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DEPARTMENT OF LABOR AND INDUSTRIES

STATE OF WASHINGTON

ELECTRICAL BOARD MEETING

TRANSCRIPT OF PROCEEDINGS

Thursday, April 25, 2019

BE IT REMEMBERED, that an Electrical Board meeting was held at 9:00 a.m. on Thursday, April 25, 2019, at the Ramada Inn, Inland Empire Room, 8909 West Airport Drive, Spokane, Washington, before CHAIRPERSON TRACY PREZEAU, BOARD MEMBERS JASON JENKINS, DAVID WARD, JOHN BRICKEY, ERICK LEE, MIKE NORD, DYLAN CUNNINGHAM, RYAN LAMAR, BOBBY GRAY, DOMINIC BURKE and SECRETARY/ CHIEF ELECTRICAL INSPECTOR STEPHEN THORNTON. Also present was ASSISTANT ATTORNEY GENERAL PAM THOMURE representing the Board.

WHEREUPON, the following proceedings were held, to wit:

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

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

Spokane, Washington

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CHAIRPERSON PREZEAU: All right. Good morning, everybody. It is 9:02, and I would like to call the April 25, 2019, Electrical Board meeting to order.

1. Approve Transcripts from January 31, 2019, Electrical Board Meeting

CHAIRPERSON PREZEAU: And the first item on the agenda is to approve the transcripts from the January 31, 2019, Electrical Board meeting.

And the Chair would entertain a motion with an amendment. And that is because on page 76 in the transcripts -- and I'll tell you the line number -- line 4, the transcripts erroneously recognize Secretary Thornton as Secretary Fuller. Also on page 79, line 18, again, erroneously recognizes Secretary Thornton as Secretary Fuller.

So the Chair would entertain a motion with that amendment.

Motion

BOARD MEMBER JENKINS: So moved.

1 CHAIRPERSON PREZEAU: Is there a second?

2 BOARD MEMBER NORD: Second.

3 CHAIRPERSON PREZEAU: All right. So motion's been
4 made and seconded. Discussion on the motion? Seeing
5 none, all those who favor, signify by saying "aye."

6 THE BOARD: Aye.

7 CHAIRPERSON PREZEAU: Opposed?

8 THE COURT REPORTER: (Raising hand, smiling.)

9

10 Motion Carried

11

12 CHAIRPERSON PREZEAU: This is going to be a terrific
13 meeting.

14 And I'm super excited to announce because Dominic
15 informed me this morning that he has finally received his
16 gubernatorial appointment to the Board. So --

17 BOARD MEMBER: Finally.

18 CHAIRPERSON PREZEAU: So that's terrific.

19

20 Item 2. Departmental/Legislative Update

21

22 CHAIRPERSON PREZEAU: And Steve, you are providing
23 the Departmental/Legislative Update?

24 SECRETARY THORNTON (NOT FULLER ;-): Yes.

25 So we are about 14 out of 18 stakeholder meetings

1 through the stakeholdering process. The items that are
2 generating the most talk are the changes proposed by the
3 HVAC industry, the apprenticeship bill, and a lot of talk
4 about reciprocity coming from our side, the Governor's
5 level and the Director's level back to us.

6 We've started the process of reaching out to
7 neighboring states to see what their thoughts are on it
8 so that once the rules are approved, we can start some
9 conversation around that.

10 But that seems to be the single biggest topic of
11 conversation at the stakeholder meetings.

12 Our virtual inspections program has done about 900
13 inspections now. They've got about 55 contractors on
14 board. We'll do over 200 this month. A couple of the
15 places that are using it pretty extensively are the data
16 centers around Moses Lake. We were spending as much time
17 getting through security as we were doing underground
18 inspections and such. So we've got them on board. So
19 we're doing those types of inspections virtually. It
20 saves us not only the drive time getting out there but
21 checking through security and keeps them rolling right
22 along with their equipment and such to where they don't
23 even have to stop.

24 Another one that has really loaded up the schedule is
25 the streetlighting projects where they're going up and

1 down poles. We don't want to get in a bucket truck to go
2 up and down there anyway. So they've got about four or
3 five of their crews that are on with the virtual
4 inspections, and we inspect them as they put them
5 together, actually look inside of the light fixture heads
6 and check the listing and stuff that when they're already
7 up and you get there, sometimes you don't get the chance
8 to do that. So it's working out pretty well.

9 At the stakeholder meetings, a lot of people asking
10 about when it's going to be opened up to everybody. We
11 originally wanted to do that in July, but we've got some
12 internal things going on with our Web sites and stuff that
13 we don't want to put it out and then have the Web site
14 change and have everybody have to try and find things out
15 again. So we'll probably wait till that's done, and
16 that's scheduled to be done in November.

17 CHAIRPERSON PREZEAU: Well, I mean, even without that
18 promotional piece -- because last quarter you reported you
19 did 500, and you have 40 or 39 contractors on board. So
20 we're doing almost double, right? And having increased
21 the contractor base usage. So ...

22 SECRETARY THORNTON: Yeah. And we're -- at the
23 stakeholder meetings when people ask about how to get on
24 to it, I send them to Tony Bierward (phonetic), the
25 supervisor for that group, and he walks them through the

1 process and gets them up to speed and going.

2 We're still having issues hiring people to do that
3 particular job, the inspections. We're using volunteers,
4 and we're combining the plan review staff and the virtual
5 inspection staff and putting them in one common area so
6 that we can be a little more flexible in the staff that's
7 available to do that.

8 BOARD MEMBER GRAY: Madam Chair?

9 CHAIRPERSON PREZEAU: Yes, Bobby.

10 BOARD MEMBER GRAY: I was at a National Electrical
11 Contractors Association Codes of Standards Committee
12 meeting last month, and that subject came up. And there
13 was mention there of what we were doing here in
14 Washington. And so I think there will be a lot of
15 interest once we get it up and running from other people
16 that want to use us as a benchmark.

