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ELECTRICAL BOARD MEETING

TRANSCRIPT OF PROCEEDINGS

April 30, 2026



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DEPARTMENT OF LABOR AND INDUSTRIES
STATE OF WASHINGTON

ELECTRICAL BOARD MEETING
TRANSCRIPT OF PROCEEDINGS

April 30, 2026
Via videoconference

Pages 1 through 122

**CERTIFIED
TRANSCRIPT**

Taken Before:

Janette Curley, CCR #2030

Certified Stenographic Court Reporter

for

Capitol Pacific Reporting, Inc.

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1 BE IT REMEMBERED that on April 30, 2026, at
2 9:05 a.m., the following proceedings were held via
3 videoconference before Janette Curley, Washington State
4 Certified Stenographic Court Reporter.

5 WHEREUPON, the following proceedings were had,
6 to wit:

7
8 CHAIRMAN JENKINS: It is April 30, 2026, at
9 approximately 9:05 a.m. I am Jason Jenkins, chair of
10 the Washington Electrical Board. I'd like to call this
11 meeting to order. First, I want to say thank you to
12 all the people attending, taking time out of your day
13 and being here. Much appreciate it.

14 This meeting is taking place over the Zoom
15 platform. I'd like to ask that all individuals
16 participating in the meeting, less board members, turn
17 off your cameras and mute your microphones until you
18 are called on. Further, we have a court reporter
19 taking everything down. And the remote nature of the
20 meetings makes it imperative that only one person at a
21 time is speaking. I would ask that you identify
22 yourself prior to speaking for the court reporter so we
23 can get your comments on record.

24 So moving on, right off the get-go here, Item
25 Number 1, our safety message. And it sounds like,



1 Wayne Molesworth, you are on the floor. And you're
2 muted.

3

4 SAFETY MESSAGE

5 SECRETARY MOLESWORTH: Somebody muted me. I
6 thought I was unmuted. Thank you, Mr. Chairman.

7 Safety topic today is something that maybe we're
8 running into, actually, today. At least over here in
9 Eastern Washington, it's nice and sunny, and the
10 temperatures are going to get up into the 80s this
11 weekend. We're not quite ready for that, but that's
12 what it looks like. And so the topic today is about
13 protecting your skin, protecting your eyes. What a lot
14 of people don't realize is that, you know, applying
15 sunscreen is something we need to do even if we're
16 outside for a short period of time. And reapplying it
17 is very important throughout the day. It does wear
18 off.

19 The part of the safety message that I really want
20 to make sure is clear is that your eyes are also
21 subject to sunburn. And so, if you're going to be
22 outside for any period of time, polarized sunglasses --
23 not just the sunglasses you buy off of the counter at
24 the gas station, but a polarized pair of sunglasses --
25 are what you should be using to prevent that eye

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1 damage. Recently I was asked that at the optometrist,
2 and luckily I did have polarized sunglasses. And they
3 were seeing more and more cases of people with vision
4 damage due to the sun -- due to the sun. So please go
5 out today. If you don't have them already, get
6 yourself a nice pair of polarized sunglasses and enjoy
7 the summer.

8 And, Mr. Chairman, that's my safety topic for
9 today.

10

11

ROLLCALL

12

CHAIRMAN JENKINS: Thank you very much.

13

I'm going to ask members to please unmute your
14 mics. We want to do a rollcall to verify a quorum
15 today.

14

15

16

So right at the top of the list, Wayne Molesworth.
17 I assume you're here.

17

18

SECRETARY MOLESWORTH: I'm here.

19

CHAIRMAN JENKINS: Board Member Kerry Cox.

20

BOARD MEMBER COX: Here.

21

CHAIRMAN JENKINS: Thank you very much.

22

Board Member Erick Lee.

23

BOARD MEMBER LEE: Present.

24

CHAIRMAN JENKINS: Board Member Jack

25

Knottingham.



1 BOARD MEMBER KNOTTINGHAM: Present.

2 CHAIRMAN JENKINS: Board Member Mike Nord.

3 BOARD MEMBER NORD: Present.

4 CHAIRMAN JENKINS: Board Member Ivan Isaacson.

5 (No response.)

6 CHAIRMAN JENKINS: Board Member Don Baker.

7 (No response.)

8 CHAIRMAN JENKINS: Board Member Kevin Davis.

9 BOARD MEMBER DAVIS: Here.

10 CHAIRMAN JENKINS: Board Member -- I'm sorry.

11 Say again.

12 BOARD MEMBER DAVIS: I'm here. Kevin Davis.

13 CHAIRMAN JENKINS: Perfect. Thank you.

14 Board Member Bobby Gray.

15 (Multiple unknown speakers.)

16 CHAIRMAN JENKINS: Board Member Gregory

17 Johnson.

18 BOARD MEMBER JOHNSON: Present.

19 CHAIRMAN JENKINS: Board Member James

20 Tumelson.

21 BOARD MEMBER TUMELSON: Present.

22 CHAIRMAN JENKINS: Board Member Stephen

23 Entrekin.

24 BOARD MEMBER ENTREKIN: Present.

25 CHAIRMAN JENKINS: And Board Member Byron



1 Allen.

2 (No response.)

3 CHAIRMAN JENKINS: For the record -- for the
4 record we do have a quorum.

5

6 APPROVE TRANSCRIPT FROM JANUARY 29, 2026

7 CHAIRMAN JENKINS: So move on to the next item
8 is the chair will entertain a motion to approve the
9 transcripts of the last meeting, January 29, 2026.

10 BOARD MEMBER NORD: Board Member Nord.

11 Motion.

12 CHAIRMAN JENKINS: We have a motion.

13 Do we have a second?

14 BOARD MEMBER JOHNSON: Board Member Johnson,
15 second.

16 CHAIRMAN JENKINS: We have a motion. We have
17 a second. Any discussion?

18 (No response.)

19 CHAIRMAN JENKINS: Hearing none. All in favor
20 say "aye."

21 (Chorus of ayes.)

22 CHAIRMAN JENKINS: Any opposed?

23 (No response.)

24 CHAIRMAN JENKINS: Motion passes.

25 //



1 INTRODUCTION OF NEW ASSISTANT DIRECTOR

2 CHAIRMAN JENKINS: So I'm going to do a slight
3 amendment to our order here. We actually have a new
4 assistant director, and I'd like to have them introduce
5 themselves. So hang on one second.

6 ASSISTANT DIRECTOR WILLIAMS: Hi, everyone.
7 I'm Jennifer Williams. I'm the new assistant director
8 of CSCPS, which is customer service, compliance, and
9 public safety. And the public safety programs is where
10 our electrical program and Mr. Molesworth presides, as
11 well as I've got Brian over here who splits that work.
12 So I just want to introduce myself. I come to you from
13 several other different agencies in the State. And
14 previous to that, I was doing construction and disaster
15 recovery in south Texas post Hurricane Harvey, and so
16 that's where my intersection with a lot of these
17 safety-related activities comes from.

18 So I really appreciate all the time that you take
19 out of your day to participate in this important work.
20 We really appreciate the partnership and look forward
21 to continuing to engage with this work along with our
22 future electrical chief. Thank you to Wayne for your
23 leadership and partnership with this group going on.
24 But as most of you know, this is Wayne's last meeting.
25 So and of course Brian and I will be engaging with the



1 group going forward. So look forward to the
2 partnership. And again, thank you for the opportunity
3 to introduce myself, and really appreciate the time you
4 take.

5 CHAIRMAN JENKINS: Thank you very much.
6 Appreciate it.

7

8

APPEALS

9

EPIC LIGHTS & CHARLES ELLEDGE

10 CHAIRMAN JENKINS: All right. So back to our
11 normal meeting here, it looks like we are at our
12 appeals. So Appeal Number 1 here is the Epic Lights,
13 LLC. It's -- the matter before us today is an appeal
14 of the matter of Epic Lights LLC, Docket Numbers
15 01-2025-LI-02356, 05-2025-LI-02420. This hearing is
16 being held in pursuant and due proper notice to all
17 interested parties and proceeding via Zoom on April 30,
18 2026, at approximately 9:12 a.m. This is an appeal
19 from the initial order issued by the Office of
20 Administrative Hearings on August 15, 2025. It is my
21 understanding that the decision affirmed Citations
22 Notices EBERU02765, ECMIG00700, ECMIG00701, and
23 ECMIG00702 issued by the Department of Labor and
24 Industries on November 7, 2024. It is further my
25 understanding that the firm has timely appealed the

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1 decision to the Electrical Board.

2 Is there a representative from -- representative
3 from Epic Lights present this morning?

4 MR. ELLEDGE: My name is Charles Elledge,
5 C-h-a-r-l-e-s, last name Elledge is E-l-l-e-d-g-e.

6 CHAIRMAN JENKINS: Thank you very much.

7 Is there a representative for the Department today?

8 MR. DIEMER: Yes. Good morning. Neil Diemer,
9 Assistant Attorney General, for the Department. And
10 that's Neil, N-e-i-l, Diemer, D-i-e-m-e-r.

11 CHAIRMAN JENKINS: Thank you very much.

12 The Electrical Board is a legal body authorized by
13 the Legislature, not only to advise the Department
14 regarding the electrical program, but to hear appeals
15 when the Department issues citations or takes other
16 adverse actions regarding the electrical licensing,
17 certification, and compliance.

18 The Electrical Board is a completely separate
19 department. When the Department issues penalties, a
20 hearing is assigned to the Office of Administrative
21 Hearings to conduct a hearing pursuant to the
22 Administrative Procedures Act. An ALJ who conducts
23 that hearing then issues a proposed decision and order.
24 If either party appeals, that decision is subject to
25 review by the Electrical Board. Please keep in mind,



1 while our review is de novo, in other words it's the
2 same position as the administrative law judge who will
3 review the record whether -- regardless of whether a
4 certain piece of evidence is referenced by the ALJ. We
5 are bound by the evidence in the record, and no new
6 evidence can be presented at this meeting.

7 Each party will be given approximately 15 minutes
8 to argue their merits of their case. Any board member
9 may ask questions at the time and a -- time may be
10 extended at the discretion of the Board.

11 At the conclusion of the hearing, the Board will
12 determine if the findings and conclusions reached by
13 the ALJ are supported by the facts and rules pertaining
14 to electrical installations.

15 Are there any questions before we begin?

16 (No response.)

17 CHAIRMAN JENKINS: Hearing none, Epic Lights,
18 you're the appealing party. You have the burden of
19 proof to establish the proposed decision is incorrect,
20 therefore you'll go first, and you now have the floor.

21 MR. ELLEDGE: Good morning, Mr. Chairman, and
22 members of the Board. My name is Charles Elledge, like
23 I mentioned, and I'm the owner of Epic Lights LLC. I'm
24 here representing the company pro se today in appeal of
25 four citations, as mentioned.



1 This case comes down to a single question: Does
2 connecting factory-made, pre-terminated lighting
3 components, the same way you would connect a string of
4 Christmas lights, constitute electrical work requiring
5 a licensed contractor? We say no. And more
6 importantly, the Department's own published guidance
7 says no.

8 The Department's "Electrical Currents Newsletter"
9 explicitly states that installing unaltered,
10 off-the-shelf, factory-assembled, seasonal and
11 year-round use lighting does not require an electrical
12 contractor's license.

13 Electrical -- Epic Lights asks the Board to do one
14 thing: reverse the administrative law judge's decision
15 and dismiss the citations. We're not asking the Board
16 to make new policy. We're asking the Board to apply
17 the Department's own published exemption to a system
18 that was specifically designed to qualify for the
19 exemption.

20 Let me walk you through why the administrative law
21 judge got this wrong. First, understand the components
22 of the system are four. One is a UL-listed Class 2
23 power supply that plugs into the standard outlet, no
24 hardwiring.

25 Number two, the second component, it's a



1 preassembled LED light that comes from the factory with
2 molded connectors that are already attached.

3 Three, factory-made jumper cables with what we call
4 poka-yoke connectors, these are foolproof connectors
5 that can only connect one way. You can't install them
6 incorrectly.

7 Fourth component is an aluminum mounting channel
8 that orients the lights, protects the lighting
9 assembly, and provides a clean appearance.

10 Here's the critical point. Our installers do not
11 cut any electrical conductors. They do not splice
12 wires. They do not crimp terminals. They do not make
13 any electrical connections in the field. They connect
14 components with factory-terminated (noise
15 interference) -- that's it -- or connects a string of
16 Christmas lights or plugs in a lamp. Every electrical
17 connection in our system is made at the factory, not in
18 the field.

19 Let me quote again from the newsletter. This is
20 why it's important. "Firms or individuals installing
21 unaltered, off-the-shelf, factory-assembled, seasonal-
22 and year-round-use lighting products are not required
23 to be licensed electrical contractors."

24 Our system is unaltered. It comes off the shelf.
25 Anyone can buy these components. Our system is factory



1 assembled. Every electrical connector is installed at
2 a factory. We design our systems specifically to meet
3 the Department's published exemption.

4 So tell me why the ALJ got this wrong. The
5 administrative law judge found it more likely than not
6 that our installer spliced wires. That finding rests
7 on photographs showing wire cutters at the jobsite.
8 Let me be very clear about what the burden of proof
9 here is. The burden rests on the Department. The only
10 thing that we have is photographs of tools, not how
11 those tools were used. The photographs do not show any
12 cut electrical conductor. They do not show any
13 field-made splices. They do not show any crimped
14 connections. They do not show any altered or modified
15 factory connectors. They do not show anyone in the act
16 of cutting or splicing wires. The only thing that was
17 observed is tools that were left behind. And that's
18 all. Wire cutters serve many legitimate nonelectrical
19 purposes on an installation: trimming and shaping the
20 aluminum mounting channel, trimming zip ties for cable
21 management, opening packaging, cutting protective
22 coverings.

23 The administrative law judge's finding is an
24 inference drawn in the presence of tools, not evidence
25 of any work performed by an electrical -- excuse me --



1 any work done on an electrical conductor. An inference
2 is not proof. The Department had the burden. The
3 Department did not meet it.

4 The administrative law judge also found that the
5 channel must be trimmed and manipulated before
6 installation. This is true. Channels are cut to fit
7 roof lines. But cutting an aluminum mounting channel
8 is not electrical work. The relevant test is not
9 whether anything is cut. The test is whether any
10 electrical conductor splice or termination is created
11 or altered in the field, and none is. When the channel
12 is cut to length, the factory-terminated connectors
13 remain intact. No conductor is severed and
14 reconnected. No splice is created. No termination is
15 altered. The electrical assembly remains exactly as it
16 left the factory. Cutting this aluminum channel is
17 mechanical fitting work, the same type of work that is
18 done by carpenters, siding installers, gutter
19 installers every day. None of these require an
20 electrical license. The Department's own newsletter
21 does not identify trimming mounting hardware as a
22 disqualifying factor. The newsletter focuses on
23 whether the electrical components are field fabricated.
24 Ours are not field fabricated.

25 So let me go over some of the other arguments that



1 were given. The Department claims our aluminum channel
2 is a raceway. And this is wrong for three reasons, and
3 the Board would have to reject all three of these to
4 rule against us on this issue.

5 First, the NEC definition defines a raceway as a
6 channel designed expressly for holding wires. Our
7 channel is not designed expressly for holding wires.
8 It is designed to mount and protect a complete
9 factory-assembled lighting assembly. The wiring inside
10 this is part of the product, not loose conductor being
11 routed through a conduit system.

12 Second, the NEC specifically mentions table trays
13 and confirms that those are distinct from a raceway.
14 Cable trays are metal channels that hold electrical
15 cables, yet the NEC does not classify cable trays as
16 raceways. They are a mechanical support system under
17 Article 392. If a cable tray that carries power
18 conductors is not a raceway, then a mounting channel
19 that carries inherently safe Class 2 lighting
20 components is certainly not a raceway.

21 Thirdly, the Article 725 provides that Class 2
22 power-limited circuits are not required to use class --
23 excuse me -- Chapter 3 wiring methods. Article 725
24 specifically provides alternative requirements for
25 these circuits because they're inherently safe. The



1 specific provisions of Article 725 govern over the
2 general definition in Article 100.

3 So to rule against us on the raceway issues, the
4 Board would have to reject the textual argument, the
5 cable tray analogy, and the Article 725 alternative
6 requirements rule. The Department has not provided a
7 sufficient basis to do any of these things.

8 Let me respond to the Department's arguments that
9 low voltages are relevant. They mischaracterize our
10 position on this. We're not claiming a general low
11 voltage exemption. We are making two distinct
12 code-based arguments. First, our system qualifies for
13 the seasonal lighting exemption in the Department's
14 newsletter because we use unaltered, off-the-shelf,
15 factory-assembled components.

