

1 DEPARTMENT OF LABOR AND INDUSTRIES

2 STATE OF WASHINGTON

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4 _____
5
6 ELECTRICAL BOARD MEETING

7
8 TRANSCRIPT OF PROCEEDINGS

9
10 Thursday, July 28, 2016
11 _____
12

13 BE IT REMEMBERED, that an Electrical Board meeting
14 was held at 9:00 a.m. on Thursday, July 28, 2016, at the
15 Tacoma Rhodes Center, Orcas Room, 949 Market Street,
16 Tacoma, Washington, before CHAIRPERSON TRACY PREZEAU,
17 BOARD MEMBERS ALICE PHILLIPS (Vice Chair), JASON JENKINS,
18 JOHN BRICKEY, JANET LEWIS, DAVID CORNWALL, DON BAKER,
19 DAVID WARD, RYAN LAMAR, BOBBY GRAY, KEVIN SCHMIDT, and
20 SECRETARY/CHIEF ELECTRICAL INSPECTOR STEPHEN THORNTON.
21 Also present was ASSISTANT ATTORNEY GENERAL PAM REULAND
22 representing the Board.

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

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

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

Thursday, July 28, 2016
Tacoma, Washington

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CHAIRPERSON PREZEAU: All right. Good morning, everybody. It is 9:02. It is July 28th, and I would like to call the Electrical Board meeting to order.

Item 1. Approve Transcripts from April 28, 2016,
Electrical Board Meeting

CHAIRPERSON PREZEAU: The first item on our agenda is to approve the transcripts from the April 28, 2016, Electrical Board meeting.

Motion

BOARD MEMBER PHILLIPS: So moved.

BOARD MEMBER: Second.

CHAIRPERSON PREZEAU: So it's moved and seconded to accept the minutes -- to approve the transcripts from the April 28, 2016, Board meeting. All those in favor, signify by saying "aye."

THE BOARD: Aye.

CHAIRPERSON PREZEAU: Opposed?

Excellent. So carried.

Motion Carried

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CHAIRPERSON PREZEAU: So before we get into -- and I'm super excited that Jose' is here with us. But a couple of announcements about the Board.

We have a fully appointed Electrical Board which is pretty excellent. We haven't had that in a while. We have two -- I'd very much like to welcome our two new Board members.

And we will -- and as you know or may not know, our beloved electrician representative, Rod Belisle, has been replaced by Jason Jenkins. We welcome him. And certainly recognize Rod's service. I think he was on the Board for seven years. A pretty good stint. I did bring a "thank you" card, which we'll circulate.

Hopefully, Jason, you can hand deliver that to Rod. That would be great.

But if we could go around and do introductions. And Kevin, if we could start with you.

Oh, and I'd like to -- and Ryan Lamar is -- thank you -- Ryan Lamar has recently been appointed by the Governor in Dennis Townsend's former seat, which is a telecom utility provider seat.

So welcome, Ryan, as well.

BOARD MEMBER LAMAR: Thank you.

1 CHAIRPERSON PREZEAU: Okay, Kevin.

2 BOARD MEMBER SCHMIDT: Kevin Schmidt,
3 telecommunications vendor seat. Interface Technologies.

4 BOARD MEMBER LAMAR: Ryan Lamar, CenturyLink.
5 Telecommunications.

6 BOARD MEMBER WARD: Dave Ward for Grays Harbor PUD,
7 utility seat.

8 BOARD MEMBER BAKER: Don Baker, contractor seat.

9 ASSISTANT ATTORNEY GENERAL REULAND: Pam Reuland, the
10 AAG seat.

11 CHAIRPERSON PREZEAU: And Tracey Prezeau, electrician
12 seat, Chair of the Board.

13 BOARD MEMBER PHILLIPS: Alice Phillips, outside
14 construction seat, Vice Chair.

15 BOARD MEMBER CORNWALL: Dave Cornwall, manufacturer
16 seat.

17 BOARD MEMBER LEWIS: Janet Lewis, electrician seat,
18 IBEW 46.

19 BOARD MEMBER BRICKEY: John Brickey, Director of
20 Community Development for the City of Longview
21 representing cities with electrical programs and the
22 Washington Association of Building Officials.

23 BOARD MEMBER JENKINS: Jason Jenkins. I'm in the
24 electrical seat. Local 48, Portland, Oregon.

25 SECRETARY THORNTON: Steve Thornton, Chief Electrical

1 Inspector, Labor and Industries.

2 MS. RIVERA: Bethany Rivera, Secretary Assistant.

3 BOARD MEMBER GRAY: Bobby Gray. I represent the
4 contractors on the eastern side of the state.

5 CHAIRPERSON PREZEAU: And our ever professional court
6 reporter, Milton Vance.

7

8 Item 2. Departmental/Legislative Update

9

10 CHAIRPERSON PREZEAU: So agenda item number 2 is the
11 Departmental/Legislative Update.

12 And again, Mr. Rodriguez, thank you for coming.

13 MR. RODRIGUEZ: Good morning.

14 For the record, I'm Jose' Rodriguez, the Assistant
15 Director for Field Services and Public Safety.

16 First of all, thank you all for the opportunity to
17 address the Board again.

18 And to the current members and the new members, I
19 want to -- I always forget to do this. I want to up-front
20 thank everybody on the Board for your service and support
21 of both the electrical industry and electrical program.
22 Thank you very much for your work.

23 I'm going to do a couple of things.

24 First, I'd like to update you on some actions and
25 initiatives that we've taken in the electrical program. I

1 think I've briefed the Board before on parts of this. But
2 I just wanted to bring you all up-to-date.

3 But in 2015, the electrical program, we identified
4 hiring and retention as a problem. And so we launched
5 into a Lean process where we did a kaizen event to
6 identify the problem and try to find some way to turn that
7 problem off.

8 So what we found was that we had vacancy rates that
9 were exceeding the minimum threshold which is 10 percent.
10 And we expected that vacancy rate to grow as a result of
11 the economy improving and the fact that we were getting
12 fewer and fewer qualified folks to apply for our vacant
13 positions.

14 When we did the kaizen, we also gathered some data
15 that said that we would have about 42 inspectors eligible
16 for retirement in the next five years, and that of our
17 existing workforce about 60 percent of the current
18 inspectors had less than three years with the Department
19 as inspectors.

20 So that was the challenge was how do we turn that
21 around so that we can get all of our inspector positions
22 filled, realizing that even if we got everything filled
23 today, we would still -- the workload still would indicate
24 that we would need up to 20 to 23 more additional
25 inspectors.

1 So -- but we have a -- we had an issue, so we had to
2 implement some countermeasures.

3 So just to update you on what we have done to date,
4 the first thing we did was compensation was the big issue
5 for our inspectors. And so we developed and submitted a
6 class and compensation package to the state HR, which has
7 now gone into consideration at collective bargaining. So
8 that's the current state that. It's in collective
9 bargaining as we speak.

10 The second thing that we were advised to do, which
11 was to take all the steps that we could that were within
12 our control in terms of salaries, and so we gave our
13 employees salary step increases. We were bringing them in
14 at too low a step. So we established step "J" as the
15 entry-level step, and everybody below a "J" we brought up
16 to a "J," and everybody who was at J or above went to the
17 highest which was an "L." So we've exhausted that option.

18 The third thing that we did was we had for a couple
19 of years been working the conflict of interest policy,
20 trying to get that policy revised. We sent it to the
21 ethics board. The ethics board approved our policy. The
22 agency policy's been updated. And so now our inspectors
23 can teach under certain conditions. And so that's
24 completed. And we've got two inspectors that have applied
25 for that and have been approved.

1 So that's where we are --

2 CHAIRPERSON PREZEAU: That's fantastic. That's been
3 a long time coming. And it's the right decision. And I
4 think the side boards that were placed on those
5 inspectors' teaching arrangements in the industry are
6 appropriate.

7 I just think -- I'm just very excited that you're
8 finally at the Board meeting. I mean, I know you sent the
9 e-mail announcing that decision from the ethics board, but
10 I just want to celebrate that a little bit because it's a
11 victory for the industry and I'm glad we got it right.

12 MR. RODRIGUEZ: I'm sorry it took two years. It's
13 pretty complicated.

14 CHAIRPERSON PREZEAU: Good things come to those who
15 keep working, right?

16 MR. RODRIGUEZ: So the other thing that we then had
17 to take a look at was our workload.

18 And so one of the countermeasures that we decided on
19 was that we would invite some dedicated support to our
20 electrical program with Program Specialist 2 positions.
21 These Program 2 specialists would be dedicated support to
22 the supervisors, the leads and the inspectors in each of
23 the work units and also help develop a better working
24 relationship with our customers once an inspection had
25 been requested.

1 And so we -- when we finish we'll have 11 of these PS
2 2's assigned since we've got 11 field supervisors. Right
3 now five of those positions have been filled, and we've
4 got two additional ones that are in the interview process
5 now. And then we'll bring the four additional positions
6 on by the end of the year. So we should -- each work unit
7 should have a PS 2 by the end of the year.

8 CHAIRPERSON PREZEAU: Jose', are you familiar with
9 the minimum requirements to qualify for interview for this
10 PS 2 position? Does it have -- unlike being minimum
11 qualifications to apply as an inspector of having four
12 years of working as a journey level worker in the
13 industry, do you know what the minimum qualifications are
14 for these PS 2's?

15 MR. RODRIGUEZ: Steve, do you have -- do we have the
16 position description form we can get?

17 SECRETARY THORNTON: I don't. But I can get it for
18 you.

19 CHAIRPERSON PREZEAU: Okay.

20 MR. RODRIGUEZ: This is a non-technical -- I mean,
21 it's more of an administrative kind of support position.
22 It doesn't require technical skills. No -- no need to
23 know the codes.

24 CHAIRPERSON PREZEAU: Industry knowledge.

25 MR. RODRIGUEZ: One of the desired qualifications is

1 if you have experience, say, working for an electrical
2 contractor in the admin shop doing that kind of stuff.

3 CHAIRPERSON PREZEAU: Thank you.

4 MR. RODRIGUEZ: So again, this is just a person who's
5 going to be able to take some of the workload off the guys
6 like answering phone calls, making sure that the access is
7 set up for that day for that particular inspection,
8 routing the questions from contractors in the field back
9 to the inspector or the technical specialist, that kind of
10 work.

11 So another countermeasure that was identified by our
12 inspectors was image, the fact that we needed to work on
13 both our internal and external image, with the premise
14 being that if staff do not feel valued for the work that
15 they're doing, they may choose to leave for other
16 opportunities when those become available. Hopefully this
17 doesn't happen, but there is the potential they could --
18 their service delivery could fall off as well because
19 morale would be low. And more importantly for the
20 purposes of our hiring and retention, that they would then
21 not be very inclined to promote a career with Labor and
22 Industries. And we have found out that the best
23 recruiters are our actual inspectors who are out there
24 working.

25 And so we conducted -- we were trying to figure out

1 how to get that feedback. And so we wrestled with doing
2 the survey or doing focus groups. We settled on focus
3 groups. We got those done the last couple of months.

4 We met in ten different locations and touched 77
5 inspectors. And we came up with kind of seven categories
6 or seven buckets with a whole bunch of things in each of
7 those buckets that are important to our inspectors.

8 First of all is the workload, the feeling that
9 they've got an insufficient time to get their work done.
10 That creates stress. And then there's just various types
11 of inspections and then the inspection processes that we
12 have creates all this tension that they've got.

13 The second thing is compliance. Everybody for the
14 most part agrees that compliance is important. It plays
15 an important role. But again, it's a competing priority
16 when you have, you know, 50 inspections in one day, are
17 you really going to stop that van that's parked in
18 somebody's parking lot or somebody's garage to take a
19 look. So it's that kind of competing priorities that they
20 wanted us to look at.

21 Compensation was in there as well. And I've already
22 told you all what we've done with compensation.

23 Leadership. Again, this is kind of more of a
24 situational kind of thing. But they're concerned that
25 decisions, actions that we take sometimes take a long

1 time. I think conflict of interest would be a great
2 example where it took two years to get something done.

3 And, you know, we're all human, and so usually in the
4 HR community, they say people don't leave a bad job; they
5 leave a bad supervisor. And so we have to take a look at
6 that and make sure that we've got the right leadership in
7 place to make the work units effective and keep them
8 around.

9 The other one was organizational alignment. That's
10 something that we've also been asked to look at is how the
11 program is aligned right now. We kind of have a matrix
12 relationship. Our inspectors don't report directly to the
13 chief; they report to -- (inaudible). And so we've got
14 that process we've got to take a look at.

15 The sixth bucket was training. Our staff would like
16 to have -- to belong to professional organizations. They
17 would like some professional development. So training is
18 a big issue.

19 And all of those feed into the seventh one which is
20 morale. Morale is low, and we need to do something to
21 move that needle.

22 So we've got all this data now. It literally would
23 fill that wall up with things that our staff would like to
24 see us stack on. Everything from putting floor mats in
25 the vehicle to the organizational alignment. That's the

1 scope of problems or the issues that they've raised.

2 So August we're going to spend some time developing a
3 plan on how to address those. We're going to share data
4 with the staff what we've heard. And then we're going to
5 identify the items that we're going to fix, put them in a
6 prioritized list and get that out to them, and make some
7 commitments on time frame getting those done. So I think
8 we'll start chipping away at those and see if we can
9 relieve our staff of some of this burden.

10 So that's the update on where we are on those
11 countermeasures. I thought it would be important to start
12 to give you all some updates on our vacancies because it
13 is getting almost to a critical point.

14 As of Friday, we had 13 vacant positions out of 113
15 inspector positions with two official notices of
16 resignation that we have right now. So we'll have 15 here
17 pretty quick. And then we had one supervisor who took a
18 demotion to a lead position so that he could not have to
19 commute as far and do some teaching.

20 So you can imagine we also have -- in our
21 compensation, we have what we call compression. So we've
22 got folks at the top, you know, who are not earning a lot
23 more than folks being supervised. So people are hesitant
24 to take on the additional responsibilities for low pay.
25 So we've got that situation.

1 So what's the impact of the vacancies? I just wanted
2 to share some statistics here that Steve has put together.

3 But about 18 months ago we reported to the Governor
4 in his Results Washington briefing that we had at that
5 time 18,000 customers that had waited more than 48 hours
6 for a inspection.

7 In FY16 that number has climbed to 23,000. So that's
8 a 30 percent increase. So we're losing ground here.

9 At least -- these results obviously are concerning.
10 But they are a result of higher permit activities and
11 fewer inspections -- or fewer inspectors to perform the
12 work. So perfect storm.

13 CHAIRPERSON PREZEAU: Yeah, I -- so Jose', I
14 appreciate greatly the -- and much of this data, with the
15 exception of the feedback from your focus group, much of
16 this data we already had, right? Whether it was -- I call
17 your attention to the August Electrical Currents
18 newsletter. I mean, there's some interesting statistics
19 in there, plus the following -- the Electrical Board
20 following the Department's presentation to Governor Inslee
21 about the status of the electrical program, much of these
22 same statistics were used, right? So then -- and I think
23 it's all, like you said, a perfect storm. Because I look
24 at these seven buckets, and at first I started to say,
25 well, you know what? You could -- four of the seven

1 genres, right, of issues with the inspectors has to do
2 directly with the vacancy rate. But I think you could
3 successfully argue that all seven have to do with the
4 vacancy rate. And -- because if you have less than -- if
5 you have greater than 10 percent vacancy rate in a program
6 that the success rises and falls on its customer service
7 in the field, then you -- it begins to stumble, even those
8 inspectors are -- probably many of them, you know. And I
9 know that this may be difficult for Jose' for you to hear,
10 but probably many of them are working through their
11 lunch. Probably many of them are not reporting all the
12 hours that they are working because they want -- because
13 they pride themselves on the work that they do. Which
14 creates this additional stress that they want to do that,
15 but they want to -- they also want to make sure that if
16 they're this close to this last inspection stop and they
17 don't really have enough time to go there, they're
18 probably going there and doing that inspection and then
19 not reporting all the hours that they work. And because
20 they're proud of the work that they do.

21 And so I've been -- obviously we've been talking
22 about the vacancy rate and the Department's initiative and
23 the focus and certainly appreciate and applaud all of the
24 energy and focus that's being put on this very important
25 perfect storm that is continuing to gain energy not in the

1 direction you want it to go, at least that's what it
2 appears.

3 And so for a long time and for several consecutively,
4 probably for the -- it became a priority for the, you
5 know, senior management at the Department of Labor and
6 Industries in 2005. And I think we've been talking about
7 it since it's become a priority for senior management.

8 And so I'm to a point where I don't know if it will
9 help. I don't know if it will -- I don't know. But what
10 I very much want to do is I think it's time for the
11 Electrical Board to officially weigh in on our position
12 and support of the classification and compensation
13 proposal because I think -- and I'm not trying to -- I
14 wouldn't ask the Board to engage in a political process.
15 That's not our role. But I do believe that because the
16 statistics that we are talking about -- and, you know, I
17 want to call your attention to this -- it should be in
18 your Board packets I think this August Electrical Currents
19 newsletter, and on the second page, bullet point 5, it
20 says "The economy is improving, and our inspection
21 response time went down slightly for fiscal year 16" --
22 which for the fiscal year 16 just ended June 30th. "We
23 responded to approximately 90 percent of inspections
24 within 48 hours of the date requested. Unfortunately this
25 means that 23,595 times customers had to wait more than 48

1 hours for inspection."

2 Before we move off of that, that's a big deal, right,
3 Bobby? If you had to wait -- if you thought you were
4 going to be able to cover the wall or you were going to
5 get a ceiling inspection or you're going to get a wall
6 cover inspection or you're going to get final and you're
7 going to be able to get the occupancy notice and you don't
8 get it when you're supposed to get it, and now you have to
9 call the customer and say, "You can't occupy the
10 building," you're the bad guy, right? So 23,595 times.

11 And the other thing I want to make sure that we keep
12 our focus on, we didn't -- we used to have a 24-hour
13 response time. You remember that? It used to be 24
14 hours. We prided ourself on 24 hours. And because -- and
15 I think that shifted -- I had a whole bunch of notes. I
16 believe that shifted in 2009 I think that shifted.