17 SECRETARY THORNTON: Yeah. And I think we're going
18 to have pretty much all the bugs worked out of it as far
19 as making sure it's functional and there aren't issues on
20 our side of the fence.

21 There are, you know, issues with having cell service
22 on some of the places where people would really like to be
23 able to use it, and it would save both of us a lot of
24 time. But not much you can do about that at this stage.
25 But we'll have it in place to be used.

1 Along with those staffing issues, we continue to have
2 full-time recruitments and full-time interviews year-round
3 in order to just stay status quo. I looked just a minute
4 ago at our current vacancy rate, and it's 16, which is
5 where it's been for probably two years. We recruit,
6 interview and hire just about at the same pace that people
7 retire. So we just haven't been able to gain any headway
8 in that arena.

9 CHAIRPERSON PREZEAU: Steve, my apologies. Did you
10 say 16?

11 SECRETARY THORNTON: Yes.

12 CHAIRPERSON PREZEAU: So we've made a little bit of
13 headway because last quarter it was 19.

14 SECRETARY THORNTON: Yep. And if we check in two
15 days, it'll probably be --

16 CHAIRPERSON PREZEAU: 18.

17 SECRETARY THORNTON: -- 18, yeah. We have -- and we
18 have a few that are leaving to go back to the field in
19 addition to the ones that are retiring. So it's almost a
20 non-stop job just doing that part of it.

21 And that's pretty much it for the updates for the
22 program.

23 CHAIRPERSON PREZEAU: Any Board member have questions
24 for Secretary Thornton?

25 So I asked you this question last quarter, and I --

1 you -- it's not in your bailiwick, but I just want to keep
2 it in the transcript to remind me to ask it when we're
3 back on the other side when David Puente is there is an
4 update on the workers' comp system, which I know isn't,
5 you know, directly tied to your work as the Chief
6 Electrical Inspector. So if you have any information, I'd
7 be certainly interested in understanding that. But if
8 not, we'll wait till we're back on the other side in a
9 meeting where David Puente is in attendance.

10 SECRETARY THORNTON: Okay. And I don't have any
11 information on that.

12 CHAIRPERSON PREZEAU: I figured.

13 And then the other question was -- again, placeholder
14 -- is we talked about it last quarter because at the
15 October meeting, David Puente talked about potentially
16 using the database that the electrical program has for
17 certificate holders -- 01 certificate holders to
18 potentially direct mail folks like a CEU provider does for
19 employment. And we had a discussion last -- at the
20 January meeting where I recognize that I failed to raise
21 this concern at the October meeting when David Puente
22 talked about it.

23 But it was my understanding that it's either policy
24 or practice that, you know, CEU providers and others can
25 request that, you know, that contact information of

1 certificate holders, but they can't use it for employment
2 purposes.

3 And so I just want to keep that on the record so
4 that we can make sure that the Department -- if that -- if
5 I'm correct in that policy or practice that we don't
6 violate ...

7 SECRETARY THORNTON: Yeah, I don't think that's
8 information we can use --

9 CHAIRPERSON PREZEAU: Use for employment --

10 SECRETARY THORNTON: -- in that nature.

11 CHAIRPERSON PREZEAU: -- purposes. Yeah, I agree.
12 Any other questions for Steve?

13 SECRETARY THORNTON: When we get back to Tumwater,
14 I'll either have Tony or somebody come to the meeting, and
15 we'll do a virtual inspection. Or we can go -- because
16 they're just around the corner from the auditorium there,
17 and we could go watch them. They're in a separate room,
18 and you could see how it's all set up.

19 CHAIRPERSON PREZEAU: That would be great. Because I
20 was even going to ask you if we could do it today. But,
21 you know, I don't know what the infrastructure is.
22 Because what's -- if that would be possible or -- it
23 sounds like it would be easier when we're back in
24 Tumwater.

25 SECRETARY THORNTON: Well, and it takes a little more

1 planning than that.

2 CHAIRPERSON PREZEAU: I figured as well.

3 And then Bethany, are we -- we're in Tumwater next
4 quarter?

5 MS. RIVERA: Yes.

6 CHAIRPERSON PREZEAU: Thank you. Great.

7

8 Item 3. Appeals

9

10 CHAIRPERSON PREZEAU: Okay. So we are under agenda
11 item 3, which is appeals.

12

13 Item 3.a. PNW Electric LLC

14

15 CHAIRPERSON PREZEAU: And the updated -- the agenda
16 that's on the table indicates that a) the presentment of
17 final order in the matter of PNW Electric LLC and the
18 variance 18.06 Anacortes Marina, the wiring method, you
19 all remember -- the parties have not been able to -- the
20 final order has not been created. And so we can't be --
21 it's not -- so it can't be agreement, and it can't be in
22 dispute because it's not created.

23 And so we will -- the parties will continue to
24 collaborate in the interim. And in the event that the
25 final order is disputed, it will clearly be on the agenda

1 for the July meeting. And if it's not disputed, then it
2 will -- after Pam reviews the order, if it's appropriate,
3 then I would like to sign it.

4 ASSISTANT ATTORNEY GENERAL THOMURE: Do you want me
5 to speak on that issue a little bit?

6 CHAIRPERSON PREZEAU: Sure, yeah.

7 ASSISTANT ATTORNEY GENERAL THOMURE: My understanding
8 from Nancy Kellogg who is the attorney for the Department
9 is that she's going to be drafting an order as opposed to
10 Mr. ...

11 CHAIRPERSON PREZEAU: Cannon.

12 ASSISTANT ATTORNEY GENERAL THOMURE: Mr. Cannon. I
13 always forget his name. Even though he is the prevailing
14 party.

15 So she indicated she has not been able to do that
16 yet. She is going to reach out to him when she does it
17 and hopefully work out an agreed order.

18 But if they can't, then -- we did ask her to call
19 Mr. Cannon to ensure that he didn't come and travel over
20 to Spokane from Anacortes for today's meeting, and that we
21 would continue it in the event they couldn't work it out
22 when it was easier for him to attend.

