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ELECTRICAL BOARD MEETING

TRANSCRIPT OF PROCEEDINGS

January 26, 2023



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DEPARTMENT OF LABOR AND INDUSTRIES
STATE OF WASHINGTON

ELECTRICAL BOARD MEETING
TRANSCRIPT OF PROCEEDINGS

January 26, 2023

Tumwater, Washington

Pages 1 through 88

**CERTIFIED
TRANSCRIPT**

Taken Before:

Andrea L. Clevenger, CCR, RPR
Certified Court Reporter #3041
of

Capitol Pacific Reporting, Inc.
2401 Bristol Court SW, Suite C-103, Olympia, WA 98502
Tel (360) 352-2054 Fax (360) 705-6539 Toll Free (800)
407-0148

Tacoma, WA
(253) 564-8494

Seattle, WA
(206) 622-9919

Aberdeen, WA
(360) 532-7445

Chehalis, WA
(800) 407-0148

Bremerton, WA
(800) 407-0148

www.capitolpacificreporting.com
admin@capitolpacificreporting.com



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1 BE IT REMEMBERED that an Electrical
2 Board meeting was held on Thursday, January 26, 2023, at
3 the Department of Labor & Industries, 7273 Linderson Way
4 Southwest, Tumwater, Washington, at 9:06 a.m., before
5 CHAIRPERSON JASON JENKINS, BOARD MEMBERS BOBBY GRAY,
6 KERRY COX, DOMINIC BURKE, IVAN ISAACSON, DAVE WARD, MIKE
7 NORD, DYLAN CUNNINGHAM, DON BAKER, JACK KNOTTINGHAM,
8 JAMES TUMELSON, and SECRETARY/CHIEF ELECTRICAL INSPECTOR
9 WAYNE MOLESWORTH. Also present was ASSISTANT ATTORNEY
10 GENERAL BEN BLOHOWIAK, representing the Board, and
11 BETHANY RIVERA, Board assistant;

12 WHEREUPON, the following proceedings
13 were had, to wit:

14
15 <<<<<< >>>>>>

16
17 CHAIRPERSON JENKINS: Good morning.
18 This is January 26th, 2023, in Tumwater, Washington, at
19 approximately 9:06 a.m. I'd like to bring the Washington
20 State electrical board meeting to order. I want to thank
21 you, everybody, for being here today.

22 We have a couple people down. They emailed in that
23 they wouldn't be here, so we'll keep them informed. Our
24 next board meeting is in Spokane on April 27th.

25 And we'll do a roll call. And as a reminder, we



1 have a court reporter here, so please be speaking with --
2 saying your name before you speak throughout this morning
3 so that they can get a good record. So let's start with
4 the roll call.

5 Board Member James Tumelson.

6 BOARD MEMBER TUMELSON: Present.

7 CHAIRPERSON JENKINS: Board Member
8 Bobby Gray.

9 BOARD MEMBER GRAY: Here.

10 CHAIRPERSON JENKINS: Board Member
11 Dylan Cunningham.

12 BOARD MEMBER CUNNINGHAM: Here.

13 CHAIRPERSON JENKINS: Board Member Don
14 Baker.

15 BOARD MEMBER BAKER: Here.

16 CHAIRPERSON JENKINS: Board Member
17 Mike Nord.

18 BOARD MEMBER NORD: Here.

19 CHAIRPERSON JENKINS: Board Member
20 Ivan Isaacson.

21 BOARD MEMBER ISAACSON: Here.

22 CHAIRPERSON JENKINS: And Board Member
23 Jack Knottingham.

24 BOARD MEMBER KNOTTINGHAM: Here.

25 CHAIRPERSON JENKINS: Thank you. And



1 I'm Jason Jenkins, the chair here.

2 So the next step -- for the record, we do have a
3 quorum.

4 Going to our first item on our list, we have safety
5 message, and I've asked our secretary to, if you wouldn't
6 mind, please giving a safety message for the day.

7 SECRETARY MOLESWORTH: Thank you,
8 Chairman Jenkins, board members.

9 And as you guys know and have probably noticed over
10 here, temperatures are dropping this coming week.
11 Talking about a little rain, and so you can probably
12 expect some icy conditions.

13 I know we talk about driving a lot, but it's
14 probably something we all do quite often. Right? And
15 one of the biggest concerns you should have is driving
16 over bridges.

17 Because there's no earth under the bridges, they
18 have a tendency to cool a lot faster, and, therefore, you
19 can hit unexpected ice on a bridge. And most recently in
20 Spokane, we've had a few people go right off of a bridge
21 that's got about a hundred-foot drop to the ground.

22 So even though there are barriers on the side of the
23 bridges, they don't always stop you, and you have to make
24 sure that you're in control of your vehicle all the time.

25 The other thing that's probably going to come up



1 fairly soon, especially over here -- and I saw a couple
2 today -- are, you're going to start to see motorcyclists
3 out.

4 Motorcyclists get out even when it's cold, and
5 they've got some pretty good gear out there now, and so
6 they ride cold. So be expecting them, be listening for
7 them, double-check your mirrors when changing lanes
8 because they can sneak up on you pretty quickly.

9 I know a few of you are riders. I'm a rider. And
10 we appreciate that everybody is watching out for us, and
11 we try to watch out for them.

12 So if you are a rider, same thing goes for you:
13 Please follow at a safe distance. Make sure that you've
14 got the eyes of the vehicle ahead of you, that you're
15 going to pass, and that you can see them in the rearview
16 or you know that they're aware that you're there. Right?

17 That concludes my safety topic for today. Thank
18 you.

19 CHAIRPERSON JENKINS: All right.
20 Thank you very much.

21 Our next item on our list today is the approval of
22 the Washington State electrical board meeting of
23 October 27th.

24 Do I -- does the board entertain a motion to
25 approve?



1 BOARD MEMBER NORD: Board Member Nord.
2 Motion.

3 CHAIRPERSON JENKINS: We have a
4 motion. Do we have a second?

5 BOARD MEMBER KNOTTINGHAM: Board
6 Member Knottingham. Second.

7 CHAIRPERSON JENKINS: We have a
8 motion. We have a second. Any discussion?

9 Hearing none, all in favor, signify by saying aye.

10 BOARD MEMBERS: Aye.

11 CHAIRPERSON JENKINS: Any opposed?

12 The motion passes.

13 All right. Moving on to our next items is our Item
14 No. 3 for appeals. As you have your schedule in front of
15 you, if you notice A, Randy's heating; B, NRC
16 Corporation; C, VIP Production Northwest, Incorporated;
17 and, D, Cavalier Corporation have all been moved to the
18 April meeting.

19 We're on to Letter E here with Pacific Northwest
20 Electrical, LLC. Do we have someone here from Pacific
21 Northwest, LLC? And we have counsel for the -- from the
22 Department.

23 MR. DIEMER: Good morning. My name is
24 Neil Diemer. I'm counsel for the Department.

25 CHAIRPERSON JENKINS: Okay. Have a



1 seat here.

2 MS. RIVERA: Jason, he was going to
3 be -- the representative for PNW was going to be here
4 about an hour late.

5 CHAIRPERSON JENKINS: Oh, okay. What
6 we'll do is, if you don't mind, we'll catch you later in
7 the meeting then. Thank you very much.

8 All right. So we will come back to that one. So
9 we'll move down to our actual item letter G for Harry
10 Shein, Incorporated, and Daniel Stalford.

11 Are you here today? Counsel for the States -- or
12 sorry -- the Department and counsel for Harry Shein --
13 and -- Incorporated, and Daniel Stalford.

14 MR. LEAKE: Good morning.

15 MS. EASTWOOD: Morning.

16 CHAIRPERSON JENKINS: All right. So
17 this matter before us today is the appeal of the matter
18 of Harry Shein, Incorporated, and Daniel Stalford and
19 Docket No. 08-2021-LI01704. This hearing is being held
20 pursuant to due and proper notice to all interested
21 parties in Tumwater, Washington, on January 26th, 2023,
22 at approximately 9:11 a.m.

23 This is the appeal of the original order issued by
24 the Office of Administrative Hearings on June 23rd, 2022.
25 It is my understanding that the decision affirmed



1 citation and notices Nos. EMETE00817, EMETE00818,
2 EMETE00819, and EMETE00820 issued by the Department of
3 Labor and Industries on May 9th, 2021.

4 It is further my understanding that the appellant
5 has timely appealed the decision to the electrical board.

6 And looks like we have both counsel for the
7 Department, and we have counsel for Henry Shein,
8 Incorporated, and Daniel Stalford here today.

9 So the electrical board is legal body authorized by
10 legislature not only to advise the Department regarding
11 electrical program, but to hear appeals when the
12 Department issues citations or takes other adverse action
13 regarding the electrical license certification and
14 compliance.

15 The electrical board is a completely separate entity
16 from the Department as such and will independently review
17 the action taken by the Department.

18 When the Department issues penalties, the hearing is
19 assigned to the Office of Administrative Hearings to
20 conduct the hearing pursuant to the Administrative
21 Procedures Act.

22 The ALJ who conducts this hearing is then issued a
23 proposal -- proposed decision and order. If either
24 parties appeal, their -- the decision is subject to
25 review by the electrical board.



1 Please keep in mind, while our review is de novo --
2 for example, we sit in the same position as the
3 administrative law judge and review the entire record
4 regardless whether a certain piece of evidence is
5 referenced by the ALJ -- we are bound by the evidence of
6 the record and no new evidence can be submitted at this
7 time.

8 Each party will be given 15 minutes today to argue
9 the merits of their case. Any board member may ask
10 questions at any time, and time may be extended at the
11 discretion of the board.

12 At the conclusion of the hearing, the board will
13 determine if the findings and conclusions of the ALJ are
14 supported by the finding and fact -- finding -- sorry --
15 supported by the facts and rules pertaining to the
16 electrical installations.

17 Any questions before we begin?

18 MS. EASTWOOD: No. Thank you.

19 MR. LEAKE: No.

20 CHAIRPERSON JENKINS: Okay. As the
21 appealing party, you'll have the burden of proof to
22 establish the proposed decision is incorrect. Therefore,
23 we'll hear from you first, and if you would speak your
24 name and spell it for the court reporter.

25 MR. LEAKE: Good morning, members of



1 the electrical board. My name is Sean Leake, S-e-a-n,
2 L-e-a-k-e, on behalf of the Henry Shein, Inc., and Daniel
3 Stalford.

4 CHAIRPERSON JENKINS: All right. You
5 may continue.

6 MR. LEAKE: So I'll be respectful of
7 your time. Our brief is very comprehensive. It would
8 take me far longer than 15 minutes to go through, so I
9 won't repeat myself. If you haven't read it, please do.
10 So I'll just hit on really what I think the main issue
11 is.

12 And here's where I think the challenge in this issue
13 is, and it's what -- what the exemption with installation
14 means. Right? So I think we can all agree that the
15 electrical code has certain exceptions to the licensing
16 requirements found in the electrical code, the licensing
17 permitting inspection requirements specifically.

18 So one of those exemptions is medical devices. I
19 think we can all agree with that. So the exemption
20 itself speaks of exempting installation, maintenance, and
21 repair.

22 So what we contend is, what Mr. Stalford, the
23 technician for Henry Shein, did is installation. It is,
24 therefore, exempt. The State has a different position.
25 I think it's your job today to decide what exactly



1 installation means in terms of that exemption.

2 So let's stop and agree, again, that this is a
3 medical device. The State disagreed initially. They --
4 you know, I think it is somewhat revealing that the
5 citation was issued for this device not being a medical
6 device and then later everybody said, "Okay. Yes.
7 Actually, it is a medical device."