17 And so that used -- so we talk about -- we're
18 focusing on this 48-hour window. This Department -- this
19 program used to deliver this same service on a 24-hour
20 inspection cycle, which John, I'm sure there are some
21 cities that are meeting the 24-hour inspection cycle, in
22 which case, you know, we no longer -- you know, our
23 inspection program potentially is no longer the program of
24 choice.

25 And so you say, "Well, wait a minute. There's 26

1 cities that have their own inspection program." I think
2 that's right. But as they -- so, you know, will other
3 cities adopt? I don't know. Because it's an expensive
4 proposition. But what I do know is like the City of
5 Woodinville is annexing part of the jurisdiction that our
6 inspection program covers which creates more competition,
7 right? within this inspection environment. And I, you
8 know, firmly believe that our program when it's operating
9 the way it's supposed to be operating without a greater
10 than 10 percent vacancy rate actually can deliver at those
11 same levels and potentially do a even better job
12 potentially.

13 So I'm alarmed. I'm also -- obviously we understand
14 that, you know, the permit and inspection numbers where
15 we're at now when you look at the reports, the Secretary's
16 report, and you look at the number of electrical
17 inspections that are listed, you know, in this article, we
18 are at 2007 inspection -- permit and inspection levels
19 pressure, and we have 20 less inspectors in the field than
20 we did in 2007. Same inspection permit pressure as 2007,
21 20 less people. And -- and I'm meaning to exacerbate
22 this, 60 percent of the current inspectors have three
23 years or less service in this capacity.

24 So, you know, I see this -- the vacancy rate -- I see
25 the class and compensation package as a significant factor

1 in determining whether or not this gets fixed. I think
2 even though the inspectors -- I mean, I heard you, Jose',
3 clearly that the first three complaints -- or the first
4 two were workload and compliance like in having that
5 friction, and the third one's compensation. But I think
6 compensation fixes a lot of these problems.

7 And I would love to know when you said that, you
8 know, the class and comp package is at the state HR in the
9 collective bargaining process, I would like somebody to
10 characterize to this Board and to the industry what is the
11 status of that class and comp package because I think if
12 that doesn't go through in way -- in a significant way, we
13 can't solve these problems by putting floor mats in
14 trucks. So I want to -- you know.

15 And the other point that I want to make before I move
16 on -- well, there's maybe two. Because I just -- this
17 really has got me riled up is, again, the second page of
18 the Electrical Currents article, bullet point seven that
19 starts off with "4,172 citations were issued for the
20 focused underground economy. These violations include
21 failing to obtain electrical permits, unlicensed
22 electrical contractors or uncertified electricians. This
23 represents a slight decrease from the previous fiscal
24 year's 4,253 citations and may be due to the increased
25 inspection workload."

1 I would say it probably -- that is a direct line, you
2 know. And not only because the inspectors indicated in
3 your focus groups that -- like one of the things that's
4 causing them friction is the compliance piece. If they
5 don't have time, if they're running, and even though they
6 might see somebody that's doing something that they
7 suspect is a violation of either state law or rule, they
8 don't have the time to deal with it. And that's not what
9 the -- that's not the industry that they want to work in.
10 And that's not the industry that we want them to be
11 working.

12 The other thing that I did was -- I don't know if --
13 certainly Ryan and Jason were not here, but on January 30,
14 2014, Joel Sacks who is the Director of the Department of
15 Labor and Industries addressed this Board. Remember that?

16 And he came to this Board, and he -- and I'm quoting
17 from January 30, 2014, the transcripts, that he -- "I
18 wanted to sort of in that vein just quickly give you an
19 overview of the L & I strategic focus and direction that
20 the Governor and I have been focusing on for the past year
21 and will continue to for the rest of his administration.

22 "For me, the first goal is an emphasis on safety."
23 Then I'm going to paraphrase. And he actually -- worker
24 safety but also public safety.

25 And quoting again. "It's really ... about ensuring

1 people will be safe when they go into their homes or when
2 they go into public buildings.

3 "Our second emphasis is working within the workers'
4 compensation system" So obviously it's a big focus
5 of -- because they're self insured. That's not usually
6 applicable to this conversation we're having now, but ...

7 "Our third emphasis area has been how do we make it
8 easier for people to interact with this Department."

9 So if 23,595 people are not getting their inspections
10 in 48 hours, if we have a greater than 10 percent vacancy
11 rate, how are we making it easier for people to interact
12 with this Department?

13 "The fourth area for me is premised upon a pretty
14 simple but I think really important notion which is it's
15 my very strong belief that most workers, most employers,
16 most doctors wake up in the morning wanting to do the
17 right thing. It's our responsibility to figure out how to
18 make it easier for the people who want to do the right
19 thing to do the right thing, and then target our
20 compliance resources toward those few who make a conscious
21 decision to say 'It's ... my business model to cheat.'"

22 So clearly I -- I agree with Director Sacks and what
23 his emphasis and the Governor's emphasis is. I think
24 these are appropriate. But I think the situation that we
25 are in clearly do not align with his and the Governor's

1 five principles.

2 And the fifth priority, "... it is recognition that
3 everything I just told you is at best empty rhetoric
4 absent one thing, which is a skilled and qualified
5 workforce, that we cannot -- that we cannot effectively
6 promote public safety and have an effective electrical
7 program without being able to hire and retain the best
8 staff."

9 So this was before -- this is January 30, 2014 --
10 before as Jose' you said in 2015 this became a priority,
11 like a much -- and rightfully so -- a much bigger priority
12 for the Department.

13 And I -- you know, I'm not interested in -- I share
14 Mr. Sacks' words because I take him -- I believe he
15 believes that, and I believe that -- and I hope that he is
16 doing everything possible to make sure that this class and
17 comp package goes through.

18 And I would like to hear from the Board is I would
19 like to draft a letter that incorporates these same points
20 that I just -- probably not Mr. Sacks' language, but the
21 statistics and this idea that this vacancy rate is
22 actually impeding the economic recovery of Washington.
23 And I would like to put that on Electrical Board official
24 letterhead, and I would like to send that letter to
25 Governor Jay Inslee and Director Joel Sacks.

1 BOARD MEMBER LEWIS: Madam Chair?

2 CHAIRPERSON PREZEAU: Yes.

3 BOARD MEMBER LEWIS: I have another question of
4 Jose'.

5 It's a process question that you touched on that --
6 has the state personnel board approved a new pay band or a
7 new pay range? Has it gone that far? Because you said
8 it's now collective bargaining. Does that happen after
9 the pay band decision or are they both together? Can you
10 explain the exact steps so we know where we are and who we
11 need to talk to?

12 CHAIRPERSON PREZEAU: Thank you, Janet.

13 MR. RODRIGUEZ: So right now, my understanding is
14 that it is in collective bargaining. So we have both
15 labor and management sitting at the table discussing the
16 proposals.

17 And we would have a decision about what would move
18 then to OFM to see if would get funded. That would be
19 sometime in the early fall. But the actual negotiations
20 are going on right now. This is when some basic decisions
21 get made. Then in the fall we find out what the results
22 are. And then the Governor has to make a decision whether
23 or not those get included in his budget, and then
24 obviously the next legislature gets to act on those in
25 their budget.

1 So this is the negotiating phase of it.

2 CHAIRPERSON PREZEAU: Alice, did you have a question?

3 BOARD MEMBER PHILLIPS: No. I just -- I mean, I'm
4 going to share the frustration. And I know the staff is
5 going to feel -- it's a long process, but there's -- I
6 mean, there's nothing we can do about the process.

7 I guess my question is that even if there's --
8 whatever happens at collective bargaining, there's a
9 resolution, a mutual agreement between those parties.

10 What I'm hearing you say is there's actually two or
11 three more steps where the whole thing could be thrown
12 out.

13 MR. RODRIGUEZ: Yeah, that's the normal -- I mean,
14 that is the process.

15 BOARD MEMBER PHILLIPS: That's the process.

16 MR. RODRIGUEZ: Correct.

17 BOARD MEMBER PHILLIPS: Well then my opinion is that
18 we definitely have an obligation to chime in on this to
19 make sure that this Board -- we're the ones that deal with
20 the data on a daily -- not a daily basis, but a quarterly
21 basis, and our trying to hold people accountable and ask
22 questions, and we know what the problem is. I think we're
23 obligated to share our perspective on what the problem is
24 and where the solutions are. So I totally agree with the
25 letter.

1 Motion

2

3 CHAIRPERSON PREZEAU: Is that a motion?

4 BOARD MEMBER PHILLIPS: Yes.

5 CHAIRPERSON PREZEAU: Is there a second?

6 BOARD MEMBER LEWIS: Second.

7 CHAIRPERSON PREZEAU: So it's been moved and
8 seconded. I will draft a letter that will go out under
9 the letterhead of the Electrical Board. It will be -- I
10 can probably share it with you before it goes. I just
11 worry about the whole e-mail thing and virtual meetings.
12 Does that make sense?

13 ASSISTANT ATTORNEY GENERAL REULAND: Correct.

14 CHAIRPERSON PREZEAU: Because if I send you all this
15 letter and it says, "Hey, what do you think about it?"
16 And then people start chiming into that, we potentially
17 are the Open Public Meetings Act because we're talking
18 about contents without public comment.

19 So -- Alice?

20 BOARD MEMBER PHILLIPS: Can we form a subcommittee?

21 CHAIRPERSON PREZEAU: We could form a subcommittee to
22 draft the letter, and then give the --

23 ASSISTANT ATTORNEY GENERAL REULAND: The issue is
24 still the Board having comment on that and whether that
25 can be done over e-mail versus an open public meeting. I

1 mean, it can certainly be circulated to Board members.
2 But in terms of taking a vote or coming to some sort of
3 consensus or process through e-mail, that's the problem.
4 And it should really be done at the next meeting. You can
5 certainly do that. I don't know what the time frames are.
6 But between now and the October meeting is anything going
7 to happen or is it essential that that be -- does that
8 letter need to go before our next meeting?

9 Because I could look into that a little bit more in
10 terms of approval of certain things.

11 BOARD MEMBER WARD: Can we get to just a draft? You
12 know, then we could actually approve and then the final
13 review at the next meeting, if that works timing-wise.

14 CHAIRPERSON PREZEAU: Yes. So great question. A
15 great question.

16 So Jose', how much -- so has collective -- collective
17 bargaining has basically just started or has it been
18 ongoing? When --

19 MR. RODRIGUEZ: I don't sit at the bargaining table,
20 so I'm not familiar with the exact dates. But they've
21 been -- to my knowledge, they've been taking -- sort of
22 the unions have already made some presentations.

23 And for -- I'm looking to Steve. You do sit at the
24 table?

25 SECRETARY THORNTON: Yes, I do.

1 MR. RODRIGUEZ: He's got more insider knowledge than
2 I've got.

3 SECRETARY THORNTON: And we've met probably eight or
4 ten times. A lot of issues have been agreed upon. It's
5 down to compensation now is the last items on the table.

6 We meet again the first part of August. So about
7 three weeks. And that will be the major topic at that
8 point in time is the discussion about compensation.

9 CHAIRPERSON PREZEAU: Okay. So what I'm hearing
10 Steve say is -- and I -- is that, you know, had I -- it
11 would have been better had I brought an actual draft
12 letter to this meeting, right? Because I think it needs
13 to -- unfortunately I think it needs to be sent in advance
14 of your next session.

15 Given that -- so here's what I -- what I am going to
16 incorporate in the letter -- what I would propose to
17 incorporate in the letter in the hopes that we can move
18 forward with this motion I can draft the letter is that
19 permit and inspection numbers have returned to 2007
20 levels; that -- and that -- so we are under those same
21 inspection and permit pressures with 20 less staff than in
22 2007; that the 23,595 customers in fiscal year 2016 who do
23 not have their inspections performed within 48 hours, the
24 fact that that is impeding the economic recovery of
25 Washington; that this class and comp -- the greater than

1 10 percent vacancy rate -- current vacancy rate is
2 inconsistent with the five goals identified by Director
3 Sacks to the Board January 30, 2014; and that the
4 underground economy and policing the underground economy
5 and providing a level playing field has been diminished by
6 this inspection pressure, and that I urge the Director and
7 the Governor to take any action under their purview to
8 alleviate the staffing crisis. Because in doing nothing
9 or in not addressing the issue in a comprehensive way only
10 ensures the escalation of this problem -- this crisis.

11 That's the letter.

12 BOARD MEMBER PHILLIPS: So the question I guess I
13 have for my fellow Board members is: Is there anything
14 that's been said that anyone disagrees with? Because that
15 would be the heart of what we need to talk about. If
16 everything -- if everybody's in agreement with what's been
17 discussed here, I personally don't have any problem
18 allowing the latitude of the Chair to craft the letter.

19 CHAIRPERSON PREZEAU: Janet.

20 BOARD MEMBER LEWIS: I think it's important to stress
21 retention and recruitment because a retention and
22 recruitment leads to everything that you just mentioned,
23 and salary is the number one reason that we're having a
24 hard time hiring and keeping people.

25 BOARD MEMBER PHILLIPS: In addition to workload. And

1 the workload is all driven by that lack of compensation.

2 BOARD MEMBER LEWIS: Right, yes.

3 BOARD MEMBER PHILLIPS: It's a viscous cycle.

4 CHAIRPERSON PREZEAU: Ryan.

5 BOARD MEMBER LAMAR: Madam Chair, I would say frame
6 it towards safety. Make safety the number one thing.
7 Because those are his tenets. If you key everything into
8 safety, it'll all tie together.

9 CHAIRPERSON PREZEAU: Duly noted.

10 BOARD MEMBER JENKINS: Madam Chair?

11 CHAIRPERSON PREZEAU: Yes.

12 BOARD MEMBER JENKINS: I also want to bring up, you
13 had the -- you had mentioned how they had a 24-hour
14 turn-around notice before, and now we're up 48, and how
15 we're accepting a new lesser value for the customer.

16 CHAIRPERSON PREZEAU: Yeah, it was 2007 we used to
17 have a 24-hour response time.

18 BOARD MEMBER WARD: One more comment?

19 CHAIRPERSON PREZEAU: Yes, please.

20 BOARD MEMBER WARD: Maybe economic recovery, tell him
21 it'll hold that back if we don't address this --
22 (inaudible).

23 CHAIRPERSON PREZEAU: Yeah, I have that, right? I
24 think -- which is like I believe that this current crisis
25 is impeding the full economic recovery in the state of --

1 the great state of Washington.

2 BOARD MEMBER WARD: Perfect.

3 ASSISTANT ATTORNEY GENERAL REULAND: Say "we." "We,
4 the Board."

5 CHAIRPERSON PREZEAU: We.

6 Okay. So the motion before the Board with a second
7 is to craft a letter on letterhead and send it to Director
8 Sacks and Governor Inslee.

9 Any other questions or comments about the motion?

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

11 THE BOARD: Aye.

12 CHAIRPERSON PREZEAU: Opposed? Motion carries.

13 Thank you.

14

15 Motion Carried

16

17 CHAIRPERSON PREZEAU: What else do you got for us,
18 Jose'?

19 MR. RODRIGUEZ: Okay. So a couple of more updates.

20 On our code adoption, you know that our cycle's
21 coming up with the 2017 National Electrical Code. And so
22 our program will begin the code review and adoption
23 process, and we'll be sharing with the Board the time
24 lines and the various schedules for the various
25 stakeholder meetings in regards to the code adoption.

1 The other thing that I wanted to share with the Board
2 is an update on our mobile inspection replacement project.
3 That project is moving along very well. We -- the project
4 is currently on schedule and under the projected budget.

5 CHAIRPERSON PREZEAU: I know. That's fantastic.

6 MR. RODRIGUEZ: And so we pretty much finished up the
7 design of the various components of the system. And now
8 the development is in full swing, and then we're going to
9 begin some testing.

10 We've actually started some informal testing. But
11 we'll begin the formal process of testing with our
12 inspectors in the field.

13 So we're on track for an early 2017 statewide
14 rollout, and we're hoping to have the whole project
15 completed with it going into kind of a maintenance mode by
16 mid year of next year. So that's good news. It's all on
17 track.

18 We have been taking a look at what we call remote
19 inspec -- we haven't really given it a good name, but
20 remote inspections, a way of getting -- or using
21 technology so that we could use Skype or some other form
22 of communications to be able to do some inspections. It
23 would be limited to certain kinds of inspections, remote
24 sites, those kinds of things.

25 So I see some frowns, so I'm trying to -- so we're

1 talking about somebody who would be able -- let's say they
2 have a ditch that needs to be inspected before they could
3 cover it, and it's out in Forks. With the right
4 technology, we could do a visual inspection of that using
5 Skype or some other method to do that.

6 We have turned that -- we've pretty much determined
7 that it is feasible. We still have some field testing
8 that we need to get done. And part of our testing up to
9 now has -- we've discovered some technical glitches. Like
10 any system, our Department has a lot of firewalls and
11 things to protect data. And so we've got to figure out a
12 way to make sure that we can work within those parameters.

13 We've also been taking a look at best practices.
14 There are jurisdictions that do this kind of -- that have
15 used this process.

16 So I'm hoping soon that we'll be able to come up with
17 a decision whether or not we're going to implement and
18 adopt that technology and develop a plan to implement it
19 if the decision is to move forward.

20 The last thing that I've got is the electrical fee
21 increase proposal. We're proposing a 4.32 percent
22 cost-of-living index fee increase in rulemaking. We'd
23 like to make it effective as soon as possible. And we've
24 got some public hearings scheduled for September 30th.
25 And then the increase, the 4.32, is aligned with kind of

1 the State guidelines in terms of what kinds of fee
2 increases we could ask for. But for us it's really a
3 decision based on what we're hearing from our
4 stakeholders. They want some predictability on what that
5 number is rather than hitting them with a big fee increase
6 because we don't do them regularly.