23 CHAIRPERSON PREZEAU: Reasonable. Terrific.

24 ///

25 ///

1 Item 3.b. Electrical Service and Sean Mochinski

2

3 CHAIRPERSON PREZEAU: Okay. So agenda item 3.b.
4 which is the appeal of Electrical Service and Sean
5 Mochinski.

6 And before -- is Mr. Mochinski in attendance this
7 morning? Okay.

8 So Pam, do you want to talk about that?

9 ASSISTANT ATTORNEY GENERAL THOMURE: Yes.

10 Do you want to introduce ...

11 ASSISTANT ATTORNEY GENERAL BARNES: Yes.

12 My name is John Barnes. I'm an assistant attorney
13 general, and I represent the Department of Labor and
14 Industries.

15 CHAIRPERSON PREZEAU: And would you please spell your
16 last name for the court reporter.

17 ASSISTANT ATTORNEY GENERAL BARNES: Barnes --
18 B-A-R-N-E-S.

19 CHAIRPERSON PREZEAU: Thank you.

20 ASSISTANT ATTORNEY GENERAL THOMURE: For the Board
21 members, I did want to let you know that as you probably
22 can see, Mr. Mochinski did prevail at the Office of
23 Administrative Hearings, and the Department appealed the
24 decision to this Board.

25 We had not -- there's nothing in the record from

1 Mr. Mochinski. So I contacted Beth. We did confirm that
2 he -- we sent the parties a letter indicating when the
3 Board meeting -- when the hearing is scheduled for, the
4 location of the Board meeting, and Beth was able to
5 confirm that Mr. Mochinski signed for that letter on March
6 11th of 2019. So he did have written notice of that.

7 We were concerned that he did not understand whether
8 he was going to appear, whether he understood what the
9 purpose of this was.

10 I asked Beth to contact him. She indicated to me
11 that she was able to talk with him, that he indicated he
12 was not -- didn't think he needed to be here. She asked
13 that I attempt to contact him, and our purpose was simply
14 to advise him of his rights, that he understood that this
15 is an appeal, and that the Board was going to be reviewing
16 the decision from the Office of Administrative Hearings to
17 determine whether that was appropriate or not.

18 I called him about 6:00 last Wednesday. I never got
19 a return phone call from him. I then on April 17th of
20 2019, I left a detailed message. I called him again on
21 the morning of April 22nd, left him the same message just
22 advising him that this was in front of the Board on the
23 Department's petition, and I have not had any response
24 from him.

25 And I don't think that you've had any further contact

1 from him.

2 SECRETARY THORNTON: No.

3 ASSISTANT ATTORNEY GENERAL THOMURE: So we've made
4 efforts to advise him of his rights.

5 CHAIRPERSON PREZEAU: Okay.

6 So good morning. My name is Tracy Prezeau, and I am
7 the Chair of the Electrical Board. The matter before us
8 today is an appeal in the matter of Electric Service and
9 Sean Mochinski versus the Department of Labor and
10 Industries, Docket number 11-2018-LI-00906.

11 This hearing is being held pursuant to due and proper
12 notice to all interested parties in Spokane, Washington on
13 April 25th at approximately 9:18 a.m.

14 This is an appeal from a proposed decision and order
15 issued by the Office of Administrative Hearings on
16 February 22, 2019. It is my understanding that decision
17 reversed citations and notices EHOGG00743, EHOGG00744 and
18 EHOGG00745 issued by the Department of Labor and
19 Industries on August 9, 2018.

20 It is further my understanding that the appellant,
21 which is the Department in this case, has timely appealed
22 that decision to the Electrical Board.

23 At this time Mr. Barnes representing -- Assistant
24 Attorney General John Barnes is representing the
25 Department of Labor and Industries. And as we've -- and

1 the cited party, Mr. Mochinski, we've already recognized
2 is not in the room and recognize the multiple attempts by
3 the Department and by our AAG Pam Thomure to contact the
4 cited party.

5 The Electrical Board is the legal body authorized by
6 the legislature to not only advise the Department
7 regarding the electrical program but to hear appeals when
8 the Department issues citations or takes some other
9 adverse action regarding an electrical installation or
10 electrical licenses and certification.

11 The Electrical Board is a completely separate entity
12 from the Department, and as such will independently review
13 the action taken by the Department. When the Department
14 issues penalties that are appealed, the hearing is
15 assigned to the Office of Administrative Hearings to
16 conduct the hearing pursuant to the Administrative
17 Procedures Act. The ALJ who conducts that hearing then
18 issues a proposed decision and order. If either party
19 appeals, the decision is subject to review by the
20 Electrical Board.

21 Please keep in mind that while our review is de novo,
22 right? we sit in the same position as the administrative
23 law judge and will review the entire record regardless of
24 whether a certain piece of evidence is referenced by the
25 ALJ. But we are bound by the evidence in the record and

1 no new evidence can be submitted at this hearing.

2 Each party will be given approximately 15 minutes
3 today to argue the merits of their case. Any Board member
4 may ask questions. And the time may be extended at the
5 discretion of the Board.

6 At the conclusion of the hearing, the Board will
7 determine if the findings and conclusions reached by the
8 ALJ are supported by the facts and the rules pertaining to
9 licensing, supervision, certification, et cetera.

10 Any questions before we begin, Mr. Barnes?

11 ASSISTANT ATTORNEY GENERAL BARNES: No.

12 CHAIRPERSON PREZEAU: So as the appealing party and
13 the only party, you have the burden of proof to establish
14 that the proposed decision is incorrect, and therefore, we
15 would very much like to hear from you first, sir.

16 ASSISTANT ATTORNEY GENERAL BARNES: Thank you.

17 Sean Mochinski is a certified electrician under the
18 subcategory 02 residential. He owns Electric Service
19 where he is the electrical administrator for that
20 business. Mr. Mochinski lives in Copalis, Washington.
21 He lives in a small subdivision. He and the other members
22 of this Paradise Estates own together Paradise Water
23 Association.