8 In their most recent filing, the State says the
9 exemption could mean work inside the box, AKA, meaning
10 work inside the device itself, but not actually
11 connecting the medical device to anything, including
12 building power, water, in the building itself. And I
13 think that's where it gets interesting.

14 So -- okay. Fine. You have a medical device in
15 this room. The licensed technician can come and fiddle
16 around inside the device. Is that exempt? Okay.
17 Probably.

18 There's a ghost in the room.

19 CHAIRPERSON JENKINS: Apparently.

20 MR. LEAKE: What about installing that
21 device, though. Right? So we have a device. We take it
22 out of the box. We put it in front of us. We can say
23 the technician can fiddle around inside the device.

24 Okay. Now what? Can the technician screw the
25 device to the floor? Okay. That's installation. Right?



1 Maybe.

2 That's what happened in this case. Physically
3 placed the VacStar vacuum pump used for dental cleaning.
4 That's the thing that they shove inside your mouth to
5 suck the water and spit out. It's the best part of
6 dental cleaning, in my opinion.

7 So Mr. Stalford takes the device out of the box. He
8 puts it on a shelf about this high. He screws it in.
9 Okay. Installation.

10 There's a whip that connects to the medical device
11 itself. It's pre-installed at the factory to preserve
12 the UL listing. He connects that to the wall.

13 Now, that's really the issue. Right? What can he
14 do? Can he plug it into the wall in a three-prong plug?
15 Well, that's exempt under the electrical code itself.

16 The State takes the position that is what he would
17 have had to do, but because it came with wires and he
18 physically wired the device in, that transforms it.

19 Okay. Now, the question to you, I think, and this
20 is the question I think you need to leave with, and this
21 is where I'll finish: If you are a patient at a hospital
22 and the day before, a medical device technician had
23 installed a piece of medical equipment for surgery that
24 you were going into and they walked away and said, "Hey,
25 we installed this piece of medical equipment," but they



1 didn't attach it to building power, is that installed?

2 Because what the exemption calls for is
3 installation. Doesn't call for screwing it to the wall.
4 It calls for installation, installation inside the
5 meaning of the electrical code.

6 Does connecting it to power fall under the ambit of
7 installation? And our position is, in this case, yes.

8 Now, obviously there are limiting principles. The
9 exemption also says, well, you can't fiddle around with
10 building power, but that's not what happened here.

11 Mr. Stalford showed up. He turned power off. He
12 flipped the breaker. He used a lockout/tagout system.
13 This is all undisputed.

14 He then begins installing the VacStar vacuum pump.
15 He notices that there is a problem with wiring. He
16 stops. He says, "I'm not an electrician." He calls an
17 electrician. An electrician shows up after the L&I
18 inspector had come, issued the citation, and left.

19 The electrician comes, posts a permit, does the work
20 on building power, says, "Everything is fine. You can
21 now proceed."

22 Mr. Stalford after that, connects the device to the
23 wall to complete his installation. That is what
24 happened. That is not disputed.

25 And as I said earlier, it's for you to decide today



1 whether installation includes that final step, connecting
2 it to building power, and we say it does. Thank you.

3 CHAIRPERSON JENKINS: Thank you very
4 much.

5 Department.

6 MS. EASTWOOD: Thank you. Good
7 morning. My name is Helen Eastwood, E-a-s-t-w-o-o-d.
8 I'm the assistant attorney general, and I represent the
9 Department of Labor and Industries in this matter.

10 The Department requests the board affirm issuing of
11 three electrical citations to Henry Shein and one to
12 Daniel Stalford, its employee and administrator.

13 Two of the four citations issued in this case are
14 second citations, meaning that Henry Shein knew that it
15 needed an electrician to do the work here.

16 For the benefit of public safety, the Department has
17 long sought to prevent an underground economy of
18 non-electricians doing electrical work.

19 The Department re-raises here its motion for summary
20 judgment. This is a legal process that can only occur if
21 there are no disputed material facts, and the law
22 supports only one conclusion.

23 Here the appellants admit material facts are not in
24 dispute, and the fact that work was outside of the
25 medical exemption is clear.



1 Even if you decide not to move forward with the
2 summary judgment motion, there is substantial evidence to
3 support the Department's issuance of citations for
4 unpermitted electrical work in this case.

5 The Department does dispute the idea that
6 Mr. Stalford only attached to the -- to the disconnect
7 after -- after the electrician came because he
8 admitted -- and it's in the -- it's in the brief the
9 quotes where he admitted, "I took a screwdriver. I used
10 bolts that were there, and I attached it to the
11 disconnect."

12 That is electrical work. Electrical work must be
13 done, as you all know, by electricians. Mr. Stalford is
14 not an electrician. He holds no certifications. He is a
15 technician.

16 The statute notes that -- the medical exemption
17 statute notes, this exemption does not include work
18 providing electrical feeds to the power distribution or
19 installation of conduits and raceways, and the work
20 completed by Daniel Stalford was that type of work.

21 He described using his screwdriver to disconnect and
22 then connect the electrical feeds from the whip attached
23 to the vacuum to the power description unit, which is the
24 disconnect.

25 The inspector who was present that day observed that



1 the wires were connected poorly. That's part of the
2 reason that the Department was concerned. And there was
3 testimony about that at the hearing.

4 The work completed by Daniel Stalford also included
5 the removal of electrical feeds, which is also
6 prohibited. Removal of electrical feeds under
7 WAC 296-46B-925, Sub 17, indicates that, when equipment
8 is to be disposed, it must be physically separated from
9 power by a properly certified technician -- electrician.
10 Excuse me. Not technician.

11 The Department's interpretation here should be given
12 weight, and the legislative history supports that
13 position. Large companies like Henry Shein do not get to
14 circumvent the State's electrical code by claiming to
15 have trained their employees.

16 His own admissions were that he was trained about
17 the vacuum components but not that he held any type of
18 electrical certification.

19 The evidence, as I've indicated, included both
20 admissions from Mr. Stalford and actual observations by
21 the testifying inspector.

22 In conclusion here, the Department properly issued
23 citations, and these citations should be upheld because
24 Stalford completed electrical work through removal and
25 installation of wires to a disconnect that is absolutely



1 not exempt under the medical device statute, and for good
2 reason, to protect public safety. Thank you.

3 CHAIRPERSON JENKINS: Thank you very
4 much. All right. Questions from the board.

5 BOARD MEMBER BAKER: No questions.
6 This is cut and dry. I appreciate you representing your
7 client, but you clearly violated state law.

8 You use the term "installation." It's an electrical
9 installation that we're defining here, and when you took
10 that whip and connected it to that junction box or
11 disconnect, in the state of Washington, that is an
12 electrical installation.

13 You need a permit. You need an inspection. Needs
14 to be done by licensed electrician.

15 If I was in a hospital, as you suggested, I would
16 want to know, as a patient, that that was properly
17 connected. It wasn't going to come loose during my
18 procedure, that it was properly grounded, that it had the
19 right polarity.

20 Your client absolutely performed electrical
21 installation in that situation. I would move that we
22 uphold the law judge's ruling.

23 CHAIRPERSON JENKINS: Thank you.

24 Any other questions/comments from the electrical
25 board?



1 I just want to add on to the same thing as you
2 mentioned there in the same mode. Just to give credit to
3 what you're talking about, electrical -- a medical
4 appliance.

5 If everyone wants to take a look at this, if you
6 haven't done already, it is on the Chapter 19.20 RCWs.
7 We bring up the medical compliance, it is 19.28.371
8 No. 1.

9 And without reading the whole thing, I get back to
10 the medical appliance says it must be -- it's exempt from
11 installation, as you mentioned, except for exemption does
12 not include work providing electrical feeds into the
13 power distribution unit or install the conduits and
14 raceways.

15 And to drive that home, if you go to pages on our
16 packet, on Page -- Packet No. 382, I think it is, 80,
17 383 -- yeah. 380. Page 380 of your packet, regardless
18 of if they supplied a whip or not with the device -- I'm
19 looking at the upper right corner of the device itself --
20 they have breakers, both line voltage breakers and low
21 voltage breakers in there.

22 That is the power distribution unit, and that is not
23 part of the exemption of medical appliance. So the
24 wiring going to that location must be installed by an
25 electrician. That's what I get out of this also.



1 Anybody else have any questions/comments?

2 BOARD MEMBER KNOTTINGHAM: I've got a
3 couple comments. Board Member Knottingham.

4 Couple things concern me. One is that Mr. Stalford
5 went to the breaker. I'm a little confused about the
6 terminology because people throw terminology around, and
7 they kind of mix up stuff.

8 Said he went to service, turn the power off, went
9 back to the disconnect, checked it, disconnected the whip
10 from the disconnect.

11 That is electrical work, by definition, and that's
12 why, as it was stated in the WAC 19-25-17 that that's
13 supposed to be done by certified electricians.

14 The other part that really concerns me -- and I'll
15 give Stalford credit, that he did notice a hazard, and he
16 did point it out, but that was installed, I assume, by a
17 technician before, and there was a hazard there. The
18 wire was undersized and the disconnect wasn't in a safe
19 location.

20 So that's why the rules are there. You're supposed
21 to have certified individuals do the work. It's supposed
22 to be permitted. It's supposed to be inspected, and all
23 those are safeguards to make sure you have a safe
24 installation, and those didn't happen before. They
25 didn't happen in this case.



1 BOARD MEMBER ISAACSON: For point of
2 clarification, as much as my own edification as the
3 board's, what would be proper? Plug-in connector? Would
4 that be -- that would be fine; right?

5 CHAIRPERSON JENKINS: The way the --

6 SECRETARY MOLESWORTH: Let me clarify
7 that because you did make a comparison to a cord and plug
8 connection and a hardwire connection; right?

9 A cord and plug connection comes with that
10 equipment. The equipment is listed to be used with a
11 cord and plug. You just can't add a cord to a piece of
12 equipment.

13 When it's listed that way, all the grounding is
14 done. The cord is of such that it -- that it supplies
15 physical protection because of the hard usage cord that
16 it is. It's got a listed cord cap on it that's usually
17 molded in place, and there's a receptacle there that's
18 installed by an electrician; right?

19 So in the case of a -- of an extension of this
20 branch circuit, what it does is, you have many different
21 other factors. You have, what type of raceway are you
22 using? Has it got physical protection? Is it secured
23 properly? Is it grounded correctly? Is the receptacle
24 grounded correctly? Are the terminations made correctly
25 with the right wire nuts, with the right type of



1 connectors?

2 And so there's many different things that come into
3 play when you're doing it without just plugging it into
4 the wall. Right? And each one of those has a code
5 reference.

6 And so that's -- that's why we have to be careful
7 that it's not always acceptable just to put a cord on
8 something. It has to be listed to come with -- and come
9 with the cord in its listing in order to be able to do
10 that.

11 CHAIRPERSON JENKINS: Thank you very
12 much.

13 Is there any other questions, comments, concerns,
14 from the board?

15 BOARD MEMBER GRAY: Yes.

16 CHAIRPERSON JENKINS: Board Member
17 Bobby Gray.

18 BOARD MEMBER GRAY: Thank you,
19 Mr. Chair. Board Member Gray.

20 And I was going to say basically what the chief said
21 there, that all of that required -- any interface to
22 building power from a device that is other than cord and
23 plug for a reasonable person could do that, like plugging
24 in an appliance, requires a working knowledge of the
25 National Electrical Code.



1 And that's what the chief was stating is different
2 sections out of the National Electrical Code that
3 required a journeyman electrician that would have that
4 working knowledge in order to demonstrate that in order
5 to have that license and certification to be able to do
6 that work safely, and technicians typically would not
7 have that in this case.