7 CHAIRPERSON PREZEAU: Yeah, the last one was '12 --
8 2012.

9 MR. RODRIGUEZ: Is it '12?

10 SECRETARY THORNTON: Yes.

11 CHAIRPERSON PREZEAU: July 2012.

12 MR. RODRIGUEZ: So we're moving forward with that
13 rulemaking.

14 That's all I --

15 CHAIRPERSON PREZEAU: So Jose', I'm sorry to
16 interrupt.

17 Last Board meeting we had a conversation about -- you
18 know, at every Board meeting, we get reports from the
19 Chief as the Secretary regarding what percentage of
20 inspections requests and permit purchases were made
21 on-line. And we had a pretty good conversation at the
22 last Board meeting about the customers that walk in to the
23 front counter and, you know, pros and cons of that
24 customer service.

25 But -- and we have done it in the past when Ron

1 Fuller was the Chief, there was -- it was cheaper to renew
2 your electrician certificate if you did it on-line than if
3 you walked in the front counter.

4 And so I'm curious, since we're doing this, you know,
5 fee increase if there was any thought to incorporating
6 some type of -- it might be challenging because the vast
7 majority of 92 percent of permits are processed on-line.
8 And 96 percent of contractor permits are sold, you know,
9 on-line.

10 But if there's -- if -- since we're going down this
11 road and there's maybe an opportunity to look at
12 incentivizing economically transitioning more -- even more
13 to on-line which frees up staffing, you know, FTE's.

14 I'm not looking for an answer. I just wanted to make
15 that comment.

16 MR. RODRIGUEZ: So we're also going through a process
17 what we call business transformation.

18 So it's a -- I'm sure that we'll get the Director
19 back here to talk to you all about that. But it's a
20 ten-year kind of project to figure out how we can move the
21 Department forward, trying to anticipate what services are
22 going to -- what our customers are going to demand in
23 terms of services ten years from now, and what's the best
24 method to deliver those services, and then building a
25 computer system or a software system that will support all

1 of that.

2 So it's a big project. And we've finished up kind of
3 the first phase which is laying out the road map. And now
4 the Director will be taking that to the Governor and
5 seeing if we can get support for supporting that
6 initiative.

7 So business transformation and everything that you're
8 talking about here do it together.

9 BOARD MEMBER BAKER: I want to take you all the way
10 back to your seven buckets that your focus group
11 identified.

12 MR. RODRIGUEZ: Yes, sir.

13 BOARD MEMBER BAKER: One of them's training. And I'm
14 assuming that those focus groups were made up of rank and
15 file inspectors of the like?

16 MR. RODRIGUEZ: Correct.

17 BOARD MEMBER BAKER: Could you tell me specifically
18 what kind of training they feel like they were lacking
19 that they needed more training in?

20 MR. RODRIGUEZ: Well, when we talked to staff, they
21 were talking -- it was interesting conversations.

22 One was -- these were difficult really crucial
23 conversations. It's hard -- you can imagine a group of
24 more senior inspectors and very junior inspectors. But
25 again, we're all struggling with the candidates who have a

1 certain level of training. Yes, they've got their
2 license, but they have much more limited experience than
3 we've had in the past. So we're bringing on inspectors
4 who don't have the kind of experience that the more senior
5 guys had when they came on board.

6 And the industry out there is struggling the same
7 way. So we have new inspectors that don't have that
8 breath of experience. And then we've got -- (inaudible)
9 -- who don't have that experience who are making more
10 mistakes. And so you've got this dynamic going on where
11 we may be missing stuff because we don't have the
12 experienced guys in an environment where people are making
13 more mistakes because they're all trying to get the work
14 done.

15 BOARD MEMBER BAKER: So that's --

16 MR. RODRIGUEZ: That's one phase of it.

17 The second part then is the technology has changed to
18 a certain degree. And so they're seeing some stuff for
19 the first time.

20 We have some remote locations and we have one or two
21 inspectors in some offices. And there's not that
22 opportunity to collaborate every day and say, Hey, I'm
23 getting ready to go see this today. What's been your
24 experience with it? We don't have a good mechanism right
25 now for some of those offices to share that knowledge and

1 that experience.

2 BOARD MEMBER BAKER: I've had the pleasure of sitting
3 in the code-update training the last two years down in
4 Olympia and had comments with inspectors during that
5 session. Not really negative, but they commented that
6 they wished the training came from a more professional
7 level.

8 And I've noticed as a contractor in the field some
9 real extreme inconsistencies with inspections, not always
10 within the Department, sometimes it's been different
11 jurisdictions.

12 And I'll use the load banks, for example. It's
13 brutal for a contractor to try and schedule and get load
14 bank inspections when the inspectors don't one, want to do
15 them, or two, don't even know what they're there to look
16 at, and I have to tell them. And my supervisor's going,
17 "Why are we even getting load bank inspections if the
18 inspectors don't want to do them?"

19 So when I see training on the list of the bucket, I'm
20 wondering what's the Department doing to get consistency
21 within their inspectors, get consistency across the state
22 with other jurisdictions so we're all inspecting the same
23 whether it's load banks or whatever it is, we're all --
24 we're being consistent on what we're inspecting and why
25 we're inspecting it. And if you have junior inspectors

1 that are needing to -- Steve, to you today: What are you
2 doing? Are you doing weekly training with these
3 inspectors?

4 Because I had the same challenge, whether it's IBEW,
5 journeyman wiremen, apprentices, we've got a lot of young
6 people in our trade, and we're running and gunning very
7 quickly on projects. So we're spending a lot of time
8 training them as well.

9 So I'm just wondering what the Department's doing
10 today.

11 MR. RODRIGUEZ: So in our collective bargaining
12 agreements, we have to provide a certain amount of hours.
13 And so we do that on an annual basis. So we do have
14 annual training.

15 The other training, we have trainers in our units,
16 you know, either the lead inspectors, we have a trainer
17 here, who go out and assist staff doing ride-alongs and
18 those kinds of things, on-the-job kind of training.

19 In some of our work units, like I said, they get
20 together in the morning. They have that collaboration and
21 share some knowledge. In others, it's more difficult.
22 But everybody's slammed right now with inspections.

23 And so just getting people out of the fields, taking
24 them out of there, my experience on just doing the focus
25 groups, taking them out of the field for three hours, it

1 really sets people far behind. So we have to balance all
2 of those requirements.

3 BOARD MEMBER BAKER: Recently -- and I sent it to Rod
4 Mutch I think a month or so ago. There was an inspector
5 down in Portland that was shocked. And I can't remember
6 the incident and even what the results were --

7 CHAIRPERSON PREZEAU: Did you say shot or shocked?

8 BOARD MEMBER BAKER: Shocked. Electrical shocked.

9 He was inspecting something, and I don't know if he
10 -- I can't remember all the details. But I forwarded it
11 to Rod so that the Department could address that within
12 the state of Washington, you know, how inspectors are
13 approaching, you know, inspecting things that are hot.
14 Are they taking off panels and accessing live equipment
15 and what's their approach. Do they have the proper PBE?
16 Do they have the proper training to do that?

17 And if you've got a of junior inspectors -- a lot of
18 them are IBES wiremen or they're wiremen that come from
19 the trade. They've had some training. But I'm just
20 wondering what the Department's doing as far as setting
21 policies and guidelines for them accessing and inspecting
22 hot work.

23 SECRETARY THORNTON: As a general rule, there's not
24 much that they need to take apart on their own to look at
25 hot. If it's something that needs to be taken apart,

1 somebody should be there to take it apart for them. They
2 shouldn't be tearing apart -- I believe that one in
3 Portland, he actually stuck his hand inside the service
4 gear or something and -- if it's something that you need
5 to do anything like that on, it needs to be turned off.

6 You can see enough standing back if that's -- if you
7 see something that needs to be inspected further than
8 that, then it should be turned off. We don't need anybody
9 getting hurt.

10 BOARD MEMBER BAKER: It's alarming to me when I see a
11 focus group made up of the rank and file and them stepping
12 up saying, "Hey, we need training." It's one thing for
13 management to identify it. You know, that's our job to
14 identify that. But when the rank and file are saying, "We
15 need training," management needs to take action
16 immediately.

17 CHAIRPERSON PREZEAU: So Bobby, you've been very
18 patient. You want to chime in?

19 BOARD MEMBER GRAY: Well, just two things actually --
20 feedback.

21 Don or to tie onto what he's talking about, two years
22 ago I believe Rod Mutch had a training session for all the
23 inspectors, and he invited Michael Johnson who is the NECA
24 manager of COHE standards, and he's also chair of the NEC
25 correlating committee to come and make a presentation, and

1 the topic was "Changes for the 2014 Code." And he also
2 invited me to bring a program addressing NFPA 7E and
3 electrical safe work practices. And so what I did is I
4 wrote about a two-hour program that was focused on the
5 type of work that inspectors do, and I gave them a little
6 table that they could carry with them and help them sort
7 of recognize when they were needing PBE and that sort of
8 thing.

9 And just to comment on what you said, I got tons of
10 feedback from those people and how much they appreciated
11 the fact that we brought in somebody that's nationally
12 recognized like Michael Johnson, and that they were able
13 to get some training on 7E, something that normally people
14 wouldn't think they needed, but, in fact, they did
15 appreciate that. So just tie onto that.

16 And I'd like to move back to another topic unless you
17 want to continue that discussion.

18 CHAIRPERSON PREZEAU: Steve.

19 SECRETARY THORNTON: Yeah.

20 One other thing. On the training portion of it,
21 Dennis Straley (phonetic), our trainer, we put that
22 position in force when we had our SPI inspectors come on
23 as a training program that others get to rotate through
24 when they have time. But it takes a new inspector all the
25 way through our safety issues to what an inspector's

1 supposed to do through the E CORE part of it and the
2 compliance portions.

3 It takes about six to eight weeks to go through that.
4 And I don't know -- we've done 20 of those now probably,
5 pretty close? 20 sessions?

6 UNIDENTIFIED: 12.

7 SECRETARY THORNTON: 12? And we have anywhere from
8 three to eight people in it every time we go through.

9 So like we said, it's not too hard to get the new
10 guys in it because you're not used to them being there.
11 They're kind of added. But they go through it and get
12 thrown right out into the inspection part of it.

13 A lot of the training issues were from the
14 experienced guys, the guys who've been here for a while
15 and saying, "Well, why can't we go." And so --

16 Yeah, there's quite a few chances to make some
17 improvements in those areas when we get these focus groups
18 all sorted out, we'll have some countermeasures to deal
19 with that, and we should be able to report on that stuff
20 next meeting.

21 MR. RODRIGUEZ: I'll just add one more thing, and
22 that was that our hiring and retention is not only within
23 our inspection ranks; it's also our leads and our
24 supervisors. And so we don't have a good training program
25 that gets somebody ready for a lead or a supervision

1 position. So they wanted to see -- they would be more
2 inclined to apply for those positions when they came
3 became vacant if they had some training about what are
4 those responsibilities.

5 CHAIRPERSON PREZEAU: So Bobby, you had something
6 else you wanted to --

7 BOARD MEMBER GRAY: Well, I'm just -- I was curious
8 about the fee increase. And I don't know if that's just a
9 routine thing that we do on a regular basis. I heard that
10 we haven't had one since 2012, and perhaps that's the
11 reason.

12 But it seems to me that we're operating under budget,
13 and there's a surplus. We're handcuffed a little bit on
14 being able to take those funds and apply it to a
15 compensation package and increase that.

16 So I guess I'm just a little curious on the
17 justification for increasing the fees now. Is it just
18 something we do on a regular basis because the cost of
19 living? Or is there a specific need for something where
20 we're missing some money and that would justify an
21 increase?

22 MR. RODRIGUEZ: So it is kind of a maintenance
23 approach to it at this point with the other objective of
24 not coming to our stakeholders down the road and saying,
25 "Hey, all of a sudden we need a big increase."

1 Let's say the compensation package did go through.

2 So we have to be able to --

3 BOARD MEMBER GRAY: So a modest increase now rather
4 than --

5 MR. RODRIGUEZ: Yes, sir.

6 BOARD MEMBER GRAY: Thank you.

7 CHAIRPERSON PREZEAU: Anything -- any other questions
8 for Jose'?

9 MR. RODRIGUEZ: I think I set the record today for
10 time.

11 CHAIRPERSON PREZEAU: I was going to say -- Jose', I
12 got to tell you this: I'm not -- you know, on behalf of
13 the Board, we always appreciate it when you come. I know
14 that it's easier for you to come to our meetings when
15 we're in the Tumwater building, because it's just a jaunt
16 down the stairs. And so the fact that you came here to
17 Tacoma to be with us and spent so much time with us today,
18 I just want -- and we're in a little bit of a hot seat --
19 is really -- greatly appreciate the time that you spend
20 with us and the information you shared with us.

21 I understand you're the messenger, not the limiting
22 re-agent; I understand that.

23 Thank you very much.

24 MR. RODRIGUEZ: All right. Thank you all.

25

Item 3. Appeals

1
2
3 CHAIRPERSON PREZEAU: Okay. So you guys -- we're
4 under -- so we're under agenda item 3. And just for the
5 record, 3.a., Notice of Intent to Suspend General Journey
6 Level Certificate for Claude Lees, they were granted a
7 continuance. So we will hear that -- assuming that that
8 goes forward, we will hear that in October in Spokane. I
9 believe we're going to be at the same hotel. It's the
10 Ramada Inn that's right at the airport. And so if --
11 knowing that, especially for the new Board --

12 So for the new Board members, generally speaking we
13 -- our meeting are at the Tumwater building -- or the
14 L & I building in Tumwater with a consistent exception of
15 the April meeting because there is a conflict for the
16 auditorium. So usually the April meeting we are someplace
17 else.

18 But I also -- there's been a bit of a initiative more
19 recently to kind of move the Electrical Board meeting
20 around so that folks on -- you know, in other parts -- or
21 on the other side of the Cascade curtain, if you will,
22 right? Sometimes we get to interact with those folks.

23 So if you need to make travel arrangements including
24 flights, you know, coordinate with Bethany, and you'll get
25 reimbursed for your expenses, but there's a process for

1 that. So just know that ahead of time.

2 Additionally, since we're under these -- we will
3 before we leave because I reassured Jason we will talk
4 about parking today, but now not, but we will talk about
5 parking.

6 So Board meeting in October in Spokane.

7 3.b., Notice of Intent to Suspend Electrical
8 Contractor License, Integrity Electric & Lighting Group,
9 Inc., which the appeal was withdrawn.

10

11 Item 3.c. Denial to Renew General Administrator
12 Certificate and Residential Journey Level Certificate
13 for Ivan Swater

14

15 CHAIRPERSON PREZEAU: And the third appeal item is
16 Denial to Renew the General Administrator Certificate and
17 Residential Journey Level Certificate for Ivan Swater.

18 So unless the Board tells me that you want to take a
19 break?

20 Milton?

21 THE COURT REPORTER: I'm good.

22 CHAIRPERSON PREZEAU: You're good?

23 Very good. So if we could have the parties come up
24 to the front tables, the parties that are relevant to the
25 matter of Ivan Swater and his general administrator

1 secretary and residential journey level certificate.

2 Is Mr. Swater here? So I've just pulled the
3 individuals requesting to speak and they have to sign in.
4 And let the record reflect that Mr. Swater is not signed
5 in. There are two names on the sign-in sheet that are not
6 him.

7 Let the record reflect that it is six minutes after
8 10:00 a.m., and this meeting started at 9:00.

9 And so -- bear with me for just a moment,
10 Ms. Kellogg.

11 (Pause in proceedings.)

12 Oh, yeah. So this is -- so normally, you know, we
13 were going to have a discussion about not the merits of
14 the Swater case, but whether or not Mr. Swater would be
15 afforded -- he was requesting his appeal bonds to be
16 returned to him, and there was going to be some
17 conversation -- Pam and I have had several conversations
18 about whether or not this Board has jurisdiction, what the
19 statute and rules say regarding appeal bonds.

20 But this matter has become very easy now because this
21 is Mr. Swater's appeal. And since Mr. Swater has not
22 appeared ...

23 ASSISTANT ATTORNEY GENERAL REULAND: It is my
24 understanding is that the Department has withdrawn its
25 denial of renewal of the general administrator certificate

1 and the residential journey level certificate. So there's
2 no issue before the Board if Mr. Swater is not here.

3 MS. KELLOGG: Correct.

4 CHAIRPERSON PREZEAU: So we don't have to take any
5 action. We don't -- unfortunately, Ms. Kellogg, we don't
6 get to hear your fantastic arguments potentially about why
7 -- compelling us to do what you believe that we should do.

8 So thank you for appearing before us today. We
9 appreciate your time.

10 And so the matter of denial to renew the general
11 administrator certificate and residential journey level
12 certificate for Ivan Swater has been resolved because
13 Mr. Swater did not attend the hearing.

14 Do we need to do anything else?

15 ASSISTANT ATTORNEY GENERAL REULAND: No.

16 CHAIRPERSON PREZEAU: Very good. That was -- wow.

17

18 Item 4. Proposed Fee Increase

19

20 CHAIRPERSON PREZEAU: Okay. So agenda item 4, which
21 is proposed fee increase.

22 So Steve, you're going to -- you're coming out off
23 the bull pen? This it your turn?

24 SECRETARY THORNTON: Yeah. And we talked about some
25 of it earlier with Jose'.

1 But there is a proposed fee increase of 4.32 percent.
2 And like we talked about, we want to try and make sure
3 that those are as small and easy to plan for as they can
4 be. So we want to plan on doing those on a regular basis
5 when needed. And if we can get by with the cost-of-living
6 increase, then that's what we'll do.

7 But this one is 4.32 percent. And it will generate
8 roughly \$960,000 at the current rate. And that's pretty
9 much what we expect to need over the next year.

10 So that's pretty much it on that unless somebody has
11 some questions.

12 CHAIRPERSON PREZEAU: No, I don't -- I mean, Bobby
13 asked a very pertinent question I think. And, you know,
14 again, the August 2016 Currents article gives you some
15 additional information, right? Because the next step is
16 notifying the stakeholders. We're having this
17 conversation here July 28th. And then October 27th we're
18 going to talk about this process again.

19 And for those that are interested, there is a public
20 hearing scheduled for September 30th at 9:00 a.m. at the
21 Tumwater L & I building. So if you wanted to attend that
22 as an industry stakeholder to understand what other folks
23 think about it.

24 And then this is a separate process. The fee
25 increase is a separate rulemaking process than adoption of

1 the 2017 code.