16 Second, our system uses Class 2 power-limited
17 circuits, which are subject to the alternative
18 requirements of the NEC Article 725. These are
19 specific recognized positions -- provisions -- excuse
20 me -- in the NEC and the Department's own published
21 guidance. This is not a made-up loophole.

22 Secondly, the second argument is that plug-and-play
23 doesn't apply. The Department will say our field is
24 field fabricated because components are plugged
25 together on site. If that interpretation were correct,



1 the exemption in the Department's own newsletter would
2 mean nothing. Every electrical product must ultimately
3 be connected to power. Every string of Christmas
4 lights, for example, gets plugged together. Field
5 fabrication in the newsletter plainly means the kind of
6 work that creates electrical connections in the field,
7 namely cutting wires to length, splicing conductors,
8 crimping terminals, or soldering joints. Our system
9 involves none of that. Every electrical connection is
10 factory made.

11 The third argument that the Department will put
12 forward is credibility based on prior citations.
13 First, in 2022 Epic Lights had a citation that was paid
14 without contesting it. And this was an economic
15 decision. It cost less to pay than to litigate. Under
16 Washington law, payment of a civil penalty without
17 admission of liability is not an adjudication. The
18 legal questioning we're presenting today is whether or
19 not our system qualifies for the newsletter's
20 exemption. That has never been adjudicated on the
21 merits. This appeal is the first opportunity for that
22 question to be properly decided.

23 Secondly, there's a question that I wasn't
24 personally on the jobsite. I'm the owner of Epic
25 Lights, and I do not personally install lights. What I



1 can speak to, and what is properly before the Board, is
2 the design of the system and the procedures we train
3 our installers to follow. And here the legal question
4 matters more than any factual dispute about who was on
5 site. The legal question is whether the system, as
6 designed, and as installed, and as installers are
7 trained to do is -- put it in is exempt. The
8 Department has not produced evidence of any electrical
9 work, no cut conductor, no field-made splices, no
10 altered terminations. The case rests on inferences
11 from photographs of tools.

12 Let me just mention that the Department's issued
13 newsletter really tells us what to do. We read the
14 newsletter. We design our system to meet every
15 criterion it lists. We use unaltered components. We
16 use off-the-shelf components. We use factory-assembled
17 components. If a business that designs its system
18 specifically to satisfy these published exemptions can
19 still be cited, then the exemption is meaningless, and
20 businesses have no way to know what is permitted. This
21 is not how a regulatory program is supposed to work.
22 The Department's guidance should mean what it says.

23 So let me summarize. Epic Lights uses unaltered,
24 off-the-shelf, factory-assembled components connected
25 with pre-terminated connectors. No electrical



1 conductor is cut. No splices made. No termination is
2 altered. No electrical work occurs in the field. This
3 is exactly the type of system the Department's own
4 newsletter says is exempt. The administrative law
5 judge's contrary findings rest on inference,
6 photographs of tools that did not show any electrical
7 work or any actual conductor or any identified person.

8 So in conclusion we respectfully ask the Board to
9 reverse the administrative law judge's decision and
10 dismiss all four citations. Thank you. I'm happy to
11 answer any questions that the Board may have.

12 CHAIRMAN JENKINS: Chair Jenkins here. We're
13 going to open the floor for our AAG, Neil Diemer. The
14 floor is yours.

15 MR. DIEMER: Great. Thank you.

16 The electrical laws in Washington State require
17 that field-fabricated permanent outdoor lighting be
18 installed by licensed electrical contractors employing
19 certified electricians. Epic Lights here violated the
20 electrical laws by installing field-fabricated systems
21 despite not being a licensed electrical contractor and
22 not employing any certified electricians. Not only
23 that, Epic Lights knew that it needed to be licensed
24 and certified for this kind of work because it had been
25 previously cited for similar violations.



1 Now, OAH correctly reviewed the evidence and
2 affirmed the citations and penalties against Epic
3 Lights. And this Board should do the same.

4 I trust that the Board has reviewed the record and
5 the parties' submissions, so I'll try to keep my
6 remarks brief. The key issue here is whether Epic
7 Lights was installing field-fabricated permanent
8 lighting, and the credible evidence shows that it was.
9 You've heard Mr. Elledge spend a great deal of time
10 arguing that the systems are not field-fabricated, and
11 instead are unaltered, off-the-shelf,
12 factory-assembled. This is just not supported by the
13 evidence here.

14 The term "field-fabricated" clearly refers to
15 anything that is installed and creates an end product
16 that is custom or unique to that specific application.
17 Here, Epic Lights is necessarily field-fabricating its
18 systems because they're custom cut and trimmed to fit
19 each specific jobsite and would not work on any other
20 location other than that specific home. So this
21 applies to both the metal channels that support the
22 LEDs and conductors, along with the LED module strings.
23 Again, these systems necessarily must be field modified
24 unless Epic Lights is somehow installing them only on
25 architecturally identical homes. The evidence, again,



1 confirms -- well, the credible evidence confirms the
2 field fabrication as the Department inspector found
3 wire cable, wire splicing materials and tools. These
4 are documented in photographs that are in the OAH
5 record. If these materials and tools were not being
6 used, common sense suggests they would not be present
7 at the jobsite. Moreover, if Epic Lights' systems were
8 truly off-the-shelf, as defined in UL588, they would be
9 essentially like a roll of temporary holiday lights
10 that most folks are familiar with that are affixed to a
11 home and directly plugged into an outlet.

12 "Off-the-shelf," in this meaning, is not something
13 that's field modified in any way.

14 Now just moving on to the other key issue here,
15 which is just credibility of the evidence that OAH
16 considered. So on the one hand you have the
17 Department's inspector, who testified, who actually has
18 firsthand knowledge, was at the jobsite, took
19 photographs, investigated. And then on the other hand,
20 you have Epic Lights' sole witness, Mr. Elledge. He
21 admitted he was never at these jobsites. He couldn't
22 even identify the employees who worked on those
23 jobsites. So needless to say, those individuals never
24 testified. In fact, those employees, upon seeing the
25 Department's inspector, decided to refuse to speak with



1 them and leave the site altogether. So again, the
2 evidence that is before the Board has no firsthand
3 testimony or proof from the people who are actually
4 doing the work. So even if Epic Lights allegedly
5 trains the employees to do it a certain way, there's
6 just no evidence before the Board that they actually
7 did so in this case. Ruling in the favor of Epic
8 Lights under these circumstances would set a pretty bad
9 precedent in Washington State where contractors can be
10 encouraged to have employees just leave jobsites,
11 refuse to speak with inspectors, and then the owners or
12 managers can come in later on and second guess the
13 inspector's findings, as Mr. Elledge is doing here.
14 The inspector who was there, who had no one to speak
15 with, did the best he could, just trying to enforce the
16 electrical laws. And again, he's the only credible
17 witness today who testified and actually saw what was
18 happening at that jobsite, and his conclusion was that
19 field fabrication was being done.

20 The other two major arguments, the Department takes
21 the position these are essentially irrelevant, the
22 raceway voltage. I'm happy to answer any questions.
23 But really the key is that the system was field
24 fabricated. The credible evidence proved it. And for
25 that reason, the violations and penalties should be



1 affirmed. Thank you.

2 CHAIRMAN JENKINS: Thank you very much. Chair
3 Jenkins here.

4 Any questions from the Electrical Board? Any
5 comments?

6 Board Member Gregory Johnson.

7 BOARD MEMBER JOHNSON: Yeah. On Exhibit 14,
8 page 188 of the Electrical Board packet -- so that's
9 entitled page 15 of 20 -- I am seeing a bunch of cut
10 wire laying on the ground, and I even see the ends
11 stripped back. And I see no preconnectorized
12 connectors on that cut wire. And then on page 188 --
13 let's see -- 177, I see -- where there's a bunch of
14 tools, I see a box of bulk cable that is definitely not
15 preterminated cable, and it's partially spooled out.
16 Appears like it's being used. And then I also see on
17 page 193, I see wire that appears to be stripped back,
18 and it's hanging from the lighting soffit. And I'm
19 wondering, how can you claim that there is no --
20 everything is preconnectorized, there's no cut wire,
21 when the photographs in the evidence record depict else
22 wise?

23 MR. ELLEDGE: Is that a question for me?

24 BOARD MEMBER JOHNSON: Yes.

25 MR. ELLEDGE: So just to understand how we



1 operate, Epic Lights use -- we don't use employees to
2 install our materials. We use contractors. We -- we
3 acquire their services, they come and they install.
4 Those contractors have various backgrounds. They do
5 various jobs across the state for various clients,
6 including us. And so we ask them to install our
7 product. Our product -- we can give you invoices of
8 the factory where we get them. We can show you
9 precisely what they are. What the contractors bring to
10 the project, I am not necessarily always aware of, and
11 where they come from, and where they are going to
12 following the work that they do for us. I can only
13 speak to the fact that every product that we get, we
14 can give you invoices where we get them from. We get
15 them made in China. We can show you the connectors.
16 We can show you all these things. I can't vouch for
17 what the contractors -- our independent contractors
18 bring to the jobsite and what they have and why they
19 have it. So I can't necessarily speak to all that. I
20 do know, in addition, that there were other work going
21 on at this site by multiple people. This is, I think,
22 a remodel for a house that was being done. So there
23 were other electrical projects. There were landscaping
24 projects. There were all sorts of things going on. It
25 wasn't just us at the jobsite. I do know that.



1 BOARD MEMBER JOHNSON: I do have another
2 question. I won't belabor that point because I think
3 it's very clear by that answer. But I did want to go
4 to some of your exhibits you had on page 236 of the
5 Board packet. Actually, it's -- if you scroll down a
6 little farther, it's on page 240 where you gave your --
7 showed a picture of the system, and you've shown the
8 preconnectorized things. I want to note that all of
9 those connectors depicted are very short, they would
10 only reach from -- and that's also on Exhibit 14, where
11 it shows the metal channel where lights are mounted,
12 those are very short, and they only reach from the
13 neighboring lights. And what I don't see -- in any of
14 the evidence of any photos, I don't see any longer
15 cables that would be required to connect the power
16 supply to the -- and also connecting the points across
17 from different parts of the house. So I don't see any
18 evidence of any longer preconnectorized cable. And I
19 know in the transcript of the proceeding, on page 57
20 the inspector, Michael Call, had testified that there
21 is some plug-in components in that system, but there
22 are splice connections, electrical connections made.
23 There are wire cable, two conductor cables that's
24 running a raceway that extend to the other portions.
25 And I think that is -- that quote is summed up pretty



1 well. And I just wanted to highlight that WAC
2 296-46B-925(10) specifies that if a system requires --
3 requires any field electrical assembly, then it would
4 not comply with that exception. So if -- you might
5 have 90 percent of the system that you've
6 preconnectorized, but if you have 10 percent that
7 requires field terminations and field running of
8 cables, then that doesn't comply. And then also, on
9 some of those connectors, part of WAC 296, every single
10 preconnectorized component has to be listed. And so I
11 do see in your photos that you showed listing for the
12 power supply unit. But I see no proof that all the
13 other connectors and pieces are listed, so I see no
14 evidence whatsoever there. So what I'm led to believe
15 is, maybe 90 percent of your system is connectorized,
16 but 10 percent is field terminated and field installed.

17 MR. ELLEDGE: Can I respond to that?

18 BOARD MEMBER JOHNSON: Yeah.

19 MR. ELLEDGE: So we need to go to the site
20 where we buy our stuff. And I'm happy to -- obviously,
21 we can't present that evidence here. But we buy our
22 stuff from a site. We go to the site, we order it, and
23 we can't -- there are multiple lengths of these
24 extensions, we call them. They come anywhere from 2
25 feet long to 75 feet long, and they come in various



1 lengths. We use them for various purposes. The idea
2 is, when we use those extensions, as we call them, or
3 jumper cables, is actually much slower to install the
4 lights using precut -- excuse me -- line that you have
5 to take out, you have to strip it, you have to measure
6 it. We use the preformed extensions because they're so
7 much faster, and they're foolproof. That's the reason
8 that we use them.

9 Now, we can't -- so in total there's probably
10 about -- I don't know -- ten different lengths,
11 something like that. So we didn't present those all at
12 the hearing because they're all of the same form and
13 factor. And so that's why we don't show them all. But
14 they are available, and they're -- it would be contrary
15 to our business policy to use those because the people
16 that are installing, it would take them longer to do
17 it, and they're making less per hour. As you well
18 know, this is done on a foot basis. So the longer it
19 takes to do it, the less money they make. They're not
20 incentivized to use wire that they take off of a spool
21 and have to strip it to put connectors on it. That
22 is -- takes a long time and is prone to mistakes. So
23 the fact that we don't have them all there to show is
24 not indicative of the fact that they don't exist. They
25 do exist. Everything in the system that we put



1 together uses the same types of connectors, and they
2 are there available to use on any house that's needed
3 to use them, or any building.

4 CHAIRMAN JENKINS: Okay.

5 Chair Jenkins.

6 Kerry Cox had a question.

7 BOARD MEMBER COX: Yes. I have a question for
8 the Department's AAG.

9 If Mr. Elledge is saying that his firm doesn't
10 install the lighting -- they hire contractors -- Epic
11 Lights, as I understand from the record, is a general
12 contractor, so they have the opportunity to hire
13 contractors to do the electrical installation. So my
14 question for the Department is: Why is Epic Lights the
15 one receiving the citation rather than the installing
16 contractor?

17 MR. DIEMER: Thank you, Board Member Cox.

18 I'm not entirely sure that question is within the
19 scope of what we have on appeal today. The Department
20 inspector found evidence -- I believe it's in the
21 photographs in the record -- that show Epic Light's
22 name on some of the materials that were left behind by
23 the contractors who left the scene. The inspector
24 later spoke with Mr. Elledge, who, I believe, conceded
25 responsibility that they were in charge of installing.



1 So I believe the Department was well within its rights
2 to issue these citations to Epic Lights.

3 BOARD MEMBER COX: Okay. Thank you.

4 CHAIRMAN JENKINS: Chair Jenkins. Are there
5 any other questions from Electrical Board members?
6 Comments?

7 (No response.)

8 CHAIRMAN JENKINS: Hearing none, first of all,
9 this is exactly why we require -- why we require an
10 electrical contractor because if we're looking at
11 independent contractors doing electrical work, you have
12 no idea what's happening out there. You being a
13 general, if you're hiring electrical contractors to do
14 this work, I would expect you to be vetting out
15 electrical contractors to do this work, not just
16 anybody that wants to install the system.

17 The second problem I have with the whole thing is,
18 this in effect a conduit system. This is a full-blown
19 electrical system you're installing. The lighting
20 channel, that channel there is to protect the wiring.
21 It's not just there for support. Well, it's there for
22 support also. But this is a whole wiring system you're
23 installing. And we've seen this before on other
24 appeals. It's identical to the ones we've seen before.
25 And you being cited for the same situation before and



1 continuing doing this business, to me, is flagrant, you
2 know, let's keep pushing the same button and try to get
3 this thing done. This needs to be done by electrical
4 contractors. The obvious course for this is, we have
5 wiring has to happen between electrical Class 2 wiring
6 system to the actual lights themselves. It's going
7 through the building itself. So you're poking through
8 to the inside exterior going through a building
9 structure. Don't know that for sure. But all the
10 stuff indicates that's what this is all about. That's
11 my two cents on this.

12 Are there any other comments from the Electrical
13 Board?

14 BOARD MEMBER NORD: Yes. Having reviewed UL
15 Standard 588, which is a lengthy standard to review, I
16 don't believe that this company's installation is
17 within the scope of that standard. You're building a
18 permanent light fixture. It's got a raceway conduit
19 system, whatever you want to call it. But it's a
20 metallic structure that's permanently there on the
21 building that lights on the building that you built a
22 light fixture. Is this metallic structure grounded or
23 bonded in any way? I never saw any -- any testimony
24 either way. And I share the same concerns that Chair
25 Jenkins does.



1 And once again, during my life on this board,
2 you're not the first contractor to come forward with
3 this theory. And I do not believe that your
4 installation is within the legal scope, and you do
5 require to have electricians install this type of
6 structure. So it's a light fixture. It's a permanent
7 custom light fixture that is attached to that building,
8 and you have to ensure that it's properly installed to
9 that building that in the future it's not going to
10 deteriorate and fall off the building, you haven't
11 compromised any firewalls or any wire to it. And where
12 you place your transformer in relationship to an 110
13 outlet, is that done properly? Somebody has to build a
14 light fixture, and you install it permanently, somebody
15 has to look at it to ensure that it's safe and it meets
16 all the requirements for the homeowner to be assured
17 that he has a safe installation when it's done.