8 One other point I might make is a precedent. In
9 previous discussions we've had similar to this regarding
10 dispute over what constitutes an electrical installation,
11 the board has reaffirmed that simply placing wires,
12 conductors, individual conductors in a raceway, for
13 example, for -- for air-conditioning units, for example,
14 requires a certification to be of competency to even be
15 able to place those wires in that tube.

16 So I think we have a precedent here that that kind
17 of work does, in fact, fall under the category of
18 electrical installation.

19 Thank you, Mr. Chair.

20 CHAIRPERSON JENKINS: Thank you. Any
21 comments from the board? Seems to me like we're kind of
22 in the same understanding here. So the Chair would
23 entertain a motion to affirm the ALJ's decision in the
24 orders today.

25 BOARD MEMBER CUNNINGHAM: Board Member



1 Baker motioned for that.

2 CHAIRPERSON JENKINS: So we have a
3 motion.

4 Do we have a second?

5 BOARD MEMBER NORD: Board Member Nord
6 is second.

7 CHAIRPERSON JENKINS: We have a
8 motion. We have a second. Any discussion?

9 Hearing none, all in favor, signify by saying aye.

10 BOARD MEMBERS: Aye.

11 CHAIRPERSON JENKINS: Any opposed?

12 Motion passes. So thank you very much. The board
13 has made a decision.

14 Ms. Helen Eastwood --

15 MS. EASTWOOD: Yes.

16 CHAIRPERSON JENKINS: -- is the
17 prevailing party. If you -- have you prepared a proposed
18 order?

19 MS. EASTWOOD: I have not, but I will
20 do so.

21 CHAIRPERSON JENKINS: Okay. So if
22 you'd please work with the counsel, Mr. Sean Leake -- is
23 that correct?

24 MR. LEAKE: Correct.

25 CHAIRPERSON JENKINS: -- and see if



1 you can go out in the hall and come up with a decision
2 today. Please don't leave today unless you have --
3 unless you have -- please don't leave today until you
4 have made a -- made an agreement.

5 Please be advised, if you do not reach an agreement
6 today, the matter will be automatically set for the next
7 scheduled board meeting.

8 If an agreed order is not received by that date, the
9 parties will be expected to file proposed orders and
10 appear before -- appear and advise why their proposed
11 order best reflects the board's decision. Hopefully this
12 will not be necessary.

13 If you are unable to reach -- if you are able to
14 reach an agreement to the board -- agreement as to the
15 form of the order before the next meeting, please forward
16 to the secretary of the board, and they will ensure that
17 the copies get signed and provided to the parties.

18 MR. LEAKE: Thank you.

19 MS. EASTWOOD: Thank you.

20 CHAIRPERSON JENKINS: Thank you very
21 much.

22 All right. So going back to -- so moving on to our
23 Letter F here for Mr. Electric. I've been informed that
24 John Barnes will present the order for Mr. Electric.

25 MR. BARNES: Yes. I just have kind of



1 a housekeeping matter here. This case has settled. If
2 you recall, this is the case that is stayed before the
3 board where the administrative law judge had found
4 that -- and had prohibited the Department from presenting
5 evidence because it found that the ex-employees of
6 Mr. Electric had violated the Fourth Amendment of the
7 U.S. Constitution and the Washington Privacy Act and so
8 prohibited the Department from really presenting a case
9 below at the Office of Administrative Hearings.

10 At the same time, there was a parallel litigation
11 going in federal court, and the Ninth Circuit Court of
12 Appeals recently issued a decision that exonerated the
13 Department from any violation of the Fourth Amendment or
14 the Washington Privacy Act.

15 So the parties then ended up settling the matter for
16 the standard reduction in penalties that the Department
17 offered them, but it -- procedurally it leaves the matter
18 still at the board stayed.

19 So I have an order that will remand this matter back
20 to the administrative law judge with direction to allow
21 Mr. Electric to withdraw their appeal, and that will end
22 up wiping out all of that -- the matter before the ALJ.
23 So we don't have to worry about that, and then it leaves
24 just simple citations issues, negotiated settlement.

25 So the order that I have for the Chair is just



1 simply to remand it back to the ALJ with direction to
2 allow them to dismiss their appeal and wipe that out.

3 CHAIRPERSON JENKINS: All right.
4 Thank you very much. I can receive that. We'll move
5 forward.

6 MR. BARNES: Do I have permission to
7 approach?

8 CHAIRPERSON JENKINS: Yes, please,
9 sir.

10 MR. BARNES: And this is signed by the
11 attorney for Mr. Electric as well.

12 CHAIRPERSON JENKINS: Perfect. Thank
13 you very much. All right. Thank you very much.

14 Going back to the -- Pacific Northwest here yet? I
15 haven't seen people walking in, so I'm assuming not. So
16 we'll hold that off still.

17 So I guess we're on to Item No. 4 of our meeting
18 here, departmental/legislative update with technical
19 specialist Larry Vance.

20 Are you available?

21 MR. VANCE: I am.

22 CHAIRPERSON JENKINS: Thank you very
23 much.

24 MR. VANCE: Thank you, Chairman
25 Jenkins. My name is Larry Vance. I'm a technical



1 specialist for the Department of Labor and Industries. I
2 work for the chief electrical inspector Wayne Molesworth.

3 Last meeting I -- we went through a fairly intensive
4 review of a proposed rule. I believe you all have copies
5 of it today. Since that meeting, we've had a public
6 hearing. We've had -- we had 41 comments regarding this
7 rule.

8 Many of the comments were requesting that the
9 Department either repeal the law that was changed under
10 6126, requiring apprenticeship to qualify for the 01
11 exam. Some of the comments were regarding a want to
12 delay the law. The Department has no ability to do so.

13 Other comments were surrounding the good cause
14 allowance in this proposed rule that would allow trainees
15 that already have 4,000 hours of commercial industrial
16 experience to finish out and qualify for the exam without
17 completing an apprenticeship, a two-year allowance, the
18 two years being what RCW 19.28.195 limits the
19 Department's authority to do.

20 And I think I touched on this last time. We don't
21 have the ability to allow trainees to continue doing 01
22 work after July 1, 2023, because of the requirements of
23 RCW 19.28.161(2)(a) -- I believe that's the correct
24 statute -- effective July 1, 20.23.

25 What that essentially says is that, in order to --



1 in order to work in the 01 trade, you have to be a
2 registered apprentice. You have to be a trainee and a
3 registered apprentice. So we don't have that ability.

4 Other concerns were shared on the -- on the
5 apprenticeship side that is governed under the Washington
6 State Apprenticeship & Training Council where the
7 electrical laws don't really have any purview.

8 There were just concerns surrounding availability of
9 virtual education versus classroom education, a lot of
10 conversations around education delivery methods and the
11 like, all of which we have no authority under this law to
12 modify.

13 Where we are today is that, given -- given that --
14 those 41 comments, we've -- we're moving towards the
15 CR-103 stage where the rule will become effective. The
16 rule stands exactly as it was presented at the last board
17 meeting. There's been no changes to the rule.

18 So that -- and currently there is some legislation
19 that looks almost identical to this rule that's -- that
20 was introduced this session.

21 So with that, does the -- I -- I'm ready for any
22 questions.

23 CHAIRPERSON JENKINS: So could you
24 expand a little bit what their request was for the -- so
25 we have somebody that has 4,000 hours of industrial



1 experience and they're asking for a two-year allowance to
2 get their specialty hours done?

3 MR. VANCE: That's provided by the
4 rule.

5 CHAIRPERSON JENKINS: I thought that's
6 what it was.

7 MR. VANCE: That is provided by the
8 rule. They want the opposite.

9 CHAIRPERSON JENKINS: Oh.

10 MR. VANCE: They want somebody that's
11 got 4,000 specialty hours to be able to work and gain
12 their 01 hours over the next two years --

13 CHAIRPERSON JENKINS: Okay. So --

14 MR. VANCE: -- which is in conflict
15 with the law.

16 CHAIRPERSON JENKINS: Okay. That's --

17 MR. VANCE: That's why we're not able
18 to do that.

19 CHAIRPERSON JENKINS: I had it
20 backwards.

21 MR. VANCE: Yeah.

22 CHAIRPERSON JENKINS: I thought that
23 was a part of the rule already.

24 MR. VANCE: Yes.

25 CHAIRPERSON JENKINS: But they're



1 asking for the reverse of that?

2 MR. VANCE: Yes. I mean, this law
3 went into effect half a decade ago. You'll see green
4 cards back here at the -- at the table on the entrance
5 in. Our inspectors have hand-built tens of thousands of
6 those.

7 We've sent out 43,000 letters to trainees, informing
8 them of the requirement -- coming requirements starting
9 in 2019. We've done an awful lot of outreach, and --

10 CHAIRPERSON JENKINS: It's been
11 reported to the board over the years that I've been on
12 the board. It's very accurate. I think the -- I think
13 the Department's done everything it can to inform
14 electricians of the upcoming event, so thank you.

15 MR. VANCE: Thank you.

16 Any other questions?

17 CHAIRPERSON JENKINS: Any other
18 questions -- any questions or comments from the board for
19 technical specialist Larry Vance?

20 MR. VANCE: The last meeting, you
21 had -- you had given us some advice that we need to
22 continue progress on this. I'm not sure if that advice
23 still stands or --

24 CHAIRPERSON JENKINS: So, I guess,
25 does anybody from the board like to make a motion to



1 continue the process of moving forward with
2 WAC 296-46B-945?

3 BOARD MEMBER NORD: Board Member Nord.
4 I'll make a motion that we continue the process. I
5 encourage the completion of it.

6 CHAIRPERSON JENKINS: Yeah. We have a
7 motion. Do we have a second?

8 BOARD MEMBER KNOTTINGHAM: Board
9 Member Knottingham. I second the motion.

10 CHAIRPERSON JENKINS: Motion and
11 second. Any discussion?

12 BOARD MEMBER GRAY: Yes. Thank you,
13 Mr. Chair. Board Member Gray.

14 I guess my comment would be, we're continuing to
15 have subcommittee meetings regarding the implementation
16 of this and the dynamics there.

17 We haven't had a meeting in a while, but I believe
18 we have one scheduled soon, if I'm not mistaken. So I
19 just thought I'd update the rest of the committee on --
20 on that effort as well.

21 CHAIRPERSON JENKINS: Thank you.

22 Any other discussion?

23 All in favor, signify by saying aye.

24 BOARD MEMBERS: Aye.

25 CHAIRPERSON JENKINS: Any opposed?



1 Motion passes. Thank you very much.

2 MR. VANCE: I have one more piece of
3 business.

4 CHAIRPERSON JENKINS: Yes.

5 MR. VANCE: I'd like to provide the
6 board with a legislative update of pending bills that
7 affect the electrical program.

8 CHAIRPERSON JENKINS: Please do.

9 MR. VANCE: You'll notice that that's
10 on the secretary's report, but the secretary has
11 indicated that I should present it, so a little out of
12 order, but that's what -- that's the plan. How's that?

13 CHAIRPERSON JENKINS: Sounds good to
14 me.

15 MR. VANCE: First up is House Bill
16 1526. It's an amendment to RCW 19.28.321 regarding state
17 electrical inspector salaries.

18 What it does is, it codifies the bases for
19 electrical salaries -- for electrical inspector salaries
20 based on the -- on the average of 39 counties -- the
21 prevailed wage in 39 counties, meaning the prevailed wage
22 for journey level electricians in all 39 counties.

23 So take all of the prevailing wages and all of the
24 39 counties, divide it by 39, and that's the number. And
25 it's -- when that prevailing wage goes down or if it goes



1 up, the inspectors' salaries are adjusted accordingly.