2 SECRETARY THORNTON: Yes.

3 CHAIRPERSON PREZEAU: So my hope quite honestly is
4 that -- you know, I'm sort of still focused on this
5 recruitment and retention issue that the fee increase goes
6 through, and then we, you know -- I might use the wrong
7 words here, but the -- and that is frustrating probably
8 for the industry as a whole is the electrical program is
9 self-funded. And oftentimes we've run pretty large
10 surpluses. And sometimes that becomes noticed by the
11 legislature. But what's frustrating is we need
12 legislative approval to spend, you know, like to get these
13 allotments to hire people. Or we don't have the authority
14 to arbitrarily because we have -- and the secretary will
15 get to it, but, you know, our fund balance is looking
16 pretty good right about now, right? And the mobile
17 correction -- mobile inspection program is, as you heard
18 Jose' report, is on time and under budget. Fiscally we're
19 running a pretty lean machine, but we don't have the
20 authority to allocate those moneys -- the program doesn't
21 -- the Department doesn't. It's a legislative process
22 which that's challenging.

23 SECRETARY THORNTON: At best.

24 CHAIRPERSON PREZEAU: Bobby.

25 BOARD MEMBER GRAY: Thank you, Madam Chair.

1 I had the opportunity to speak with some
2 representatives from the International Association of
3 Electrical Inspectors, and I shared with them some of the
4 problems and challenges we're having here in trying to
5 find qualified electrical inspectors, and that's not
6 unique to us. Evidently that's a problem pretty much
7 across the country.

8 However, they are attempting to do some things. They
9 have their own internal problems that they're dealing with
10 as well.

11 But one of the things I suggested at a previous
12 meeting is that we might look into some sort of a training
13 or apprenticeship type program to develop inspectors maybe
14 that wouldn't be quite as restrictive as our current
15 hiring criteria, put them in a trainee position until they
16 can reach a level of competency where they could go out on
17 their own. And they were headed down that same road.

18 IBEW -- I mean, IAI is actually developing or in the
19 original beginnings of trying to develop some sort of an
20 academy for inspectors. And I don't know if it would be
21 worthwhile or not, but it might be an opportunity for us
22 to share with them the fact that we would be interested in
23 seeing what they're going to come up with. I'm not
24 talking about any commitment or anything, but any
25 encouragement we might provide to them that they might

1 continue that would -- maybe we could benefit from a
2 program like that.

3 So I thought I'd share that. I don't know if that
4 provides any value or not. But I do know they are looking
5 forward to that. So ...

6 CHAIRPERSON PREZEAU: Yeah, I mean, I think it's a --
7 I had forgotten until you just -- that you had made that
8 comment before in a Board meeting. And I think, you know,
9 conceptually it's very interesting and intriguing.

10 And it doesn't -- it's not a surprise I don't think
11 -- well, it's not a surprise to me and probably not to
12 most of you here that the issues that we are struggling
13 with in Washington state in terms of recruitment and
14 retention and training in the seven, you know, genres of
15 challenge, that those are probably consistently being
16 experienced, you know, across other states as well.

17 BOARD MEMBER GRAY: Well, historically -- being an
18 inspector is not a career goal, right? That's normally
19 secondary. Our career goal is to become some sort of an
20 electrical professional installer or engineer and so on.
21 And so what we do is take those people then and move them
22 into a different career field. So maybe the paradigm
23 shift might be is that would be a career goal if someone
24 could, in fact, get their training and education to
25 ultimately become an inspector, not become an electrician,

1 and then after that become an inspector. So maybe it's
2 just another way of looking at it is all I'm suggesting.

3 CHAIRPERSON PREZEAU: Well, I think given -- you
4 know, it's been alarm bells going off for a number of
5 years about the gray tsunami, right? this baby boomers
6 retiring.

7 And I think from my perspective -- I've been hearing
8 it long enough that it feels a little bit like when is
9 this going to happen. Well, it's now. It's happening.

10 And having significant impact not only for the
11 contractors in the room. Your ability to retain -- hire
12 and retain qualified foremen, right? Supervisory level
13 personnel, which are the same kind of folks that you
14 historically would be the folks that become inspectors,
15 like that same caliber of industry knowledge and breadth
16 and communication skills. It's the exact same people that
17 usually -- that we're used historically as being
18 inspectors.

19 If they're at a -- if those folks are at premium
20 right now, I mean, it's -- you know, it's because of this
21 gray tsunami is actually really happening.

22 And, you know, like a tsunami, I think right now it's
23 like the water is coming out -- it's being drawn out of
24 the bay, and the wave actually hasn't come back in yet.

25 So having -- so to your point, Bobby, in the

1 meantime, while we've got a little bit -- like why the
2 water's being drawn out, right? thinking about turning
3 things around and thinking about different ways to solve
4 the problem than we've already done and with these novel
5 idea of, you know, inspector apprenticeships or something,
6 I think they're hugely appropriate.

7 BOARD MEMBER BAKER: I'll weigh in on that a little
8 bit.

9 One of the things we're seeing in our industry is
10 strong mentoring programs, whether it's journeyman wiremen
11 mentoring apprentices or mid-level management mentoring
12 those journeymen to become foremen and potential project
13 managers.

14 And with your training bucket, that might be
15 something you might want to consider is training some of
16 your inspectors to be those mentors. They can take those
17 -- and maybe you're already doing that; I don't know. But
18 training them up to be mentors, which would be a stepping
19 stone for them to be management or, you know, area
20 supervisors or something like that.

21 SECRETARY THORNTON: And that would -- is going to be
22 our long-term goal. That was one of the inspector's
23 concerns is that their supervisors and lead inspectors are
24 never available because they're busy doing other things.

25 They would like to have those people freed up to come

1 along in the field with them and mentor and, you know,
2 pass on information.

3 That group also is getting fairly old and ready to
4 retire, that this group itself will take a pretty big hit
5 in the next two years as far as the experienced people
6 retiring. So we'll have some of the same new issues there
7 that we have in the inspection field.

8 CHAIRPERSON PREZEAU: So Steve, you want to -- any
9 other comments/questions? We're currently under proposed
10 fee increase, and we're going to move into the Secretary's
11 Report.

12

13 Item 5. Secretary's Report

14

15 SECRETARY THORNTON: So for the Secretary's Report,
16 the electrical fund balance like we were talking earlier
17 just broke through the \$9 million mark. It's \$9,017,024.
18 That equates to about five months of operating capital.
19 The fund balance increased a \$1,421,000 over the previous
20 fiscal year ending in June -- on June 30th.

21 The average monthly expenditures is roughly
22 \$1,800,000, which is an increase of about \$140,000
23 compared to FY2015. Expenditures for mobile inspections
24 to this point are 1.296 -- 296,000, which is about 312,000
25 under what the anticipated cost was. It's so far been

1 very good about not exceeding their estimates.

2 As far as customer service goes, 38,605 permits were
3 sold last quarter. 35,400 of those were purchased
4 on-line, which is about 92 percent.

5 96 percent of the contractor permits are sold
6 on-line, which is about a 1 percent increase from the
7 previous quarter. That seems to be pretty constant. More
8 things are gradually going to on-line. It's more
9 convenient for the contractors than having to come to the
10 office.

11 Homeowner on-line sales remain pretty much about 58
12 percent, just a little under 60. A lot of them like to
13 come to the office just because they need help filling out
14 their permits and such.

15 On-line inspection requests are 82 percent, which
16 stays pretty constant with what the normal is for us.
17 Most people want to do that on-line also to save coming to
18 the offices.

19 During this quarter customers made 71 percent of all
20 electrical license renewals on-line. And that stays
21 pretty consistent also.

22 Our key measures.

23 Our percent of inspections performed within 48 hours,
24 our goal is 94 percent. For FY16, we're at about 90. For
25 FY15 we were 91 percent.

1 Number of focused citations and warnings, our
2 anticipated number was 4,208. For FY16 we had 4,172. For
3 FY15, 4,253.

4 Our inspection stops per inspector per day for FY16
5 are up to 10.3. For FY15 they were 10.01.

6 Our electrical disconnect corrections, 43,975 in FY16
7 and 41,045 for FY15.

8 Licensing process turnaround, we have a goal of 100
9 percent the same day. For FY16 we're at 98 percent.
10 FY15, 89 percent.

11 Turnaround time for average plan review is less than
12 a week and a half. In FY16 we're at 1.3 weeks. For FY15
13 we were right at one week.

14 Licensing this quarter, there were 6,527 electrical
15 licenses processed. The turnaround time for processing
16 these has returned to 100 percent the same day. Phone
17 calls remain steady. And licensing has been able to
18 maintain a hold time of a minute or less.

19 That's it for the Secretary's Report.

20 CHAIRPERSON PREZEAU: Don.

21 BOARD MEMBER BAKER: Steve, what's the 43 percent in
22 reference to the citations? It's titled "All Focused."
23 What does that mean?

24 SECRETARY THORNTON: So where are you seeing that?

25 BOARD MEMBER BAKER: I'm looking at the asterisk

1 right below the chart.

2 SECRETARY THORNTON: Oh.

3 BOARD MEMBER BAKER: I'm wondering what that "All
4 Focused" means.

5 SECRETARY THORNTON: That's the percent of the total
6 that are focused on the underground economy. Unlicensed,
7 no permit, and uncertified.

8 CHAIRPERSON PREZEAU: Any other questions for the
9 Chief?

10 SECRETARY THORNTON: And last month we had some
11 questions about compliance and such, which is some of the
12 paperwork that --

13 CHAIRPERSON PREZEAU: Before we go there, if we can,
14 so last month or last quarter -- I don't know that this --
15 maybe I -- I asked the question and actually the
16 Department legislative report, and maybe I understood the
17 answer. But there's three subspecialty certificates, an
18 09 and two 07 subspecialty certificates that their scope
19 of work defined in statute and not in rule, and that there
20 was one piece of legislation that passed in the 2016
21 legislative session that may or may not have had an impact
22 on the Department's -- the program's ability to handle
23 those scopes of work. And I believe as of the last Board
24 meeting, the assistant attorney general for the program
25 hadn't -- had not had a chance to review that piece of

1 legislation to see if it actually had an impact or had
2 they have -- were they able to -- it was unclear to me in
3 the transcripts if we knew whether or not that piece of
4 legislation has an impact on the program or not. Was I
5 misreading that?

6 SECRETARY THORNTON: No. I -- we haven't made that
7 determination yet.

8 CHAIRPERSON PREZEAU: Okay. So that's still pending?

9 SECRETARY THORNTON: Yes.

10 CHAIRPERSON PREZEAU: Okay. Great. Yes. Let's go
11 -- that's the only other question I had.

12 So yeah, if you want to go to --

13 SECRETARY THORNTON: This right here (showing).

14 CHAIRPERSON PREZEAU: The big flow chart?

15 SECRETARY THORNTON: Yeah, the big flow chart.

16 So break? We're an hour and a half into this.

17 BOARD MEMBER WARD: Madam Chair, I just had a quick
18 question.

19 On the percentages at the bottom of the asterisk,
20 we're a little confused on how that adds up. It actually
21 adds up to 148 percent I think it was. We were just
22 talking over here. Maybe it's just the way that it's
23 described.

24 CHAIRPERSON PREZEAU: So Steve, they're back on the
25 ScoreCard, right? or key performance indicators. And what

1 I'm hearing them say is that asterisk, if you add 16 and
2 32 and 57 and 43, you get definitely a number that's in
3 excess of 100 percent.

4 SECRETARY THORNTON: Yeah. And it says percent of
5 warning by violation type. So 16 percent of licensing
6 citations are warnings. 32 percent -- well, I don't think
7 that's right either.

8 BOARD MEMBER LAMAR: It could be multiple violations
9 on the same stop.

10 SECRETARY THORNTON: And I'm not sure how that works
11 out that way. I'll have to -- I'll find out at break.

12 CHAIRPERSON PREZEAU: Yeah, I would -- you know, I'm
13 not -- nobody's interested in extending time just for the
14 opportunity to extend time. But you'll notice our AAG's
15 no longer with us because she needed to take a break.

16 So I would suggest that we take a ten -- if we can
17 come back on the record at 20 minutes to the hour.

18

19 (Recess taken.)

20

21 CHAIRPERSON PREZEAU: Okay, so it is -- we've had a
22 little longer break. So we are back on record. It is
23 10:43. Back on record.

24 And Steve, were you able -- during the break, were
25 you able to get an answer for these --

1 SECRETARY THORNTON: Yes.

2 So as far as that asterisk, that is correct. 16
3 percent of all licensing citations are warnings. 32
4 percent of certification. 57 percent of permitting.

5 And if you took the percentage times the number, it
6 should equal -- because those were all focused. The 43
7 percent of all focused, not the percentage, but numbers
8 should match. The first three versus the last one.

9 And the permitting, 57 percent, I'll want to talk to
10 you a little more about that later. That's the homeowner,
11 our policy that we always write a warning to the homeowner
12 the first time because a lot of them truly just don't
13 know. And that's taken a lot of our time, and I would
14 like to do something a little different there.

15 BOARD MEMBER BAKER: Well, that's confusing.

16 SECRETARY THORNTON: Yeah. And I'll -- we'll do
17 something to get that on there a little plainer so it
18 makes more sense, or I'll have a better explanation --

19 BOARD MEMBER BAKER: So the 4,172 is all inclusive of
20 warnings and citations?

21 SECRETARY THORNTON: Correct.

22 So we had -- does everybody have their flow chart?

23 So we had the issue with the suspension and the fact
24 that it took a long time to get to that stage. So we have
25 developed a standard work process for suspensions and

1 revocations. That's in the big flow chart.

2 When we went back and looked at what we had in the
3 system as far as possible suspensions, there were 390
4 people that had -- or entities that had a second offense
5 for the same violation. There were 52 that had the third
6 offense, which puts them into this flow chart.

7 So at the third offense, we would send them a warning
8 letter from the Chief, which you have a copy of that in
9 your -- it's this one (showing) right here. It's kind of
10 just a fill-in-the-form one right now.

11 So that would go out to those 52 people.

12 The fourth offense, there are 16 entities in that
13 group. And those would -- citations or serious violations
14 are doubled. Then they would have a mandatory face-to-
15 face meeting with the chief and mandatory four-hour
16 training CEU class by a technical specialist or a trainer,
17 possibility of a one-day suspension. And then they would
18 be able to retest once that suspension is up just to get
19 their attention.

20 The fifth offense, there are five people in that
21 category right now. That would entail a six-month
22 suspension, a retest to regain their certificate,
23 mandatory face-to-face meeting with the Electrical Board
24 prior to the examination or application.

25 And then the sixth offense, there are two people in

1 that category. That would be a one-year suspension or
2 greater, retest to regain their certificate, mandatory
3 face-to-face meeting with the Electrical Board.

4 And there is one person that is in the seventh
5 offense, or one entity.

6 We have suspended one so far, and we have four
7 others. You know, once we got this list, we started
8 working on -- and we have three others in the process.
9 Letters are drafted and ready to go out.

10 So we will be working on these in reverse order. The
11 most egregious first, and then work our way up the list.
12 When we found out that there was this big a group, it was,
13 you know, too much to tackle all at once. So we're
14 starting with the worst offenders and working backwards.

15 So the other part of that flow chart is the
16 non-conforming. First offense, citations are a serious
17 violation, an e-mail to the Chief for approval to double
18 the penalty. As an inspector, if you find somebody that's
19 doing a non-conforming installation, they have to notify
20 the Chief and get approval to issue it as a serious
21 violation, and then it's automatically doubled.

22 If -- and their second option if they see something,
23 that is to e-mail the Chief to get the double penalty
24 amount included and a recommendation for suspension with
25 the circumstances and justification.

1 So if it was a non-conforming and it was not
2 something they felt was requiring a suspension, they would
3 just double the penalty. If they think it's something
4 that justifies a suspension, then they have to get the
5 documentation and the reasoning to the Chief so that we
6 can make a decision on whether that's the appropriate
7 thing to do.

8 CHAIRPERSON PREZEAU: Steve, there's some pretty
9 specific, like it's detailed. Is it in rule or in the
10 statute? Do you remember?

11 SECRETARY THORNTON: It's in rule. I don't think
12 it's in the statute.

13 CHAIRPERSON PREZEAU: It's like shortening a ground
14 rod.

15 SECRETARY THORNTON: Right. A lot of grounding type
16 issues, cutting off ground rods.

17 So there would be a few scenarios that would be in
18 the serious category that would not entail a suspension.
19 We didn't want to automatically go to giving people the
20 ability to suspend them without communications and
21 justification as such.

22 CHAIRPERSON PREZEAU: Do you have corresponding
23 numbers for people -- like do you have people in this flow
24 chart like you do --

25 SECRETARY THORNTON: No, I do not, no.

1 CHAIRPERSON PREZEAU: And I just -- so to make sure
2 we have this in the -- back over to the, you know, three
3 year greater offenses or incidences, in the third offense
4 corral, you have 52 people in that corral right now? 52
5 entities in that corral?

6 SECRETARY THORNTON: In the third offense, yes.

7 CHAIRPERSON PREZEAU: And in the fourth offense
8 corral, you have 16.

9 SECRETARY THORNTON: Yes.

10 CHAIRPERSON PREZEAU: In the fifth offense corral,
11 you have five.

12 SECRETARY THORNTON: Right.

13 CHAIRPERSON PREZEAU: Six is two.

14 SECRETARY THORNTON: Yep.

15 CHAIRPERSON PREZEAU: And seven is one.

16 And did you give a statistic before the third offense
17 that I maybe missed or --

18 SECRETARY THORNTON: There are 390 that have had two.
19 They haven't hit this flow chart yet. But any one of them
20 when they get their next violation

21 And from an industry-related point of view, you have
22 to probably assume that these numbers will regenerate as
23 we keep going, that this is -- you know, it's an ongoing
24 issue. So there will be more people that come onto this
25 list. As we drop them off with suspensions on the other

1 end, there will be others that climb into these
2 categories. It's not like there's nothing out there or
3 people out there to catch.

4 BOARD MEMBER BAKER: Steve, what did you say the
5 consequences were for the seventh offense?

6 SECRETARY THORNTON: Seventh? It would be the same
7 as sixth. We just -- we would have caught them earlier.
8 Yeah. So we would have caught them at the sixth offense.