18 CHAIRMAN JENKINS: Thank you.

19 So Board Member Kerry Cox.

20 BOARD MEMBER COX: Board Member Cox.

21 Question for Chief Inspector Molesworth. The
22 newsletter article that the appellant is referring to,
23 can you describe to me what its intent was for?

24 CHAIRMAN JENKINS: Hold on one second.

25 MR. BLOHOWIAK: Board Member Cox, this is



1 Benjamin Blohowiak, the AAG for the Electrical Board.
2 The Department's intent, unless it was part of the
3 testimony elicited at OAH, would be new evidence that
4 you're eliciting this morning. So I would ask that
5 maybe you reframe your question or point to a portion
6 of part of the record that Mr. Molesworth could speak
7 to. But other than that, I'm not aware that that was
8 discussed at the administrative law judge level.

9 BOARD MEMBER COX: Understood. Thank you for
10 that, Counsel. I will retract my question from the
11 record. Thank you.

12 CHAIRMAN JENKINS: So Chair Jenkins here
13 again.

14 Board Member Gregory Johnson.

15 BOARD MEMBER JOHNSON: Yeah, I wanted to
16 highlight one other thing in part of the transcript
17 here in the proceedings. When Inspector Michael Call
18 was testifying on page 56 and 57, he referenced the
19 Gemstone Lighting website for the manufacturer. He
20 referenced their frequently asked questions, and on
21 there, per his testimony, "Do I need to be an
22 electrician to install this product?" And the response
23 is "We require dealers installing the track lighting
24 system to be either an electrician or have an
25 electrician on staff." So that testimony, according to



1 the inspector, is quoting the manufacturer's FAQ seems
2 to be telling that this is definitely an electrician
3 function to install.

4 CHAIRMAN JENKINS: Thank you very much.

5 Are there any other Board members that would like
6 to make a comment or a question?

7 (No response.)

8 CHAIRMAN JENKINS: Hearing and seeing none,
9 the chair would entertain a motion.

10 BOARD MEMBER NORD: I make a motion that the
11 Board upholds all citations as laid forth by the
12 administrative law judge.

13 CHAIRMAN JENKINS: We have a motion.

14 Do you have a second?

15 BOARD MEMBER JOHNSON: I'll second that.

16 CHAIRMAN JENKINS: We have a motion, and we
17 have a second. Do we have any discussion?

18 (No response.)

19 CHAIRMAN JENKINS: Hearing and seeing none,
20 all in favor indicate by saying "aye."

21 (Chorus of ayes.)

22 CHAIRMAN JENKINS: And any opposed?

23 (No response.)

24 CHAIRMAN JENKINS: All right. Motion passes.

25 All right. So thank you. The Board has made a



1 decision. AAG Niel Diemer, would you please get in
2 contact with Charles Elledge and see if you can reach
3 an agreement that best reflects the decision of the
4 Board. Please be advised if you do not reach an
5 agreement today, this matter will be automatically set
6 for presentment at the next regular scheduled Board
7 meeting. If an agreed order has not been received in
8 that time, the parties will be expected to file their
9 proposed orders and appear and advise why their
10 proposed orders best reflects the Board's. Hopefully
11 this will not be necessary. If you're able to reach an
12 agreement (indiscernible) of the order before the next
13 meeting, please forward it to the secretary of the
14 Board, and they will ensure it gets signed and copies
15 provided to both parties.

16 Are there any questions from any party?

17 MR. DIEMER: Not from the Department. That is
18 understood. Thank you.

19 CHAIRMAN JENKINS: Thank you very much.

20 And appellant? Hearing none, I'll thank you very
21 much for your time. I appreciate it.

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REVIEW OF OUTSTANDING PROPOSED ORDERS
KVA ELECTRIC ORDER AFFIRMING IN PART AND REVERSING IN
PART THE INITIAL ORDER

CHAIRMAN JENKINS: All right. So moving on to our next item, which is KVA Electric with Kevin Duncan. The matter before us today is presentment of proposed orders in the matter of KVA Electric and Kevin Duncan, Docket Numbers LL-2024-LI-02302. Each party will be given five minutes today to argue why their proposed order best reflects the decision of the Board. Any Board members may ask questions at any time. And time may be extended at the discretion of the Board. At the conclusion of the arguments, the Board will vote and determine which will be entered.

Do you have the Department here today?

MS. VU: Good morning, Chairman Jenkins. Yes. My name is Leah Vu, Assistant Attorney General, and I'm appearing on behalf of the Department. My name is spelled L-e-a-h V-u.

CHAIRMAN JENKINS: Thank you very much.

Do we have someone here from KVA Electric or a representative of?

MR. STEEN: Yes. Good morning, Chairman. My name is Timothy Steen -- last name is spelled S-t-e-e-n -- and I'm here on behalf of the KVA and

1 Mr. Duncan.

2 CHAIRMAN JENKINS: Okay. So the department is
3 the appealing party. You have the floor.

4 MS. VU: Thank you. At the quarterly meeting
5 on October 30, 2025, this electrical board agreed with
6 the OAH that Skagit PUD is an electrical utility, but
7 found that the judge erred in granting summary judgment
8 in favor of KVA Electric. And this is because the
9 Board found there are genuine issues of material fact
10 with regard to whether the exemption identified NEC
11 90.2(B)(5) 1981 Edition applies to Skagit PUD. This
12 Electrical Board remanded this case to the OAH for an
13 evidentiary hearing due to having found a factual
14 dispute.

15 The Department's proposed order reflects the
16 Electrical Board's simplified motions. The first
17 motion being to send this case back for an evidentiary
18 hearing because there is a genuine issue of material --
19 dispute of material fact as to whether the exemption
20 identified in the NEC applies to Skagit PUD. I would
21 like to share my screen to show the part of the
22 transcript from the October 30 meeting that reflects
23 this.

24 CHAIRMAN JENKINS: One second.

25 MS. VU: Board members, do you see the



1 transcript on my screen?

2 CHAIRMAN JENKINS: We can see.

3 MS. VU: On page 94 Board Member Johnson
4 states: "So the first question is exactly" -- "motion
5 is exactly what Ben just stated." This being the first
6 motion. And what Board Member Johnson is referring to
7 is Attorney Blohowiak's statement advising that the
8 motion be to reverse the ALJ's decision because there
9 is a genuine issue of material fact as to whether or
10 not the exemption as identified in the NEC applies to
11 Skagit PUD in this case.

12 And that is what is contained in the Department's
13 proposed order. If you go to Article 1.5, the
14 Department's proposed order states: "The Board finds
15 there are genuine disputes of material fact with regard
16 to whether the exemption identified in NEC 9.2(B)(5)
17 1981 Edition applies to Skagit PUD in this matter."

18 Further down in the conclusions of laws in Article
19 2.2, the Department's order states: "The Office of
20 Administrative Hearing erred in granting summary
21 judgment in favor of KVA Electrical because there are
22 genuine disputes of material fact."

23 And then moving on to the second motion of this
24 Electrical Board -- that this Electrical Board made a
25 motion to affirm the judge's decision as to the finding



1 that Skagit PUD is an electrical utility as a matter of
2 law.

3 I'd like to jump to page 103 to where Board Member
4 Johnson stated: "Okay. I change my motion to exactly
5 what Ben advised."

6 And above we see Attorney Blohowiak's statements.
7 "Board Member Johnson, I would advise that you again
8 simplify your motion and that you're to" -- "your
9 motion is to affirm the judge's decision as far as
10 finding that Skagit PUD is an electrical utility as a
11 matter of law."

12 The wording of this motion reflects what's in the
13 Department's proposed order. If you refer to Article
14 1.4 of the Department's proposed order, it states:
15 "The Board finds there is no genuine dispute of
16 material fact with regard to whether Skagit PUD is an
17 electrical utility for purpose of determining whether
18 Skagit PUD is exempt from regulation under the
19 electrical -- electrical code contained in RCW 19.28."
20 This is also reflected under the conclusions of law in
21 the Department's proposed order. "Article 2.2, Skagit
22 PUD is an electrical utility as a matter of law under
23 the state electrical code contained in RCW 19.28."

24 Finally, the Department's proposed order states:
25 "The August 6, 2025, proposed order on summary judgment



1 issued by the Office of Administrative Hearings is
2 reversed and remanded to the OAH for an evidentiary
3 hearing to determine whether the exemption, as
4 identified in NEC 90.2(B)(5) 1981 Edition applies to
5 Skagit PUD in this matter."

6 This Board expressly decided to exclude the extra
7 language that is included in KVA Electric's proposed
8 order, and therefore the Department asks that this
9 Electrical Board accepts the Department's proposed
10 order. Thank you.

11 CHAIRMAN JENKINS: Thank you very much. Chair
12 Jenkins here.

13 So, Mr. Timothy Steen.

14 MR. STEEN: Yes. Good morning. This is
15 Timothy Steen, for the court reporter's benefit.

16 Your Honor, an attorney's role in preparing these
17 sorts of orders is to be of assistance to the Board to
18 accurately capture their ruling and put in a format
19 that complies with the law. And that's what KVA and
20 Mr. Duncan have attempted to do here.

21 Importantly, this was the Board's review of a
22 summary judgment order by the administrative law judge.
23 It wasn't an evidentiary hearing. And that's an
24 important distinguishment because the Board is to
25 review the order on summary judgment to determine



1 whether there is a question of material fact. That's a
2 legal determination as to whether there's a material
3 fact. And the Board, in doing that, is asked to
4 identify those facts that is in dispute and then
5 determine whether they are material, i.e., they have an
6 outcome on this case depending on how they're decided.

7 And so with that format in mind, it's important to
8 first note the Department has proposed what they call a
9 final order under. Under the APA that's an order
10 that's immediately appealable after the order is
11 entered because the case is done, it's complete based
12 upon that order. The Board hasn't done that here.
13 They have remanded it back to the ALJ for further
14 determination. Currently this is not a final order,
15 and the Board should not enter a final order, if for no
16 other reason that it's procedurally erroneous to do so.

17 Your Honor, the order proposed by KVA and
18 Mr. Duncan also captures an important ruling that the
19 Department omitted. The Department -- excuse me. The
20 Board decided that the Department's new summary
21 judgment motion wasn't properly before it. It's not
22 captured in the Department's order. It should be
23 reflected that it was part of the Board's determination.

24 Secondly, the Board is required under the APA to
25 make findings of fact; what are the facts in the record



1 that are in dispute between the parties? And
2 unfortunately, the Department's order omits that. It
3 doesn't identify what those facts are. Instead, it
4 points to conclusion of law, which the Board is also
5 required to make, but it doesn't identify what those
6 facts are.

7 And so importantly, in understanding what the Board
8 was concerned about saying, you know, the judge didn't
9 consider, or the judge found these facts to be in
10 dispute, the record indicates that two things were
11 considered: the location, and the nature of the system.
12 And that can be found in the transcript that's been
13 provided to the Board in Mr. Duncan's notice of
14 presentation. We provided that transcript with
15 highlights so it's easy to find. But without those
16 findings, there are no findings of fact entered in the
17 record. And so it's necessary to point them out so
18 that there is a legally compliant order before the
19 Board. The Board didn't decide that it was
20 specifically excluding that language. No such order
21 was in the transcript or the hearing. But it is
22 necessary for the Board to have those findings in order
23 to support its conclusions of law.

24 And those conclusions of law are two things.
25 They're found in Paragraph 11, page 4 of Mr. Duncan's



1 order, and it's simply this, and it's a verbatim quote
2 from the transcript. "The genuine issue of material
3 fact exists as to whether or not the exemption
4 identified at NEC 90.2(B)(5) 1981 applied to Skagit
5 PUD. The Board made that determination, that legal
6 conclusion of law, not a finding of fact, based upon
7 what -- I believe it was -- Board Member Johnson's
8 identification of what he thought was the Board's
9 error, the failure to consider the nature of the
10 system, and the location of the system where that work
11 is allegedly performed.

12 Second, the other conclusion that the Board drew
13 was that Skagit PUD is an electric utility as a matter
14 of law. That verbatim language is captured in
15 Paragraph 12 of Mr. Duncan and KVA's proposed order.
16 Department attempts to narrow that, inappropriately,
17 and add language to the Board's finding or conclusion
18 there by saying it was only under the electrical code
19 in 1928. The Board made no such limitation, and it
20 would be inappropriate to do so because the
21 determination electrical utility has application not
22 only in 1928 but also under the NEC that's at issue.
23 And the Board determined, as a matter of law, that
24 Skagit PUD is an electric utility. And so it would be
25 inappropriate to narrow that now unless the Board was



1 going to reopen the hearing and evaluate the issues
2 further with argument from counsel.

3 And further, Chairman Jenkins, it's important to
4 note that this was a review of the order, summary
5 judgment order, and the Board did two things. Right?
6 It affirmed that order, in part, that Skagit PUD is an
7 electrical utility as a matter of law. And then it
8 pointed out and reversed, in part, that order as to the
9 extent whether NEC 90.2(B)(5) apply to Skagit PUD.
10 That's what's captured in Paragraphs 13 and 14.

11 Now, the APA also requires that instructions be
12 given to the presiding officer as part of this order on
13 remand. And I believe Board Member Johnson was aware
14 of that when he wanted it to be referred back for an
15 evidentiary hearing and mentioned giving direction.
16 And so it's appropriately done and included in
17 Paragraph 15 of KVA and Mr. Duncan's proposed order.
18 And what would the -- at a minimum the ALJ would be
19 appropriately determining? Well, the two issues that
20 were identified as questions of fact, that were pointed
21 out as error by Mr. Johnson, that weren't apparently
22 considered satisfactorily, were the location where the
23 work was performed and nature of the system.

24 So all those things required for a compliant --
25 legally compliant order from the Board. They track



1 specifically, and verbatim most instances, with the
2 transcript from the Board's hearing.

3 With that I will rest unless there should be any
4 further questions.

5 CHAIRMAN JENKINS: Thank you very much. I'm
6 Chair Jenkins here.

7 Any questions from the Electrical Board?
8 Board Member Gregory Johnson.

9 BOARD MEMBER JOHNSON: Yeah, I was -- AAG
10 Ms. Vue, I was wondering if there's anything in --
11 specifically, can you point out issues you take
12 specifically with KVA Electric's motion? Like, is
13 there any items that you -- whether in the finding of
14 facts or the conclusions, if you could point out
15 specific issues.

16 MS. VU: Well, KVA Electric's proposed order
17 contains the extra language, extra language which this
18 Electrical Board expressly agreed to exclude in making
19 more simplified motions. And moreover, Paragraph -- or
20 I should say Article 15 of KVA Electric's proposed
21 order appears to suggest that the record on remand is
22 limited to what is already in the record. In an
23 evidentiary hearing, the OAH would need to consider the
24 records on whatever evidence is yet to be provided in
25 addition to what's in the record. The record so far is



1 for the summary judgment hearing, which the Electrical
2 Board found does not resolve all the issues in this
3 case.

4 CHAIRMAN JENKINS: Thank you very much.
5 Is there any other question from Board Member
6 Johnson? Does that answer your question?

7 BOARD MEMBER JOHNSON: Yeah. I'm wondering if
8 there's -- is there any room for a compromise between,
9 like -- is there any paragraphs you'd be willing to
10 swap out, even for -- between either of your attorneys?
11 Like, is there a middle ground on something you guys
12 could agree on?

13 MR. STEEN: This is Timothy Steen, Board
14 Member Johnson. We've attempted to do that,
15 unsuccessfully.

16 However, to address Ms. Vu's comments, and to be
17 cooperative and assist the Board, in Paragraph 15 there
18 was no intention to limit the record to the existing
19 record. Presumably, the ALJ is going to hear the full
20 record that's before -- that's properly before it. So
21 I have no problem adding clarification there, if that
22 helps get us closer to consensus.

23 MS. VU: This is Leah Vu. The Department has
24 no objections to renaming the order, order affirming in
25 part and reversing in part the initial order. The



1 reason why the Department's proposed order is titled
2 "Final Order" is because it is this Electrical Board's
3 final order.

4 And with respect to the other paragraphs in KVA
5 Electric's proposed order, the paragraphs on the record
6 and the briefing is unnecessary and irrelevant and
7 doesn't -- doesn't reflect the motions that this
8 Electrical Board made.