2 So what it does is, it just -- it doesn't affect the
3 inspectors' state fringe benefits. So it doesn't affect
4 anything as far as that's concerned. That's all still I
5 understand to be negotiated. The only thing it takes out
6 of the picture is what is the dollar, what is the wage
7 amount on the check.

8 So there are -- there are two bills: One in the
9 Senate, one in the House. We're talking about Senate
10 Bill 5545 and House Bill 1393. Those are bills that --
11 those two bills, what they do is, they require a delay of
12 the apprenticeship requirement by two years.

13 And they also require the Department to perform a
14 study, essentially contact everyone and ask them what
15 their preference is, do they plan on, you know, being a
16 journey level electrician.

17 I believe it also requires a study of where all the
18 available training facilities are and where all the --
19 where all the people that could be trained there live.
20 That's what those -- that's what those two bills do.
21 There's another -- there's another bill that is very much
22 like -- it's actually two bills.

23 There's a -- the first bill that was introduced was
24 House Bill 5320, and that is the bill that -- and I'll go
25 ahead and give you the other number, House Bill 1462.



1 Those are companion bills.

2 And what -- what that bill does is, it just
3 essentially codifies the good cause allowances that are
4 in this rule. It does not include the temporary
5 allowance for the trainees to continue and work because
6 that's expiring in two years anyway, so --

7 CHAIRPERSON JENKINS: So that's the
8 bill that we're hoping will -- to allow this good cause
9 to kind of continue on in the same kind of vein?

10 MR. VANCE: Correct. What it would
11 allow is, it would allow pathways for 16,000-hour
12 out-of-state applicants that came from a state that has
13 no licensing requirements, for instance, military
14 construction battalion folks, same thing -- it's pretty
15 much -- it's not exactly word for word, but it's very
16 close to the proposed rule.

17 CHAIRPERSON JENKINS: Yeah. We were
18 asking this about this last meeting. This is something
19 that we were hoping would show up, so I'm glad it did.
20 We're on the right path it looks like.

21 MR. VANCE: And the last bill -- and
22 I -- I didn't look today. I don't know that there's any
23 more bills coming, but there's been a little flurry
24 lately.

25 The last bill is House Bill 1594. And what 1594



1 does is, it pertains to the residential maintenance
2 specialty. We have a 2,000-hour residential maintenance
3 specialty. There was a large period of grandfathering
4 that was granted back around 2004.

5 Residential maintenance specialty used to be a
6 four-year 4,000-hour specialty, and this was back at the
7 time when business labor and Labor and Industries all
8 worked together to -- to form the 2,000-hour
9 subspecialties, the fast-track specialties, in other
10 words, how can we get a technician out here, hit the
11 ground running, and get them working by themselves so
12 that we don't have to provide them supervision for years?

13 And the -- what ended up being codified was an
14 allowance that it's a 2,000-hour specialty, but with a
15 100 percent supervision for at least 90 days, which I
16 think equates to 720 hours.

17 They qualify for an exam, and then once they pass
18 that exam, they can work the balance of their 2,000 hours
19 unsupervised because they've had that period of
20 100 percent supervision. They've passed an open book
21 exam.

22 And now they can work by themselves for 2,000 hours.
23 Once they -- once they turn in an affidavit for the
24 balance of their hours, they receive a certificate of
25 competency in that specialty.



1 What this bill does is that it -- in addition to the
2 requirement for the 100 percent supervision, it provides
3 an exception to that. The exception to that is
4 4,000 hours of residential maintenance -- or four years
5 of residential maintenance experience. And we don't know
6 quite what that means.

7 So someone has four years of maintenance experience
8 and let's say that they're working for a contractor.
9 We're not talking about anybody working under the
10 property owner exemption here because this bill wouldn't
11 be needed if we were. This is talking about somebody
12 that's working for a property maintenance contractor.

13 So if that person was working for a property
14 maintenance contractor and was performing electrical work
15 over that four-year period, they would be in violation of
16 the provisions of RCW 19.28.161, which requires them to
17 have a training certificate and requires them to be
18 supervised.

19 So what that bill does, in perpetuity, is, it
20 allows -- we're not quite sure what it's allowing. It's
21 just -- if you've got four years of residential
22 maintenance experience, you qualify for the exam, and if
23 you pass the -- I mean, you've never had any supervised
24 experience. You may not have any electrical experience
25 whatsoever. All you need is a notarized letter from your



1 employer, saying that you have four years of experience.

2 That's -- that's essentially the genesis of the
3 bill, that it just provides an open door and, you know,
4 without an end date to allow those with four years of
5 residential maintenance experience to qualify for a
6 specialty electrician exam.

7 CHAIRPERSON JENKINS: That's a little
8 confusing because how can they get the experience if
9 they're not doing it under a training card?

10 MR. VANCE: This bill circumvents --
11 well, the thing is, it doesn't circumvent all that. What
12 it would -- how would one look at that if somebody turned
13 in an -- if they turned in a letter that outlined
14 experience that was illegally gained?

15 CHAIRPERSON JENKINS: That's my
16 question.

17 MR. VANCE: Yeah. I mean, if it was
18 just lawn mowing, painting, and general, you know,
19 maintenance work, evidently I believe that that would be
20 fine, four years of that; right?

21 CHAIRPERSON JENKINS: That makes more
22 sense.

23 MR. VANCE: And -- but have they --
24 you know, have they been doing lighting retrofits? Have
25 they been doing -- what have they -- what's the --



1 where -- I don't understand the need, and it's not our
2 role to understand necessarily, but are we trying -- I
3 don't know what they're trying to necessarily do, but I
4 just -- I believe, as the Department, we see a hazard
5 with this.

6 CHAIRPERSON JENKINS: I guess my
7 question really is, with residential experience, what
8 residential maintenance experience? As you mentioned, is
9 lawn mowing, changing doors out, hinges -- does that
10 count towards that narrow experience?

11 MR. VANCE: It just uses the words
12 "residential maintenance experience."

13 CHAIRPERSON JENKINS: And they're
14 using that as an exemption of the 100 percent supervision
15 for 720 hours.

16 MR. VANCE: Right.

17 CHAIRPERSON JENKINS: Wow.

18 BOARD MEMBER NORD: So, Larry, this
19 would create a loophole in direct opposition to how the
20 Department and the board has always wanted certification
21 to be, if I read this correctly.

22 MR. VANCE: Correct. It just -- it's
23 a -- it's access to the -- to qualify for the exam
24 without any experience -- with no experience.

25 BOARD MEMBER NORD: Which creates a



1 very hazardous loophole.

2 MR. VANCE: I -- I -- you know,
3 speaking for myself, absolutely. And I think speaking
4 for the Department, the Department would also take that
5 view.

6 BOARD MEMBER NORD: So if this passes,
7 what can the Department do to nullify the effect?

8 MR. VANCE: Well, we're in an
9 interesting position because, if somebody presents us --
10 if somebody presents us a letter that chronicles
11 electrical experience for four years, then we want to
12 make sure that it was supervised electrical experience
13 and that they had a training certificate and they were
14 working under -- what this bill does is that it
15 doesn't -- it doesn't accomplish what it needs to
16 accomplish in two sets of -- two sections of statute.

17 BOARD MEMBER NORD: Correct.

18 MR. VANCE: Meaning that it only
19 touches one section. It needs to touch -- it needs to
20 create an exemption over here from certification for
21 residential maintenance workers, whatever that means.

22 So, yes, what would we do? I don't know. Because
23 we have a rule that says someone can't qualify for an
24 exam with experience that was illegally gained.

25 BOARD MEMBER NORD: So what this bill



1 would do is, it would, in effect, give someone who is
2 lacking sufficient skills and training to do a job
3 correctly and safely in residential setting where you
4 potentially would put the public in a clear and present
5 hazard, danger, and not being able to do anything about
6 it from a certification point.

7 MR. VANCE: They would -- they would
8 qualify for the exam, take the exam. They pass the open
9 book exam. The open book exam is not a knowledge test.
10 It is a test of the ability --

11 BOARD MEMBER NORD: How well can you
12 read a book.

13 MR. VANCE: -- for one to access
14 information that you'll need to do a compliant job.
15 It's -- yeah. It just opens the door for people who have
16 no experience performing electrical work to -- to be put
17 in a position.

18 BOARD MEMBER NORD: Does the
19 Department have the ability to go back to the person who
20 introduced the bill to try to educate them on the
21 potential hazards they're introducing?

22 MR. VANCE: We have -- we have a
23 legislative staff that works with legislators, and we
24 certainly give what -- when we've got feedback on any
25 bill, we -- we use that -- use that group, so --



1 BOARD MEMBER BAKER: When you say be
2 able to sit for the exam, you're talking about the 02?

3 MR. VANCE: Yeah. It's a subset of
4 the 02 -- or excuse me. It's the 07B, I believe it is.

5 BOARD MEMBER BAKER: Okay. So it's a
6 specialty in itself already.

7 MR. VANCE: It's a sub- -- it's a
8 2,000-hour subspecialty.

9 BOARD MEMBER BAKER: Okay. I'm not
10 familiar with that.

11 MR. VANCE: This is the person that's
12 going to go into somebody's apartment unit that where
13 there's a smell of burning wiring, pull the dryer out,
14 and there's a receptacle there that's all burned up, and
15 the wiring is all burnt up in the wall. They're the ones
16 that are going to look at that and maybe know or not know
17 what needs to happen.

18 CHAIRPERSON JENKINS: That was the
19 question I was going to have for you. Do you have a big
20 picture of what this licensing allows? Give us an
21 overview.

22 MR. VANCE: The work scope I believe
23 is just -- and I'm just going off the top of my head. I
24 can certainly look it up for you, but I believe it's
25 60 amps, 250 volts is the limitation on -- on the scope



1 that -- that they can work with.

2 CHAIRPERSON JENKINS: That's
3 replacement, not for installation; correct?

4 MR. VANCE: It's not for new
5 installation. It's replacement, right.

6 BOARD MEMBER TUMELSON: I had a quick
7 comment. Board Member Tumelson. My belief is that the
8 bill's probably intent is to -- you know, there's folks
9 that are in the, you know, trainee for life situation
10 where they're never going to be able to be eligible for
11 examination because they can't accumulate enough hours on
12 the electrical work alone.

13 And so I've encountered many folks that are in that
14 position where they're stuck as a trainee for 12,
15 15 years, not accumulating enough hours to be eligible
16 for examination, and so I think that that's the bill's
17 intent.

18 I'm not suggesting it's in the right location,
19 though, and so there are a lot of maintenance folks that
20 get stuck in that where they're touching electrical on
21 Friday or one day a month and will never accumulate the
22 2,000 hours or even the 720 to be eligible for
23 examination.

24 BOARD MEMBER GRAY: Board Member Gray.
25 My concern in all of this because, I agree, they can take



1 an examination that will evaluate their ability to go
2 find information if they need to.

3 My concern was, when you said that the experience is
4 going to be validated through an employer's notarized
5 letter without anything there that would qualify that
6 employer to be able to -- to know whether or not that
7 experience met what they would need to meet in order to
8 be able to do that job safely.

9 So that's where my concern would be, not so much
10 with the individual, but with the person that is
11 validating their experience.

12 How would they know whether that experience was
13 good, bad, applicable, not applicable, changing out
14 hinges, as you said? That's where I think the weakness
15 is.

16 Thank you, Mr. Chair.

17 CHAIRPERSON JENKINS: Thank you. Any
18 questions?

19 BOARD MEMBER GRAY: Thank you,
20 Mr. Chair. I want to talk about something else.

21 And, first of all, through the chair, if I could ask
22 Larry, what the bill number was for the wages for the
23 inspectors?