24 Now, Paradise Water Association is a business
25 according to the Secretary of State, and it has its own

1 UBI number. That was at Exhibit 10 of the Department's
2 exhibits.

3 In any event, at one of their homeowners association
4 meetings there was talk about putting up a sign to
5 advertise Paradise Estates, and the preferred location was
6 the parcel where the water supply system was. And that
7 consisted of just a pump house and a reservoir. There was
8 no residential property -- or no residence on that
9 property.

10 So pursuant to the homeowners association meeting,
11 Mr. Mochinski went down and obtained a permit to put in a
12 20 amp circuit for landscape lighting which was to
13 illuminate the sign advertising Paradise Estates.

14 He obtained the permit, and he then ran a -- ran a
15 electrical line through a conduit to a post next to where
16 the sign was going, and there was a receptacle then on the
17 post. The other end of the line went to the pump house
18 where there was an electrical panel.

19 After he performed this relatively simple task, the
20 Department was called in, Mr. Hoggatt, to do a inspection
21 of that permit. He certified that everything was done
22 properly.

23 He had a question, though, about whether or not the
24 -- Mr. Mochinski's 02 electrical license was sufficient
25 to do this work, and he thought it should be under the

1 general 01 category. But because there was an exposed
2 trench and the work was done properly, he okayed the
3 inspection on a permit, and the trench then was filled
4 in.

5 Mr. Hoggatt in his testimony says one of the reasons
6 was there was this big open ditch, and if anybody knows
7 where Copalis, Washington is, it's on the Washington
8 coast, so there's a lot of people biking and walking
9 around there.

10 So after that, Mr. Hoggatt got back to the
11 Department, and he talked to his supervisors, and they
12 agreed that this installation was outside the scope of the
13 specialty 02 electrical license.

14 And so three infractions were written. Two of them
15 -- one to Mr. Mochinski for acting outside the scope of
16 his license, one for Electrical Service for essentially
17 the same thing, you know, of outside their license as
18 well, and then there was a third infraction to
19 Mr. Mochinski as the electrical administrator for
20 Electric Service.

21 Now, this eventually went to hearing. And a couple
22 of facts that came out that I thought was very interesting
23 was that there was a lot of debate about whether or not
24 there was an exception to the rule. Because there was no
25 residence on this particular site where the electrical

1 installation was done.

2 So under WAC 296-46B, section 920, it includes a
3 couple of exceptions for a category, you know, 02
4 residential, that they can -- it includes within the scope
5 of their work site lighting when supplied from the
6 residence or ancillary structure or structures directly
7 associated with the functionality of the residential
8 units.

9 The Department took this to mean that if you had a
10 well house on your own property or you had some ancillary
11 building on your property, that's what this was intended
12 for, but was not intended for you up -- a structure that
13 was outside of the parcel that you own. And that's why
14 they wrote those things.

15 Now, of course, the Office of Administrative Hearings
16 felt otherwise. And there was a lot of talk in the
17 transcript about whether or not this was a commercial, was
18 this industrial or was this a business. Well, the
19 Department really doesn't -- it doesn't matter to them.
20 Of course, if it was commercial or industrial, that site
21 then, of course, he would be acting outside his license.
22 And we don't contest that he was.

23 But we do con -- and they also said that this is a
24 nonprofit business -- or nonprofit, and therefore that,
25 you know, it's not a commercial business; it's not a

1 business.

2 But that's not true. Because it is -- it has its own
3 separate legal entity, it has its own UBI number, and it's
4 registered with the Secretary of State. This is the
5 Paradise Water Association.

6 The initial order also -- they talked a lot about,
7 well, this structure -- out -- this structure -- this pump
8 house and the water association, because it affected all
9 of the residents in the subdivision, it was the second
10 part of the exemption, a structure directly associated
11 with the functionality of the residential units.

12 The problem with that one is I belong to a -- I get
13 my water and my electric both through municipal
14 corporations through the city. Well, they also -- that's
15 a structure that also affects my residence as well.

16 So essentially what they're saying is anything that
17 has -- that's necessary such as water, electricity, things
18 of that nature as long as they affect, you know, your
19 residence, that an 02 electrical inspector (sic) is
20 allowed to then go out and perform work on such a thing.
21 So I don't think that was what was intended.

22 That's a couple of other reasons why this should be
23 overturned. Grays Harbor County in Exhibit Number 11 of
24 the State's exhibits taxes the parcel as a utility. So
25 again, they're recognizing them as a separate business or

1 a utility.

2 Also, I was reading in Exhibit F which is the bylaws
3 -- Exhibit F is one that Mr. Mochinski provided. I
4 learned that the Paradise Water Association can supply
5 water to nonmembers. This was -- they don't necessarily
6 do that, but their bylaws allow them the provision to
7 provide to other customers even if they're not members of
8 the Paradise Estates or the homeowners association.

9 Finally, one of the things is the -- I looked up the
10 -- how it was cited by the county. And they list it as
11 residential resort, which means it could be residence or
12 this property -- I mean, there was a lot of talk that this
13 was all just a subdivision, this was all -- parcels were,
14 you know, homeowners and everything. But that's not --
15 that might be how it is now, but that's not how it has
16 been zoned. In fact, it will allow for convenience
17 stores, home day cares, temporary firework stands, things
18 of that nature are all allowed, you know, businesses on
19 these parcels which -- where Mr. Mochinski resides.

20 CHAIRPERSON PREZEAU: And Mr. Barnes, not to
21 interrupt, but you're referencing Exhibit G as in George?

22 ASSISTANT ATTORNEY GENERAL BARNES: Exhibit G, that
23 is correct.

24 CHAIRPERSON PREZEAU: Thank you.

25 ASSISTANT ATTORNEY GENERAL BARNES: And, of course,

1 the -- one of the words in the exemption talks about
2 ancillary. Of course, the Department's view is that if
3 it's ancillary, that it still has to be on the same
4 parcel.