9 CHAIRMAN JENKINS: Chair Jenkins. I want to
10 verify also to our counsel here. And the question I
11 had was, first of all, I like the idea of having
12 (indiscernible) open response send it back to the judge
13 and have them review everything and allow the hearing
14 to add all the evidence they need from either side. I
15 don't want to have any limitations. I don't want to
16 steer in any one direction. I want them effectively to
17 just redo it. Look at it again, and all information as
18 needed. So I'm in favor, personally, of the
19 Department's proposal, I should say that.

20 Is there any legal -- question for Ben here. Is
21 there any legal issues, like, where they have -- would
22 call any problems with the ALJ as far as keeping this
23 open and making sure this is a legal --

24 MR. BLOHOWIAK: (Indiscernible.)

25 CHAIRMAN JENKINS: We have a question from



1 Mr. Gregory Johnson.

2 BOARD MEMBER JOHNSON: Yeah. The only two
3 parts that I'm seeing missing from the Department's is
4 conclusion of law. If you look at KVA's Conclusion of
5 Law 11 and 12. So I think 12 is more accurately a
6 direct quote as opposed -- I mean they're fairly close,
7 but as already spoken, that's on the electric utilities
8 matter of law. I think 12 is more accurate. They're
9 very close, short statements. And then 11, I don't
10 believe it's necessary to include all that info into
11 the order portion. But inside the conclusion of law, I
12 think it's important to let the ALJ know where they
13 faulted. And that was clearly discussed throughout the
14 transcript. And I'd hate to have the ALJ have to
15 search through the Electrical Board meeting transcript
16 to really understand where they faulted. So I would
17 think that, at a minimum, the Department would need to
18 include Conclusion of Law 11, and then possibly replace
19 their Conclusion of Law 2.2 with 12.

20 MR. STEEN: If I may. To avoid any legal
21 error, the order needs to reflect some legal analysis
22 as to how the questions of fact create a genuine issue
23 of material fact. Right? Without that -- both orders
24 lack that. And so it doesn't establish why the Board
25 is determining there's an issue of material fact,



1 absent that additional language in -- in Paragraph 11
2 of Mr. Duncan's proposed order, KVA's proposed order.

3 CHAIRMAN JENKINS: Chair Jenkins here. I just
4 wanted to (indiscernible) counsel just -- they don't
5 want to have to send it back to us again and have to
6 look at it a third time. I guess, it will be the
7 second time. And I also don't want to add information
8 here because this has the potential to come back to us
9 again if something with the ALJ doesn't go well with
10 either party. So I don't want to be -- I'll call it --
11 tainted of their decisions on how it comes back to us.
12 Hence that's why I have an idea of keeping things open
13 and letting the judge just re-look at it, let the two
14 parties argue with the judge. And they can add any
15 information as they need to during the evidentiary
16 hearing. So once again, I'm kind of holding off to see
17 that our counsel gets back with them.

18 Are there any other questions or comments from the
19 Board as we're waiting?

20 BOARD MEMBER NORD: Board Member Nord. I
21 totally concur with Board Member Jenkins' evaluation of
22 this matter.

23 CHAIRMAN JENKINS: So the chair would
24 entertain a motion to take a ten-minute recess.

25 BOARD MEMBER NORD: Board Member Nord.



1 Motion.

2 CHAIRMAN JENKINS: We have a motion. Do we
3 have a second?

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

6 CHAIRMAN JENKINS: We have a motion and a
7 second.

8 Any discussion?

9 (No response.)

10 CHAIRMAN JENKINS: Hearing none, all in favor
11 say "aye."

12 (Chorus of ayes.)

13 CHAIRMAN JENKINS: Any opposed?

14 (No response.)

15 CHAIRMAN JENKINS: Motion passes.

16 So we'll take a ten-ish minute break. We should
17 see you back here close to 10:30. Thank you.

18 (Break taken.)

19 CHAIRMAN JENKINS: All right. Back to talking
20 to counsel. I believe you may have a proposed order --
21 motion, I mean.

22 BOARD MEMBER NORD: Board Member Nord. I want
23 to make a motion that the Board take this matter under
24 advisement.

25 CHAIRMAN JENKINS: We have a motion.



1 Do we have a second?

2 BOARD MEMBER KNOTTINGHAM: Board Member
3 Knottingham. I'll second the motion.

4 CHAIRMAN JENKINS: Any discussion? The
5 discussion I want to bring up is I believe what we want
6 to do is we want to look at both of the orders, and we
7 will create our own order, and then notify the parties
8 when the order is signed. That's kind of what we're
9 asking the Board members -- a motion for. Any
10 discussion?

11 It looks like, Gregory, you have your hand up for
12 some reason?

13 BOARD MEMBER JOHNSON: Yeah, just to clarify.
14 So I like the approach that we create our own board
15 [sic]. Are we going to create that here today, or is
16 that . . .

17 CHAIRMAN JENKINS: Through advisement of our
18 counsel, I think what we're looking at doing is taking
19 whatever we have decided last meeting and making sure
20 that reflects both parties' decision in creating our
21 proposed order. And we'll get it signed and sent to
22 the parties. And I believe the question that we have,
23 it sounds like, unless any other members have any
24 questions, is it sounds like that we are needing two
25 items that we need to put on there being that -- go



1 ahead and say it.

2 MR. BLOHOWIAK: This is Benjamin Blohowiak,
3 counsel for the Board again. Board Member Johnson, you
4 had highlighted a paragraph indicating a proposed order
5 that offered some additional factual information. And
6 I think the motion is to take both these orders under
7 advisement. The Board is going to evaluate them and
8 create an order that it feels best reflects its ruling
9 based on the orders proposed by the parties. But
10 specifically, the facts that I think you highlighted
11 were the location of the work and the nature of the
12 system installed as, you know, two of the facts that
13 were genuine issues in dispute that needed further
14 evidentiary hearings on. You include those, again, to
15 come up with an order that the Board feels best
16 reflects its position.

17 CHAIRMAN JENKINS: Chair Jenkins. Yeah, I
18 want to make sure it got into effect because it's not
19 limited to. We want to be able to let the ALJ to take
20 a fresh look at this and include that's appropriate for
21 the situation.

22 Do you have any comments there, Mr. Gregory
23 Johnson?

24 BOARD MEMBER JOHNSON: Yeah, I fully support
25 that approach. I did want to highlight a couple of



1 things, just for when we take it under advisement, just
2 for the record. So there is a slight difference inside
3 the opening paragraph. They were very close, but one
4 of them notes -- so KVA has noted an Anderson Hunter
5 Law Firm, PS, and that was omitted from -- that's just
6 a type -- probably it's important to include the law
7 firm.

8 The other thing I've noted is I think what I heard
9 correctly is you -- both attorneys were amicable for
10 revising the title of the order from final, if I'm
11 correct. So I think everyone agreed.

12 The other thing I wanted to note, just looking at
13 the Department's -- so I already highlighted the
14 Conclusion of Law 11 and 12 in KVA's, which if we were
15 to replace, either in part or whole, that would be the
16 Department's section -- I think it's labeled 2.2. You
17 have 2.2 repeated multiple times, but -- at the last
18 2.2's in your conclusion of law section. And then
19 under the final order, it was just a note was what's
20 missing on the Department's is the -- because we have
21 two votes. We had one vote that was Skagit PUD is an
22 electric utility as a matter of law. That was Point 13
23 in KVA's. And there was -- that's not included in the
24 Department's. So I think Point 13 in the order would
25 have to include.



1 And then the 3.1 for the Department's, I think that
2 was pretty concise, but there's a couple of words
3 missing. "Reversed in part" on the first page 2, right
4 at the bottom, and then at the very end on page 3,
5 where it says "Skagit PUD," and then it probably be
6 appended to say "and work performed by KVA and Duncan."
7 And so that's probably important to capture that
8 because we're not just looking at Skagit PUD. We're
9 looking specifically at the work that KVA and Duncan
10 performed. So those are my redline edits for -- to be
11 included.

12 CHAIRMAN JENKINS: Thank you much.

13 Board Member Kerry Cox.

14 BOARD MEMBER COX: Yes. Board Member Cox. Is
15 it adequate for the motion simply to state we will take
16 it under advisement, or does it need any more detail in
17 what we will be voting on?

18 MR. BLOHOWIAK: I don't think it needs
19 anything else.

20 BOARD MEMBER COX: Thank you, Counsel.

21 CHAIRMAN JENKINS: Chair Jenkins.

22 Any other questions, comments, Board, concerning
23 the motion?

24 (No response.)

25 CHAIRMAN JENKINS: Hearing none and seeing



1 none, all in favor signify by saying "aye."

2 (Chorus of ayes.)

3 CHAIRMAN JENKINS: Any opposed?

4 (No response.)

5 CHAIRMAN JENKINS: Hearing none, the motion
6 passes.

7 All right. So once again, parties, what we will
8 get -- we'll contact you with our final decision, and
9 we'll move on to the next item. Any questions or
10 comments from the two parties?

11 MR. STEEN: Only briefly. Is there any
12 anticipated timeline as to when the proposed order
13 might be provided?

14 CHAIRMAN JENKINS: Definitely before next
15 meeting. As far as beyond that, I can't really give
16 you an answer on that.

17 MR. STEEN: Thank you.

18 CHAIRMAN JENKINS: Thank you.

19 Anything from the Department?

20 MS. VU: Yes, Chairman Jenkins. This is
21 Leah Vu. Just one final remark. The Department
22 believes that the Paragraph 11 of KVA's proposed order
23 is too prescriptive, in that it directs the judge to
24 consider the nature of the system and the location of
25 the system where the work was performed. There are

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1 several parts to this analysis. One being whether
2 KVA -- I'm sorry -- whether Skagit PUD is an electrical
3 utility. And that was already decided by this
4 Electrical Board that KV -- that Skagit PUD is an
5 electrical utility. There's also the consideration of
6 whether the area and the equipment was under the
7 exclusive control of Skagit PUD.

8 And also, there's a potential for confusion by
9 limiting those two factors to just -- the factors to
10 just the nature of the system and the location because
11 if the purpose of the high-voltage transformer and the
12 switching system installed is not for the generation
13 control transmission and distribution of electricity,
14 then the location of the system where the work was
15 performed becomes irrelevant.

16 CHAIRMAN JENKINS: Chair Jenkins here.

17 I think the idea was that we were trying -- we're
18 going to draft something that included but not limited
19 to those items. That way the judge has a reason why to
20 go back to it, but they're not limited to any
21 particular subject. That was our intent. That way
22 they can -- you can hash through whatever -- when the
23 Department and the other party decides to take this
24 back to the judge figure out what they want to see.

25 MR. STEEN: I would object to Counsel's new



1 argument and attempt to reopen the record, because
2 that's what it is. We're bound by the Board's ruling.
3 And we have a transcript of that. And trying to insert
4 new issues now essentially requires to reopen the
5 (indiscernible). That wouldn't be appropriate. I
6 think, as we're bound by the record on appeal, we're
7 also bound by the Board's determination. Thank you.

8 CHAIRMAN JENKINS: Board Member Gregory
9 Johnson.

10 BOARD MEMBER JOHNSON: I was just going to
11 suggest it might be helpful if we just quote the --
12 instead of referencing the 1981 version of the National
13 Electric Code p0.2(B)(5), if we just quote that.
14 That's a very short paragraph, and that might resolve
15 all issues.

16 CHAIRMAN JENKINS: Okay. Thank you very much.
17 On that note I would like to say thank you very
18 much for your time to the parties, and enjoy the rest
19 of your day.

20

21 CERTIFICATION/CEU QUARTERLY REPORT, EXAM PROVIDER
22 UPDATE, LARRY VANCE

23 CHAIRMAN JENKINS: So moving on to -- unless
24 there are any questions, we're moving on to our next
25 item here, which is -- it looks like we're on



1 certification/CEU quarterly report, exam provider
2 update by technical specialist Larry Vance. Are you
3 available this morning?

4 (No response.)

5 CHAIRMAN JENKINS: Hearing and seeing none,
6 I'll look to our secretary. Wayne Molesworth, do we
7 have someone that wants to cover our Item Number 5?

8 TECHNICAL SPECIALIST VANCE: Chairman Jenkins,
9 I have --

10 CHAIRMAN JENKINS: Oh, there we are. Thank
11 you.

12 TECHNICAL SPECIALIST VANCE: I've overcome --
13 I've overcome my IT obstacles, and I believe that I'm
14 ready.

15 CHAIRMAN JENKINS: Thank you much. The floor
16 is yours.

17 TECHNICAL SPECIALIST VANCE: Thank you very
18 much, Chairman Jenkins, members of the Board. My name
19 is Larry Vance. I am a technical specialist for the
20 Department of Labor and Industries. Today I would like
21 to share information with you about -- about first-time
22 pass rates for the examination. If there's any new
23 members of the Board, the purpose of this report is
24 just to show -- we track first-time pass rates to see
25 if there's any anomalies in the exam, and just for --



1 just to track consistency. First-time pass rates are
2 probably a reflection of how well people are prepared
3 on their first attempt. The pass rate for 01 journey
4 level electrician exam remains just under 50 percent,
5 which is consistent with prior reports. There's --
6 probably, when you get down to the specialties, that
7 number falls nearly in half. Most specialties,
8 4,000-hour specialties are in the range of, say,
9 between 28 and 24. So that it -- you know, it's -- it
10 just shows that there's not a lot of apprenticeship,
11 there's not a lot of apprenticeship influence as far as
12 familiarity with the National Electric Code, and
13 electrical laws and rules, and electrical theory, just
14 the basics that they're testing on during an open-book
15 exam. Our exams are all open-book, so it's -- we don't
16 want to make any judgments, but, you know, typically
17 it's -- exams are about preparation. Especially
18 open-book exams, you have to be familiar with the
19 reference material. And generally you bring all the
20 answers in with you, so that's just the nature of an
21 open-book exam.

22 Does anyone have any questions about other pass
23 rates or any other questions on this topic?

24 CHAIRMAN JENKINS: Chair Jenkins.

25 If this is a report that you're saying are the pass



1 rates, is there a simple way of having these things in
2 order, so attempt number one, two, three, four, five in
3 a row?

4 TECHNICAL SPECIALIST VANCE: Yeah, that would
5 be --

6 CHAIRMAN JENKINS: In a way that --

7 TECHNICAL SPECIALIST VANCE: Well, they are
8 listed. And unfortunately, when we look at the number
9 of exams that we deliver, this -- they will -- an exam
10 type will appear on this report if it was delivered.
11 And I believe that there is 41 different exams, I
12 believe, because you have all of the -- all of the
13 administrator exams, all of the master electrician
14 exams, a telecommunication administrator exam, an
15 electrician exam, and a master electrician exam. So it
16 would be a manual process to go through on this report
17 and compile that data, if there was a compelling reason
18 to do so.

19 CHAIRMAN JENKINS: The question I was asking
20 about, like the 01 exam, general exams, are listed kind
21 of haphazardly, attempt number 22, attempt number 0,
22 makes me still wondering why we still have those. But
23 then they're just not really any order. If there's a
24 simple, you know, "click button" (indiscernible)
25 redone, but if it's not a big deal and -- or is a big



1 deal, do the Board members have any comments or
2 questions?

3 TECHNICAL SPECIALIST VANCE: Well, that's an
4 excellent segue into the next topic, and that is exam
5 provider contract, and I don't have a lot of
6 information today. What I do have information about
7 is, is that there's been a recommendation made, and we
8 cannot reveal the identity of the contractor. But we
9 are moving towards executing a contract with a
10 provider, exam provider. So at that time, that's --
11 that's a great time to adjust these reports and make
12 them -- you know, why aren't they -- it's -- it's very
13 simple, I believe -- and I'm not an expert, but -- for
14 them to be in order of attempt. You know, descending
15 order, ascending order, whatever you want in that call.
16 So we'll certainly keep that in mind and try to produce
17 a better report.

18 CHAIRMAN JENKINS: I'm not (indiscernible)
19 report. I just thought it would be nice to have that.
20 It was just a comment.

21 TECHNICAL SPECIALIST VANCE: I agree 100
22 percent. I mean it should -- that's really what we're
23 looking at, is attempts, not so much other columns. We
24 like attempts, and we like totals. Right? I mean
25 that's kind of the two things that we look at. How



1 many people are taking the exam? What are the pass
2 rates? You get into that other attempts beyond Attempt
3 Number 1, and now it's really hard to assess what's
4 going on there. But with the way that exams are --
5 exam candidates are tracked, when you enter the system,
6 you will be -- you're tracked completely through your
7 exam history. You can have a one-year exam period, not
8 succeed. Go into your second one-year exam period, not
9 succeed. You're tracked as to what your attempt is.
10 And those are reflected on this report. So it doesn't
11 mean that all the previous attempts are in this year.
12 It just means that somebody, for instance, made their
13 eighth attempt this year, and here's the result. So
14 it's kind of a -- it's kind of a moving target.