24 MR. VANCE: 1526. House Bill 1526.

25 BOARD MEMBER GRAY: We slipped through



1 that without a lot of fanfare, and to me, that's a big
2 deal. This board has been a pretty strong advocate
3 for -- for wage packages that would provide not only a
4 fair living wage for the inspectors that go out and have
5 to do the work based on some pretty stringent experience
6 criteria to be able to do that.

7 They have to be a journeyman electrician to begin
8 with before they can even qualify to do this job. And
9 so, to me, they deserve -- and I think, for most of the
10 board, at least in my experience here, agrees that they
11 need a fair and living wage.

12 The second thing is the incentive for recruitment,
13 and we've -- we've been advocates for that, finding ways
14 to recruit qualified people for the benefit of -- for
15 example, my representation is for contractors, and if
16 you're a contractor, you know how we've struggled the
17 last few years in getting timely inspections so that our
18 work can continue to progress.

19 And so I think this is a big deal, and it just sort
20 of slipped under the radar there, but it sounds like
21 maybe some of our concerns are finally going to be
22 achieved with this package.

23 So thanks for bringing that to our attention, Larry.
24 Thank you.

25 CHAIRPERSON JENKINS: I was waiting



1 for Don Baker to speak up on this one. Something we've
2 been talking about for years.

3 BOARD MEMBER BAKER: Very brief.
4 Coming in this morning, I'm like, "Right on. That's
5 great."

6 So definitely keep us posted. Let us know how that
7 progresses through the House. It's a big deal.

8 BOARD MEMBER KNOTTINGHAM: If I could
9 make a comment. Board Member Knottingham.

10 I've always found it frustrating that wages are tied
11 to you -- negotiate it, goes to the leg, and then it's
12 either approved or not approved, so why negotiate if they
13 can override what you've agreed to, between the
14 Department and the coalition?

15 And the money all comes out of the dedicated funds,
16 so if there's money left over to keep wages down, it
17 seems like the fund gets raided. So I'm really
18 supportive of this.

19 It takes a lot of, I think, wasted negotiation off
20 the table. You don't have to keep revisiting it because,
21 you know, the raises are built in. It's coming out of
22 dedicated fund anyway, which the chief has to -- has to
23 manage. So I think it's a great bill. I hope it passes.

24 CHAIRPERSON JENKINS: I think the
25 whole board has the same stay on this one, so, yeah.



1 Thank you very much.

2 Anyone else?

3 MR. VANCE: Go ahead.

4 SECRETARY MOLESWORTH: Oh, I just
5 wanted to ask a comment because I'm not sure, but would
6 the board be able and allowed to testify when that bill
7 is heard as board members?

8 CHAIRPERSON JENKINS: I'm sorry. Can
9 you --

10 SECRETARY MOLESWORTH: When they
11 testify to pros and cons of that bill, is the board able
12 to send a representative to -- to support that bill and
13 represent the board?

14 CHAIRPERSON JENKINS: That's a good
15 question I have for Ben, but the noise -- looks like he
16 can't hear us that well.

17 Can you hear us there, Ben?

18 MR. BLOHOWIAK: No. I -- I missed a
19 lot of that. Wayne, were you asking if members can
20 testify in front of legislature?

21 SECRETARY MOLESWORTH: Yes.

22 MR. BLOHOWIAK: I'd have to look into
23 it. I honestly don't know offhand. So I'd have to look
24 into that. So I don't have an answer right here today,
25 so I'm sorry for that, but a question I did not



1 anticipate this morning. So apologies.

2 SECRETARY MOLESWORTH: No problem.

3 BOARD MEMBER BAKER: Wayne, I will
4 tell you that, whether the board can or cannot, if you
5 want someone down there to testify, I will come down
6 there and testify on my behalf.

7 And I will share with them I'm a member of the
8 board, and I know this has been in progress for a long
9 time. I will be happy to testify in front of the
10 council.

11 SECRETARY MOLESWORTH: I think that
12 one of the things that will be detrimental to this is --
13 it has good support, we think, but detrimental is going
14 to be business involved; right?

15 BOARD MEMBER BAKER: Absolutely.

16 SECRETARY MOLESWORTH: That they
17 support it as well. And we've heard from our
18 stakeholders that business, you know, would support a fee
19 increase to support this type of a change.

20 You know, over the years, we've had that comment
21 made by different stakeholders, so just wanted to check
22 on that and see if that was -- you know, it never hurts
23 to have people in favor of these bills.

24 BOARD MEMBER TUMELSON: I only had one
25 question specifically about the bill. It looks like it



1 is -- and you mentioned it -- an average of the entire
2 state.

3 Is that meaning that, you know, electrical
4 inspectors working in Southeastern Washington are the
5 same as, you know, City of Seattle, or King County or
6 something like that?

7 MR. VANCE: It would be one wage.

8 SECRETARY MOLESWORTH: Yeah.

9 MR. VANCE: One wage, yes. Based on a
10 denominator of 39, which is the 39 counties. So there's
11 about -- I don't know -- seven or eight different wages
12 in the state. So it's not an average of the seven or
13 eight. It's an average of the 39 counties. So that's --
14 that's what it is. That's what it is.

15 There is a -- in the House Labor & Workplace
16 Standards Committee at 10:30 on January 31st, 2023, there
17 is a hearing on this bill. That's on January 31st, 2023,
18 at 10:30 a.m. in the House Labor & Workplace Standards
19 Committee. I believe they have the option for virtual
20 testimony --

21 SECRETARY MOLESWORTH: They do.

22 MR. VANCE: -- as well.

23 SECRETARY MOLESWORTH: Yep.

24 BOARD MEMBER BAKER: And, Larry, is
25 that -- typically, when something like this gets put in



1 place, you're establishing a baseline. It's the minimum
2 pay, and then the Department and each individual region
3 would have the ability to bump that accordingly for each
4 inspector's qualifications, I would assume.

5 MR. VANCE: The Department -- yes,
6 there is a -- the way the bill is written is, if the
7 Department wants to pay more, then they can pay more.

8 BOARD MEMBER BAKER: Yeah.

9 MR. VANCE: So it's the minimum is the
10 prevailing rate of wage.

11 BOARD MEMBER BAKER: Yeah.

12 SECRETARY MOLESWORTH: However, once
13 you do that, then you go into bargaining again. If
14 you're going to raise that wage above what the standard
15 is, then you would have to bargain that wage again.

16 And just to clarify, individual regions can't bump
17 it up themselves. All the inspectors across the state
18 will be given the same wage. We won't have inspectors in
19 different regions paid different rates, at least not in
20 the current --

21 BOARD MEMBER BAKER: But if you have
22 somebody that's in a supervisory position, there's a
23 different --

24 SECRETARY MOLESWORTH: Different
25 thing.



1 BOARD MEMBER BAKER: Yeah. That's
2 what I'm saying.

3 SECRETARY MOLESWORTH: Oh, okay.
4 Yeah. Because we have different percentages for the
5 leadership positions that we have too, so --

6 MR. VANCE: I believe those are still
7 negotiated.

8 SECRETARY MOLESWORTH: Yeah, they are.

9 MR. VANCE: Yes.

10 SECRETARY MOLESWORTH: Yep.

11 CHAIRPERSON JENKINS: All right. Any
12 other questions? Anything else you want to add? Sorry.

13 MR. VANCE: No. No. Just -- I
14 just -- they've done a lot of enhancements on the website
15 anymore today. I mean, any of these bills, if you want
16 to look them up, it's super quick, easy to do. You just
17 Google bill information, bill info, WA, W-A, and then you
18 just type the bill number in.

19 You can see -- there's all kinds of cool features
20 there. You can enter a comment if you'd like to comment
21 there. You can do that. Anybody can do that.

22 And you can also sign up for email updates, and what
23 you'll do is every time the bill moves or anything
24 happens, if there's -- anytime the bill changes, it --
25 you get an email notification of what's going on. So if



1 you want to track a bill, super easy to do. If you want
2 to comment on a bill, really easy to do. It's just
3 really simple. And that's just bill -- it's just "bill
4 info WA," if anybody has got a Web browser up, so --
5 yeah.

6 CHAIRPERSON JENKINS: Great. So maybe
7 you can answer this question for me, Ben.

8 Would it be appropriate to have a motion for a board
9 to support the House Bill 1526 in case that we can
10 actually have representation that says the board agrees
11 with this? Would that be appropriate to do a -- to do
12 that? If that make sense.

13 MR. BLOHOWIAK: If you'd like to do
14 just, like, some sort of, like, supportive motion in vote
15 in favor of this, I think that that's appropriate, that
16 you're able to do that.

17 CHAIRPERSON JENKINS: Okay. So the
18 chair would entertain a motion to support House Bill
19 1526.

20 BOARD MEMBER BAKER: So moved.

21 CHAIRPERSON JENKINS: So moved. Do we
22 have a second?

23 BOARD MEMBER BOARD: Board Member
24 Nord, second.

25 CHAIRPERSON JENKINS: Motion. Second.



1 Any comments or any discussion?

2 Hearing none, all in favor, signify by saying "aye."

3 BOARD MEMBERS: Aye.

4 CHAIRPERSON JENKINS: Any opposed?

5 Motion passes.

6 And I'm bringing that up because the simple thing
7 is, if we do have somebody that goes to the meeting -- I
8 would like to do it myself if I can schedule it also --
9 we would have an official support from the board that
10 way. So all right. Thank you very much.

11 Anything else you'd like to add to that, Mr. Vance?

12 MR. VANCE: No. Thank you, all.

13 CHAIRPERSON JENKINS: Thank you very
14 much.

15 I think this is a good point to take a break. Maybe
16 we can see if our party shows up, and we'll take about a
17 15-minute break and get started back up again. Thank
18 you.

19 (Recess from 10:10 a.m. to
20 10:30 a.m.)

21 CHAIRPERSON JENKINS: So looks like it
22 is now about 10:30. I'd like to bring the Washington
23 State electrical board meeting back to order.

24 All right. So looks like we can move back to our
25 original agenda.



1 And we are at the Pacific Northwest Electrical, LLC,
2 denial variance, No. 18.06, Anacortes Marina Wiring
3 Method, for scheduling purposes only. So do we have
4 somebody here from the Pacific Northwest, LLC.

5 MR. CANNON: Yep.

6 CHAIRPERSON JENKINS: And we have the
7 counsel from the Department.

8 MR. DIEMER: Yes.

9 CHAIRPERSON JENKINS: Please approach.
10 And something I want to cover before we get started.

11 Good morning. This matter will require an original
12 hearing before the board. As a result, in addition to
13 arguments, there will be live witness testimony,
14 exhibits, and motions. For those reasons, we have asked
15 the parties here today to participate in the planning of
16 this case moving forward.

17 And if you would, please, the counsel from Pacific
18 Northwest, would you please state and spell your name for
19 me.

20 MR. CANNON: James Cannon,
21 C-a-n-n-o-n.

22 CHAIRPERSON JENKINS: And from the
23 Department.

24 MR. DIEMER: Neil Diemer, N-e-i-l
25 D-i-e-m-e-r.



1 CHAIRPERSON JENKINS: All right. So
2 Pacific Northwest Electrical, as the appealing party, you
3 have the burden to prove -- burden of proof in this
4 appeal.

5 So a couple questions for you. Before, like I said,
6 this is for scheduling purposes only, so we won't be
7 entering any information, and keep away from any type of
8 information from the actual case itself.