9 BOARD MEMBER BAKER: So is it possible that someone
10 in the -- I can't believe you have people in the sixth and
11 seventh offense -- but is it possible that they would have
12 a current journeyman's license or administrator's license
13 and they would still have to retest after that year?

14 SECRETARY THORNTON: It would --

15 BOARD MEMBER BAKER: You're suspending their license,
16 but it may not expire within that one-year period. And
17 I'm wondering would they still have to retest?

18 SECRETARY THORNTON: Once they get suspended, they
19 would have to retest to get back, yeah.

20 BOARD MEMBER BAKER: Okay.

21 SECRETARY THORNTON: And I had another thought when
22 you were talking about that, and I forgot what it was now.

23 CHAIRPERSON PREZEAU: Well, and I think I want to
24 make sure that people are viewing this -- you know, we had
25 a lot of conversation obviously about this following the

1 original hearing that we had in April. And it was very
2 clear when Ms. Jeffreys addressed the Board that these are
3 identical offenses. And so you can have -- you know,
4 under these focused citations, as you read in the
5 Secretary's Report, you've got -- you know, not having
6 your -- you know, not having a permit which, you know,
7 negates the inspection or employing uncertified people or
8 these -- so it's got to be -- it's the exact same
9 violation. It's not just this umbrella of focused
10 violation, right?

11 SECRETARY THORNTON: Right.

12 CHAIRPERSON PREZEAU: So in order to get into these
13 corrals, right? you have to have three offenses of no
14 permit, not just one of the focused -- right? So it's
15 three offenses, no permit, or three offenses, no employing
16 uncertified people.

17 And so, you know, that makes maybe -- like Bobby was
18 -- it looks like his head's going to pop off.

19 BOARD MEMBER GRAY: Well, I'm thinking as I'm reading
20 through this thing that the next citation is going to be
21 working without a license because it's been suspended,
22 working without administrator's license, without a
23 contractor's license. So I can see this just going on and
24 on and on.

25 So it seems at some point there ought to be -- and I

1 know we had that discussion last meeting, and it seemed
2 like it was almost impossible to motivate somebody to
3 perhaps take a different career path rather than
4 electrical.

5 SECRETARY THORNTON: Most people, that's all they
6 know.

7 BOARD MEMBER BAKER: Is there a time frame for these
8 incidences? For instance, is it within a year? For
9 instance, within a lifetime?

10 SECRETARY THORNTON: I think it's three years, in a
11 three-year period.

12 BOARD MEMBER BAKER: Three-year history, okay.

13 SECRETARY THORNTON: And then as far as permitting
14 issues, then you have to also look at the size of the
15 company and how many are they buying, is this just a
16 matter that you missed one out of a hundred or is this
17 something you do on a daily basis just until you get
18 caught. So that's why a lot of those come through the
19 Chief's office is so we can make those determinations.

20 ASSISTANT ATTORNEY GENERAL REULAND: I have a
21 question.

22 CHAIRPERSON PREZEAU: Sure.

23 ASSISTANT ATTORNEY GENERAL REULAND: I notice -- this
24 is the first time that I've seen this, but I notice on
25 here that the fifth and sixth offense you want to require

1 a mandatory face-to-face meeting with this Board. I
2 haven't researched it. But what does the Department
3 envision this Board being able to do regarding those
4 issues?

5 SECRETARY THORNTON: Well, we weren't absolutely sure
6 that we could do that. So -- but we wanted to have it on
7 here as a reinforcement, and if we can't, we'll adjust it.

8 ASSISTANT ATTORNEY GENERAL REULAND: Yeah, I wrote
9 that down.

10 SECRETARY THORNTON: If they weren't impressed by a
11 face-to-face meeting with the Chief, then we thought the
12 next step would be here.

13 ASSISTANT ATTORNEY GENERAL REULAND: So it's
14 something that we're going to be evaluating.

15 SECRETARY THORNTON: Yes.

16 The other part of it is is let's say we suspended 52
17 of those people, do we have the time to listen to 52
18 appeals here? So ...

19 ASSISTANT ATTORNEY GENERAL REULAND: Well, I guess I
20 just would express my concern in terms of, you know, you
21 always have the right to public comment before this Board,
22 and you have the right -- if the Department takes action,
23 the Board has the right -- or you have a right to appeal
24 to the Board. I would be concerned with either the
25 Department or an entity or someone coming before the Board

1 without it being in the hearing process and maybe there
2 being some sort of ex parte communication or information
3 being passed to the Board members who might ultimately be
4 making a decision on the merits of their appeal, and that
5 obviously would be inappropriate.

6 So I think that that's a problem that if the
7 Department's going to take formal action and that's going
8 to come to the Board, it is not appropriate for that
9 person then be given an opportunity to air their
10 grievances outside of the hearing process. Does that make
11 sense?

12 SECRETARY THORNTON: Uh-huh.

13 CHAIRPERSON PREZEAU: Yeah, no, I mean, as much as
14 you may want to have these conversations, and it's quite
15 possible that 19.28.051 actually would give us the
16 jurisdiction to do that because it is "the purpose and
17 function of the Board to establish in addition to a
18 general electrical contractors' license, such
19 classifications of specialty electrical contractors'
20 licenses as it deems appropriate with regard to individual
21 sections pertaining to state adopted codes in this
22 chapter. In addition, it shall be the purpose and
23 function of the board to establish and administer written
24 examinations for general electrical administrators'
25 certificates and the various specialty electrical

1 administrators' certificates. Examinations shall be
2 designed to reasonably ensure that general and specialty
3 electrical administrators' certificate holders are
4 competent to engage in and supervise the work covered by
5 this statute and their respective licenses."

6 So I think that that statute -- it's the one place
7 where in the laws and rules of the Electrical Board has
8 authority over -- so it would be all the examinations.
9 And we own it to ensure the general and specialty
10 electrical administrator certificate holders are
11 competent. So -- and I think you could argue that.

12 But I think Pam brings up a terrifically important
13 legal position, which is, you know, we have been very
14 cautious when folks come here under public comment and
15 want to talk about things that potentially will arrive
16 here. And so we stop those conversations, and rightfully
17 so.

18 SECRETARY THORNTON: And Faith just reminded me that
19 the suspension happens after all the appeal rights. So
20 they would have already gone through the appeal process
21 before they got suspended. And then it would be a matter
22 of their of reinstatement.

23 ASSISTANT ATTORNEY GENERAL REULAND: As long as
24 that's clear.

25 SECRETARY THORNTON: Yeah.

1 And, you know, a certain amount of them will get the
2 picture when they meet with the Chief and get the double
3 penalties and those kinds of issues before they get to
4 that stage. But we wanted to be able to have it as an
5 option if we needed it. So ...

6 CHAIRPERSON PREZEAU: I mean, and there's the other
7 option, which I just put my statute and rule book away is
8 prosecution by the attorney general, which we talked about
9 last quarter as well.

10 Any thoughts?

11 I think, Steve, you're just sharing this for
12 information like from the --

13 SECRETARY THORNTON: Yeah, this is the first draft of
14 this. Because we had -- said we would give you a report
15 out this meeting. This is what we've come up with so far.

16 (To Board Member Baker) You're looking at me like you
17 want to ask a question, Don.

18 BOARD MEMBER BAKER: Well, I'm glad Pam brought up
19 the mandatory face to face with the Electrical Board
20 because I don't understand what authority we have to tell
21 somebody whose license has been suspended a year later
22 that they have or do not have the right to sit for an
23 exam. I don't know if we have any authority over that,
24 right? Because the way this is worded, they would come
25 before us before they were given approval to sit for an

1 exam.

2 ASSISTANT ATTORNEY GENERAL REULAND: And they can
3 travel to Spokane.

4 BOARD MEMBER BAKER: They can travel to Spokane to
5 sit before us as well.

6 So unless we change the statute giving us that
7 authority, I don't know what we would do with that
8 individual.

9 Do we have the right to deny them the opportunity to
10 sit for that exam?

11 SECRETARY THORNTON: I would doubt it, yeah. Because
12 once their suspension is up, then they have to retest.

13 BOARD MEMBER BAKER: Yeah. Unless it was somehow in
14 the language of that -- there was language regarding a
15 suspension that when they came back, they had to be
16 approved by the Board to sit for that exam.

17 CHAIRPERSON PREZEAU: Well, and this definitely came
18 up in the last Board meeting, and I think it's appropriate
19 -- you know, we're going to engage in rulemaking, right?
20 It's going to start not -- you know, obviously separate
21 from the fee increase, but the rulemaking process for
22 296-46B, you know, is first of the year 2017-ish is, you
23 know, my hope quite honestly would be that someone within
24 the Department is maybe looking at some inconsistencies
25 between the rule, right? Because there's several places

1 in the rule that talks about suspensions and revocations
2 for different reasons.

3 And what I heard -- what I concluded at the last
4 meeting was that it's -- you know, when we had Ms.
5 Jeffreys engaging with us that there's -- maybe it's not
6 100 percent clear like what -- who retests and who
7 doesn't retest and what this -- you know, what's the --
8 what is -- what does it mean to be revoked versus
9 suspended, like there's maybe some areas that are not well
10 defined in the rule. And I think that this is an oppor --
11 this is -- like part of this conversation going forward
12 not only is, you know, maybe our frustration in, you know,
13 these -- a number of people in these corrals, but also
14 like let's be intentional about studying the rule to make
15 sure that we don't have meetings like we did last quarter
16 where it's a little bit gray what is supposed to be
17 happening, what's not supposed to be happening.

18 BOARD MEMBER BAKER: I'm thinking of a recent
19 individual we had before us that was appealing his right
20 to sit for an exam, and he was denied that right; he was
21 appealing that to our Board.

22 It seems appropriate and part of our conversation
23 with that individual was he had been in the trade for so
24 long that he really needs to go through a formal
25 apprenticeship program. Even though he may have had the

1 hours 20 years ago, the codes have changed.

2 So we if suspend somebody, at what point does that
3 knowledge that they had at one point -- at that time
4 become worthy of being tested and yeah, you need to now to
5 go through another apprenticeship program or -- somewhere
6 we need to have some language that defines that if the
7 Board is going to rule on an individual having the right
8 to sit for the exam. Right now it's if you have the
9 hours, right?

10 SECRETARY THORNTON: Yeah.

11 CHAIRPERSON PREZEAU: Well, and there's some other
12 caveats, right?

13 BOARD MEMBER BAKER: Yeah.

14 CHAIRPERSON PREZEAU: Training schools, military
15 experience.

16 ASSISTANT ATTORNEY GENERAL REULAND: I would just
17 add, if I may, to your comments in terms of the legal
18 authority of the Board. And from a legal perspective, I
19 think it is problematic if we -- if someone says -- if the
20 Department says, "You have to have a mandatory meeting
21 with the Electrical Board," and then the Electrical Board
22 says, "Well, we can't do anything for you." That seems
23 that it's -- that you sort of indicated that the Board has
24 some authority the Board may not have, and that person may
25 get frustrated. And this happens all the time. And

1 people petition to the Governor or petition to the Board
2 because they think the Board can change the Department's
3 decision. And my concern is that you may be sending the
4 wrong -- that may be the sending the wrong message to
5 these entities and these people, and that's -- it's not
6 fair to the Board, it's not fair to those entities if
7 that's the -- you know, to convey a message that the Board
8 has some authority that it doesn't have.

9 Now, I don't have -- I haven't researched it. But
10 even after the appeal status, what's the point? What can
11 the Board say? "We recommend to the Department that you
12 sit for an exam"? Because that's not going to change the
13 Department's decision.

14 SECRETARY THORNTON: So then would you be okay with
15 just being notified of the people that were in these
16 buckets rather than having them have to come here and talk
17 to the Board?

18 BOARD MEMBER BAKER: I like giving us the authority
19 to get them approved or denied and the right to sit for
20 the exam. If they've been suspended for whatever reason,
21 and they come before us a year later, I think we -- I like
22 the idea of us having the authority to say, "Yeah, sorry."

23 ASSISTANT ATTORNEY GENERAL REULAND: It has to be in
24 rule.

25 BOARD MEMBER BAKER: Yeah, we have to change the

1 rule, correct.

2 CHAIRPERSON PREZEAU: We'd have to change the rule.

3 The other thing, though, that we talked about last
4 quarter was --

5 So, Steve, I don't know if you were indicating in
6 your statement that, you know, you would report to us the
7 numbers in these corrals. I mean, last quarter we talked
8 about knowing their names, like publishing their names.

9 And I don't remember -- I think it was Dylan had said
10 that in the engineer's society or something like if you
11 commit an infraction that is serious enough that they
12 publish the -- you know -- I don't know about -- kind of
13 like making people wear a scarlet letter.

14 But, you know, I mean, you can -- you know, if you
15 know somebody -- like, you can look me up on the L & I,
16 you know, database and see whether or not my license is
17 current and how long I've held it, you know. And as an
18 electrical contractor, you can see if you have any
19 violations.

20 But what we don't do is -- so that, you know,
21 information is within that database, but what we don't do
22 is, you know, publish the names of the folks that are, you
23 know, in these pretty serious, you know, corrals.

24 And, you know, I don't know. Maybe -- you know, last
25 quarter you guys wanted to. I mean, if you look at the

1 number of people that are currently occupying the fourth,
2 fifth, sixth and seventh, it's 24 names.

3 SECRETARY THORNTON: And one time we used to publish
4 in the Currents newsletter the violators and the type of
5 violations and such. And at times it was a pretty
6 impressive list of who was on there.

7 BOARD MEMBER BAKER: Let's just face it. If somebody
8 makes it to the fifth, sixth and seventh offense, they
9 either got a learning disability or they're just plain
10 defiant of the system. They should come before the Board
11 before we allow them to sit for an exam again.

12 CHAIRPERSON PREZEAU: Janet.

13 BOARD MEMBER LEWIS: I like the idea of possibly
14 publishing them if their licenses or certificates have
15 been suspended and they've gone through the appeal process
16 and it's a final decision, then we publish. You know,
17 trying to publish anything prior to any of that process
18 kind of taints -- I mean, you know, it's not a final
19 decision.

20 ASSISTANT ATTORNEY GENERAL REULAND: It has to be
21 final.

22 CHAIRPERSON PREZEAU: And I agree completely.

23 BOARD MEMBER WARD: Madam Chair, I do believe that's
24 how it's done with the professional engineer license. It
25 goes through the whole process. I get the quarterly

1 report.

2 And I guess the only issue is I think it only goes
3 out to those that are licensed engineers. We would have
4 to find another forum to make sure that gets out. But I
5 think that's the process they use that you were
6 describing.

7 CHAIRPERSON PREZEAU: Steve, are you -- any other
8 comments or questions from the Board?

9 Ryan.

10 BOARD MEMBER LAMAR: I really do think we owe it to
11 the public to publish those names if we allowed to do so.
12 Because the public are the ones that are actually hiring
13 the services. And so -- (inaudible) -- we want the public
14 to know to avoid people who commit these types of
15 infractions.

16 SECRETARY THORNTON: And the Currents newsletter goes
17 to contractors and licensed individuals. We'd probably
18 have to publish them somewhere other than that if it was
19 going to get to the general public.

20 CHAIRPERSON PREZEAU: I mean, I can just like think
21 of some interesting places to put it. Wholesale houses,
22 Home Depot, Lowes.

23 I know. Absolutely. The attorney is like -- I
24 understand that. I'm just -- this is a brainstorming
25 situation.

1 BOARD MEMBER BAKER: Post office.

2 SECRETARY THORNTON: I just saw my popularity plunge.

3 CHAIRPERSON PREZEAU: Well, I mean, it's the same --
4 you know, it's the same -- it was the exact same
5 motivation that was behind the visible license, having
6 electricians, whether they're general journeymen or
7 specialty journeymen or trainees have to visibly display
8 their license so that -- for a couple of reasons.

9 But one of them was so that the public would know
10 when the truck pulls up in your driveway to do the work
11 that's the service call, that if you're paying for a
12 journey level worker that that's what you're getting.
13 Right? And so that they -- you know, and certified
14 appropriately.

15 So I completely appreciate your comments. And, you
16 know, maybe we can look into that. Or the Department can
17 look into that.

18 SECRETARY THORNTON: So did anybody see any other
19 possible adjustments to the bullet points under those
20 offenses on the left-hand side?

21 Okay. On the other side, the non-conforming
22 citations, I do have some numbers here.

23 Serious violations for FY16, there were 30 total
24 instances that are in final status. There are 28
25 instances in final status that are current or former 19.28

1 licensing or certificate holder issues.

2 CHAIRPERSON PREZEAU: Wait a minute. Say that again,
3 Steve?

4 SECRETARY THORNTON: 27 instances where the -- it has
5 to do with 19.28 licensing and certificate holders. So
6 the individuals that probably actually perform those
7 duties. Cut the ground rods off.

8 Historically FY14 there were three. FY15 there were
9 four. FY16 there's 13. So I think a lot of that goes
10 along with new people.

11 Just the other day, we had a individual with a
12 trainee with him, and he was training him, and he was
13 cutting off the ground rod.

14 BOARD MEMBER GRAY: "This is how you do it."

15 SECRETARY THORNTON: Yeah. Well, I don't know that
16 that was the case. But ...

17 CHAIRPERSON PREZEAU: That's the outcome.

18 SECRETARY THORNTON: Yeah. When it gets too hard to
19 drive, just cut it off.

20 Like Jose' was talking earlier, the newer workforce
21 along with the newer inspectors, we seem to be writing a
22 lot more corrections for both people's issues.

23 So on the second offense -- we went over the first
24 offense where the inspector wants or thinks it justifies
25 suspension or revocation, they have to call and give their

1 reasoning why to the Chief and get the okay to do that.

2 On the second offense, there's a double penalty. Get
3 the approval from the Chief. One year or greater,
4 suspension letter. Retest to regain their certificate.
5 And there again we've got the Board on there.