15 CHAIRMAN JENKINS: Thank you.

16 Is there any other questions?

17 Board Member Kerry Cox.

18 BOARD MEMBER COX: Yes. Board Member Cox.

19 Hello, Larry.

20 TECHNICAL SPECIALIST VANCE: Hi, Kerry.

21 BOARD MEMBER COX: Question is: How do you
22 attribute -- as I heard you say, how do you attribute
23 lower pass rates of the specialties to lack of
24 apprenticeship? Is there a statistic I'm not seeing?
25 Are we making an assumption?



1 TECHNICAL SPECIALIST VANCE: No. It would be,
2 I guess, averages. So in the past, we've done some
3 work, manual work to understand what first-time pass
4 rates are with apprenticeship backgrounds. When
5 individuals have apprenticeship background, when they
6 complete an apprenticeship, their pass rate is -- say
7 it's in the 70 percentile range. So the average then
8 starts -- you also have others coming at the 01 exam
9 that have also -- maybe they're, say, a certified
10 electrician in another state, maybe they've got an
11 apprenticeship background. There's just a lot more
12 education of 01 electricians present for the candidates
13 taking the exam. So those average out at a higher
14 average. That's just -- you know. And because we
15 don't have a lot of apprenticeships in other states, or
16 even within this state, for, say, the residential 02
17 specialty, not a lot of participation in the 06 A
18 world, some participation in the 06 limited energy
19 world, those are not influenced that way then. So we
20 just kind of base it on what we know from first-time
21 pass rates for those that just completed
22 apprenticeships or have completed apprenticeships.

23 BOARD MEMBER COX: So if I heard you
24 correctly, there was some behind-the-scenes work that
25 you've done that isn't necessarily reflected as a



1 statistic in the document presented to us today?

2 TECHNICAL SPECIALIST VANCE: Correct. We
3 don't -- we don't have a system where we have a
4 Candidate A that's an apprenticeship -- person that's
5 completed an apprenticeship and a Candidate B.
6 There's -- we don't have any way to track that or split
7 that in our system. That's completely a manual
8 process. And there's prior minutes of these Board
9 meetings that discuss that difference. And those are
10 from years ago, but they are a matter of record.

11 BOARD MEMBER COX: But it's manual work that
12 has been done to assess the two different categories,
13 with apprenticeship experience and without. Is that
14 what I'm --

15 TECHNICAL SPECIALIST VANCE: Correct.
16 Correct.

17 BOARD MEMBER COX: Okay. Very good. So it's
18 not just an assumption. It's actually legwork that was
19 done behind the scenes. Very good. Thank you, Larry.

20 TECHNICAL SPECIALIST VANCE: Yes. Correct.

21 CHAIRMAN JENKINS: Secretary Wayne Molesworth,
22 do you have a question, comment?

23 SECRETARY MOLESWORTH: No, Chair. I
24 appreciate what Larry brings to this and the data that
25 we see.



1 I do want to make a comment, being probably one of
2 the last opportunities that I'm going to have to
3 address this Board from my seat, is that one of the
4 things that we see is -- and to Mr. Cox's question,
5 there's so many different facets to why people may or
6 not be doing well on an exam, right down to "Do they
7 not do well on exams? Do they have any sort of a
8 learning disability?" Those types of things. There's
9 so many different facets that come into play. My
10 concern when I look at the data like this -- and I've
11 interviewed a lot of electricians in the last few
12 years -- is that we as an industry are not doing a good
13 job of training our electricians to the point where
14 they can supervise and train trainees and apprentices.
15 We are slowly moving towards a part where we're
16 training mechanics, and we're not training electricians.
17 And they're losing the idea of what the code means, how
18 to use a code book, the theory behind what they're
19 actually doing. And so when I interview electricians
20 for inspector jobs, even, what we see is that we're
21 interviewing people that know how to run conduit, you
22 know, how to pull wire. They know the mechanical end
23 of this. And I think that by implementing
24 apprenticeships we've done a little bit more to enhance
25 that. But we really need to get out into the employers



1 and really make sure that we're getting the
2 supervision. We write a lot of citations to lack of
3 supervision. And lack of supervision leads to
4 untrained trainees, untrained apprentices. And I think
5 that's something that this Board and the program needs
6 to consider going forward, is how do we effect that
7 better? How do we want this industry to move forward?
8 And so I just wanted to mention that as one of my
9 closing comments for this Board, is that it concerns
10 me. That's all. Thank you, Chair, for indulging me.

11 CHAIRMAN JENKINS: Thank you.

12 Technical Specialist Larry Vance, do you want to
13 make any more questions -- or information? Sorry.

14 TECHNICAL SPECIALIST VANCE: All right. Thank
15 you very much.

16 CHAIRMAN JENKINS: All right.

17
18 RULEMAKING UPDATES, L&I STAFF

19 CHAIRMAN JENKINS: So moving on to rulemaking
20 updates, L&I staff, I don't know who's assigned to this
21 one, but maybe our secretary knows? Oh, there we go.

22 TECHNICAL SPECIALIST LATHROP: Lorin Lathrop,
23 technical specialist with the Department. Our team of
24 Mr. Vance and Mr. Barnes and I are kind of tag-teaming
25 this topic for you this afternoon -- this morning. So



1 I'm going to start with the fee increase that is coming
2 up in the rulemaking. We -- the Department has
3 proposed a 6.51 percent fiscal growth factor increase
4 to our fees. This is a standard yearly process that we
5 try to keep up with inflation. And last month -- at
6 the beginning of March, I should say, we had a public
7 hearing at that point, and we received no comment on
8 either for or against for the increase. And as of
9 right now, if everything goes along the schedule, we
10 will have those fees in place on July 1st of 2026.

11 If anyone has any questions, you can ask me now or
12 we can come back to it later.

13 CHAIRMAN JENKINS: Chair Jenkins.

14 You want a motion from the Board concerning that?

15 TECHNICAL SPECIALIST LATHROP: I don't believe
16 we need one. If you would like to support it, we will
17 always take your support.

18 CHAIRMAN JENKINS: Hearing nothing from the
19 Board, I'd say go ahead and continue.

20 TECHNICAL SPECIALIST LATHROP: Well, with that
21 I will hand the baton to Mr. Randy Barnes.

22 TECHNICAL SPECIALIST BARNES: Good afternoon.
23 Good morning. This is Randy Barnes, technical
24 specialist for Wayne Molesworth. Last name
25 B-a-r-n-e-s. I'm here to give you an update on the



1 rulemaking for the 2026 NEC Code adoption. We recently
2 had the TAC committee meet on April 1st. We had 28
3 members, 24 of which made it to the meeting, and two of
4 which were board members. There were 22 proposed
5 amendments from the public. Those proposed amendments
6 have been posted on our laws and rules page. They were
7 provided to the chairman of the Board, Mr. Jenkins, the
8 two Board members that attended.

9 When we review these, we'd ask you as a Board, when
10 you get a chance to review these, and ask for your
11 support. The TAC committee provided us their input.
12 And we had only a couple of proposals that received the
13 majority of support from the committee to move forward.

14 The next step of this would be our -- excuse me --
15 our first draft rules. Those will be posted on our
16 website here shortly.

17 The next step after that would be the public
18 comment period. That would start -- let's see -- July.
19 So our CR 102 for the first draft rules would be filed
20 in July. The public comment period would start right
21 after the CR 102 is filed. That would run until
22 August, when we have the public hearing would be
23 scheduled. And then we have the public hearing that
24 would be held in Tumwater as a hybrid meeting.

25 Some of the amendments that were supported or



1 proposed by the Board that received majority support,
2 they had to do with 210.8, expanding the -- or
3 providing a clear definition of GFCI protection for
4 outlets near a shower or within spray of a shower.
5 This was an existing code referenced before. It's just
6 that we clarified that GFCI protection for outlets not
7 just within five foot of the edge of a tub or an
8 enclosed shower that was subject to spray from a
9 shower.

10 The second one that received majority support by
11 the TAC committee to support was 450.027, and this was
12 modifying existing language to clarify the location of
13 oil-filled transformers near combustible equipment --
14 or combustible material, combustible surfaces. Again,
15 this was an existing section. It just clarified some
16 of the language and to bring it into current language
17 supported by things like the IBC.

18 The last one that actually received a majority of
19 support was adding a new section for 706, which is
20 energy storage systems. And this new section would
21 just require something that we've required in PV
22 systems, other items like any parallel generation
23 systems. So it would require the installer to have
24 design-reviewed documents on site, as defined by WAC
25 296-46(B)-100. And this is something that the



1 installer already has to do to put in these energy
2 storage systems. It's just that we're formalizing that
3 these documents need to be on site until the
4 inspections process is complete. Out of the 22
5 proposals, that was the extent of the proposals that a
6 majority of the TAC supported and provided input on in
7 the supporting.

8 We do have another section that we did not get
9 supported, necessarily, by the TAC but will have to be
10 reviewed, and that has to do with 210.8(F), and this is
11 GFCI protections of HVAC equipment. And in the 2026
12 code, we had a delay of any requirements for GFCI
13 protection for HVAC outlets in 201.8. That expires in
14 September. We don't adopt the code until December 31,
15 of 2021. The new 2026 NEC addressed the issues with
16 that by providing an allowance for a special purpose, a
17 Class C special purpose GFCI, also called an HF or an
18 HF-plus. There's concern that we may have to review
19 come December -- or excuse me -- January if that
20 product is readily available. If that product is not
21 readily available, we may have to delay enforcement
22 until that product is readily available, but we can
23 review that at the time. The chief can review product
24 with product manufacturers and see if that product is
25 readily available.



1 CHAIRMAN JENKINS: Chair Jenkins.

2 Concerning the last one with the readily available,
3 isn't there a process that's available that we could
4 kind of rush a modification in cases like that coming
5 up? I thought there was a process that allows for
6 something.

7 TECHNICAL SPECIALIST BARNES: There is, but,
8 you know, we've shown historically that we have ability
9 to delay enforcement of a particular code if there's
10 not a product available. And I would give an example
11 of the six-pack enclosures, the six-handle rule with
12 separation that we had delayed enforcement because that
13 product was not readily available, which is about to
14 expire, as a sidenote.

15 CHAIRMAN JENKINS: Thank you much.

16 TECHNICAL SPECIALIST BARNES: And if there are
17 any other discussions or comments or questions about
18 other proposals that were proposed, again, you had two
19 board members that were present at the TAC that can
20 speak on those.

21 CHAIRMAN JENKINS: Chairman Jenkins one more
22 time.

23 Item Number 9, are we turning back for technical
24 advisory meeting updates, or is there -- is that part
25 of this, or is that something totally separate on the



1 agenda in front of you?

2 SECRETARY MOLESWORTH: I think at this point,
3 Randy, are we looking for support from the Board on
4 those that were unanimous at the TAC -- or not
5 unanimous, but had majority backing at the TAC, or are
6 we going to cover that in line 9, the advisory
7 committee updates, the TAC updates?

8 TECHNICAL SPECIALIST BARNES: Sorry. I didn't
9 have an answer for that. I don't actually have the
10 agenda sitting here, and I apologize.

11 We would ask for the committee's support. We do
12 have a second round of this. As I stated, we will have
13 the proposed language changes -- right? -- our first
14 draft language posted on our site soon, and we can send
15 to the Board. I would anticipate that we would be
16 asking the Board for support of that draft language at
17 the next Board meeting. That would give them the
18 opportunity between this Board meeting and the next
19 Board meeting to review the proposals and the proposed
20 rule language, and then provide their input and
21 support. I think this is an opportunity for them to
22 discuss these proposals that they want now. But we're
23 asking for their support at the next Board meeting.

24 SECRETARY MOLESWORTH: Thank you.

25 CHAIRMAN JENKINS: Chair Jenkins here.



1 This rulemaking is back on the rails, so to speak.
2 We were trying to coordinate it with some IT work. And
3 what we found was is that there are obstacles on the IT
4 side to completing the rulemaking in the time that we
5 would like to accomplish it. So we are essentially
6 amending the proposed -- the rules that we intended in
7 just a few minor ways. Essentially, there's going to
8 be no changes to the way that we currently -- that we
9 currently administer administrator exams. They are
10 kind of a different -- they're administered differently
11 from the standpoint of how a candidate approaches
12 testing. In the law, we cannot require an
13 administrator to apply to the Department for approval
14 for the exam. And so, therefore, we don't know if they
15 are taking the exam or not. Anybody can go contact the
16 testing vendor and take the exam. When their first
17 attempt occurs, that starts their one-year exam period.
18 And it's going to remain that way until a time when we
19 can -- IT will go first. We'll have the IT solution in
20 place. Then we will intend on making some rules. And
21 we then be able to align electricians and
22 administrators in the same lane, so to speak. Meaning
23 that it starts when they receive a unique exam ID from
24 the Department. And that is -- that is the number
25 that's used to shake hands back and forth with the



1 testing vendor so we all know who this person is, and
2 we communicate back and forth accurately about the
3 candidate.

4 There's no changes to the EVITP rules that were
5 made since we started this process.

6 No changes to the exam rules other than the fact
7 that we have found -- we did make one change, and the
8 change had to do with accommodations for exams.
9 There's a section in the rulemaking that speaks to
10 accommodations for those with disabilities and
11 accommodations for those with limited English
12 proficiency. And what we found -- we worked with our
13 civil rights group within the Department, and we find
14 ourself in a strange place because we're a state, and
15 we're trying to kind of regulate or administer a
16 federal requirement and interpret federal guidance.
17 And after discussions with our civil rights group, they
18 said, you know, it's -- rules are not really needed.
19 You don't need state rules. The testing vendor is
20 bound by federal guidance and federal guidelines,
21 federal laws, and so is the state, so no need to make
22 those.

23 So what we've done is that we've just removed those
24 from the administrative rules, and we will be following
25 the federal guidance and federal guidelines, as will



1 the testing provider. So it's just getting rid of some
2 unnecessary -- it's just -- it created unnecessary
3 complications to the process. We don't need to be
4 between the candidate and the provider as far as an
5 accommodation for the exam. So we don't have -- we
6 don't have medical -- we don't have medical expertise
7 or expertise in learning or -- the rules put us in a
8 place that we didn't have the ability, really, to act
9 with knowledge. And we don't need to because there's
10 federal guidance out there that says what we need to do
11 or what the vendor needs to do, whoever is providing
12 the exam.

13 So in short -- and I know that's a long -- and I
14 apologize for how long that is. But we've done a lot
15 of work to understand our role in exam accommodations.
16 And as a result, we are removing our regulations around
17 that and going with the federal regulations.

18 So other than that, I believe that our next step is
19 to provide a copy of the draft rule, and then of course
20 we'll provide a copy of the proposed rule. That will
21 be the CR 102 process. And then we'll go into the
22 formal public comment period, which will culminate in a
23 public hearing. And then, of course, as the rules
24 progress, if they do progress, the next step after that
25 is the actual filing of the rule, which is the CR 103.



1 We don't have an exact timeline for that, but what I
2 can report is it's moving. So that's what I have.

3 CHAIRMAN JENKINS: Chair Jenkins here.

4 Thank you very much.

5 Are there any questions from the Board for
6 Technical Specialist Larry Vance?

7 (No response.)

8 CHAIRMAN JENKINS: And I'm going to continue
9 using that (indiscernible) every chance I get.

10 Any questions, comments from the Board?

11 (No response.)

12 CHAIRMAN JENKINS: All right. Appreciate
13 that.

14

15 LEGISLATIVE UPDATE, L&I STAFF

16 CHAIRMAN JENKINS: Moving on to our
17 legislation update. I'm going to go back to one item I
18 failed on my part to bring up, and we've got a proposed
19 order for Mr. Subzeck (phonetic). Is Mr. Subzeck here
20 available today? Is he in the meeting? Give a second
21 longer to speak up or say something.

22 MR. MACCANON: Yes. Good morning. This is
23 Justin MacCanon, assistant attorney general, and I
24 filed the proposed final order. I do not know if
25 Mr. Subzeck will be here today. I did provide it to



1 him. He did not respond to any of my emails.