9 But a couple quick questions for you: Do you expect
10 any pretrial motions?

11 MR. CANNON: I don't know.

12 CHAIRPERSON JENKINS: Okay. Fair
13 enough.

14 MR. CANNON: I'm not an attorney, so
15 just kind of winging it because I can't afford an
16 attorney to fight you all, so --

17 CHAIRPERSON JENKINS: Fair enough.

18 MR. CANNON: Not sure on that.

19 CHAIRPERSON JENKINS: How many
20 witnesses are you planning on calling?

21 MR. CANNON: I would say a minimum of
22 three, but I'm not sure of that yet. We just found this
23 out a month ago that we'd be coming here for the
24 scheduling, so I'm hoping to work on a bunch of that
25 after today.



1 CHAIRPERSON JENKINS: In doing that,
2 I'm assuming you have names of those people; correct? I
3 don't need them here, but --

4 MR. CANNON: I will submit all that.

5 CHAIRPERSON JENKINS: Okay. And
6 lastly, do you have any idea how long you think it will
7 take to show your case?

8 MR. CANNON: Are you talking about the
9 duration of the case itself or when to schedule it for in
10 the future?

11 CHAIRPERSON JENKINS: No. How much
12 time do you think it will take to present your case?

13 MR. CANNON: Hour and a half or two,
14 I'm guessing. These are all from the hip, so --

15 CHAIRPERSON JENKINS: I totally
16 understand that. Totally.

17 And then Mr. -- can you pass on -- can you tell
18 me -- same questions.

19 MR. DIEMER: Sure. So the Department
20 is considering possible motions. Not for sure yet, but
21 it's a possibility. We expect to call about four
22 witnesses and would like a day for the hearing.

23 CHAIRPERSON JENKINS: And is it one
24 day to present your side of it?

25 MR. DIEMER: Yes.



1 CHAIRPERSON JENKINS: Okay. All
2 right. So I guess the next thing is, we need to turn to
3 all of us, including both counsel, since we need to
4 schedule a date that we can actually have this happen.

5 So I'm thinking it might take over a day to do this.
6 If it all works well, might be a little less, but looks
7 like it will take the full day.

8 So options we have currently -- options -- I'll call
9 Option No. 1, which is the next meeting in Spokane. We
10 could extend that to a two-day meeting. We would have
11 our normal meeting upfront, which looks like it's going
12 to be fairly heavy anyway. Then we'd move on to this
13 case and then possibly -- would go on to the next day, so
14 it would be two days of meeting in Spokane.

15 The other option we have is to actually open up a
16 special meeting between now and then.

17 MR. CANNON: When is the meeting in
18 Spokane? What's the date?

19 CHAIRPERSON JENKINS: That is the
20 27th of April.

21 MR. CANNON: April. So I would be
22 hoping for a little more time than that. Just a note for
23 you guys.

24 CHAIRPERSON JENKINS: Oh, okay. That
25 was going to be my next question. How long are you -- do



1 you need --

2 MR. CANNON: I was hoping for five to
3 six months from now, somewhere in August.

4 CHAIRPERSON JENKINS: Oh.

5 MR. CANNON: When is the next meetings
6 after the April meeting?

7 CHAIRPERSON JENKINS: July.

8 MR. CANNON: Is that an option?

9 CHAIRPERSON JENKINS: It's always an
10 option.

11 MR. CANNON: Right. That's what I
12 would be hoping for would be July. You know, I got to
13 run a business. I got to do all this myself, so I'm
14 going to be doing this in my spare time.

15 I know that's no reason for you guys to consider,
16 but that's the deal. I got a lot of other stuff.

17 CHAIRPERSON JENKINS: Okay.

18 BOARD MEMBER NORD: July is in Pasco.

19 CHAIRPERSON JENKINS: That is in Pasco
20 at that point.

21 MR. CANNON: I'll need the time either
22 way, unless a special meeting can be done -- that's up to
23 you guys -- here somewhere in that time frame --

24 CHAIRPERSON JENKINS: Okay.

25 MR. CANNON: -- of five to six months



1 from now is what I would be hoping for.

2 CHAIRPERSON JENKINS: And the
3 Department?

4 MR. DIEMER: I'm flexible. I think.

5 CHAIRPERSON JENKINS: So 30 days?

6 MR. DIEMER: What's that?

7 CHAIRPERSON JENKINS: I'm kidding.

8 MR. DIEMER: Yeah. Given Mr. Cannon's
9 concerns, the July meeting sounds acceptable.

10 CHAIRPERSON JENKINS: Okay. And,
11 board members, what's your opinion on time frame? This
12 is going to be above and beyond our typical board
13 meeting. We continue the meeting in July to a second
14 day? Yes.

15 BOARD MEMBER GRAY: Thank you,
16 Mr. Chair. Board Member Gray.

17 I think July is acceptable for me, provided we can
18 clear off our agenda. We have a lot of things that are
19 backing up for the April meeting, so if we can conduct
20 our normal business in April, July seems like a
21 reasonable time.

22 CHAIRPERSON JENKINS: And from my
23 understanding, just for anyone's understanding, that
24 these cases -- our next meeting should -- I don't see any
25 more barriers that should be presenting themselves this



1 next meeting. So I don't see any issues why they
2 shouldn't. So if that helps.

3 Anybody else have questions? Comments?

4 SECRETARY MOLESWORTH: Yes. I just
5 had a quick comment. I think this is one where we still
6 have pending corrections that are in question, and this
7 has been going on for quite some time.

8 So I wanted to make sure that was on the record,
9 that pushing this out limits them being completed if you
10 find in favor of the State, so --

11 CHAIRPERSON JENKINS: So your concern
12 is that, longer we wait, the more --

13 SECRETARY MOLESWORTH: We still --

14 CHAIRPERSON JENKINS: -- ill effect it
15 creates?

16 SECRETARY MOLESWORTH: Yeah. We still
17 have corrections that are out there that are pending and
18 have not been completed because of previous actions,
19 so -- of the board.

20 CHAIRPERSON JENKINS: Okay.

21 SECRETARY MOLESWORTH: Just so we
22 know.

23 CHAIRPERSON JENKINS: All right. Ben,
24 got a question for you.

25 Can we ask the question if this installation is



1 currently energized?

2 SECRETARY MOLESWORTH: It is as far as
3 I understand.

4 CHAIRPERSON JENKINS: I need to ask
5 Ben, but --

6 SECRETARY MOLESWORTH: Oh.

7 CHAIRPERSON JENKINS: That may or may
8 not be adding information to the case. That's why I'm
9 asking.

10 So is it okay to take that answer, Ben?

11 MR. BLOHOWIAK: Yeah. I think so.

12 CHAIRPERSON JENKINS: Okay. So, yes.

13 BOARD MEMBER KNOTTINGHAM: Board
14 Member Knottingham. My concern is, if this is energized,
15 there are hazards that need to be addressed. That is my
16 concern about extending to July.

17 MR. CANNON: It's been energized for
18 five years. So it's been kicked down the road and the
19 board for five years now, so I'm just looking for a
20 little extra time to present my case, you know. I need
21 that time in order to get my witnesses together and try
22 and play attorney and get it all done. It's been going
23 for five years.

24 CHAIRPERSON JENKINS: Okay. Any other
25 comments? Once again, this is hopefully strictly with



1 scheduling. Any other questions? Comments?

2 BOARD MEMBER BAKER: Yeah, I'm just
3 wondering -- I'm assuming your business is on the west
4 side?

5 MR. CANNON: Yes.

6 BOARD MEMBER BAKER: Maybe it makes
7 sense for a special meeting in the Olympia/Tacoma area to
8 facilitate this hearing versus going all the way to
9 Pasco.

10 CHAIRPERSON JENKINS: Is this possible
11 then to move this thing before July, maybe in between the
12 two meetings? Is that going to work?

13 MR. CANNON: I still am looking for,
14 you know, that much time to get my stuff together. The
15 only thing I can say, if I'm ready before that, I'd be
16 happy to do it, but I don't know.

17 I'm just getting started, digging back through this
18 issue that was five years ago, like I said. I've got to
19 track down the players and my witnesses and so on.

20 So, again, I'm not an attorney. So I don't know
21 what this is going to take, you know, what adventure this
22 is going to take me on, so I just want to be sure I have
23 sufficient time. That's all.

24 I don't know how it works. I could recontact or
25 whatever it takes in a month or two, and if I have my act



1 together and I'm ready to go, then I'd be happy to move
2 it up to get it over with, for sure.

3 CHAIRPERSON JENKINS: Thank you. So
4 I'm thinking is, for the sake of trying to keep it as
5 speedy as much as we can, on this same hand to hopefully
6 keep it on the side of -- this side of the state for ease
7 of -- across the board.

8 MR. CANNON: Absolutely. Thank you
9 for that.

10 CHAIRPERSON JENKINS: I'm thinking
11 maybe early June, maybe late May. Does that work for
12 everybody as far as opening a special meeting?

13 MR. CANNON: Early June?

14 CHAIRPERSON JENKINS: So either early
15 June or late May. We need to get an actual date, though,
16 is why I'm asking this out loud so everyone gets a chance
17 to take a look at their schedules. Do you have it with
18 you? Hopefully you brought it with you.

19 MR. CANNON: So the week of June 5th
20 is good for me. Any day in the week of June 5th.

21 CHAIRPERSON JENKINS: So getting
22 information from counsel.

23 BOARD MEMBER BAKER: Suggest Thursday
24 the 8th.

25 CHAIRPERSON JENKINS: So June 5th, you



1 said, and what was your comment?

2 BOARD MEMBER BAKER: I would suggest
3 Thursday the 8th.

4 CHAIRPERSON JENKINS: Thursday the 8th
5 of June.

6 Does anybody take issue with or want to use
7 June 8th, which is a Thursday?

8 MR. DIEMER: Chairman, unfortunately,
9 I have a trial in another matter that whole week, but the
10 week of June 12th would work for me.

11 BOARD MEMBER NORD: June 12th wouldn't
12 work for me.

13 CHAIRPERSON JENKINS: Just the day?

14 SECRETARY MOLESWORTH: Mr. Chair?

15 CHAIRPERSON JENKINS: Yes.

16 SECRETARY MOLESWORTH: Depending on
17 the board's feeling about a separate meeting, we could
18 change the location of the July meeting as well.

19 BOARD MEMBER BAKER: Bring it back to
20 the west side.

21 SECRETARY MOLESWORTH: Just depends on
22 what your feeling is about a special meeting.

23 BOARD MEMBER NORD: Or we could
24 postpone it to Vancouver when we're in Vancouver.

25 CHAIRPERSON JENKINS: That's a long



1 time.

2 SECRETARY MOLESWORTH: And one of the
3 things to consider is that the code is not just about the
4 installation. It's about the longevity of the
5 installation. And so we want to make sure that this
6 thing is not deteriorating, you know, because of the
7 corrections.

8 CHAIRPERSON JENKINS: So you mentioned
9 the 5th of -- the week of the 5th of June. What about
10 going one week prior to, so the week of -- the partial
11 last week until maybe June 1st. Is that going to be too
12 close?

13 BOARD MEMBER BAKER: That works for
14 me.

15 And doing it on a Thursday, we could carve out both
16 1st and the second. That way, if it rolls over to the
17 second day --

18 BOARD MEMBER CUNNINGHAM: It is the
19 week of Memorial Day.

20 CHAIRPERSON JENKINS: Oh, yeah. So --
21 but it's after that, if that helps. Makes it a really
22 short week. I don't know how everyone feels about that,
23 but throw it out there.

24 June 1st, does anybody say no to that? Because I
25 need to have a quorum here for this.



1 BOARD MEMBER BAKER: Memorial Day is
2 back on the 29th, though.

3 CHAIRPERSON JENKINS: Yeah. So just
4 means your week is really short that week. And that
5 would be, I'm assuming, here.