6 So -- well, I'll put a note on there to see if we can
7 can't get you guys the authority to see those.

8 CHAIRPERSON PREZEAU: Well, I think we might actually
9 have some -- that might -- we might have a different
10 situation when it comes to non-conforming installations
11 because there's language in the statute and rule that
12 deals with non-conforming installations or -- not --
13 questions about installation practices, right? I don't
14 know if it would --

15 ASSISTANT ATTORNEY GENERAL REULAND: Off the top of
16 head, I don't know what statute -- I don't know which
17 provision. I'd have to read it.

18 CHAIRPERSON PREZEAU: No. I know. I mean, I'm not
19 looking to solve it here. But I think that there's --
20 there's two sections that have to do with installations
21 that -- you know, of parties can bring it to the Board.
22 Bobby.

23 BOARD MEMBER GRAY: Thank you, Madam Chair.

24 As I'm thinking through this, I -- if we hear an
25 appeal, in other words, if the Department has denied a

1 person the opportunity to take an exam for cause, and they
2 can provide justification and come before the Board, and
3 each side was able to present their case on why they
4 should be able to or why they should not be able to,
5 that's one thing. But if -- if we're put in a position to
6 where someone just comes to us, and we have to make a
7 decision yes or no, it almost seems like we would have to
8 be able to provide the burden of proof. If we do deny
9 somebody that opportunity, and they go away, that we would
10 have to somehow maintain evidence and support on why we
11 denied that. So, I mean, I'm certainly --

12 You see what I'm trying to say? If we're just
13 hearing an argument between someone who's appealing for
14 the opportunity to take the exam, and the Department
15 believes that person should not take an exam for whatever
16 reason because it's been too long or whatever reason,
17 that's one thing. And we can hear that action in a judge
18 role.

19 But if we're just going to have somebody come because
20 that's part of their penalty, and they come to us, and
21 then we decide yes or no, we think "Based on our interview
22 you can take the exam" or "you cannot take the exam," I
23 think that puts us in a bad situation because I think then
24 we would have to maintain some sort of a custody of
25 evidence for later on if they go file some sort of a legal

1 action on us not allowing them to go ahead with their
2 gainful employment.

3 ASSISTANT ATTORNEY GENERAL REULAND: They'd have some
4 sort of appeal right, and you have to have a record.

5 BOARD MEMBER GRAY: Exactly.

6 ASSISTANT ATTORNEY GENERAL REULAND: You've got to be
7 able to contest the Board's decision.

8 BOARD MEMBER BAKER: Yeah, I would agree with that.

9 My vision of that would be that there would be
10 somebody from the Department up there making a
11 recommendation either to allow them or deny them the
12 right. Then that individual would have to right to plead
13 their case as well.

14 SECRETARY THORNTON: And then the Department would be
15 presenting the evidence probably.

16 BOARD MEMBER BAKER: Yeah.

17 BOARD MEMBER GRAY: The way this -- the way I read
18 this bullet was that it would be like they're coming to
19 the principal's office. Come in here and beg our
20 forgiveness, and we would say, "Okay, never let it happen
21 again." But ...

22 SECRETARY THORNTON: This was a first draft.

23 BOARD MEMBER GRAY: Okay.

24 SECRETARY THORNTON: This was the principal's office,
25 yes.

1 BOARD MEMBER WARD: Madam Chair, in the same way,
2 Steven, was your approach that you would let's say deny
3 it, then it would be appealed? That denial would be
4 appealed to us, and then the case would be made? Or have
5 you thought that far --

6 SECRETARY THORNTON: Well, I don't know that we
7 thought it out quite that far. I mean, it was more of a
8 matter of, Okay, if talking to the Chief didn't affect
9 them, what is the next step that we can take to convince
10 people to do it the right way before they just keep on
11 doing the wrong thing.

12 ASSISTANT ATTORNEY GENERAL REULAND: And I think you
13 also have to keep in mind that the Board is separate from
14 the Department. And the Board may not necessarily agree
15 with the Department's position. You are an independent
16 body. It's very important to maintain that independence.
17 Or if the Department believes that in some way that this
18 Board might disagree and make a recommendation different
19 than the Department.

20 But again, that's -- if you send that message to the
21 person, what message are you sending to them? And I think
22 it comes down to what the Board can and can't do.

23 BOARD MEMBER BAKER: Yeah, you wouldn't be able to
24 cherry pick which ones you want to bring before the Board,
25 right? All would come before the Board. Everyone has

1 their day with the Board. And L & I would have to plead
2 their case as to why or why not they would be eligible to
3 sit for the exam.

4 ASSISTANT ATTORNEY GENERAL REULAND: And the
5 Department would have to live with the decision just as
6 the entity would. And maybe you don't want that.

7 The Board cannot be an arm of the law or seen as an
8 arm.

9 CHAIRPERSON PREZEAU: All right.

10 What else you got for us, Steve?

11 SECRETARY THORNTON: On the -- there's another chart
12 that you have about corrections. And this was something
13 that we talked about last meeting also.

14 This shows the -- our serious corrections. Total
15 permits purchased by contractors versus homeowners. Total
16 number of inspections. Inspections per permit, which
17 shows that we do about 40 percent more inspections on a
18 homeowner permit than we do a contractor.

19 Total number of corrections. 67,000 for contractors
20 versus 29,000 for homeowners, which when you first look at
21 that, that doesn't look right. But then when you compare
22 it to the total number of permits purchased, there's
23 almost five times -- or ten times as many permits by
24 contractors and about double the number of total
25 corrections. So when you look at it compared to the

1 number of permits, then it makes more sense.

2 Serious corrections. 29,495 versus 14,480 for
3 owners.

4 Corrections per inspection. .33 for contractors, and
5 1.3 for owners.

6 Serious corrections per inspection. 1.5 -- or .15
7 for contractors, and .51 for owners.

8 Serious corrections are generally always grounding
9 issues. Anything in hazardous areas: swimming pools,
10 hottubs. Those are all things we consider serious.
11 Where, you know, a box fill or something a little more
12 minor, we don't put in that category. That makes up the
13 other group.

14 And it shows them in graph form at the bottom. But
15 that's just some more information from last month about
16 serious corrections.

17 As far as -- I commented earlier in the Secretary's
18 Report about the percentage of warnings on the focused
19 citations. With the workload issues that we have and the
20 balance between inspections and compliance and the large
21 percentage of permits in the focused group, those
22 generally go to homeowners, which we're only going to deal
23 with one time, and maybe ten years from now we'll deal
24 with them again.

25 I would like to take that time and do inspections

1 with it rather than deal with those individuals. If we
2 decide to do that, as you can see, 57 percent of the
3 permitting ones are in the focused group. That will be
4 numbers that don't go into the total. So our total number
5 of citations issued in the focused categories will become
6 less, not from lack of effort or anything, but just a more
7 focused attempt on the true underground economy rather
8 than just an effort to collect a bean and make it look
9 decent.

10 So my intent is to focus our efforts more on the true
11 underground economy and free up the time we spend writing
12 citations and warnings and statements and tracking all the
13 documentation and trying to keep the guys in the field
14 doing inspections more and less compliance time for what
15 is not very productive.

16 So if the total compliance numbers go down, that will
17 be a major contributing factor on that. But I'll have an
18 update at every meeting on what that is turning out to
19 look like.

20 Don's looking at me again.

21 BOARD MEMBER BAKER: Well, it's an interesting
22 comment you just made.

23 Your inspectors not only do compliance in L & I 's
24 jurisdiction, but they do compliance in the city
25 jurisdictions as well.

1 SECRETARY THORNTON: Yes.

2 BOARD MEMBER BAKER: How does that what you said
3 affect that?

4 SECRETARY THORNTON: I hadn't thought about it a lot.
5 But I would think that most of our compliance inside the
6 cities is through the E CORE team. And that won't change
7 much other than maybe a little more proactive approach and
8 a little more outreach when we get the chance than the
9 reactive of citing people after they've made mistakes.

10 They have a certain amount of time they spend now
11 visiting contractors and going over different issues that
12 they have had with them and such and would like to do a
13 little more of that.

14 Most of the inspectors as such are busy enough in
15 their own areas that they don't go inside of the cities
16 unless they're asked. And I would think that in most
17 cases those are not homeowners. If the cities have an
18 issue, it's going to be with a contractor that they've
19 asked us to --

20 BOARD MEMBER BAKER: But it sounds -- usually in the
21 cities it's the local inspector picking up the phone.
22 Does he call on E CORE? Or who does he call on saying,
23 "Yeah, I've got a contractor, it looks like they're
24 working here" or --

25 SECRETARY THORNTON: I would say he's calling whoever

1 he knows, which is more likely the local inspector. And
2 the local inspector sends that on to ECORE, depending on
3 how complicated it looks like it's going to be and how
4 busy he is.

5 BOARD MEMBER LEWIS: I think, you know -- I think
6 city compliance and city inspec -- it's different in every
7 city. And I don't know that -- like Steve was saying,
8 they may have one or two contacts at L & I at their local,
9 you know, nearest office they call. Or the ECORE team. I
10 do know the City of Seattle inspectors will call the ECORE
11 team. But just like all inspectors, they're totally, you
12 know, inundated permits, especially in King County, and
13 inspections.

14 But that's an area that I real wish the state would
15 work better with cities in terms of getting, you know,
16 communicating better with compliance issues. Because
17 there are an awful lot of violators in Downtown Seattle
18 right now.

19 BOARD MEMBER BAKER: Yeah, I would totally agree with
20 that.

21 What's concerning when I hear the comment that maybe
22 inspectors will have some compliance taken off their plate
23 so they can focus more -- which is important -- and trying
24 to balance that workload; I get it.

25 But from a contractor, from a public's perspective,

1 that opens the doors to the underground economy, and if
2 you're not going to balance that out by picking up five
3 more ECOPE members, I don't know how you can keep that
4 under control.

5 SECRETARY THORNTON: And we have put in for an FTE
6 package which if and when we get that we'll be looking at
7 putting more people in the feed.

8 Like I said, the compliance reduction part is
9 homeowners is where it's at. We wouldn't -- hopefully we
10 would lighten the load on the inspectors to where they'd
11 have more time to pull over and check the Sheetrock full
12 of -- or the garage full Sheetrock where there's a pretty
13 good chance there's somebody in there doing work rather
14 than the time to write a warning to a homeowner because
15 they were there doing a service change and they found a
16 circuit he added three years ago or something of that
17 nature.

18 Bottom line, just trying to maximize our time doing
19 the important compliance.

20 CHAIRPERSON PREZEAU: In the commercial -- I mean, so
21 not homeowners. So we just want to be clear, right?

22 SECRETARY THORNTON: Right.

23 CHAIRPERSON PREZEAU: So the distinction is
24 homeowners versus entities that are contracting.

25 SECRETARY THORNTON: And like I said, that's just a

1 thought right now. It's something that's come out of the
2 focus groups.

3 So next month when we have kind of divvied up all of
4 that stuff, have it all down on paper what they are, where
5 it's at, I'll have a better report with numbers and such
6 that will give you a better idea of what I'm thinking
7 about anyway.

8 BOARD MEMBER BAKER: So the under the property owner
9 permits, you have 14,769. Does that include commercial
10 annual permits?

11 SECRETARY THORNTON: It could, yes.

12 CHAIRPERSON PREZEAU: Do you think, Steve, you could
13 let us next quarter, can you break that out?

14 SECRETARY THORNTON: As far as the type of owner
15 permits?

16 CHAIRPERSON PREZEAU: Yes. That would be cool.

17 SECRETARY THORNTON: Okay.

18 CHAIRPERSON PREZEAU: Right, Don?

19 BOARD MEMBER BAKER: Yeah. I just don't want to
20 assume we have under serious corrections 14,480
21 homeowners. Almost every single permit there was a
22 correction written. And my first thought was how many of
23 those were annual permits? Because I know there's a lot
24 of businesses that have annual permits.

25 SECRETARY THORNTON: Right. And I would venture a

1 guess that once you break out the more professional type
2 owners, the corrections are going to skyrocket on
3 individual owners. That's where most of the corrections
4 are written and where most of them are going to be serious
5 because they're going to be grounding-type issues where
6 somebody didn't have the crimp, so he just twisted or --
7 you know, just the normal stuff that homeowners do that
8 they just don't know any better.

9 CHAIRPERSON PREZEAU: Okay. Thank you, Steve.

10 Any other questions about that?

11 Steve, were you going to -- did you -- you going to
12 talk about the statewide permit sales graphs? Or was this
13 just provided again for --

14 SECRETARY THORNTON: Oh. That's just general
15 information to show some backup to what Jose' was talking
16 about earlier how the -- if you look at that graph, the
17 bottom one where permits sold, you notice that big spike
18 on July 1st in -- so what is that? 2014? That was just
19 before arc faults came in. So everybody ran out and
20 bought their permits so that they didn't have to install
21 arc faults.

22 Well, now the normal permit sales and such are
23 reaching the same level as what that spike was. We had to
24 actually extend the graph because we were starting to
25 climb off of the graph as far as number of permits sold

1 and revenue.

2 So you look at those items and the workforce items,
3 they're going opposite directions. Load's climbing and
4 staff is reducing.

5 (To Chairperson Prezeau) So you're looking at that
6 pretty intently.

7 CHAIRPERSON PREZEAU: Well, what is capturing my
8 attention right now is that -- you said -- and you look at
9 the 2016 number of permits sold statewide, as you
10 accurately pointed out, at that same point we had that
11 anomaly in 2014 in terms of, you know, going off the
12 chart. But --

13 SECRETARY THORNTON: And as you can see, it has
14 slowed --

15 CHAIRPERSON PREZEAU: -- it doesn't -- there's this
16 disconnect when you look at it in terms of total dollars,
17 which I find surprising, especially since July 1, 2014,
18 those are all residential permits, right?

19 SECRETARY THORNTON: Right. Well, not totally, but a
20 good portion of our permits are residential, yeah.

21 And one other thing that may have happened about that
22 time, if we get a large permit for a Microsoft or
23 something that is \$60-, \$70,000, that can make a big
24 difference in a one-week period. That may be something
25 that happened there that just happened to be --

1 CHAIRPERSON PREZEAU: Coincided.

2 SECRETARY THORNTON: -- purchased about the same time
3 everybody was buying the other permits. And it didn't
4 make much difference on the bottom graph, but it made a
5 big difference on the money graph on top.

6 CHAIRPERSON PREZEAU: All right. So any other
7 questions, comments, concerns for Steve? Or are we ready
8 to move -- are you finished?

9 SECRETARY THORNTON: Yes, I am.

10

11 Item 6. Certification/CEU Quarterly Report

12

13 CHAIRPERSON PREZEAU: You ready to move to the
14 certification report?

15 So Mr. Vance.

16 MR. VANCE: Madam Chair, members of the Board, my
17 name's Larry Vance. I'm a technical specialist for Chief
18 Electrical Inspector Steve Thornton.

19 We've been transitioning from the 2008 exam. People
20 that started -- the new Board members, people that started
21 on the 2008 get to finish on the 2008 code. And -- so
22 right now we've got two different exam statistic numbers
23 that we're looking at. And as I reported to the Board
24 before, the numbers are a little different. They're still
25 a little different.

1 2008 was a 45 pass rate. And 2014 is a 51 percent
2 pass rate. So we don't know really what that anomaly is,
3 and we're going to kind of let everything converge so that
4 everything's on the 2014.

5 But it's very hard. I know that Rod Mutch went
6 through the exam and updated all the questions. And I
7 can't speak for Rod, but I don't think he did anything
8 radical as far as questions or anything.

9 The different influxes of workers into this state,
10 who know where these electricians are coming from that are
11 taking the exam. I mean, we may have a better class of
12 electricians coming in. Are we getting a slight influence
13 from an increase in the trainee basic classroom
14 requirements?

15 I know that those requirements are -- it's minimal.
16 For an 01 electrician you have to have 96 hours of basic
17 classroom training to qualify for the examination. That's
18 an OJT path that somebody with 96 hours can qualify for
19 the examination.

20 If someone went through a formal apprenticeship, they
21 would have had a minimum of 144 hours for four years or
22 five years. So they get a lot more training.

23 So in looking at that number, 45 percent versus 51,
24 it's very hard to ascertain why we're there other than the
25 fact of let's just let time pass.

1 Pretty soon the 2008 will be superseded by the 2014
2 just because of the fact that those people will no longer
3 be taking the exam.

4 So that's what I have.

5 And those were 01 electrician results.

6 Looking at this, it's always interesting looking at
7 these exam reports because there are specialties where
8 there's no one taking the test, no one taking the exam.
9 Maybe there's only two. So that gets to be kind of
10 concerning.

11 Had a lot of conversation today about where are
12 people -- how do we replace the people. So if you've got
13 no one in the -- (inaudible) -- field that's taking the
14 examination, that means you're either got an underground
15 economy that's flourishing or you've got an industry
16 that's possibly shrinking. So it's kind of something to
17 look at.

18 CHAIRPERSON PREZEAU: Or a specialty that was carved
19 out that may or may not have needed to be carved out.

20 MR. VANCE: Absolutely, yes. That would be -- you
21 got to kind of ask yourself, you know, there's a couple of
22 thousand residential electricians in the state of
23 Washington. And then there's about 16,000 01 electricians
24 in Washington. But there's a lot of residential work
25 going on. Why are so -- why isn't there more residential

1 electricians? Well, the reason is is everyone wants to be
2 a general journey level electrician. It gives them more
3 flexibility. It doesn't mean that he can't do residential
4 work. But it's interesting. We have all of these
5 categories for electricians and time will tell if they're
6 used or not. But at the time there was demand. They do
7 get -- they do parse up the industry for sure.

8 CHAIRPERSON PREZEAU: So -- and then, Larry, I think
9 we talked -- we might have touched on this last quarter.
10 But it's -- well, I believe we did.

11 So PSI's providing, you know, being the exam
12 provider. Their contract was renegotiated or it's been
13 inked now. The signatures were flying back and forth in
14 April, but it's finalized now.

15 And if you could -- there is -- Alice, the vice
16 chair, at the last meeting said like, How could somebody
17 take the examination 22 times in a calendar year? Because
18 according to the rule, they -- you wouldn't be able to do
19 that. And what I mean by that is so if you look at
20 296-46B-960 and subsection (9), it says, "If (an)
21 individual makes a failing score" -- this is for an
22 administrator certificate exam or electrician certificate
23 of competency exam, so for both. "If (an) individual
24 makes a failing score, the individual must wait two weeks
25 before being eligible to retest."