2 CHAIRMAN JENKINS: Okay. Give him just a
3 second longer to make sure that he's popped in in any
4 way, shape, or form. And if nothing is -- in the next
5 little bit here, I'll be signing that order as
6 presented.

7 And moving on to the next one. Thank you very much
8 for your time. Thanks for showing up here and bringing
9 that to our attention.

10 MR. MACCANON: Thank you.

11 CHAIRMAN JENKINS: Next item on our --
12 actually, I should ask: How's the reporter doing? Are
13 we still good? Do we need a break?

14 THE COURT REPORTER: No, we're good.

15

16 LEGISLATIVE UPDATE, L&I STAFF

17 CHAIRMAN JENKINS: Okay. Moving on to our
18 Number 7, Legislative Update, L&I staff. I'm not sure
19 who's assigned that one, but . . .

20 TECHNICAL SPECIALIST LATHROP: Chair Jenkins,
21 this is Technical Specialist Lorin Lathrop. I will be
22 giving you that report today.

23 CHAIRMAN JENKINS: Thank you much. The floor
24 is yours.

25 TECHNICAL SPECIALIST LATHROP: So this past



1 year, there was short session with the Legislature, and
2 a number of bills were introduced that involved quite a
3 bit of work, however only one passed through the
4 Legislature and was signed into law, and that was
5 Substituted House Bill 2492. And at the heart of this,
6 what it allows for is that the proponents saw the need
7 for mental health training for construction and
8 building trades workers. So they made a proposal. And
9 the effects for us is that we now have the ability to
10 offer mental health training as a continuing education
11 unit or CEU.

12 So what the Department has to do at this point is
13 we are starting the process of looking at rulemaking.
14 As you can see, we have a few other ones going, so one
15 isn't quite as far along as we would like it to be, but
16 we're working on it. And we are looking at how we can
17 introduce this into our rules for continuing education,
18 and how do we certify -- certify is the wrong word.
19 How do we approve providers that can give this
20 training? And it functions a lot like First Aid, CPR,
21 and AED training that we already give continuing
22 education credits for. So that was the only thing that
23 really came out, and we've got work to do around this
24 subject. But that was the only legislative change that
25 we had this year.



1 I would like to say that we -- just to be clear,
2 we're not offering the training. Our role in it is to
3 approve providers. And just like any other continuing
4 education, we then -- people put on the record, and we
5 approve it so.

6 CHAIRMAN JENKINS: Okay. Are there any
7 questions from the Board?

8 (No response.)

9 CHAIRMAN JENKINS: All right. Thank you very
10 much for your time. I appreciate that.

11

12 SECRETARY'S REPORT, WAYNE MOLESWORTH

13 CHAIRMAN JENKINS: All right. Moving on to
14 our last time we're going to hear from our secretary
15 Wayne Molesworth for our secretary's report. And maybe
16 we won't hear from him again. I love technology.

17 SECRETARY MOLESWORTH: Love technology,
18 especially when I'm the cause of bad technology.

19 Now that I have unmuted myself -- sorry -- thank
20 you, Chair Jenkins and Board. My name is Wayne
21 Molesworth. I'm the secretary for the Board and also
22 the chief electrical inspector. I will be reading the
23 secretary's report into the record today.

24 As of April 30, 2026, the budget, the Department
25 continues to have a revenue reporting discrepancy we

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1 are working to resolve. When it is, we'll be able to
2 give a full account of electrical fund balance and
3 revenue. The data reported here is not complete at
4 this time, but we wish to share what we can with the
5 Electrical Board.

6 The electrical fund balance on March 31, 2026, was
7 \$9,074,571, which is about 2.7 times the average
8 monthly operating expenditure. The average monthly
9 operating expenditure for the third quarter of fiscal
10 year FY 2026 was \$2,931,810 compared to \$2,955,424 for
11 the same period last year. This is a decrease of about
12 1 percent.

13 March 2026 customer service, there were 39,245
14 permits sold last quarter. 98.6 percent or 38,691 were
15 processed online, which is a decrease of .2 percent
16 from last quarter. 99.6 percent of the contractor
17 permits are sold online, which is an increase of .1
18 percent from the previous quarter. Homeowners online
19 sales from this quarter is 83.1 percent, which is a 3.2
20 percent decrease from the previous quarter. Online
21 inspection requests are 73.5 percent, which is a 2.1
22 percent decrease from last quarter. During this
23 quarter customers 92.0 percent of all electrical
24 license renewals online, which is a .2 percent increase
25 from last quarter.



1 Drop down to key performance measures. This
2 compares FY '25 with fiscal year 2026. The percent of
3 inspections performed within 24 hours of request, in
4 2025 for this period of time, it was 82 percent, and
5 currently it was 81 percent for this quarter. Percent
6 of inspections performed within 48 hours of request,
7 the goal is 94 percent. Last year at this time, we did
8 93. And currently now it's 94 percent during this
9 quarter. Total inspections performed in 2025 for this
10 period of time, it was 60,822. Currently it's 59,975
11 for that same time period currently. Virtual
12 electrical inspections performed, 11,505 in 2025. And
13 14,244 percent [sic] of the inspections are done
14 through virtual electrical inspection. I want to add
15 here that we're right at about 28 percent of our total
16 inspections being done by virtual electrical
17 inspections at this time.

18 Number of focus citations and warnings. In 2025 it
19 was 116 processed citations with 852 citations still
20 awaiting processing at that time. Currently, in the
21 field they did 57, E-CORE did 55, for a total of 112.
22 Matrix citations not reported. And 3,981 citations are
23 still awaiting processing.

24 Inspection stops per inspector per day, this is a
25 workload indicator only. It was 11.2 last year, 11.2



1 this same time this year. Serious electrical
2 corrections that would result in disconnection of
3 power, 7,750 in 2025, and 7,213 in 2026.

4 Turnaround time for average plan set reviewed for
5 plan review, last year was two days. And currently
6 we're at three days for processing. Plan pages
7 reviewed -- all electronically now -- is in 2025 it was
8 1,126, and in 2026 it was 974.

9 Percent of warnings by focus violation type,
10 licensing, certification, 14 percent. Permits, 78
11 percent. Training supervision, 7 percent. And all
12 focus violation, there were 12.5 percent of the
13 warnings on focus violations.

14 The data above reflects citations and warnings
15 issued from January 1, 2026, through March 31, 2026.
16 Citations processing has been delayed due to having no
17 staff in the citation desk of the electrical program
18 since December 2024. I'm going to add a little bit
19 here to this. Staffing has now been filled. We've --
20 we're fully staffed in citations, and we have added
21 three positions to our licensing staff. And they're in
22 the process -- or four, actually, in the licensing
23 area, and they're currently in the process of training
24 the new staff in licensing. And the people doing the
25 training, a lot of times are the people that were in



1 citations because they used to do that job. And so
2 there's a lot of cross-training going on. We expect
3 that when we hit July that we'll have a pretty good
4 handle on the citations going out, although we're going
5 to stagger them just slightly so that we don't overload
6 the system with appeals. And so we'll see how that
7 goes. But we do have a timeframe that we have to stick
8 to by statute.

9 Next, electrical licensing citations amusement ride
10 and appeals. As of April 9, 2026, there are
11 approximately 1,550 items awaiting processing by the
12 licensing team, with a processing delay of about 75
13 days. Of the total items waiting, about 1,200 are
14 affidavits of experience.

15 In addition to processing documents, licensing
16 staff are responsible for answering all incoming
17 electrical licensing phone calls. Between January 1st
18 and March 31, 2026, the team received 5,100 calls.
19 This number does not include calls made by staff --
20 made to staff members' direct lines, outbound calls to
21 customers, or calls from regional office partners who
22 need assistance while helping customers in person.

23 The three citations, amusement rides, and appeals
24 program specialist positions have been filled.
25 However, the individuals who moved into these roles



1 previously served as customer service specialists
2 within licensing. They continue to support the
3 licensing team by assisting and training our six newly
4 hired customer service specialists. All nine licensing
5 customer service positions have recently been filled.
6 Due to the amount of new staff training, response times
7 are significantly delayed, and some work streams have
8 been temporarily paused due to limited capacity.

9 Testing lab report. There are no new testing labs
10 to report.

11 And past legislation -- we just got done talking
12 about that -- was House Bill 2492, which amends RCW
13 19.28.211 for continuing education requirements.
14 Electricians may count up to four completed hours in
15 behavior health and wellness training provided by the
16 department towards the 24-hour required for renewal.
17 Again, the agency does not supply this training. We
18 just approve instructors for this training and
19 criterion. So they are able to count that towards
20 their total number of hours to renew.

21 CHAIRMAN JENKINS: Chair Jenkins here.

22 Looking at your -- your (indiscernible) looks like
23 they're on track to get those all at least partially
24 corrected in July, by July's meeting. That sound
25 correct? Is that what you're trying to say?



1 SECRETARY MOLESWORTH: Well, we'll be moving
2 in that direction pretty strongly by then. Right? It
3 really just depends on what comes in between now and
4 then, how the training goes for new staff, and making
5 sure that we can get them processed. We get a couple
6 hundred every -- every month, and so that adds to it.
7 But we are moving closer and closer to it every day
8 with training these new staff.

9 CHAIRMAN JENKINS: And I appreciate the
10 information. Is there anything the Board can do or say
11 to help out with this, or are we -- you good?

12 SECRETARY MOLESWORTH: You know, look over
13 there at Jenn Dietrich and say thank you for that extra
14 work. It's been an uphill battle for her constantly.
15 She and Amber Bach really are instrumental in getting
16 these positions approved. There's a lot of work to
17 even getting a position approved to hire these days
18 because we do still have a hiring freeze and a travel
19 freeze. So it's -- it's a lot of work for them.

20 So thank you, Jenn. We appreciate that work.

21 CHAIRMAN JENKINS: And I think I speak for the
22 rest of the Board. Thank you also.

23 Thank you very much, Wayne. Is there any other
24 comments you'd like to make?

25 SECRETARY MOLESWORTH: Yeah, I -- you know, I



1 wanted to take a couple of minutes and thank the Board
2 for the six years that I've been involved with the
3 Board. This is my last meeting as the chief and as
4 secretary. That doesn't mean that I'm not going to be
5 here pestering you every once in a while as a -- as
6 somebody watching and -- or if they ever open a
7 position I'd qualify that I wouldn't apply for a
8 position on the Board. This is a board that makes a
9 big difference. Even though they call it an advisory
10 board, your advice is always very thoroughly
11 considered, and most of the time we accept that
12 guidance. And we look for how we can improve the
13 program so we don't have to seek your guidance in the
14 future for those same particular reasons. And so I
15 just want to thank you. I've probably been one of the
16 more vocal chiefs in the past. And thank you for
17 tolerating me and understanding this is a very -- I'm
18 very passionate about this industry, and it's been my
19 whole life.

20 CHAIRMAN JENKINS: And I'll say that I think
21 your shoes are going to be pretty hard to fill. I know
22 I'm going to miss you on being on the Board and the
23 information. I have really appreciated what you've
24 done.

25 If any other Board members would like to speak up,



1 now would be the time to do it.

2 Board Member Gregory Johnson.

3 BOARD MEMBER JOHNSON: Yeah, I just want to
4 really express my appreciation. I really appreciate
5 how you're professional, Wayne, all the time. And I
6 really appreciate your passion, especially for safety
7 and protecting the industry and -- and protecting the
8 general public too. And I really appreciate your
9 insight and your perspective on everything. So thank
10 you so much.

11 SECRETARY MOLESWORTH: Thank you, Gregory.

12 CHAIRMAN JENKINS: This is Chair Jenkins
13 again.

14 Thank you again. I can't say it enough. And I
15 hope your next endeavors are as good as the one you're
16 in now.

17 SECRETARY MOLESWORTH: Thank you, Chair.
18 Appreciate it.

19 Again, thank you, Board.

20

21 TECHNICAL ADVISORY COMMITTEE (TAC) UPDATES

22 CHAIRMAN JENKINS: Moving on to our Item
23 Number 9, which I think we've already taken care of,
24 the technical advisory committee updates. I guess
25 we'll have those at our next meeting as far as more



1 details on that.

2

3 PUBLIC COMMENT REGARDING ITEMS NOT ON THE AGENDA

4 CHAIRMAN JENKINS: And we are up to Number 10,
5 our public comments regarding items not on the agenda.

6 So we've heard we have four people signed up to
7 actually speak here at this time.

8 Before I do that, I want to ask, first of all, our
9 reporter, how are you doing?

10 THE COURT REPORTER: I'm doing fine. Thank
11 you.

12 CHAIRMAN JENKINS: And the rest of the Board,
13 how are you all doing? Do you need to take a break
14 here before we get on this, or do you want to push
15 through?

16 UNIDENTIFIED SPEAKER: Push through.

17 SECRETARY MOLESWORTH: Chair, is Brian
18 Hornback in the room?

19 CHAIRMAN JENKINS: He was earlier. I think he
20 left again.

21 SECRETARY MOLESWORTH: Okay. I was just -- he
22 may have had something to say. He might have gotten
23 busy. So I just wanted to --

24 CHAIRMAN JENKINS: He may have a couple of
25 minutes. He can probably pop in a little bit. I'll

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1 leave a little spot at the end if he wants to say
2 something.

3 SECRETARY MOLESWORTH: All right. Sounds
4 good. Thank you.

5 CHAIRMAN JENKINS: Thank you.

6 All right. So we're at public comments. And it
7 looks like we have an Alex Zimmer. Would you like to
8 take a seat up here up front, and you're welcome to
9 address the Board.

10 MR. ZIMMER: For the record, my name is Alex
11 Zimmer. I'm an 02 electrician with Wolf Industries.
12 We are a modular home builder from Battle Ground, and
13 we build 130 to 140 houses a year. I just want to
14 support the Proposal Number 9, which is dealing with
15 island plugs. And yeah, I would like it if the Board
16 would support that as well. We deal with a lot of
17 customers that just kind of get confused as to why the
18 traditional island plugs aren't allowed anymore. And,
19 yeah, I have a hard time justifying it to
20 (indiscernible) all the changes we went through
21 (indiscernible) past code iteration. So, yeah, as
22 always, whatever we -- whatever you decide is what
23 we'll go with. That was it for me. Thank you.

24 CHAIRMAN JENKINS: Thank you very much.
25 Appreciate it.



1 Kind of going back and forth, looks like we have
2 Patrick Hanks; is that correct?

3 MR. HANKS: Yes.

4 SECRETARY JENKINS: The floor is yours.

5 MR. HANKS: Awesome. Thank you.

6 For the record, my name is Patrick Hanks,
7 representing the Building Industry Association of
8 Washington, here to provide public comment in support
9 of Proposal Number 9 and encourage the Board to support
10 the adoption of this proposal.

11 The proposal will adopt recommended language by
12 NAHB, and that several other states have adopted
13 similar amendments as well. There really is a lack of
14 data supporting the need for kitchen island pop-up
15 requirements in the NEC.

16 The Consumer Product Safety Commission, over a
17 30-year period, only has 45 reported instances of
18 injuries from appliances being pulled down from the
19 countertops. This is statistically an extremely small
20 amount of injuries for the entire U.S. The data also
21 does not distinguish if the instances were specifically
22 from cooking appliances being pulled down by the cord
23 on island countertops.

24 Pop-up outlets are drastically more expensive than
25 traditional outlets, and our members find that many



1 consumers do not like them and do not want them.
2 Pop-up outlets are more likely to be damaged by spilled
3 liquids on counters and create more expensive repair or
4 replacement cost for homeowners.

5 The language does not even prohibit outlets from
6 being below the countertop, nor does it stop homeowners
7 or renters from running extension cords from other
8 outlets to run appliances on the kitchen island
9 countertops. At the end of day the safe use of cooking
10 appliances within manufacturer guidelines falls on the
11 consumer. Traditional outlets below countertops are
12 not inherently unsafe. I encourage the Board to
13 support that proposal.

14 Also, Proposal Number 421 did not get majority
15 support at the TAG, but there was strong support as a
16 TAG member. And encourage the Board to also look at
17 those proposals and support them. Thank you.