6 SECRETARY MOLESWORTH: If that's in
7 conjunction with Memorial Day, should we check with the
8 court reporter to see if they have availability?

9 THE COURT REPORTER: I'm sure we do.

10 UNIDENTIFIED SPEAKER: Memorial Day is
11 the weekend before.

12 CHAIRPERSON JENKINS: So after
13 Memorial Day by -- just shortens your week up if you --

14 SECRETARY MOLESWORTH: They don't give
15 me holidays, so --

16 CHAIRPERSON JENKINS: All right. So
17 I'm hearing a consensus of June 1st is going to work
18 across the board. And if you can't, I understand, and
19 we've got other members that are not here currently, and
20 they'll -- we'll have to see if we can fit it in, if they
21 can make it.

22 So as of right now, unless something gets said here
23 in the future, we're going to schedule June 1st as the
24 presentation time for this case.

25 All agreed?



1 BOARD MEMBER BAKER: I would recommend
2 the 1st and 2nd --

3 CHAIRPERSON JENKINS: Oh, sorry. Yes.

4 BOARD MEMBER BAKER: -- as an option.

5 CHAIRPERSON JENKINS: Could go to the
6 2nd.

7 BOARD MEMBER BAKER: You've got to
8 book the room or something; right?

9 CHAIRPERSON JENKINS: Yes. Thank you
10 very much. So we'll schedule for the 1st and if it
11 bleeds on to the 2nd, it does. Okay. All right. Thank
12 you.

13 MR. CANNON: No. No. I was just
14 going to say thank you.

15 CHAIRPERSON JENKINS: Thank you very
16 much. And we'll move to the next step.

17 MR. DIEMER: Chairman, I'm sorry,
18 before we move on, will there be any -- typically in a
19 hearing we have sort of deadlines at that time to
20 identify witnesses and exhibits or --

21 CHAIRPERSON JENKINS: Yes. So we'll
22 have a proper notice sent out prior to any type as you
23 typically see with an ALJ.

24 MR. DIEMER: Okay.

25 CHAIRPERSON JENKINS: There probably



1 will be one here also.

2 MR. DIEMER: Okay. Great.

3 CHAIRPERSON JENKINS: All right.

4 Thank you very much.

5 MR. CANNON: Thank you.

6 CHAIRPERSON JENKINS: Thank you.

7 All right. So that concludes business with Pacific
8 Northwest until our next meeting -- special meeting on
9 June 1st.

10 Moving on to our -- back to our agenda, looks like
11 we are at the secretary's report with our secretary,
12 Wayne Molesworth.

13 SECRETARY MOLESWORTH: Mr. Chairman,
14 members of the board, thank you for allowing me to read
15 the secretary's report into the record.

16 As far as the budget goes, the electrical fund
17 balance on December 31st, 2022, was \$15,971,424, which is
18 about seven times the monthly operating expenditures.
19 The average monthly operating expenditures for second
20 three months of fiscal year -- FY, fiscal year, 2023 were
21 \$2,445,928, compared to \$2,233,316 for the same period
22 last year, which is an increase of about 9.5 percent.

23 Average monthly revenue for the first quarter of FY
24 2023 was \$2,383,864, compared to \$2,448,607 for the same
25 period last year, a decrease of about 1.2 percent.



1 Let me get my mouse going here.

2 December 2022 customer -- or 2023 Customer Service.

3 We had -- 40,723 permits were sold last quarter.

4 98.6 percent, or 40,153, were processed online, which is
5 a .1 percent increase from last quarter.

6 99.8 percent of contractor permits were sold online,
7 which is consistent with the previous quarter.

8 Homeowners online sales for this quarter is 85.3 percent,
9 which is a 5 -- or .5 percent increase from the previous
10 quarter.

11 Online inspection requests is 77.1 percent, which is
12 a .5 decrease from last quarter. During this quarter,
13 customers made 91.5 percent of all electrical license
14 renewals online, which is a 1.7 percent decrease from
15 last quarter.

16 Our key performance measures from our scorecard
17 indicators percent of inspections performed within
18 24 hours of request. The goal is normally 86 percent.
19 In fiscal year 2022, we had 74 percent. In fiscal year
20 '23, we had 75 percent, up 1 percent.

21 Percent of inspections performed within 48 hours of
22 a request were 87 in '22 -- 2022 and 87 percent, again,
23 in 2023. Total inspections performed, we inspected
24 61,627 last year for this quarter, and 62,974 this
25 first -- or second quarter of fiscal year 2023.



1 Virtual electrical inspections, VEI, performed last
2 year at 5,770. This year we inspected 9,639. Quite an
3 increase for VEI, and this is a project that continues to
4 grow and continues to have support from the director of
5 the agency.

6 Number of focus citations and warnings, contractor
7 licensing, workers certification, no permit, failing to
8 supervise trainees, anticipated total number is 4,136.
9 Fiscal year 2022, in the field they had 249, and
10 ECORE/audit had 797, for a total of 1,046.

11 In 2023, the field had 322 and ECORE had 3,043.
12 Total number of 3,365.

13 CHAIRPERSON JENKINS: Can I interrupt
14 you there? Is there an explanation for that?

15 SECRETARY MOLESWORTH: There is,
16 actually. We've hired and filled some positions in
17 ECORE. Also we've had some big contractor --
18 out-of-state contractor citations.

19 One of the things that has been going on is that we
20 used to use ECORE to fill in behind inspectors and pay
21 them a lot of overtime to do that, and they would go to
22 the different regions and do inspections, and, therefore,
23 they weren't able to do their compliance.

24 This past year, VEI has done all of that, and ECORE
25 has not gone out to help the regions. They have been



1 solely concentrating on compliance.

2 One of the reasons for that is, the board has asked
3 me a couple times what's happening to compliance. And so
4 we thought a need there to make sure that we were
5 focusing stronger in that way.

6 This is going to be a record year for our
7 compliance, which tells you there's a problem. Right?
8 And so we need to, in the future, look towards increasing
9 the E CORE program and then focusing on different things,
10 as well as the big contractors.

11 I want to start focusing a little bit on the
12 underground economy that has to do with the, you know --
13 the homeowners and educating homeowners to say that I did
14 the work. Right? We need to start citing homeowners for
15 not having permits because they've been trained by the
16 underground economy to say that the State will only give
17 you a warning.

18 And so we've found that to be true, and so coming up
19 here in the future, we're having some discussions on how
20 do we attack that. So just a little background there.

21 CHAIRPERSON JENKINS: I did notice at
22 our last meeting we had a case that was brought before us
23 that the inspectors themselves are asking for licensing
24 where they weren't before. Only E CORE was doing that.

25 SECRETARY MOLESWORTH: Right.



1 CHAIRPERSON JENKINS: So that's now
2 being held on inspectors too, to ask that question.

3 SECRETARY MOLESWORTH: And we're
4 filling some of the field positions, which is also
5 allowing for people to do a little bit more compliance.
6 You can see the field compliance went up a little under a
7 hundred -- about 80, you know, between last year and this
8 year.

9 It's very hard, with the vacancy rate we have for
10 them, to do the compliance as well as do their
11 inspections, but the message I gave at our recent
12 training was, it's just as important to make sure that
13 installations are safe and code compliant. It's just as
14 important to make sure that the right people are doing
15 the work.

16 So hopefully we'll see an increase in that --

17 CHAIRPERSON JENKINS: Thank you.

18 SECRETARY MOLESWORTH: -- moving
19 forward.

20 Inspection stops for inspector per day, last year
21 was 12. This year it's 11.1. So down just a little bit.
22 A little bit up in compliance, a little bit down in
23 inspections.

24 Serious electrical corrections that would result in
25 disconnection, last year at this time was 8,941, and



1 currently it's 9,623 for this quarter of 2023.

2 Turnaround time for average plan set reviewed, the
3 goal is less than 1.6 weeks, which, I think, if you
4 remember, that this used to be six weeks. Right?

5 The goal is less than 1.6 weeks. Last year at this
6 time it was three days, and currently they're at 2.3 days
7 for review.

8 I might add that this is a smaller staff as well.
9 So they've implemented electronic plan review that, if
10 you use that, you know that it's very easy to communicate
11 with and saves a lot of time in communicating with
12 customers.

13 So turnaround time for average plans -- oh, I
14 already covered that. Sorry.

15 Plan pages reviewed, 985 last year. This has a
16 little bit to do with the 2.3 days, 673 in this past
17 quarter. So a few fewer pages they had to review.

18 Then we have percent of warnings by focused
19 violation type. Licensing was zero. Certification,
20 26 percent. Permits were 61 percent. Trainee
21 supervision, 12 percent. All focused were 5.2 percent of
22 total allowed for total citations.

23 CHAIRPERSON JENKINS: And I'm assuming
24 that the licensing being zero is because they're not
25 warning anymore. They're just citing. The licensing is



1 zero -- licensing warnings.

2 SECRETARY MOLESWORTH: You know, I'd
3 have to dig in to see why that's zero because I'm not too
4 sure it is, but I apologize for that.

5 CHAIRPERSON JENKINS: Yeah. That's
6 awesome we have no problems in licensing.

7 SECRETARY MOLESWORTH: I think that in
8 licensing we still have some problems. I've seen some
9 citations come through.

10 Probably what I'll do is amend this at the next
11 meeting and let you know what that number was. So --
12 exactly. Yeah. That was a little surprise to me as
13 well.

14 Licensing citation -- and citations, this group
15 inside the electrical program, as of January 4th, 2023,
16 there are a total of 56 -- or 567 items waiting to be
17 processed. That sounds like a large number.

18 What you want to keep in mind is that only a few
19 months ago that was more like 1,300 were waiting to be
20 processed, and the backlog was almost eight weeks.

21 So they've cut that down quite a bit. The oldest
22 item in backlog is dated 12/1/22. Backlog is decreased
23 as employees have been hired and are in training. Also
24 they've done some great process improvement where the
25 whole licensing staff is involved in ensuring that they



1 bring the work to that process, and they understand it
2 better so they're helping to develop those processes.
3 And they've done a great job of that.

4 We have eight licensing positions and two citations
5 positions in the program. We have interviewed and are in
6 the hiring process for one licensing position, and we
7 have two in training for licensing.

8 We are in the process of hiring one position in
9 citations. Once the hiring and training process is
10 complete, this will bring our staff to full capacity. It
11 takes about six months for a new hire to become fully
12 trained and about one year to become proficient in their
13 position.

14 Turnover is caused by promotional opportunities
15 outside of the program as the positions offered at this
16 level are considered entry level with no opportunity for
17 advancement. And that's a shame, but that's kind of the
18 way it is right now.

19 We've looked and looked and looked for what could we
20 move this classification to, and we think we have some
21 ideas, but we'll just have to play those out and see what
22 happens, but right now, it is an entry level position.

23 So -- there are no new testing labs to report.

24 And Larry already covered the pending legislation --
25 outside legislation.



1 What I'd like to do is, like I've done in the past
2 couple of meetings, is introduce some key people to the
3 board from the program.

4 First of all, I want you to know that we're doing
5 succession planning in the chief's office. We added
6 Lauren Lathrop a little over a year ago. We now have
7 three technical specialists. Randy Barnes, Randy, we
8 hired Randy just not too long ago, and he's also being
9 trained as a technical specialist.

10 What I'm worried about is succession of not only the
11 techs but the upcoming chief. I'm getting older, and I
12 may have retirement in the future, maybe not in the near
13 future, but we want to make sure we have people that can
14 take the program forward, and so that's why we added the
15 third tech so that we could do that.

16 I think Larry is older than I am. No. I guess not.

17 So, anyway, then in the back we have Jen Dietrich.
18 We hired her last year to be a process improvement person
19 and also the manager for licensing, and so she has been
20 key in helping them to develop the new processes and
21 stuff in the licensing program, as well as she does a
22 great job of supervising as well.