1 And then subsection (10) says, "If the individual
2 fails an electrician examination or ... part of an
3 administrator or master electrician examination three
4 times within a one-year period, the individual must wait
5 three months to retake the failed portion of the
6 examination."

7 And up till recently potentially those -- this rule
8 was not being enforced with PSI, which is why you would
9 see these individual being able to sit for an exam 22
10 times in a calendar year.

11 MR. VANCE: Right.

12 CHAIRPERSON PREZEAU: So could you update the Board
13 on -- because I believe that that's been remedied through
14 some software upgrade?

15 MR. VANCE: It's my understanding that PSI now has --
16 that rule changed in the middle of our contract with PSI.
17 That's what's my understanding. Had conversations with
18 PSI. This will result in a reduction in the number of
19 exams they deliver. So they're -- that was something that
20 affected their business.

21 And they're not at all opposed to this. And it's my
22 understanding that the new contract requirements outline
23 this exact -- these exact requirements, and that they are
24 going to be instituted. I don't know if they're
25 instituted yet, but we can look into that for you and

1 report back.

2 CHAIRPERSON PREZEAU: That would be great. Thank
3 you.

4 Any other -- you got anything else, Larry?

5 MR. VANCE: I don't.

6 CHAIRPERSON PREZEAU: Don.

7 BOARD MEMBER BAKER: I want to go back to your 2000
8 residential electricians in the state of Washington.

9 MR. VANCE: Yeah, I think it's 2,600 or something
10 like that, 2,800.

11 BOARD MEMBER BAKER: So interesting numbers there. I
12 mean, because with the residential, the 02's, they could
13 run a two-to-one ratio, right?

14 MR. VANCE: Yes.

15 BOARD MEMBER BAKER: So you can have as many as 6,000
16 guys doing residential work, and that's three stories and
17 below. A lot of the residential work is going on,
18 especially in the Seattle area. You know, you're talking
19 about 5 over 2's and a lot of highrises. So if you're
20 thinking residential work in a pure form of dwelling units
21 versus single family, you know, you really have 6,000 guys
22 out there that are qualified to do three and below?

23 MR. VANCE: Right. It's interesting. And then they
24 have a number of people that are carrying trainee cards.
25 Because then you have all the specialty electricians that

1 are carrying trainee cards so that if they were to come
2 upon some 01 hours that they could --

3 BOARD MEMBER BAKER: Right.

4 MR. VANCE: -- log those toward an exam eligibility.

5 So I don't know what the exact number of trainees
6 are, but it's at or more the number of 01's. There's
7 about 16-, 17,000 people carrying trainee cards.

8 BOARD MEMBER BAKER: I would think the majority of
9 your 2,000 01 -- or 02 journey residential guys are all
10 carrying their --

11 MR. VANCE: Right.

12 BOARD MEMBER BAKER: -- certificates so they can
13 bounce over and do commercial work.

14 MR. VANCE: Yeah, absolutely.

15 CHAIRPERSON PREZEAU: Any other questions for Larry?

16 Thank you, Larry, very much.

17

18 Item 7. Public Comment(s)

19

20 CHAIRPERSON PREZEAU: So we are under public comment,
21 and only two people have requested -- signed in and
22 requested to address the Board.

23 And taking them in order, Jim Corp from J.M. Corp and
24 Sons, Inc., wanted to speak to -- the issue is the
25 three-story rule change.

1 MR. CORP: Good morning. My name is Jim Corp. I'm
2 an electrical contractor in Puyallup, Washington. I'm a
3 third-generation electrical contractor.

4 CHAIRPERSON PREZEAU: Mr. Corp, for the record,
5 Milton, "Corp" is spelled --

6 MR. CORP: I'm sorry.

7 CHAIRPERSON PREZEAU: -- C-O-R-P.

8 MR. CORP: I am here basically for just the last
9 subject matter regarding the 02 licensing.

10 I currently -- I've been around a long time. And we
11 -- like, for example, we're doing all of Point Ruston, all
12 of Proctor, a lot of stuff Downtown Tacoma. And the
13 problem that I'm having is this: And I kind of
14 spearheaded this issue.

15 I want a rule change concerning this, the 02 ratio
16 differences. Okay.

17 So how it works right now is -- I guess my question
18 to the Board is this: Is if I had a 02 residential
19 wireman with ten years experience, would you rather have
20 him wire your house or an 01 that has no residential
21 experience?

22 You're going to take the 02. Okay.

23 So this is what's happening. And with me is -- I
24 mean, I've done a lot of projects, a lot of schools, I
25 mean, every project you can do. But for some reason we

1 fell into a design building where we're building most of
2 these buildings right now.

3 And we've got -- and we're an 01 electrical
4 contractor. And I have about 45 people working for me.

5 I have -- some of my projects like over at Hillside
6 Terrace over here, it's three stories tall. I can have a
7 one journeyman, two apprentice ratio wire those buildings
8 in Romex. But then the main building is five stories.
9 They can't -- I have to go to one-to-one ratio and they're
10 wiring in Romex. It doesn't make sense.

11 And so what I did is I sent about 3,000 letters to
12 almost contractor in the state of Washington regarding
13 this. And I've been working on this for about six months.
14 Rod Mutch has been working with me, a lot of different
15 inspectors, municipalities, the City of Des Moines,
16 Federal Way, the City of Tacoma.

17 And I received about 14 letters from contractors, all
18 of them non-union. I'm not in -- non-union. I've spoken
19 to another 12 contractors on the phone; they've called me.
20 Four of them are union; they don't care regardless. I met
21 with Dennis Callin (phonetic) or --

22 CHAIRPERSON PREZEAU: Callies (phonetic).

23 MR. CORP: Callies. And I -- and Rod suggested it
24 because I know Dennis because he's been wanting me to go
25 for 30 years. Well, he hasn't been in there that long.

1 And the issue is this: Is I says I want to just be
2 honest about it. Is this about life safety or is this
3 about market shares? Okay? Because Local 76 here doesn't
4 have a market share in residential. They've got 25 02
5 card members on their books. Those 25 card members only
6 do maintenance work. Okay? They don't have a market.

7 CHAIRPERSON PREZEAU: You don't represent IBEW Local
8 76?

9 MR. CORP: No. I just want -- because here's the
10 thing. I mean, I've been in this town -- my grandfather
11 started in '48, so I know everyone. And I rather be
12 up-front about it and talk about it, you know, logically
13 than have to have a -- butting heads because they don't
14 want a non-union company taking the work.

15 So what it is -- I'd like to if I could -- I'll try
16 to --

17 CHAIRPERSON PREZEAU: Yeah, because -- I think -- I
18 don't know that this Board can help you with like your
19 relationship between --

20 MR. CORP: No, no.

21 CHAIRPERSON PREZEAU: I don't think that's at all
22 within our purview. So if we can like keep this on the
23 issue of --

24 MR. CORP: Definitely.

25 CHAIRPERSON PREZEAU: And the other piece that I want

1 to make sure that -- so I'm assuming that since you've
2 been working with Rod Mutch, that he's advising you about
3 the rulemaking process so that you -- you have -- you feel
4 -- I just want to make sure that you feel that you have --
5 like you are informed on how that formal process works so
6 that you can be a willing participant in that process.

7 MR. CORP: Actually it's not very clear. Because if
8 you look at the Web site, for example, and you look this
9 up, it gives you a Web page and it gives you an
10 application form, but you're only allowed to use in each
11 subject matter about 25 words. You really can't explain
12 it.

13 So I says, "Rod," I says, "Hey, I want to make sure
14 that I can present this to the Board, have these letters,
15 you know, have some back up or even have an attachment
16 where I could add these attachments to my application."
17 There's no way to do it. Okay. So if I'm trying to
18 convey true meanings and get true responses from many
19 other contractors in the state of Washington, I have no
20 means to do so.

21 CHAIRPERSON PREZEAU: So I want to -- and I want --
22 Steve, I want your ears to perk up a little bit because I
23 want to make sure that I'm giving you an accurate
24 portrayal in what happens in the rulemaking process.

25 Or maybe, Steve, why don't you just walk -- instead

1 of me walking through it, why don't you -- the intent --
2 like the filing process, the intent to convene the
3 Technical Advisory Committee and that structure, and then
4 where the Board -- the Electrical Board really where our
5 role falls into place in terms of rulemaking, if you would
6 share that for everybody's benefit.

7 Because I think, Mr. Corp, that you may think that
8 this Board has more authority in the rulemaking process
9 than it actually does. So I want to make sure that you
10 understand -- I mean, I appreciate and we appreciate your
11 passion and your commitment on this issue, but I want to
12 make sure that we put all of this in perspective because I
13 don't want to waste your time or anybody else's time.

14 MR. CORP: May I read to you what Rod sent me?
15 Because I've been asking him for the information. This is
16 what he sent.

17 He says, "As I mentioned last month, sometime in
18 August, a special edition of the Electrical Currents
19 newsletter will describe the WAC rule revision process and
20 give you instructions for submitting the proposal." So
21 I've been waiting for four months for this August thing to
22 come out.

23 Why -- my question to the Board is is we have all
24 these WAC rules. Why wouldn't you have a WAC rule
25 stipulated in the rules system that actually does this

1 thing every year after -- one after another?

2 We're still up the air because I'm waiting for the
3 information to come in August. And we've had computers
4 for how long now? What's the problem?

5 CHAIRPERSON PREZEAU: So Steve, I think if you want
6 to also maybe give a general overview about how -- why we
7 handle the -- why the electrical program specifically
8 handles the rulemaking in the way that they do. And I
9 think --

10 My hope quite honestly, Mr. Corp, is this will create
11 greater understanding as it's actually a highly governed
12 process. Although you're --

13 So Steve, if you could walk through that, I'd greatly
14 appreciate it.

15 SECRETARY THORNTON: I was just looking at the August
16 newsletter here to see -- and I don't see that information
17 in here. It's probably ...

18 MR. CORP: There you go.

19 CHAIRPERSON PREZEAU: So -- but -- I understand that,
20 Mr. Corp. But generally, the rules that govern whether or
21 not the rules are even going to be opened, and then if
22 they're opened, what portions will be opened, then what
23 the notification process is.

24 If you could -- you or one of your technical
25 specialists could walk through that detailed process, it

1 would be greatly appreciated.

2 SECRETARY THORNTON: So do you have more information
3 there from Rod?

4 MR. CORP: Well, no.

5 Basically what I got is on the Web site, the
6 application, it says that -- well, what page -- it's only
7 two pages. But it basically -- it really limits me. I
8 wanted to show you that I am only limited to maybe 25
9 words per section.

10 CHAIRPERSON PREZEAU: No, I understand that. But
11 here's the reason why -- I'm not trying to cut you off,
12 Mr. Corp. But I want to make sure that once you get to
13 the technical advisory portion of the rulemaking, then
14 your proposal becomes -- assuming you are going to submit
15 one, you have a greater opportunity to expand on your
16 proposal.

17 So Larry, are you going to walk us through this
18 rulemaking process?

19 MR. VANCE: Yes. Yes, I can do that.

20 CHAIRPERSON PREZEAU: Thank you.

21 MR. VANCE: For the record, my name's Larry Vance
22 from the Department of Labor and Industries.

23 Rulemaking generally always happens every three
24 years, no matter what, because of the National Electric
25 Code adoption. There's a rulemaking --

1 CHAIRPERSON PREZEAU: Unless we're under some
2 Governor's emergency can't do the rulemaking because we
3 don't have the money.

4 MR. VANCE: Exactly. Moratorium.

5 So right now we've got a rulemaking that's going to
6 open a section of the WAC that has to do with fees. We
7 talked about that earlier, for instance.

8 There are some rules about if a section's been opened
9 how long does it have to remain -- how long -- there's a
10 period of time that has to go by before you can reopen
11 that section. So if you are opening sections of the WAC,
12 you create this mess that you can't -- in order to fix one
13 thing, you can't get into the other sections. It just
14 turns into a rulemaking mess, which we all want to avoid.

15 Typically the Department will send out a special
16 edition. So the Electrical Currents newsletter that was
17 published in August here, Rod will be sending a special
18 edition out. The special edition will outline the
19 rulemaking process. First of all, we have to file a
20 formal CR101 which notifies the public we are going to
21 open the rule and we intend on, you know, making rules.

22 CHAIRPERSON PREZEAU: So -- and -- you know --

23 MR. VANCE: And once that's done --

24 CHAIRPERSON PREZEAU: I have the one from 2013, --

25 MR. VANCE: Perfect.

1 CHAIRPERSON PREZEAU: -- which not only -- you know,
2 so Mr. Corp, it hasn't happened yet. But this is -- and
3 I'm reluctant to give this to you because it's the only
4 hard copy I have, but --

5 MR. CORP: No. Rod -- I think Rod sent me one.

6 CHAIRPERSON PREZEAU: Okay. But it's very -- it
7 says, you know, "New 2014 electrical code and other
8 possible WAC changes. Keep informed. The department is
9 seeking stakeholder input." So I mean, it is very clear
10 and concise. It talks about the composition and structure
11 of the Technical Advisory Committee, which gets convened
12 to review all of those proposals that you and industry
13 stakeholders -- like the form that you're not super happy
14 about -- but you get to -- if you can apply to become --
15 to be -- to serve on the Technical Advisory Committee --
16 I've served on it as an electrician. I've served on it as
17 a representative of the Electrical Board. And so all of
18 those proposals get discussed in a day long -- and if it
19 needs to be longer, in a longer format where you get to
20 present your information in a much more detailed way and
21 try to secure approval from the Technical Advisory
22 Committee.

23 So I just wanted to expand on that piece, right?
24 Because it's usually a very open and democratic and
25 diplomatic process.

1 So back to structure.

2 MR. VANCE: So back to structure, when the special
3 edition newsletter comes out, it will generally link you
4 to the form.

5 The form's a Word document. And what we like, you
6 know, is the Word -- we'd like it to remain in Word
7 document format because when we're putting all these
8 things together for the Technical Advisory Committee it
9 just makes us able to manipulate the information
10 electronically. It just speeds things up.

11 So on that Word document, it's unlimited as to how
12 many pages. I mean, if you wanted to make it a
13 hundred-page submission of your proposal, it could be.
14 It's not -- typically people don't attach a great -- you
15 know, they make their proposal, they write their
16 substantiation and -- it's kind of like an NEC proposal.
17 And attaching a whole bunch of documentation to it may or
18 may not add value to it.

19 But it's really -- because of the makeup of the
20 Technical Advisory Committee, it's really just getting a
21 stakeholder in that group, if that group feels that it's a
22 good idea or a good concept, they'll advise the Department
23 that, you know, this is something they agree with. If
24 they don't agree with it, they'll advise the Department
25 likewise.

1 So once it's past the Technical Advisory Committee,
2 the Department will combine the rules, and the rules move
3 forward to the Electrical Board for review, and they
4 advise the Department as to whether they agree with the
5 the direction that the rulemaking's going.

6 CHAIRPERSON PREZEAU: If I may interject, we -- it's
7 an advisory role, Mr. Corp. Like the Electrical Board
8 does not have the authority to tell the Department up or
9 down, you know. We don't get to play Caesar when it comes
10 to individual proposal.

11 We have historically had a strong relationship with
12 the Chief Electrical Inspector. And if the Board
13 generally speaking has some heartache with a proposal or
14 proposals, then the Chief will take that seriously. But
15 they don't have to -- the Department does not have to do
16 what we as the Electrical Board would like them to do with
17 respect to the rules.

18 MR. CORP: Madam Chairman, the application form on
19 your Web site -- on the State's Web site, petition for
20 adoption of amendment or a repeal of a State
21 administrative rule states that the agency or institution
22 will give full consideration to your petition and will
23 respond to you within 60 days of receiving your petition.
24 Okay? That's from the Web site. And so it really limits
25 the -- I think we just -- if we could look at the whole

1 procedure itself. Because this -- you're right, that's
2 Word? Or is that Excel?

3 MR. VANCE: That's not our form. That's not the form
4 we use.

5 MR. CORP: Well, this is what we got off the Web
6 site.

7 MR. VANCE: Right. That's off of -- could I take a
8 look at that? What's the other piece there?

9 MR. CORP: That's the only thing that I have on the
10 Web site to get the information from.

11 MR. VANCE: So this is the -- from the Office of
12 Financial Management. They created this form for
13 individuals or group who wish to petition a state agency
14 or institution of higher education to adopt, amend or
15 repeal an administrative rule.

16 CHAIRPERSON PREZEAU: Higher education?

17 MR. VANCE: Well, no. But it's a state agency.

18 MR. CORP: There's multiple pages, right. But it
19 gives subsections --

20 MR. VANCE: I do not think that there is anything
21 stopping any rulemaking from moving forward at any time.
22 I think that this form's correct. I mean, if what
23 Mr. Corp wants to do is petition to change the rule, I
24 think that he can.

25 We try to do it because there are -- there's a lot of

1 housekeeping that happens in the electrical rules with the
2 code. If we get multiple rulemaking's going at the same
3 time, what it does is it'll lock the rules up in such a
4 fashion that you can't fix what you need to fix.

5 If you were just going to open work scopes, while the
6 work scopes are open, that'll be the only thing, the 02
7 that you're proposing would be the only thing that could
8 happen within those work scopes.

9 If -- this next rulemaking, also there's people that
10 want to work -- that want changes in the work scope, it's
11 locked up. It's locked up by this rulemaking.

12 So if you want to proceed, I mean, it's -- I don't
13 think that there's anything that forbids you from doing
14 so.

15 CHAIRPERSON PREZEAU: So -- I mean, it's -- in the
16 interest of expediency or efficiency, Mr. Corp, what
17 exactly are you -- can you articulate what exactly you are
18 desiring?

19 MR. CORP: Well, we've had discussion -- the Board's
20 had discussion about -- we just finished discussion
21 concerning the disproportion of 02 licensees compared to
22 01's. Okay? There's also -- there's about a little under
23 3,000 01 electrical contractors in the state and less than
24 300 residential. Okay? So I'm not worrying about that.

25 But my concern is this: Since the rule change -- and

1 if I could leave me letter with the Board, I'd really
2 appreciate it -- the rules have changed as far as Romex
3 rules go.

