15 longer here. He was here for his presentment of final  
16 orders.

17 Mr. Greaves who was here for the McCoy Electric  
18 appeal.

19 Travis Reinhart who as we know was not present for  
20 his appeal and is not present now.

21 Thank you, Pam.

22 Kevin McCoy who was here for his appeal.

23 Linda King who is -- Ms. King who was assistant  
24 attorney general in the Travis Reinhart versus Department  
25 of Labor and Industries appeal. That matter's resolved.

1           Next we have Clint Bryson from International  
2 Brotherhood of Electrical Workers, Local 76.

3           So Clint, if you would -- when you get up here, if  
4 you would say and spell your name for our court reporter,  
5 that would be fantastic.

6           MR. BRYSON: My name is Clint Bryson. That's  
7 C-L-I-N-T, B-R-Y-S-O-N.

8           As Madam Chair told you, I'm a business  
9 representative for IBEW Local 76.

10          I actually came here today to support the  
11 compensation package that's been discussed. But after  
12 hearing everything today, I can see that you're well aware  
13 of the issues. And I was glad to see the support that's  
14 been expressed.

15          We've been working really hard on this for a long  
16 time on our side of things.

17          But I want to complement the Department for the lead  
18 they've taken on addressing the issues. Obviously I don't  
19 know what's being proposed. It's not appropriate at this  
20 time to know that. But I do thank them for the work  
21 they've taken in trying to improve both the morale and the  
22 quality of the workforce.

23          So I'm going to leave it at that because it's been  
24 covered thoroughly. And I read the transcript from the  
25 last meeting, and it was very well presented.

1 So thank you for your time.

2 CHAIRPERSON PREZEAU: Thank you, Mr. Bryson.

3 All right. So the next and last person on the list  
4 is Mr. -- is it Rich Guzman or is it Rick Guzman?

5 MR. GUZMAN: Rich.

6 CHAIRPERSON PREZEAU: Rich, if you want to come up,  
7 and as you get situated, if you -- again, just like  
8 everybody else, if you would state and spell your name for  
9 our court reporter.

10 MR. GUZMAN: And should I leave these with you?

11 CHAIRPERSON PREZEAU: Well, let's just take one step  
12 at a time. So please sit down. Thank you, sir.

13 MR. GUZMAN: Rich Guzman.

14 CHAIRPERSON PREZEAU: Could you spell that for me,  
15 please.

16 MR. GUZMAN: R-I-C-H, G-U-Z-M-A-N.

17 CHAIRPERSON PREZEAU: And Mr. Guzman, I have some  
18 reservation because what you have indicated that you  
19 wanted to speak to is a suspended electrical license.

20 And the reason --

21 MR. GUZMAN: I --

22 CHAIRPERSON PREZEAU: Just bear with me for a moment.

23 The reason I have some reservation or apprehension is  
24 depending on -- which is why I stopped you from  
25 distributing anything to the Board -- is because -- if

1 what you have -- the motivation that you have potentially  
2 to come here today is to talk about potentially a very  
3 specific license suspension or revocation. And the reason  
4 that I am hesitant to engage on that subject is because  
5 the electrical statute and rules in the event that you  
6 have -- you disagree with the decision that was made by  
7 the Department about a certificate or license revocation  
8 or suspension, part of the process of appeal brings that  
9 directly here. And when it comes to certificate or  
10 license suspensions or revocations, unlike the appeals  
11 that we -- this body has heard today, and often when we  
12 meet, there is no Office of Administrative Hearings ALJ.  
13 We review a transcript. It is a -- if -- it is a appeal  
14 that comes directly here, and it is no longer a de novo  
15 review; we are the principal officers or the body that  
16 adjudicates the Department's decision.

17 And so if you wanted to engage the Board about a  
18 specific decision the Department has made regarding a  
19 suspension or revocation, it would be completely  
20 inappropriate for this body to hear the details of that  
21 outside of a formal appeal process because it has the  
22 potential to bias the Board in the event that decision  
23 that you want to speak to us about goes through the formal  
24 appeal process.

25 ASSISTANT ATTORNEY GENERAL REULAND: Madam Chair?

1 CHAIRPERSON PREZEAU: Please.

2 ASSISTANT ATTORNEY GENERAL REULAND: My understanding  
3 -- and correct me if I'm wrong, Mr. Thornton -- is that  
4 the appeal time on the Department's decision has lapsed.  
5 And so I don't know if Mr. Guzman is here to argue about  
6 that decision or not. But I think that his time to  
7 appeal to the Board has passed, pursuant to the  
8 Department's -- the Department has determined that time  
9 has appealed (sic), and that decision then doesn't --  
10 whether or not that is the correct decision doesn't go to  
11 the Board; it would have to go to superior court. So this  
12 Board does not sit in a position to adjudicate -- unless  
13 there's no paperwork, there's been no petition to the  
14 Board. So this is just purely public comment on  
15 something.