5 Now, there was some question, well, if it's under the
6 WAC 920, which allows for site line, and they were trying
7 to figure out, well, what other structures directly
8 associated with the functionality of the residential unit.
9 And I say to you that it still has to be on the same
10 parcel of property. But while it -- an ancillary may be
11 a pump house. An ancillary structure could very well be
12 a barn or some sort of a shop -- workshop outside. It
13 could be -- some people run electrical down to -- they
14 might have a barbecue and refrigerator, things of that
15 nature. But all of those things that I mentioned are
16 ancillary structures to the same parcel.

17 This one is not the same parcel. It is a separate
18 business entity. It is recognized as a utility. And so
19 under those circumstances, Mr. Mochinski's 02 residential
20 license, even though this was a very simple installation,
21 does not match up with the facts of this, and it should
22 have been a 01 general electrician that performed this
23 type of work.

24 Thank you. I'll entertain any questions.

25 CHAIRPERSON PREZEAU: Board members have questions

1 for Mr. Barnes?

2 BOARD MEMBER JENKINS: On Exhibit F you mentioned
3 that the -- there's a statement in there saying that they
4 can sell the water to some other entity?

5 ASSISTANT ATTORNEY GENERAL BARNES: Yes.

6 BOARD MEMBER JENKINS: Can you point out where that's
7 at? I was just kind of --

8 ASSISTANT ATTORNEY GENERAL BARNES: Sure. I actually
9 have that. That is Exhibit F, page 5 in the bylaws.

10 CHAIRPERSON PREZEAU: Yeah. So it's Section 7 (sic),
11 subheading 2. "The Association may, at the discretion of
12 the Board of Directors, provide water to non-members at
13 rates deemed by the Board of Directors to be appropriate."

14 ASSISTANT ATTORNEY GENERAL BARNES: There was a lot
15 of -- it appears that this thing sort of turned on the
16 nature of the water association and a lot of talk about,
17 well, it's a nonprofit, and so there was a lot of argument
18 that, well, a nonprofit means they're not in the business
19 of making money. Well, that may very well be true. But
20 they are still a business.

21 And I think that also -- it's not just a simple
22 connection to a ancillary pump house to a particular
23 parcel. This is actually working, supplying power for a
24 business in and of itself.

25 CHAIRPERSON PREZEAU: Bobby, did you have a question?

1 BOARD MEMBER GRAY: I do. Thank you, Madam Chair.

2 Is it the Department's opinion that this would apply
3 to any shared utility? For example, if two homeowners
4 shared a common well, so would this application apply to
5 that common well house as well?

6 ASSISTANT ATTORNEY GENERAL BARNES: It does appear --
7 well, the one thing the Department was consistent about is
8 this was a non-residential property. So I'm assuming that
9 if there was some kind of a common ownership of that
10 property, that would be allowed. But if it was set up as
11 a, you know, separate business in and of itself, then it
12 would not.

13 BOARD MEMBER GRAY: So for legal purposes to avoid
14 any debates or anything over use of the water, if those
15 two homeowners formed an LLC, for example, a partnership
16 that would jointly govern the use of the facilities there
17 for the water, then it would fall in the same category in
18 the Department's opinion?

19 ASSISTANT ATTORNEY GENERAL BARNES: I think under an
20 LLC, then yes, it would. Because that would be a separate
21 legal entity.

22 But I do believe you can have partnerships or joint
23 ventures that are not considered separate legal entities.
24 But an LLC, as you said, that would be.

25 CHAIRPERSON PREZEAU: So Mr. Barnes, if you could

1 help me out. I've reviewed the record, but I've -- can
2 you point in the record where it actually identifies
3 Paradise Water Association as being taxed as a utility.

4 BOARD MEMBER JENKINS: Madam Chair, it's actually on
5 page 193 of our book, Exhibit 11, about one-third down on
6 the left side.

7 ASSISTANT ATTORNEY GENERAL BARNES: It's sort of a
8 herring that it's a nonprofit.

9 BOARD MEMBER JENKINS: Under "DOR Code ...
10 Transportation - Utilities."

11 CHAIRPERSON PREZEAU: Okay, hang on. Because I just
12 can't see it.

13 BOARD MEMBER BURKE: 48 ...

14 BOARD MEMBER JENKINS: (Physically pointing it out.)

15 CHAIRPERSON PREZEAU: Oh, thank you. Thank you.

16 ASSISTANT ATTORNEY GENERAL BARNES: And I think also
17 one thing that should be pointed out too is that the
18 category 02 residential license, it doesn't include work
19 on all residences either; it's only certain types of
20 residences. But I know the type 1 and 2 residence that
21 are either made of steel or non-combustible is outside the
22 scope. So an 02 specialty license is limited, and it's
23 limited to residential properties of a certain type.

24 BOARD MEMBER JENKINS: Madam Chair, I'd like to just
25 express my opinion on this. I think the State is correct

1 in that they're choosing to use this property as a --
2 look at this property as a commercial application. My
3 opinion on this is simply because if it is showing as a
4 different utility, even in their bylaws they say you
5 cannot build a home unless it has -- was it -- 7,200
6 square feet which is probably even smaller than that. So
7 they've actually deemed this as a separate entity, non-
8 residential build, and not one owner controls the
9 property. So in my opinion it is a business, so it should
10 be a commercial application.

11 CHAIRPERSON PREZEAU: Other questions? comments?
12 concerns? The Chair will entertain a motion.

13 BOARD MEMBER LaMAR: Madam Chair, I have a question.
14 Excuse my naivete. But one of Mr. Mochinski's arguments
15 was that when he applied, he thought that L & I should
16 have rejected it during the permit process.

17 Is there a safeguard with L & I for permitting to
18 ensure that somebody comes up and says, "Hey, I want an 02
19 permit," they can look at it and go, "No. You need an
20 01"?