23 We have Jen Billy. Jennifer is actually the
24 licensing supervisor, and she has been new to supervision
25 and has just made an unbelievable transition and done a



1 great job for us.

2 And that staff is actually becoming a well-oiled
3 machine, and they're very cohesive, and they collaborate
4 on all their different changes that they're making. So
5 I'm really proud of them as well.

6 I might mention John Barnes who we heard from
7 previously. John is taking Nancy Kellogg's place. Nancy
8 Kellogg is requiring -- or is retired now or very soon.
9 John will be advising the program from the AG's office.

10 So thank you, John. Appreciate you stepping up for
11 that.

12 Alicia Curry is back here. She's actually our
13 legislative liaison. She does all the work. We just
14 say, "Yes. Thank you, Alicia." So she does a great job
15 of moving these things forward for us and making sure
16 that we do the right stuff at the right time.

17 So that being said, the other update for this I
18 wanted to mention to the board is that we recently had
19 inspector training here in this room without those walls.

20 So we had 160 L&I staff. We limited it to only to
21 L&I staff this year because we're just coming out of
22 COVID. First time everybody has been together, and so we
23 wanted everybody to get to know each other a little bit.

24 And it was -- it was a good training. People got a
25 lot from it, I think, and we did a little survey, and I



1 think you'd be surprised, you know, what we found out. I
2 asked everybody how many people have been here two years
3 or less, and it was almost half the room, right,
4 probably -- probably 25 to 35 percent of the room.

5 And then we asked, you know, all the way up ten
6 years or less, fifteen years or less, and it was amazing
7 how a lot of our staff that have been here for quite some
8 time that have known the history of the program.

9 When I got up to 30 years where I'm at, we had
10 three, and they're all due to retire very shortly. And
11 so we're going to have a very young -- not young by age,
12 but young by experience electrical inspection staff, and
13 we're doing the best we can to get them trained up so
14 that they can move forward and keep this going.

15 But hopefully, if that bill is successful, we'll see
16 our hiring pool expand and maybe a higher -- a high
17 quality person applying for our jobs as well, which would
18 be nice.

19 I think that was all I was going to add, so that
20 sums up the secretary's report. Thank you.

21 CHAIRPERSON JENKINS: Thank you very
22 much. Do any board members have any questions for the
23 secretary?

24 Quiet meeting. All right. Well, thank you very
25 much.



1 SECRETARY MOLESWORTH: Yep.

2 CHAIRPERSON JENKINS: All right. So
3 moving on to our next item here is certification/CEU
4 quarterly report by technical specialist Larry Vance.
5 And you're back.

6 MR. VANCE: Thank you, Chairman
7 Jenkins, members of the board. I attempted to run this
8 report as a normal course and get it to you in a timely
9 manner.

10 Unfortunately, the report interface is broken. I
11 will -- I will provide you two reports at the next board
12 meeting, one for the calendar -- or excuse me -- the
13 300 -- the one-year period ending -- ending at the
14 beginning of this month and again another report that's
15 three months' difference.

16 So I don't expect any changes. The first time pass
17 rates has been -- for 01 electricians has been holding
18 consistent somewhere around 50 percent. So I don't see
19 any changes.

20 As far as updating our exam, we won't update our
21 exam until about a year after we adopt -- adopt the 2023
22 National Electric Code. And for that, we are
23 anticipating beginning rulemaking in March, is the way
24 it's looking.

25 This session has caused us a pretty good workload.



1 There's a lot that goes on to make rules, so -- and we're
2 just finishing up with this rule on WAC 296-46B-945, so
3 just kind of a resource issue more than anything.

4 And then when we adopt a new code, we have to update
5 all our correction writer software for all -- that our
6 inspectors use, so we've got that big database work to do
7 so that's ready on -- ready on the -- so we're doing
8 rulemaking and doing that updating at the same time.

9 And then, of course, then we've got an exam database
10 to update. So the data -- the exam database flags just
11 because of the fact it does just come down to resources.

12 CHAIRPERSON JENKINS: So if I remember
13 correctly, I believe in The Current you mentioned -- do
14 you have the date when the proposals will be sent in?

15 MR. VANCE: We'll announce that in a
16 special edition.

17 CHAIRPERSON JENKINS: Okay.

18 MR. VANCE: Yeah. There will be a
19 special edition Current newsletter that's published that
20 will -- it will advertise for proposals. They provide
21 the proposal form.

22 It will also provide -- or it will essentially put
23 out an -- announce a recruitment for technical advisory
24 committee members and it will tell you where to send
25 your -- where to send your request to be a member of



1 the -- of the technical advisory committee to, so on and
2 so forth, so --

3 CHAIRPERSON JENKINS: Did we typically
4 have somebody from the board on that TAC?

5 MR. VANCE: I believe there's a board
6 position on there. I can't remember. I would have to
7 look.

8 BOARD MEMBER GRAY: Yeah. I was the
9 member last.

10 CHAIRPERSON JENKINS: I know I've been
11 on there too, but I don't know if it was TAC or something
12 else from the board or something else.

13 MR. VANCE: Right. We typically
14 assemble a technical advisory committee when we're doing
15 code adoption. If it's just administrative rules like
16 945, for instance, this rulemaking that we're going
17 through, we would not accept -- we would not assemble a
18 technical advisory committee because it's just an
19 administrative rule.

20 CHAIRPERSON JENKINS: And just so I'm
21 clear, we won't see that TAC committee before next
22 meetings, or we will?

23 MR. VANCE: You're going to see an
24 announcement, I believe, in the March newsletter or
25 possibly March special edition newsletter if everything



1 goes as planned.

2 CHAIRPERSON JENKINS: Okay.

3 MR. VANCE: And in that special
4 newsletter -- special edition newsletter, it's going
5 to -- as in previous special edition newsletters, it will
6 lay the entire thing out as far as, here's the form,
7 proposal form. Here's the, you know, if you'd like to --
8 apply to be a member of the TAC, here's how you do that.

9 CHAIRPERSON JENKINS: Okay.

10 MR. VANCE: And it will lay also --
11 lay out the makeup of the TAC. The TAC is made up of --
12 it's a representative group of all of the electrician --
13 the 01s, the specialties, and the electrical industry as
14 a whole, so -- right.

15 CHAIRPERSON JENKINS: Yes, Board
16 Member Gray?

17 BOARD MEMBER GRAY: Thank you,
18 Mr. Chair.

19 So through the chair, Larry, so we're not going to
20 even see a request until March. Are we anticipating
21 implementation July 1st?

22 MR. VANCE: No.

23 BOARD MEMBER GRAY: Is that typically
24 how it --

25 MR. VANCE: Well, we're looking at --



1 so we begin rulemaking in March. Let's say that -- let's
2 say that we were to file a CR-101, which provides public
3 notice according to the APA that the Department intends
4 to make rules.

5 With what we have to do today to comply with the
6 APA, it will take us somewhere between -- we used to be
7 able to say that we could get it done in nine months, but
8 more realistically, it's about a year because of all of
9 the -- there's -- as far as responding to public comment
10 and the small business impact statements and all of the
11 things that we do today that we may not have done as much
12 of in the past, it's a longer process.

13 So you're looking at starting March, possibly --
14 possibly adopt in March in the following year. So
15 that's --

16 BOARD MEMBER GRAY: Wow.

17 MR. VANCE: -- that's how long it
18 takes.

19 BOARD MEMBER GRAY: You know, we start
20 NECV meetings in January next year.

21 MR. VANCE: Right.

22 BOARD MEMBER GRAY: So we'll be a full
23 cycle behind.

24 MR. VANCE: Yes. One thing that we
25 did find, you know, we're normally ahead of most, not all



1 states, but we're probably one of the -- one of the
2 earliest states to adopt the National Electric Code,
3 and --

4 BOARD MEMBER GRAY: You're in the top
5 ten.

6 MR. VANCE: We're in the top ten.
7 Okay. And we've -- that's been kind of an experience
8 this last code cycle because there was a lot of things
9 that maybe weren't ready and has caused us to have to do
10 some things through policy that -- that were, say, a
11 little bit cumbersome.

12 But just because of the fact that once you adopt
13 something and then these problems arise, they become a
14 little cumbersome.

15 So having -- the other thing that this does is, it
16 also gives -- it gives everyone time to obtain a copy of
17 the National Electric Code, the 2023 version, to look at
18 it.

19 If you're too close to the publication date, nobody
20 has yet looked at it. Nobody has taken a code update
21 class. Nobody has -- nobody has -- because once the
22 National Electric Code is published, providers are able
23 to provide continuing education code update classes on
24 the 2023 version. So today -- right now, today,
25 providers can be providing code update classes on the



1 2023.

2 CHAIRPERSON JENKINS: And they count
3 towards the CEUs at this point?

4 MR. VANCE: Yes. It could be CEUs,
5 and if it was just pure NEC training, it could be a basic
6 classroom instruction course.

7 So it could -- you know, you have to stay right on
8 the NEC, if it's going to be -- if it's going to be a
9 basic classroom instruction course. You can't deviate,
10 but it can certainly be -- it can certainly qualify as a
11 code update requirement required for electricians.

12 So once that code is adopted, then all of the
13 previous codes -- code update classes are rescinded, in
14 other words. So I believe this is the season for --
15 right now is prime time season for the Department
16 receiving applications for new code update classes based
17 on the 2023 NEC.

18 So yeah, and so being a few months off here of the
19 normal cycle -- and really it's not off because if we go
20 back a few years, this is kind of the regular cycle, only
21 we're able to get it done maybe a little bit sooner.

22 But there's just things that we have to do to comply
23 with the APA that -- and other requirements that -- well,
24 they just are what they are, and they take time and
25 other -- and other staff involvement too.



1 I would really like to thank Alicia Curry. She was
2 recognized earlier by Wayne, but Alicia does all of the
3 heavy lifting when it comes to all of the rules --
4 rulemaking packages. She does that for the entire
5 division.

6 And it's always a pleasure working with her, and --
7 and I know that she's always -- always really invested in
8 getting rules done as fast as they can get done, but it's
9 just a lot of work. It just comes down to a lot of work.
10 Yep.

11 CHAIRPERSON JENKINS: All right. Any
12 other questions for technical specialist Larry Vance?

13 MR. VANCE: Thank you, all.

14 CHAIRPERSON JENKINS: Thank you very
15 much. All right. I guess we're down to our next item
16 here is public comment. I didn't get a sheet. Is there
17 any -- nope.

18 Okay. So there will be no public comment today.

19 All right. Anything else from the board members
20 that want to bring up anything before we move on to
21 closing the meeting?

22 All right. So the chair would entertain a motion to
23 close the January 22nd [sic] board meeting.

24 BOARD MEMBER NORD: Board Member Nord,
25 motion.



1 CHAIRPERSON JENKINS: We have a
2 motion. Do we have a second?

3 BOARD MEMBER CUNNINGHAM: Second.

4 CHAIRPERSON JENKINS: Motion for a
5 second. Any discussion?

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

7 BOARD MEMBERS: Aye.

8 CHAIRPERSON JENKINS: Any opposed?
9 Motion passes. Board is now closed. Thank you.

10 (Proceedings concluded at
11 11:14 a.m.)

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C E R T I F I C A T E

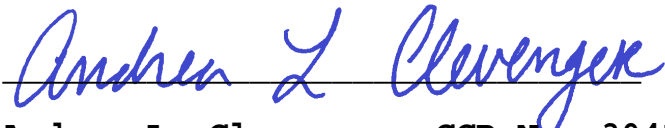
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