16 CHAIRPERSON PREZEAU: So are you telling me that --  
17 so Mr. Guzman, the material that you wanted to disseminate  
18 to the Board, is that -- does that --

19 ASSISTANT ATTORNEY GENERAL REULAND: Does the  
20 material that you want to disseminate, does that have to  
21 do with your contention that the Department's decision is  
22 in error? Or does it have something to do with just  
23 generally how the Department suspends licenses that you  
24 would like to make the Board aware of?

25 MR. GUZMAN: It is a report from someone. I have no

1 idea who it's from. There is no name on the report. It  
2 does not list a person's name who filled out the report.

3 CHAIRPERSON PREZEAU: Here's the thing, Mr. Guzman.

4 MR. GUZMAN: There are some things in --

5 CHAIRPERSON PREZEAU: I very much -- and hopefully  
6 this is evident. Like the Board very much wants to gain  
7 -- grant access and would never want to stifle public  
8 comment. But we also want to preserve the integrity of  
9 the Board and your integrity, right? So we want to make  
10 -- we want to -- when we get into this realm, unlike  
11 Mr. Bryson just wanted to talk about policy generally, we  
12 want to strive to create access -- never want to stifle  
13 public comment, but also want to make sure that comments  
14 is truly public comment and not something that is a matter  
15 that can be resolved in a different forum that's more  
16 appropriate.

17 Does that -- do those words make sense?

18 MR. GUZMAN: In a roundabout way.

19 CHAIRPERSON PREZEAU: Okay.

20 ASSISTANT ATTORNEY GENERAL REULAND: Madam Chair,  
21 just to clarify, what this seems to be, sir, is specific  
22 factual information that you took from your actual case  
23 file with the Department. That's what it looks like.

24 MR. GUZMAN: Okay.

25 ASSISTANT ATTORNEY GENERAL REULAND: So it's not

1 subject -- well, I do not believe it is appropriate to  
2 hand that out to the Board because that is specific  
3 factual information. And if you were to go to superior  
4 court and contest the decision that your appeal is  
5 untimely, for instance, if you should prevail in that  
6 argument -- I'm not saying you would or you could. But if  
7 you were to prevail in that argument, the matter would be  
8 returned to the Electrical Board to hear, in which case  
9 factual information being distributed regarding that case  
10 at this point is not appropriate.

11 Your remedy in terms of the actual decision of the  
12 Department that your appeal or -- if it is or you didn't  
13 timely appeal it, that's got to be resolved with superior  
14 court before the facts of that case can be heard by this  
15 Board.

16 CHAIRPERSON PREZEAU: So it's a much more --

17 MR. GUZMAN: I don't want to sway the Board.

18 CHAIRPERSON PREZEAU: Because the decision or -- we  
19 have a -- the potential to be called in to render an  
20 official decision, which is what I was -- so Pam was much  
21 more articulate about what I was trying to say is we  
22 always want to err on the side of create access and public  
23 comment. However, we also want to preserve stakeholders'  
24 rights including appeal rights. And we want to ensure  
25 that the Board does not have an opportunity to become

1 biased by reviewing information that shouldn't be reviewed  
2 unless in a formal appeal process. So ...

3 MR. GUZMAN: So can I ask a question?

4 CHAIRPERSON PREZEAU: Sure.

5 MR. GUZMAN: Is it the State's practice to take away  
6 a person's livelihood on their first offense?

7 CHAIRPERSON PREZEAU: So -- I said this in the --  
8 Mr. Guzman, one of the things that I want to make sure  
9 that you understand -- and the reason why I'm reaching for  
10 something is when the Department makes decisions that have  
11 impacts, whether it is citations or is certificate or  
12 license revocations, and those appeals come here -- I  
13 don't know if you were here for the two appeals that we  
14 heard -- one of the pieces of information that we give to  
15 the appellant is this statement:

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

23 So I can't answer that question. Right? And so what  
24 I would -- or this Board, this body cannot answer that  
25 question about what is Department policy.

1 I do know that we can be guided by -- and you can be  
2 guided by 19.28, you know, the electrical statute, and  
3 296-46B, the associated Washington Administrative Code,  
4 that statute, regarding review -- what the statutes  
5 dictate in terms of certificate or license revocation or  
6 suspension. And in the event that you believe that the  
7 Department has made a decision that is inconsistent with  
8 the law and the rule, then you have an avenue by which to  
9 seek relief.

10 MR. GUZMAN: Well, thank you for your time.

11 CHAIRPERSON PREZEAU: Thank you very much.  
12 Appreciate it.

13 Okay. So let the record reflect that there are no  
14 other individuals that have signed in on the request to  
15 speak or engage the Electrical Board.

16 Any other folks in the room want to engage the Board  
17 under the last agenda item 6, public comment?

18 Going once. Twice.

19 The Chair would entertain a motion to adjourn.

20

21 Motion

22

23 BOARD MEMBER NORD: Motion.

24 BOARD MEMBER BELISLE: Second.

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

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

2 THE BOARD: Aye.

3 CHAIRPERSON PREZEAU: Opposed?

4

5 Motion Carried

6

7 CHAIRPERSON PREZEAU: We are adjourned. Thank you  
8 very much.

9 (Whereupon, at 12:36 p.m.,  
10 proceedings adjourned.)

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