21 SECRETARY THORNTON: They have some forms to fill out
22 that are supposed to deal with that. They have to claim
23 that they're a residence and the owner before they can buy
24 some of those permits.

25 BOARD MEMBER LaMAR: They have to claim, correct.

1 But there's no safeguard, no review in the process to --

2 SECRETARY THORNTON: No.

3 BOARD MEMBER LaMAR: Okay.

4 CHAIRPERSON PREZEAU: I think that would be
5 incredibly diff -- I mean, it's like the --

6 BOARD MEMBER LaMAR: Oh, I agree. I agree. I just
7 wanted to know if there was something in place because his
8 argument was that L & I failed him. But if L & I doesn't
9 have a process in place and it's not feasible, then it's
10 not L & I's fault.

11 CHAIRPERSON PREZEAU: Dominic.

12 BOARD MEMBER BURKE: A couple things. You know, a
13 UBI number doesn't necessarily signify that it's a
14 business, you know, for-profit business or anything like
15 that. In today's world, unfortunately you have to create
16 an entity to even get a bank account with the Secretary of
17 State if you're going to do it outside of personal.

18 So a couple other things. I think the term
19 "ancillary" is not defined in the WAC. And I think that
20 the Department is taking some liberty in interpreting the
21 definition on that. And being that it's not defined in
22 the WAC, I think that's kind of a difficult argument.

23 And then, you know, the zoning -- you're leaning on
24 the zoning of this having the potential, you know, it's
25 residential or it's a resort or something like that, but

1 that's not its current use.

2 So I just -- I don't know. It seems to me that
3 without those definitions, it seems like the guy tried to
4 do the right thing and go get the permit that he thought
5 he was valid to get and go help out. And under 296 --
6 sorry; I'll just pull it up on my phone -- but, you know,
7 the last sentence of --

8 CHAIRPERSON PREZEAU: 296-46B --

9 BOARD MEMBER BURKE: -- 296-46B-920 (a)(i) I guess
10 says: "... and other structures directly associated with
11 the functionality of the residential units."

12 I think, you know, if you shut that down, the
13 residential units can't function. And I think that, you
14 know, I think that that last sentence kind of covers that.

15 I'm just looking at the other side of, you know,
16 Jason's opinion and kind of looking at it from a different
17 perspective.

18 CHAIRPERSON PREZEAU: Bobby.

19 BOARD MEMBER GRAY: Thank you, Madam Chair.

20 I tend to agree with Dominic. I'm really
21 uncomfortable with this. And I think it's different than
22 a municipality or some sort of a public utility. When a
23 residential neighborhood forms a common utility like this,
24 I think it should be treated differently.

25 I'm a firm believer in precedence. And so if the

1 Department consistently looks at it this way, then I'm in
2 agreement. But I really think it's unfortunate where an
3 individual tried to do the right thing, an administrative
4 law judge interpreted the laws in agreement with the
5 appellant, and I think the Department even had to debate
6 among themselves on whether or not this would apply.

7 So I'm leaning with Dominic here. I think I'm in
8 favor of reconfirming the administrative law judge's
9 rulings.

10 Thank you.

11 CHAIRPERSON PREZEAU: Yes, John.

12 BOARD MEMBER BRICKEY: Thank you, Madam Chair.

13 Representing cities with jurisdiction, I can tell you
14 that over the years, residential and commercial properties
15 have sort of evolved where we have a lot more commercial
16 type activity that's happening in residential settings,
17 for instance, home occupations where an individual is
18 allowed to open a business in their home. Does that make
19 it a non-residential structure?

20 We also have Airbnb's which are regularly being
21 established. Is that not a commercial application as
22 well? Condominium -- Bobby mentioned condominium type
23 associations. We're seeing a lot more of development
24 occur where a subdivision is condominiumized, and the
25 property that supports that condominium subdivision is

1 held in common; it's owned by the individual owners of the
2 houses.

3 So I agree that I think that perhaps in the black-
4 and-white world where you have residential and commercial,
5 the call would be good on the Department's part that it's
6 commercial, not residential. But in the real world of
7 today, it certainly seems like they're -- the lines are
8 blurred.

9 And again, this individual did what he thought was
10 best in complying with the law and now is suffering the
11 consequences of interpretation.

12 CHAIRPERSON PREZEAU: Yeah. So, you know, to
13 Dominic's point, you know, I reviewed the record and was
14 like, well, what does "ancillary" mean? And it's not
15 defined in the WAC, and it's not defined in 19.28, and
16 it's not defined in the National Electrical Code. And
17 so --

18 BOARD MEMBER BURKE: I did look it up in Webster,
19 though.

20 CHAIRPERSON PREZEAU: Yeah, which I did, right?

21 BOARD MEMBER BURKE: And that's "Necessary to support
22 the primary activities or operation of an organization."
23 So it does not lean towards --

24 CHAIRPERSON PREZEAU: It's not helpful.

25 BOARD MEMBER BURKE: It's not. It doesn't --

1 CHAIRPERSON PREZEAU: It's not helpful.

2 BOARD MEMBER BURKE: It doesn't work.

3 CHAIRPERSON PREZEAU: And -- but -- so -- but what I
4 am troubled by is this piece that I -- is in the
5 transcript that I, you know, asked Jason, like "Show me
6 where it is. I want to see" -- I mean, not that I didn't
7 believe Mr. Barnes or Jason. But in the Department's
8 exhibits, the fact that -- what troubles me the most in
9 the record is, you know, upon arrival is understanding
10 that they're taxed as a utility. And that to me is
11 problematic when you lay that over your comments
12 (pointing) and your comments (pointing) and your comments
13 (pointing), I -- I don't know what to do with this.

14 BOARD MEMBER BURKE: If you go two lines down, it
15 says exempt for a whole year also. So does that mean that
16 it's got the tax exemption because it's not -- we don't
17 know. This doesn't tell us.