18 CHAIRMAN JENKINS: Thank you very much.

19 So our next person on the list here is Carolyn
20 Logue.

21 MS. LOGUE: Thank you, Chair Jenkins, members
22 of the Board. My name is Carolyn Logue -- that's, for
23 the court reporter, C-a-r-o-l-y-n and L-o-g-u-e -- and
24 I'm representing the Washington Air Conditioning
25 Contractors Association, which represents HVAC



1 contractors across Washington State. I appreciate the
2 opportunity to speak. I want to speak on two of the
3 proposals that are before the TAC. The first, Number
4 4, regarding the HFC -- or the HVAC GFCI change, we
5 recognize that the NEC moved to require this September
6 1, 2026. Our proposal that we put forward originally
7 asked to extend that exemption in Washington to
8 September 1st '29, but the TAC thought that this was
9 too long. We would like to encourage discussion on
10 this, and what would be reasonable recognizing that
11 while manufacturers are gearing up to have the
12 equipment meeting this requirement on September 1st of
13 this year. There needs to be some recognition that
14 there is equipment in this state that has already been
15 purchased and designed to be put into homes, et cetera,
16 that may not meet this requirement. In addition,
17 there was -- I think it was Mr. Lathrop said there may
18 not be enough product readily available immediately.
19 So we would like to ask if three years is too long,
20 perhaps there is a more reasonable extension, one year,
21 you know, 18 months, two years, something like that, to
22 accommodate these concerns and just make sure that the
23 industry is -- the equipment is here, and we're not
24 delaying projects just because we need to scramble to
25 try and meet this requirement. So that's our first



1 one.

2 I'm also here wholeheartedly in support of Proposal
3 21. I think we've been before several times on this,
4 and it's very important that this happen. This would
5 allow 06A certified HVAC specialty electricians to
6 perform the electrical connections between indoor and
7 outdoor units on mini split systems. We would like to
8 see this proposal get far more discussion and
9 consideration than it actually received in the TAC.
10 And in fact, a very similar proposal went all the way
11 through the process last time rules were updated.
12 There were some discussion happening, and really just
13 no -- you know, no recommendations came out of that.
14 But it is something that needs to be considered.

15 Proposal 21 is very specific to when the change
16 would be allowed and under what conditions. It
17 provides very specific situations and is not just a
18 general "Oh, let them do that." It is very specific.
19 First and foremost, this proposal does not reduce
20 safety in any way. All work will continue to be
21 permitted and inspected under L&I requirements. The
22 same code applies. The same inspections apply. The
23 same accountability applies, regardless of whether the
24 work is performed by an 01, 02, or 06A electrician.
25 What this proposal does is align the scope of work with



1 the actual training and expertise of the 06A
2 electricians. These are state-certified professionals
3 who are specifically trained and tested on HVAC
4 equipment, how to interpret the name plate size
5 conductors, apply overcurrent (indiscernible) and
6 complete the exact connections required for these
7 systems. In fact, 06A electricians often have more
8 hands-on manufacturer-specific training on these
9 systems than general electricians because the HVAC
10 electrician is also the one often installing the whole
11 system, including refrigeration lines and servicing the
12 equipment. They receive that training by the
13 manufacturers, and it's a complete training on how the
14 machine works.

15 Importantly, we're not talking about expanding work
16 to unqualified individuals. This proposal would only
17 apply to electricians who have passed the 06A exam and
18 are licensed by the State under L&I's own rules. The
19 work being discussed here is limited, is equipment-side
20 work, not panel work, not service upgrades, not full
21 branch circuit design. Those boundaries remain intact.

22 I also want to highlight that the National
23 Electrical Code already recognizes how these systems
24 function. In NEC 44.8 -- 440.8 it states that an air
25 conditioning system is considered a single machine,



1 even when components are located in different places.
2 That is exactly what a mini split system is. Indoor
3 and outdoor units are simply components of one system
4 working together.

5 Finally, the Electrical Board and L&I oversee all
6 electrical certifications in this state. This proposal
7 does not bypass that system. It works within it. And
8 as technology evolves, it is important for the rules to
9 evolve as well. Mini split systems are a more common
10 system now put in for HVAC. In fact, I would say
11 probably we're getting to be some of the most popular
12 because of our state building code rules, and energy
13 efficiency goals, and modern building practices,
14 including the demand from consumers for heating and
15 cooling considering climate change situations in this
16 state. Aligning our rules with -- and who can do these
17 systems with how these systems are actually designed
18 and installed for efficiency, reduce unnecessary costs,
19 and so fully protects -- we would appreciate you to
20 have a serious discussion about how to do this. There
21 are -- this is something that the 06As trained on, and
22 probably it's finally time for the rules to evolve with
23 the technology. Thank you.

24 CHAIRMAN JENKINS: Thank you much.

25 And I forgot this earlier, and I apologize. Will



1 you speak and spell your name for the reporter?

2 MS. LOGUE: Oh, I already did. I'm the one
3 who did.

4 CHAIRMAN JENKINS: I'm in a different world,
5 apparently.

6 All right. So going back to online, looks like
7 Mike M. Did you have something you want to speak?

8 Mike M.

9 MR. MOREN: Hello. Hold on. Let me -- my
10 speaker going here. Hopefully that works. Yeah, my
11 name is Mike Moren, M-o-r-e-n. I'm up in Bellingham,
12 Washington. I'm a licensed professional engineer, and
13 I -- the focus -- my -- I am a business owner. My
14 focus for the last 20 or so years has been onsite
15 sewage systems design and large onsite sewage systems
16 designs.

17 The issue I want to -- I'm bringing up is -- it was
18 generated from a recent electrical inspection on a
19 project, but it's an issue I've dealt with for about
20 20 -- over 20 years now. This particular one has an
21 unfavorable ruling. My discussion or talk is not to
22 address this specific case. But it's a much broader
23 issue that I'm looking for the Board's guidance on how
24 to -- how to address so we don't keep running into this
25 issue. The issue has to do with the -- the L&I's



1 inspector's interpretation of WAC 296-46B-501, which --
2 which addresses classified versus unclassified spaces
3 and sewage and effluent pump chambers. So the ruling
4 that I have -- usually I -- I have been following this
5 WAC for, you know, 20-plus years and have been what I
6 thought was complying with the WAC, which is basically,
7 you know, if a space is deemed classified Class 1 Div 1
8 is typically the classification and division that it
9 must meet certain electrical requirements. I
10 understand that, and that's how I would address this,
11 and other colleagues in my profession. We use --
12 utilize intrinsically safe, control panels with
13 intrinsically safe wiring. We utilize an
14 explosion-proof junction box for the pumps, the
15 submersible sewage pumps or effluent pumps. We -- and
16 that's primarily it.

17 Where the issue starts getting tricky is with the
18 pumps themselves. And on this most recent ruling by an
19 L&I inspector, it's the pump cord. So for nearly 20
20 years I have made an argument about the classification
21 of a pump chamber, that the air space above the liquid
22 level is the classified D-1 area that the -- that the
23 liquid, which is sewage or effluent, unit which is
24 99.9-plus percent water, as verified by, you know,
25 textbooks and, you know, scholarly articles is



1 unclassified because it's nonflammable. The liquid is
2 nonflammable. And so I've never -- and so when you go
3 to select a pump, my ruling is that -- and the letters
4 that I've written to L&I, the various inspectors I've
5 had over the years, is that a pump does not need to
6 be -- in a submersed unclassified area, it does not
7 need to meet explosion-proof requirements. And I don't
8 think -- I've only had one case in 20 years where an
9 L&I inspector ruled that the -- the liquid is -- is
10 classified. It's part -- you're looking at the whole
11 vessel, instead of just the, you know, compartments or
12 areas within the tank. I believe this is inconsistent
13 with NFPA 70, Chapter 500.5, which -- which is
14 classification of locations, which states that
15 locations shall be classified depending on the
16 properties of the flammable gas, flammable
17 liquid-produced vapor, combustible liquid-produced
18 vapors, combustible dust or fibers that could be
19 present and the likelihood that a flammable or
20 combustible concentration or quantity is present. Each
21 room, section, or area shall be considered individually
22 in determining its classification. So I believe I am
23 complying with that code in classifying the liquid
24 separately from the airspace.

25 And so the problem is that in the industry, we as



1 designers and licensed -- licensed septic designers and
2 professional engineers, we submit designs to the
3 regulatory agencies, either the DOH health department
4 for laws or local (indiscernible) you know, for the
5 onsite sewage systems, these are designed flows under
6 3,500 gallons a day. And we get approvals. We -- it
7 goes out to construction, and the electrical part is --
8 is at the very end of the construction. The electrical
9 equipment, the pumps, the control panels, junction
10 boxes, all that, have been ordered and installed by the
11 time the L&I electrical inspector gets onsite. So if a
12 ruling is unfavorable, it can have a massive impact on
13 a project right at the end, right when -- you know, a
14 lot of these that I dp are big repair situations. So
15 they're basically retaining sewage until this -- you
16 know, the electrical inspection is done, and then --
17 and they need to start being able to use their system
18 again.

19 So again, I'm looking -- I'm looking for some
20 guidance from the Board -- let me take a step back. I
21 brought this to -- I'm part of -- I'm a board member
22 for the Washington Onsite Sewage Association. I'm not
23 here representing the board. But I took it to the
24 board -- board member, which are industry professionals
25 and regulators, and they all said at this point I



1 should take it to the Electrical Board. So that's why
2 I'm here today. I'm not expecting a discussion. I
3 understand that. But I'm looking for, I guess, some
4 guidance on how to -- how to further take this issue to
5 the Board and open it for discussion. Whether it's the
6 TAC, I'm not sure how to move forward with this.

7 CHAIRMAN JENKINS: Chair Jenkins here.

8 If you're looking for a discussion, I would say we
9 probably would pass this on to the secretary of the
10 Board, possibly moving forward with some other route.
11 But during this time it's public comment, so we don't
12 make comments on --

13 MR. MOREN: Understood.

14 So and I -- so I'll pursue that route at this
15 point. I did send -- I did send the secretary Wayne a
16 letter this morning that more clearly, I guess,
17 outlines the issue. So I'll just -- I'll just pursue
18 that. That's all I -- that's all I have at this time.

19 CHAIRMAN JENKINS: Thank you very much.

20 Down to our local here, we got Chris --

21 MR. ZIMARDO: Zimardo.

22 CHAIRMAN JENKINS: Zimardo. If you can spell
23 your name for the court reporter.

24 MR. ZIMARDO: Thank you.

25 My name is Chris Zimardo. First name is C-h-r-i-s.



1 Last name Z, as in zebra, -i-m-a-r-d-o. I'm
2 representing Washington Energy Services. I'm also a
3 2026 TAC member this year. And so I want -- I come
4 today because I wanted to further the discussion on
5 Proposal Number 4, which was touched on earlier during
6 the discussion, GFI protection, outdoor HVAC. I just
7 want to make sure that we're taking into consideration
8 all the product that is on the market right now, all
9 the inventory that is in all the warehouses. You know,
10 we have a pretty large -- you know, a decent sized
11 company. I have 15 crews. We have a large -- more
12 than one large warehouse, and so we have quite a bit of
13 HVAC back-stock, as well as breaker stock, GFI
14 breakers, that kind of thing. And so as we move --
15 talk about moving forward with this new code, the GFI
16 protect the HVAC outdoor receptacles, we're looking for
17 a little bit of extra time to get through some of that
18 inventory and allow the manufacturers to get some --
19 get the new UL 943 breakers and the HVAC manufacturers
20 to market and give us time to get through our old
21 inventory and get the new inventory that's going to
22 comply with this new UL listing so we are not
23 struggling with nuisance tripping.

24 The other thing I want to discuss is Proposal 21
25 that was brought to TAC, which is in regards to



1 allowing 06As to install the energized communication
2 wire for mini split systems. And so I wanted to take a
3 minute to go over kind of the life of an 06A so people
4 understand the qualifications that they have to run
5 this cable.

6 So I mean, first of all, the cable that we're
7 running, it's a trade cable. So it's a very durable
8 cable. It's sunlight resistant. It's weather
9 resistant. And as an 06A, they have 4,000 hours of
10 on-the-job training. And during that training time,
11 they're learning to pull mostly Class 2 conductors,
12 thermostat wires, also being trained to work on
13 equipment. So in 4,000 hours, which is the same as an
14 02, you know, that's a lot of time to learn how to pull
15 wire and cables through structures. So there shouldn't
16 be any question that an 06A can pull a cable through a
17 structure, as far as fastening for supporting, as far
18 as sleeving for physical protection with conduit.

19 Now, as an 06A, as a licensed 06A, that has passed
20 the exam, they -- they have unlimited voltage. So
21 there's no limit to the voltage that they can work on.
22 They're allowed to -- if you go to 920, they are
23 allowed to disconnect and reconnect energized
24 equipment. They are trained and licensed to make
25 terminations for all of the electrical components in



1 that equipment. If there's any issues with that
2 equipment, they are going to troubleshoot that
3 equipment. And again, this is going to be energized
4 equipment. And when we go back to pulling the cable,
5 they're pulling an unenergized cable. So it's the same
6 thing that they've been doing, you know, for 4,000
7 hours, only unenergized cable. The communication wire,
8 while it's being installed, is not energized. So that
9 needs to be taken into consideration. So there's no
10 safety issues that -- that should be, you know, worried
11 about when pulling these conductors for an 06A.

12 So as I go through what they're allowed to do,
13 they're allowed to replace electrical components. They
14 can actually take up to 10 feet or 30. If they're
15 replacing a furnace, they can remove the disconnect on
16 furnace. It is, you know, 120 volts. They reinstall
17 that disconnect. They can sleeve the cable in the same
18 manner that is already installed up to 10 feet. So
19 they know how to work with conduit. They know how to
20 sleeve 120-volt wire.

21 Now, when it goes to outdoor equipment, they're
22 allowed to replace up to six feet of a width between
23 the disconnect and the equipment. So a licensed 06A
24 can take a piece of conduit, and they can attach it
25 with all the fittings. They can take 240-volt wire,



1 and they can install that up to six feet. And they can
2 make all the terminations.

3 So the previous discussions that, you know, we're
4 worried about an 06A running cables that energize 240
5 volts, in my opinion, really has -- it's kind of
6 irrelevant because they're working on -- they're
7 working on energized equipment with unlimited voltage,
8 and they're installing conductors that carry, you know,
9 240 volts, and sometimes more. So there's that aspect
10 that I think people need to think about.

11 They're also allowed to work on gas. So they're
12 allowed to connect a conductor to a grounding electrode
13 and bond a piece of gas pipe. So there's many --
14 there's many skills that these 06As have learned that
15 makes them totally qualified to this mini split wire.
16 I mean this mini split wire is part of a system. The
17 HVAC equipment is not going to work without a wire in
18 between the outdoor and indoor head. And so right now,
19 we're having 01s and 02s install that wire. The 01s
20 and 02s do not have any training on the HVAC equipment.
21 So they're leaning on the 06A to tell them how to do
22 their job. You know, they can install the circuit, and
23 they're always going to install the circuit. And
24 that's the other thing we need to remember is they're
25 always going to be onsite. They're always going to be



1 installing that branch circuit and that disconnect.

2 And so the 06A should be able to pull that cable.

3 06As are factory trained. So all new equipment or
4 all modifications to HVAC equipment, the vendors
5 facilitate training. So they'll bring representatives
6 out from the factory and have extensive training for
7 the 06As so they know how everything functions in the
8 equipment. So if the 01 or the 02 installs that
9 communication wire, and they install it in a manner
10 where something is not working, maybe they crossed the
11 wires, there's a termination issue, whatever it may be,
12 they are going to lean on the 06A to troubleshoot that
13 equipment because they're the qualified technicians.
14 They've been factory trained on that equipment. So the
15 06A is going to work on the energized equipment, and
16 they're going to have to troubleshoot whatever mistake
17 that the 01 or the 02 made on the equipment because
18 they're not typically familiar with the equipment. So
19 there's that part of it as well.

20 The other thing which I think is a big part of it
21 that should be considered is the scheduling that's
22 involved when trying to get HVAC technicians and 01 and
23 02 electricians out on the same jobsite working on the
24 equipment. So what happens is the electrician shows
25 up; now they're waiting on the HVAC tech to figure out



1 the routing to mount their equipment, and they end up
2 working on top of each other. So what ends up
3 happening is, when we bill these jobs out, as far as
4 pricing for our customers, we have to -- we have no
5 choice but to build in extra labor because we know
6 there's going to be wasted time on the job because
7 you're going to have electricians and HVAC techs on top
8 of each other. And so, you know, the HVAC tech finally
9 gets the route in place, they gotta pull their -- they
10 gotta pull their refrigerant lines. And then the
11 communication wire is going to follow the exact same
12 route as the refrigerant lines, but they can't pull --
13 they can't pull the com wire until that route is
14 established, and probably until that refrigerant line
15 is pulled in. So then the HVAC guy is pulling in the
16 refrigerant line. Now they're hands off, and now
17 they're waiting for the electrician to pull on that
18 communication wire, and vice versa. And so there're a
19 lot of wasted labor at a time when we're trying to --
20 we're trying to get costs down for customers.