4 CHAIRPERSON PREZEAU: Yeah, the NEC and --

5 MR. CORP: Type 3, 4 -- and it changed to type 3 or 4
6 type structures. Anything rated in that fire rating can
7 be wired in Romex. The only issue is we can't use 02
8 licensed electricians to do the work.

9 CHAIRPERSON PREZEAU: So what I'm hearing you say is
10 you are seeking -- potentially what you are striving to
11 seek is a specialty license, particularly a 02 scope of
12 work, that aligns with the wiring method and not a
13 building classification.

14 MR. CORP: Well, it's all incorporated together.

15 CHAIRPERSON PREZEAU: Yeah. No, I under --

16 So -- and you have maybe some frustration with your
17 experience thus far with the electrical program and
18 understanding the rulemaking process?

19 MR. CORP: No. It's -- I think it's just getting
20 answers. It's just like, you know, I'm going off the Web
21 site, and it says it's a 60-day process. I'm dealing with
22 Rod who's an ex-chief, and he says, well, sometime in
23 August we're going to give a special thing. He basically
24 says don't bother with this because it's not going to
25 happen.

1 CHAIRPERSON PREZEAU: So here's what I -- so what I'm
2 hearing you say is that you want to participate in the
3 rulemaking process or you want to petition the electrical
4 program regarding your request -- you want to engage the
5 electrical program regarding a proposed rule change,
6 right?

7 MR. CORP: Correct.

8 CHAIRPERSON PREZEAU: And potentially multiple rule
9 changes.

10 MR. CORP: Correct.

11 CHAIRPERSON PREZEAU: And the Electrical Board is not
12 -- I would -- is probably not your -- is probably not the
13 entity, right? because we are separate from the Department
14 is not the entity that you -- that may be able to provide
15 you with the relief that you seek.

16 The relief that I understand that you are seeking is
17 greater understanding about how to engage in the formal
18 rulemaking process. That's not under our purview; that's
19 under the Department's purview.

20 And my suggestion, Mr. Corp, if you -- and Rod Mutch
21 is on vacation this week or else he would be here -- is
22 that you continue to have conversa -- and if you want to
23 have a conversa -- if you want to elevate your
24 conversation to the Chief Electrical Inspector Steve
25 Thornton so that you receive the customer service that you

1 deserve, I think you will be better suited if you pursue
2 that path than spend time advocating for substantiating
3 your rule -- substantiating your proposed rule change. If
4 your proposed rule change goes forward, it ultimately will
5 end up coming here. However, there's other cross --
6 there's very many -- there's more steps in front of it
7 coming here.

8 And so if your real goal, as I said, is to engage the
9 Department in a proposed rule change, it's not this body;
10 it's -- you need to consult with the chief electrical
11 inspector to make sure that the process that you're
12 finding to be frustrating no longer is frustrating.

13 Does that make sense?

14 MR. CORP: Does this Board make the final decision?

15 CHAIRPERSON PREZEAU: We are part of the final
16 decision, but we don't ultimately make the final decision.
17 Because it is a -- it's part of the process, right?

18 Go ahead, Larry.

19 MR. VANCE: So after the Board advises the
20 Department, they put together the final rule, and it's a
21 proposed rule, there's a public hearing.

22 CHAIRPERSON PREZEAU: There's several public
23 hearings.

24 MR. VANCE: And also during this time, if we back up
25 a little bit from the public hearing, the Department will

1 travel around the state and hold various stakeholder
2 meetings where they get advice from contractors,
3 electricians, industry professionals.

4 So we're trying to get, you know, stakeholders in
5 this rule change as much as we can.

6 So at the public hearing stage, that's the time for
7 everyone to weigh in if there is people in opposition.
8 And then it goes to the Director for signature. And the
9 Director's going to review it. The Director's going to
10 ask a lot of questions about stakeholdering. And before
11 the Director signs it, he will ensure that this is not
12 something that was done, you know, in the back room, so to
13 speak; that this is a rule change that is broadly
14 stakeholdered.

15 CHAIRPERSON PREZEAU: It's a very -- Mr. Corp, it is
16 a very transparent process. That has been my experience.

17 I've sat on this Board since 2005. And I've been to
18 stakeholder meetings. I've been to -- as I said, I've
19 participated on the Technical Advisory Committee. And
20 have also as a stakeholder participated in the stakeholder
21 meeting -- the public meetings that happen after the Board
22 has an opportunity to advise the Department. They -- I
23 can assure you that in 2017 it will be as transparent a
24 process as it has always been. And --

25 ASSISTANT ATTORNEY GENERAL REULAND: I was just going

1 to add for the record it's all set by statute. Rulemaking
2 is under 34.05 RCW.

3 You also -- the rules and stuff, not only on -- it
4 sounds like you have agency's wrong Web site. But
5 regardless of L & I, there's also the Office of the Code
6 Reviser. And everything goes to the Office of the Code
7 Reviser. There's procedures and everything that
8 everything state agency has to follow in terms of when
9 they are enacting their rules. And it's the agency who
10 enacts the rules with public input pursuant to the
11 statute.

12 MR. CORP: Okay. So I've just got one last question,
13 if I may.

14 CHAIRPERSON PREZEAU: Uh-huh.

15 MR. CORP: Since we have a large residential industry
16 going on right now and there's not a lot of guys to fill
17 the hole, how long is it going to take if the Board
18 accepts the rule change to enact that rule to go into
19 effect?

20 CHAIRPERSON PREZEAU: Larry.

21 MR. VANCE: There's two paths. There's an emergency
22 rulemaking path and a normal rulemaking path.

23 For load bank testing, that was one that was done on
24 the emergency rule path. And I think that it was done in
25 six or seven months. I can't -- don't quote me on this,

1 but I -- it might have -- it was about that amount of
2 time.

3 CHAIRPERSON PREZEAU: It was an expedited process.

4 MR. VANCE: Expedited process.

5 And that process -- we were able to go that route
6 because there was industry consensus. It was -- they had
7 agreement coming in the door.

8 But there's some rules about what is emergency, what
9 is not emergency. So we have to -- you have to pass that
10 litmus test.

11 Our normal rulemaking for a code adoption, we're
12 lucky if we get it done -- we shoot for a year, about one
13 year. Nine months is a -- I think we've done one in nine
14 months. But because of all the things that are set in
15 statute that we've got to have -- that you've got to file
16 this, and then you've got to wait, then you've got to do
17 this, and then you've got to -- it's -- I think the
18 statute's designed so that people can't freight train
19 things, so that it can be stakeholdered and it can be
20 considered broadened.

21 That's my opinion. I don't know that to be fact.

22 MR. CORP: Well, I'll tell you what. When Rod gets
23 back from vacation, I'll just run over to Yakima if he's
24 going to be in town, and we'll just go through this thing
25 and we'll try to get this thing, you know, passed or at

1 least submitted properly through the proper channels.

2 It was just frustrating for me because nobody knew
3 anything.

4 CHAIRPERSON PREZEAU: Well, and I think -- I think
5 maybe there was -- you know, I have high regard for the
6 current chief. I have high regard for his technical
7 specialist including Rod Mutch and worked with him, you
8 know, when he was the chief for two years.

9 But -- and I think it might be a case of him -- you
10 know, I don't know. But I think if you go back to him and
11 express to him that, you know, you needed a much more base
12 level understanding of the process. I think he might have
13 been assuming that you were more fluent in what the
14 process looked like.

15 MR. CORP: No. He suggested me coming here.

16 CHAIRPERSON PREZEAU: Okay. So -- and like I said,
17 I'd be more than happy, Mr. Corp, after this meeting or if
18 you -- I mean, I can visibly show you and I have in my
19 materials from the last rulemaking in August 2013 and what
20 the level of notice looks like.

21 You can also -- on the L & I's -- on the electrical
22 program's Web site you can look at past Electrical
23 Currents articles. It is unclear to me if -- how far back
24 they are actually archived on the -- they go -- that's
25 what I was going to say is I think, Mr. Corp, you could

1 actually go on the L & I's Web site and, you know, on the
2 Google machine query, search for Electrical Currents, and
3 it will -- you could go back and actually click on August
4 2013 and see this notice that was produced in 2013 so that
5 you can understand what -- you got it? Okay, good.

6 Because it will look exactly like this. And I think
7 to Larry's point is -- his comments about a -- when you
8 open -- when you have something open in the rule, right?
9 when you have something open in 296-46B, then that locks
10 it up. And right now we're going through the process of
11 the fee increase which is putting a freeze on, you know,
12 the rulemaking for 2017 NEC adoption or anything else. So
13 until -- and if -- you know, so I would encourage you to
14 use this August 2016 Electrical Currents newsletter. As
15 you can see what's going to happen here is, you know, at
16 least through September 30, 2016, the fee increase
17 rulemaking process is still going to be open. So nothing
18 is going to happen with the 2017 NEC code adoption and,
19 you know, where your proposal may come into play.

20 MR. CORP: Do we know when the special edition's
21 going to come out?

22 CHAIRPERSON PREZEAU: Larry?

23 MR. VANCE: If Rod said it's coming out in August,
24 it's coming out in August.

25 And it's my understanding that typically we don't put

1 the special edition out at the same time as the August
2 newsletter; they will appear a couple of weeks later.

3 I'm not sure --

4 MR. CORP: This is -- in 2013 it gave us October 1st
5 to the end of October for any submissions.

6 MR. VANCE: Right.

7 MR. CORP: Is that going to be the same this year?

8 MR. VANCE: It's my understanding that it is.

9 ASSISTANT ATTORNEY GENERAL REULAND: Well --

10 MR. VANCE: But we're --

11 CHAIRPERSON PREZEAU: Wait, wait. Stop.

12 ASSISTANT ATTORNEY GENERAL REULAND: I need to
13 interject here. This is public comment that needs to be
14 directed at the Electrical Board. This is not a
15 conversation between you, Mr. Corp, and the Department.
16 This is public comment. These people are volunteers, and
17 you need to direct your comments to the Board.

18 MR. CORP: I'm sorry. I was just getting him to
19 clarify that.

20 ASSISTANT ATTORNEY GENERAL REULAND: I understand
21 that.

22 MR. CORP: So my question to you then is --

23 CHAIRPERSON PREZEAU: So Pam --

24 ASSISTANT ATTORNEY GENERAL REULAND; Sorry.

25 CHAIRPERSON PREZEAU: No, no. I want you to answer

1 this question. Will the process -- will the rulemaking
2 process that is going to happen for 297-46B in 2017 and
3 every subsequent rulemaking process after that since it's
4 governed by statute as you already indicated, it will look
5 identical? The dates may be different, but the time
6 frames are going to be identical. Is that a true
7 statement?

8 ASSISTANT ATTORNEY GENERAL REULAND: The time frames
9 will be consistent with the statute and with the
10 requirements of the Code Reviser's office. The Department
11 has to file the CR101, and there's time frames set for
12 that. They have to file the CR102, the CR103. Now, there
13 may be discrepancies in the actual times when those happen
14 from 2013 to the present because they're not -- they're
15 not locked in to having to do October 1st. But there are
16 distances as Larry indicated between each of those
17 activities --

18 CHAIRPERSON PREZEAU: Milestones.

19 ASSISTANT ATTORNEY GENERAL REULAND: -- that -- so to
20 allow for public comment.

21 So if your question is -- there will be an
22 opportunity for public comment. It is required by
23 statute, and it will be in there.

24 The time frames you can get from the Code Reviser's
25 office.

1 Does the Department have to file it in August? Not
2 necessarily. Can they file it in September? Yes. I
3 mean, there's a series of events so nobody can guarantee
4 you that those time frames would be the same.

5 CHAIRPERSON PREZEAU: Dates.

6 ASSISTANT ATTORNEY GENERAL REULAND: Especially not
7 this Board.

8 CHAIRPERSON PREZEAU: But the windows will be the
9 same. The process will be -- or there's a violation of
10 law.

11 MR. CORP: Okay. I appreciate your time.

12 And I'm sorry for -- I'm not very --

13 CHAIRPERSON PREZEAU: No, no. Mr. Corp, I --

14 MR. CORP: -- astute. I'm just a contractor trying
15 to get guys to work.

16 CHAIRPERSON PREZEAU: No, I understand that, and I
17 think we all appreciate that. And I hope that you would
18 recognize that you were here the whole meeting. The work
19 that this body is doing as volunteers has the same level
20 of passion and commitment to ensuring a safe and
21 productive industry, and I just want to reassure -- and so
22 I appreciate your passion, but I just want to reiterate
23 that, you know, the rulemaking process is governed by
24 state law, and it will not be violated because we're
25 trying to avoid an issue or sidestep an issue. That

1 option is not on the table.

2 MR. CORP: Yes, ma'am. All right. Thank you.

3 CHAIRPERSON PREZEAU: All right.

4 So the last person that wanted to sign in to address
5 the Board is Tim O'Donnell from IBEW Local 76.

6 And Tim, I'm sure you caught this. But if you would
7 state and spell your name for our court reporter, I would
8 greatly appreciate it.

9 MR. O'DONNELL: Okay. Madam Chair, my name is Tim
10 O'Donnell. O apostrophe capital D-O-N-N-E-L-L. I am the
11 new business manager for IBEW Local 76.

12 And the reason I'm here is more of an introductory
13 and information seeking to familiarize myself with the
14 Board and how you guys operate and the issues in front of
15 you.

16 I appreciate being here today and everything that
17 has come out because as some of you may know, some of may
18 not, Local 76 represents the electrical inspectors, and so
19 some of the issues that were brought forth today are
20 issues that my staff is dealing with in negotiations and
21 deals with on a daily basis in some cases with the
22 inspectors.

23 So that's why I'm here. I want to thank you guys for
24 your hard work. And it's just more to familiarize myself
25 and introductory. And that's -- it was very informative,

1 especially with the issues that have come forward.

2 So that's all I'm here for. And thank you guys for
3 your time, Madam Chair.

4 CHAIRPERSON PREZEAU: Thank you, Mr. O'Donnell.

5 Appreciate the introduction.

6 So quickly before we talk about adjournment is a
7 couple of housekeeping pieces.

8 I'm sure that Bethany -- that the new Board members
9 were -- I believe you provided them -- the Department
10 provided them with the electrical -- the bylaws of the
11 Electrical Board. I'm wondering if -- in talking with
12 Ryan, I don't think he's had -- and I didn't talk to Jason
13 about this I don't think -- our operating principles --
14 the Electrical Board operating principles, if we could get
15 those pieces in their hands.

16 Additionally, I know that you got a lot to do in
17 preparation for the meeting. But when you -- at your
18 earlier convenience if you could update the contact
19 matrix, right? that we have for current Board members.

20 MS. RIVERA: Okay.

21 CHAIRPERSON PREZEAU: And if you would e-mail that
22 out.

23 And if -- I'm assuming that you have valid contact
24 information for everybody so we don't need to get you any
25 information.

1 And then tell us -- are we going to deal with parking
2 the same way we dealt with it last quarter?

3 MS. RIVERA: Yes.

4 CHAIRPERSON PREZEAU: So last quarter what we did was
5 -- because we were here -- and there is a parking lot
6 attendant who puts an envelope on everybody's windshield.
7 And as you know and make sure the new Board members know
8 is, you know, any real expenses that you incur, you may
9 seek reimbursement from the State including your parking
10 today.

11 So you can do -- you can handle it one of two ways.
12 Last quarter what we did was is said, "Hey, you know what?
13 Because Bethany's got to work to break down this room
14 along with some other folks, you have until 1:00 to get
15 your -- to go to the parking structure, get your envelope
16 and bring it -- physically bring it back to Bethany here
17 if you want to absolve yourself of having to seek
18 reimbursement in the future." If you are like, "Hey, man,
19 I want to get out of here," then you will have to pay for
20 that envelope in the parking garage and then submit a
21 request for reimbursement from Bethany. Is that clear?
22 So you have a choice. If you want to get out of here, get
23 out of here. If you want to absolve yourself of any
24 responsibility for the parking garage, you have 40 minutes
25 to run that gauntlet, which I think is a pretty reasonable

1 amount of time.

2 So any other questions, comments, concerns?

3 Yes.

4 BOARD MEMBER WARD: Madam Chair, just very quickly, I
5 just want to mention that the Governor's safety conference
6 is coming up in September, and one of the side benefits of
7 being involved in a kind of a cross industry forum like
8 this is a result of the topic that came up.

9 Rod Mutch and I worked on putting together a topic
10 that's going to be presented there. The topic is the effects
11 of electric utility changes that could impact --
12 (inaudible) -- service entrance equipment.

13 And so Rod will be the main presenter. We're getting
14 an industry professional from the utility side to present
15 from the utility perspective; and electrical contractor,
16 Rod is getting somebody to speak -- kind of a round table
17 panel type of discussion. This is to create awareness,
18 you know, a little education, and really keep people safe.
19 So it's just a good side benefit to --

20 CHAIRPERSON PREZEAU: So do you know when and where
21 this is happening?

22 BOARD MEMBER WARD: It's in the third week of
23 September?

24 BOARD MEMBER PHILLIPS: Yeah.

25 BOARD MEMBER WARD: In Spokane.

1 ASSISTANT ATTORNEY GENERAL REULAND: It's usually in
2 Spokane.

3 BOARD MEMBER PHILLIPS: Well, they rotate. Last year
4 it was here.

5 CHAIRPERSON PREZEAU: Great information.

6 So the last thing is the letter that I'm going to
7 draft based on the principles we discussed previously.
8 My intent is to have that sent by no later than the middle
9 of next week.

10 With that the Chair would entertain a motion to
11 adjourn.

12

13 Motion

14

15 BOARD MEMBER PHILLIPS: So moved.

16 CHAIRPERSON PREZEAU: Is there a second?

17 BOARD MEMBER JENKINS: Second.

18 CHAIRPERSON PREZEAU: All those in favor, signify by
19 saying aye.

20 THE BOARD: Aye.

21 CHAIRPERSON PREZEAU: Opposed?

22

23 Motion Carried

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1 CHAIRPERSON PREZEAU: We are adjourned.

2 (Whereupon, at 12:22 p.m.,
3 proceedings adjourned.)

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