18 CHAIRPERSON PREZEAU: The other thing that I find to
19 be interesting -- and perk your ears up, Pam -- is in the
20 Department's exhibits, the photographs that are in the
21 Department's -- so I'm looking at Department's Exhibit 12
22 which is on Board packet page 195 is -- because the record
23 indicates that the idea was that that was generated at the
24 Paradise Water Association meeting that launched us into
25 this for Mr. Mochinski to perform this electrical

1 installation to provide a lighted sign, right? And in
2 Mr. Mochinski's photographs, you know, they obviously
3 differ from the Department's, which is fine because it's
4 a different person taking them, but the packet implies
5 that -- Exhibit 12 -- is that the sign actually is a
6 promotional sign for Mr. Mochinski's business.

7 And I don't know if it is appropriate to ask this
8 question about is this the sign -- Exhibit 12 -- is
9 Exhibit 12 the sign that was actually illuminated by
10 Mr. Mochinski's work?

11 Can I ask that question?

12 ASSISTANT ATTORNEY GENERAL THOMURE: You can ask
13 Mr. Barnes.

14 CHAIRPERSON PREZEAU: Mr. Barnes, do you know the
15 answer to that question?

16 ASSISTANT ATTORNEY GENERAL BARNES: Unfortunately I
17 do not.

18 CHAIRPERSON PREZEAU: Jason.

19 BOARD MEMBER JENKINS: Outside of that, actually
20 another thing I thought I'd bring up is that the utility
21 slash water they had supplied there, it was supplied on
22 someone's property would not be able to subdivide it. So
23 in my opinion when you look at ancillary buildings, if I
24 was to put a well on my house or on my property anyway,
25 and I was going to sell it to other people around me, I

1 still am the owner of that particular well, and I can't
2 sell it as a utility.

3 Now, I could possibly make a LLC or something that
4 says, okay, this is, you know, some type of a legal
5 ramifications there. But this property that we're talking
6 about here is completely separate from anyone else's
7 property. It has its own boundary lines. It can be sold
8 at any time to a utility and say, you know, "We're tired
9 of dealing with it. Water utility, take it over."

10 And so it's not a -- it's not ancillary to any one
11 structure. It's ancillary to the entire subdivision.
12 Just like you'd have a water utility, you know, it
13 supplies your house now. Does that mean that they are no
14 longer a commercial application because they are feeding
15 residential applications that are ancillary to the
16 residential?

17 And the argument of shutting the water off that shuts
18 water off to the buildings, just like any utility would
19 be. You shut water off to the utility, yes, all the
20 residential subdivisions no longer have water anymore. So
21 I don't know if that really is a valid argument in my
22 opinion.

23 CHAIRPERSON PREZEAU: Bobby.

24 BOARD MEMBER GRAY: Thank you, Madam Chair.

25 I think it's unreasonable to expect a contractor to

1 have to go do the research to find out how a particular
2 facility pays their -- how they're charged their taxes.

3 And if the Department again believes that this is the
4 way we ought to apply that, I don't disagree with it.
5 However, I think they should state that in a newsletter or
6 some kind of a bulletin that this is how they are
7 enforcing this particular rule and this is how it's
8 intended to be used. To expect an individual contractor
9 when they don't have any additional information to be able
10 to tell them that, I don't think we ought to expect them
11 to have to go do that type of research that we have the
12 facilities to do here.

13 So again -- and going forward, I don't disagree that
14 that's the right application. But I think there should
15 be some forewarning and additional information out there
16 for contractors so they don't get themselves in a bind.

17 It sounds like the individual wanted to do the right
18 thing, and had they realized that this was the way the law
19 was to be interpreted, then they wouldn't have done it
20 that way.

21 But right now, this wasn't any -- at least I didn't
22 see any evidence that any reasonable person would have
23 known that type of information when he went out to do the
24 work.

25 Thank you.

1 BOARD MEMBER BRICKEY: Madam Chair?

2 CHAIRPERSON PREZEAU: John.

3 BOARD MEMBER BRICKEY: I'd just like to state that I
4 think that the administrative law judge correctly
5 interpreted the law as written.

6 CHAIRPERSON PREZEAU: That's a very valid point.

7 BOARD MEMBER BURKE: I agree.

8 CHAIRPERSON PREZEAU: So what do you guys want to do?

9

10 Motion

11

12 BOARD MEMBER JENKINS: I make a motion that we
13 overturn the law -- ALJ's ruling and confirm the citations
14 to Mr. Mochinski.

15 CHAIRPERSON PREZEAU: To Electric Service and Sean
16 Mochinski?

17 BOARD MEMBER JENKINS: Yes, correct.

18 CHAIRPERSON PREZEAU: Is there a second? Hearing
19 none, the Chair will entertain a different motion.

20

21 Motion

22

23 BOARD MEMBER GRAY: I move to confirm the
24 administrative law judge ruling.

25 CHAIRPERSON PREZEAU: Is there a second?

1 BOARD MEMBER BURKE: Second.

2 CHAIRPERSON PREZEAU: So it's been moved and seconded
3 to affirm the proposed final order from the administrative
4 law judge. Discussion on the motion? Seeing none, all
5 those in favor, raise your hand.

6 (Board Members Burke, Gray, LaMar, Cunningham, Nord,
7 Lee, and Ward raised hands) One, two, three, four, five,
8 six, seven.

9 Opposed?

10 (Board Member Jenkins raised hand.)

11 CHAIRPERSON PREZEAU: Motion carries.

12

13 Motion Carried

14

15 CHAIRPERSON PREZEAU: We're in this -- another
16 strange predicament because the pro-se party is the
17 prevailing party, which usually means is the person -- is
18 the party that writes the proposed final order for review
19 by this Board.

20 So Mr. Barnes, given the situation that we're in,
21 are you -- would you be willing to craft up that proposed
22 final order consistent with the Board's action this
23 morning --

24 ASSISTANT ATTORNEY GENERAL BARNES: I will.

25 CHAIRPERSON PREZEAU: -- and seek Mr. Mochinski's

1 agreement or approval of that?