21 I'm trying to get housing costs down, repairs, all
22 these things. And we can't get our cost down because
23 we have to account for this labor waste. So I think
24 that -- you know, I've heard in the past that cost is
25 not a part of the code. But, you know, the end user



1 really needs to be considered in this, which is the
2 customer, especially at a time, you know, we've got \$5
3 a gallon gas, and things are very expensive. It's hard
4 to live out here. And mini split heat pumps are a way
5 of the future. Our state, especially, is pushing
6 electrification of our heating systems, and so they're
7 getting more and more popular. And so to try to save
8 the customer money, I think we need to take that into
9 consideration. That's all I have.

10 CHAIRMAN JENKINS: Thank you very much.

11 Online we have Deja Brandeis.

12 MS. BRANDEIS: Hi. My name is Deja Brandeis.
13 That's D-e-j-a B-r-a-n-d-e-i-s. I am here representing
14 The Electrical Company. We are a family-run electrical
15 contractor based in Seattle since 1993, when my dad
16 founded it. And I'm here to speak out in support of
17 Proposal 9 and ask the board to also support Proposal
18 9. I think others have made good points so far
19 regarding the lack of injury data, and also the
20 preference of homeowners for the traditional side
21 receptacles over the pop-up receptacles, plus some of
22 the potential issues for the pop-up receptacles. But I
23 wanted to add a couple more points to that. One being
24 that when this was first added to code, our thought
25 was, especially as my dad has just turned 80 and is



1 very active while many people that age are not, and
2 having a side -- traditional side-mounted receptacle
3 allows people to age in place, and also provides
4 options for people with disabilities that maybe can't
5 reach the top to get to a pop-up outlet.

6 And then another point I'd like to that --
7 something that we've encountered -- is that when we
8 explain to a customer that we either have to do a
9 pop-up or something up top, or we have to just
10 provision or peninsula for a future receptacle, they
11 say, "Okay. Don't worry. I'll just have my handyman
12 put in that outlet after you leave," which to us is
13 opening a whole can of worms. You're presenting the
14 opportunity for unlicensed people to do work that may
15 not be adequate and may lead to safety or functionality
16 issues in the future, and also potentially puts us on
17 the hook because if we're the person of record on that
18 permit, and we can't necessarily prove what happened
19 after we left. I mean we passed the inspection, sure.
20 But are we going to potentially be on the hook for
21 something someone did to our work after -- maybe not
22 likely, but responsible. So again, I'm speaking out in
23 favor of Proposal 9 and asking the Board to support as
24 well. Thank you.

25 CHAIRMAN JENKINS: Thank you very much.



1 Appreciate that.

2 And moving back here to someone here locally, Wade
3 Craig.

4 MR. CRAIG: Wade Craig. I'm with Bob's
5 Heating -- Wade, W-a-d-e, last name C-r-a-i-g, Craig --
6 speaking in favor of Proposal Number 21, and I guess
7 representing 06As as far as my perspective on it. When
8 I tested for my 06A, I was tested on the entire NEC.
9 Much of the work, I'm not able to do by definition.
10 But in the scope of the work that I do do, I'm able to
11 run thermostat conduit. I'm able to land voltage after
12 the disconnect. I'm allowed to sleeve and UL protect
13 low voltage at the outdoor units.

14 And so I also served on the Technical Advisory
15 Group for the Washington State Energy Code, which is
16 environment and efficiency goals. And in that process,
17 they are also cost conscious as far as affordable
18 housing. They're encouraging high-density population
19 and high-density buildings. And mini splits become,
20 oftentimes, the solution to do that in multiple-story
21 housing. In the way that they're configured right now,
22 oftentimes we're running refrigeration lines on the
23 exterior of homes up two, three stories sometimes, and
24 putting that -- especially in the retrofit market,
25 putting that into the channel that encloses the

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1 refrigeration lines.

2 So we get into the logistics of putting that in
3 place so that the electricians can come and run the com
4 cable. And so issues have come up where trying to get
5 ladders up, trying to get tie-offs, trying to get boom
6 lifts in place, both for us to run our refrigeration
7 lines, and then have that stay in place for the
8 electricians to try and tread the same ground that
9 we've just been.

10 So as Chris and Carolyn have both just spoken on,
11 safety of the worker is also a consideration. And the
12 more people we put up in the air to do that, the more
13 safety issues we expose ourselves to, the cost
14 associated with it, and the evolving technology like
15 Chris had discussed that we're trained on the
16 connections at the equipment. And we have experience
17 issues with the 02s treating it not like digital
18 communication but more like voltage. And that causes
19 issues with some of this high-tech equipment. So the
20 ability to run that tray cable from the indoor head to
21 the outdoor unit, following the pathway as the
22 refrigeration lines, I'm fully in favor of that. So I
23 encourage the Board to consider that. Thank you.

24 CHAIRMAN JENKINS: Thank you very much.

25 Going to the online, we have John McCamish. The



1 floor is yours.

2 MR. MCCAMISH: Thank you, Chair.

3 I would like to speak regarding the proposals
4 Number 4 and also Number 9. In regards to Proposal
5 Number 4, where the GFCI protection for HVAC, the --
6 the deadline or the expiration date would be extended
7 out to 2029. I work for Eaton, and I'm representing
8 Eaton in these comments, just to address a few
9 concerns. Personally, I don't think there's an issue
10 with extending that date, but to extend it to 2029
11 would be doing the citizens of Washington a really
12 great disservice.

13 There's been a lot of concern about existing HVAC
14 stock and what is compatible out there. It's not a
15 matter of changing the HVAC units as much as it is
16 changing the breakers. Our current high-frequency GFCI
17 breaker, which will be available by September, in all
18 configurations, single-pull and two-pull. And I'm sure
19 other manufacturers are on top of this as well is
20 capable of handling modern current HVAC units. The
21 issue that has been happening in the industry that has
22 been a source of a nuisance tripping is that in order
23 to comply with certain energy star requirements, for
24 lack of a better word, or other energy restrictions is
25 that by adding a VFD to the air conditioning unit, the



1 manufacturers of the HVAC equipment put a large amount
2 of electrical current on the equipment grounding
3 conductor. The UL standard for GFCI protection is only
4 written around the 60 hertz guideline. There's no
5 requirement prior to this for outside of the 60 hertz
6 realm. And so when these HVAC units we're putting in a
7 high-frequency current on the equipment grounding
8 conductor, the GFCI was seeing this. With the new HF
9 GFCI, which would be available as a Class A device --
10 and frankly, we are doing all of our breakers all of
11 our breakers this way with the new HF starting in
12 September -- then it should be compatible with existing
13 HVAC as well. So I say that to alleviate the concerns
14 about existing equipment that you already have in stock
15 because that is a significant investment, and you'd
16 want to be able to use that.

17 Now, someone spoke earlier regarding extending this
18 deadline and whether it's really necessary. That's up
19 to you to decide if it's necessary or not. I can't say
20 anything about that, but I can give you the information
21 necessary to make that decision. There should be
22 plenty of equipment at the distribution level as far as
23 breakers are concerned to accommodate this. But should
24 you decide to delay it six months, a year, I think the
25 suggestion of delaying three years is simply not



1 necessary in the least. So I encourage you to consider
2 that.

3 Thank you, Mr. Chair. And if there's time, I would
4 like to speak on Proposal Number 9.

5 CHAIRMAN JENKINS: You're welcome to it now.
6 You're still under 15 minutes. Keep going.

7 MR. MCCAMISH: Thank you, Mr. Chair.

8 So in regards to Proposal Number 9, there's been
9 some things addressed -- and I frankly don't have a dog
10 in this fight, other than to bring some education in
11 it. I served on Code Making Panel 2 in the 2023 cycle
12 when these decisions were made by us, and there was far
13 more than 44 incidents that people were injured. They
14 were -- and they were not all children. Many people
15 were in -- there were some people in wheelchairs that
16 were injured. There were older people walking by and
17 snagging a cord and were injured. And even a small
18 infant had a finger amputated as a result of an injury
19 pulling down an appliance, whether it was a crock pot,
20 a toaster oven, or a fryer onto them.

21 Another concern that was brought up was how this
22 would be interpreted by the community of people who may
23 be physically disabled. I also serve on NFPA DARAC.
24 That's Disability Accessibility Review and Advisory
25 Committee. And we have discussed this, and we are also



1 going to address this with additional information in
2 the 2029 code, although it is not changing. The
3 committee on DARAC has historically been in full
4 support of this change. And the appropriate location
5 within the applicable reach distances that are in the
6 ADA would suffice or a pop-up receptacle or a
7 receptacle that is on the countertop as well. Like I
8 said earlier, it's up to the State. I don't have a dog
9 in this fight either way, other than the safety that
10 the model code provides and the history of injuries in
11 this area.

12 As an aside, this became code in 1996. And it
13 became code because of the cord -- because of the
14 concern about extension cords being extended over to an
15 island, although there was no substantiation of those
16 injuries ever happening. And the International
17 Association of Electrical Inspectors spoke against this
18 code in 1996 when it was adopted. And so before that
19 time, we did not have injuries. After that time there
20 was a significant number of injuries, and it was
21 analyzed by Code Making Panel 2 in the 2023 cycle to
22 warn that there were significant injuries to change
23 this code.

24 So that's a little educational background for you
25 all as you make your decision regarding that topic.



1 Thank you for your time.

2 CHAIRMAN JENKINS: Thank you very much.
3 Appreciate that.

4 Moving on we have Joseph Irons. It looks like you
5 have your hand up.

6 MR. IRONS: Hello. Yes. Thanks. Joseph
7 Irons, local builder/remodeler out of Shoreline,
8 Washington. I wanted to talk in support of Proposal
9 Number 9, as I agree with all the others that have
10 supported it. My concern, we have an affluent
11 clientele that can afford pop-up outlets, but not
12 everyone can. And if their code requires them to make
13 it electrical ready, as Deja said, someone else is
14 going to scab something after and may not be safe.
15 Other people -- and I don't disagree with his comments
16 saying there are injuries. I'm not naive to say
17 someone's not going to hit a coffee pot off or a fryer
18 and hurt someone. But that's the responsibility of the
19 homeowner to take good due diligence on what they're
20 doing in their home.

21 The neglect -- if this is put in for safety in the
22 first place, if you're removing the outlet that's going
23 to be closer to use -- and all these appliances have a
24 one-foot, two-foot cord, short cords on them -- someone
25 is going to be forced to use an electrical cord, and



1 someone will trip. And I think if safety is the utmost
2 important, why are we not mandating pop-up outlets and
3 having those mandated. With that said, I am all for
4 not mandating them and have them on the side of the
5 island because I think there is not sufficient data.
6 When I google, I can find minimal data as far as
7 injuries. I did not sit on the code council as the
8 past person just spoke. That was his interpretation on
9 when things came into place. But I do know as an
10 affordability aspect that the people that are going to
11 suffer are the people who can't afford these pop-up
12 outlets, and they're going to do something that
13 probably is not going to meet code in the first place
14 because someone is going to say it's down here, you can
15 scab one in later, they're going to have some handyman
16 do it that may be more of a potential risk, or again
17 use an electric cord, and that appliance is more
18 dangerous than not having a receptacle in the first
19 place.

20 As the prior person spoke, and he said in 1996 it
21 was required to have a receptacle in there because the
22 potential of electrical cord being a bigger risk. And
23 I'm not just saying the electrical cord. Appliances
24 typically have a higher draw. People who are going to
25 be using electrical cords that are not going to be



1 rated for kitchen appliances as well. They're going to
2 use really light-gauge wires. Again, Joseph Irons out
3 of Shoreline, Washington, local remodeler/builder
4 speaking in support of Proposal Number 9. Thank you.

5 CHAIRMAN JENKINS: Thank you very much.

6 Is there anybody else online or local interested in
7 speaking?

8 BRIAN HORNBACK: Brian Hornback, part of Labor
9 and Industries. I'm here and available to talk about
10 the process for hiring a new chief electrical inspector
11 if the Board would like to hear.

12 CHAIRMAN JENKINS: I am.

13 MR. HORNBACK: For the court reporter, Brian
14 Hornback, Deputy Assistant Director for customer
15 service, compliance code safety. It is spelled
16 B-r-i-a-n. Last name is Hornback, H-o-r-n-b-a-c-k.

17 So as you know, as the Board knows, Chief
18 Molesworth has elected to retire effective June 30th.
19 So our process hasn't been laid out and we're still
20 finalizing it. Where we're at right now is having two
21 panels of interviews for the perspective candidates.
22 That first panel will actually start next week. So we
23 have a panel of internal -- internal staff made up
24 primarily of folks that have electrical experience and
25 experience within our program. So if, like, public



1 safety chief and -- and then several people from the
2 program are gathering input from people that are going
3 to have to work (indiscernible). So that's Panel 1.
4 The second panel will be composed primarily of leaders
5 from the Department and focuses much on the technical
6 capabilities of the chief as on the leadership and
7 management capabilities of the chief. That's a big
8 part of it.

9 The third part is not normally a traditional
10 hiring -- I guess you'd call it a hiring process -- is
11 we're working to establish a meet-and-greet opportunity
12 for external stakeholders. So I'm compiling that list
13 yesterday and today of external stakeholders who might
14 have an interest in expressing opinion on the
15 candidate's capabilities of this Department of Labor
16 and Industries. That one is not necessarily a
17 yes-or-no vote, pass/fail kind of thing, but certainly
18 we want to take the feedback from them. And that one
19 would be -- we would bring the top -- depending on the
20 number -- two to four candidates, and depending on how
21 they separate themselves in the interviews. Actually
22 two to four candidates to come to that meet-and-greet
23 opportunity. We're going to have those tentatively on
24 the 12th or 13th of May. Trying to get that scheduled
25 right now. And we will continue to reach out to those



1 possibilities.

2 And then from there we would make the final
3 decision. The intent being to have the new chief by
4 the first of June. That's an incredibly aggressive
5 timeline given that we haven't started interviews yet.
6 But that's what we're looking at for process. And the
7 idea of having someone in place the first part of June
8 would have plenty of overlap so that we get a good
9 handoff of current issues that they can -- the new
10 chief, if they haven't already heard these
11 conversations around what was happening with the
12 initiatives that are out there, and what's happening
13 with staffing levels, and those kind of things to make
14 it -- and hopefully have a smooth transition in the
15 process. So I just wanted to inform you that's what it
16 looks like. I'm happy to take questions, although I'm
17 not sure there's a lot more information on it.

18 CHAIRMAN JENKINS: All right. Chair Jenkins.
19 Are there any questions from the Board?

20 (No response.)

21 CHAIRMAN JENKINS: Seeing no hands up, thank
22 you so much for your time.

23 MR. HORNBACK: Thank you.

24 CHAIRMAN JENKINS: Thanks for the information
25 on that. Appreciate that.



1 All right. So we're on Item Number 11, which is
2 not on our agenda, which the chair would entertain a
3 motion to end the Electrical Board meeting for today.

4 BOARD MEMBER NORD: Board Member Nord.
5 Motion.

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

8 BOARD MEMBER JOHNSON: Board Member Johnson.
9 Second.

10 CHAIRMAN JENKINS: We have a motion. We have
11 a second. Any discussion?

12 (No response.)

13 CHAIRMAN JENKINS: Hearing and seeing none,
14 all in favor of ending the April 30th Electrical Board
15 meeting, signify by saying "aye."

16 (Chorus of ayes.)

17 CHAIRMAN JENKINS: Any opposed?

18 (No response.)

19 CHAIRMAN JENKINS: Motion passes. Thank you
20 very much, and I appreciate you all attending.

21 (Meeting concluded at 12:20 p.m.)
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CERTIFICATE

I, JANETTE CURLEY, a Certified Stenographic Court Reporter in and for the State of Washington, residing at Kingston, do hereby certify:

That the foregoing proceedings were reported by me and thereafter reduced to a typed format under my direction; that the transcript consisting of pages 1 through 122 is a full, true and complete transcript of said proceedings;

That as a CCR in this state, I am bound by the Rules of Conduct as Codified in WAC 308-14-130; that court reporting arrangements and fees in this case are offered to all parties on equal terms; that I am not a relative, employee, attorney or counsel of any party to this action, or relative or employee of any such attorney or counsel, and I am not financially interested in the said action or the outcome thereof;

That upon completion, the original transcript will be securely sealed and served upon the appropriate party.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of May, 2026.



Janette Curley, CCR No. 2030



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