2 ASSISTANT ATTORNEY GENERAL BARNES: I will.

3 CHAIRPERSON PREZEAU: Thank you.

4 So the Board's made its decision.

5 Mr. Barnes, so as discussed, we need to have --
6 prepare an order, which you have agreed, even though
7 Mr. Mochinski is the prevailing party, that you will
8 assist with that. So greatly appreciate it.

9 And so the language I'm supposed to read is, you
10 know: Would the parties like to adjourn to the lobby to
11 see if the terms of the order can be agreed upon?

12 Obviously we can't do that.

13 But please be advised that if you do not reach an
14 agreement before the next Board meeting, the presentment
15 of that final order -- I'm sure you're aware -- will be
16 scheduled at the next regularly scheduled Board meeting,
17 which will occur in July. So if an agreed order has not
18 been received by that date, the parties will be expected
19 to file their proposed orders and appear and advise why
20 their proposed order best reflects the Board's decision.
21 Hopefully this will not be necessary. If you are able to
22 reach agreement as to the form of the order before the
23 next meeting, please forward it to the secretary to the
24 Board's office, and they will make sure that it gets
25 signed and copies provided to the parties.

1 ASSISTANT ATTORNEY GENERAL BARNES: Thank you. I
2 appreciate and the questions as well. Thank you.

3 CHAIRPERSON PREZEAU: Thank you, Mr. Barnes.

4 A tough one.

5 Okay. Before we -- so we're finished with the
6 appeals, and before Steve gives his Secretary's Report,
7 I just want to take a point of personal privilege, and
8 that is I only have one of the -- this is a document that
9 is produced by the Center for Construction Research and
10 Training, which I have no affiliation with. I'm not
11 promoting them or -- and it has to do with opioid deaths
12 in construction. And I became aware of this information
13 and some national -- some national resources for folks
14 that are in construction and are suffering from opioid
15 addiction. And I'm really passionate about this. And
16 there's a statistic in here that's insane.

17 It says, "In Ohio" -- which I know we're not in Ohio
18 -- "construction workers are seven times more likely than
19 other workers to die from opioid overdoses between 2010
20 and 2016." Seven times more likely to die.

21 And there's some really helpful information in this
22 pamphlet. And again, I have no affiliation with the
23 person that -- the entity that produces it. But I want
24 to share -- I only have one, so we're going to have to
25 share it. But it's my understanding that if you contact

1 this entity, they will send you these pamphlets at no
2 cost except for the shipping.

3 So I just wanted to share this -- I got this two
4 weeks ago. And every person that I talked to about it in
5 the construction industry, and obviously, you know, you're
6 not in the construction industry, but this -- the type of
7 work some of your people do, --

8 BOARD MEMBER WARD: Absolutely.

9 CHAIRPERSON PREZEAU: -- they -- so everybody that
10 I've shared this with is like, Oh, my God, take a picture
11 of the back so that they can order the pamphlets.

12 And I told my organization we should order these, and
13 they -- every time we do training and education of
14 construction workers, this should be made available.

15 So I just wanted to take that moment while we are
16 still on the record and just share this while the Board
17 members are here so in the event that you find it helpful
18 in your own organizations or your work.

19 Okay. Thank you very much.

20

21 Item 4. Secretary's Report

22

23 CHAIRPERSON PREZEAU: So Steve, you're up.

24 SECRETARY THORNTON: Okay. Good morning, Madam Chair
25 and Board members.

1 The Secretary's Report for April 25th.

2 Budget-wise, the fund balance on March 31st was
3 \$11,639,761. That's about five and a half months of
4 operating capital.

5 CHAIRPERSON PREZEAU: It actually went down.

6 SECRETARY THORNTON: A little bit, uh-huh.

7 The average monthly operating costs are \$2,142,170.
8 That's compared to \$2,035,165 for the same period in the
9 previous year. Expenditures are up a little bit. And
10 that's an increase of about 5 percent. Our average
11 monthly revenue is \$2,135,120 compared to \$2,099,005 for
12 the same period. That's up about 1.7. So revenue's up a
13 little bit, but expenditures are up a little bit more.
14 Not uncommon for it to go backwards this time of year when
15 sales are a little lower than in the summertime.

16 So customer service-wise, we sold a total of 33,103
17 permits in the last quarter. About 95 percent of those
18 were sold on-line. That's about 31,293. 98 percent of
19 contractor permits are purchased on-line. And homeowners
20 purchase permits at about 66 percent on-line. Those
21 numbers have stayed real consistent for quite some time.
22 They don't change more than a percent one way or the other
23 probably for the last five years.

24 76 percent of all license renewals were done on-line.
25 Gradually everybody's converting over to the electronic

1 world.

2 So on our key performance measures, comparing the
3 third quarter, January 1st through March 31 of 2018 to
4 2019, our response times within 24 hours, we have a goal
5 of 86percent. In 2018 we were at 88 percent, a little
6 better than that. 2019 we're at 82 percent, a little
7 under that.

8 48 hour response times. We were at 97 percent in
9 2018. We're at 93 percent in 2019.

10 Number of focused citations and warnings. Our
11 focused citations are unlicensed contractors, uncertified
12 individuals, work without any permits and lack of
13 supervision. In 2018 we did a total of 1,053. Our
14 agreed-to level is 1,034. So we were just about 20 over
15 what we agreed to do. E CORE did 399 of those. The field
16 did 654. For 2019 we did a total of 1,995. So that's
17 about 950 over, almost double what the agreed-to level
18 would be. E CORE issued 1,482 of those. The field did
19 513. E CORE has -- had quite a number of lighting retrofit
20 issues from companies out of state, referrals that we get
21 that we catch these large companies halfway through a
22 contract for 50 locations. And so there's quite a bit of
23 that going on and quite a bit of it being done by out-of-
24 state contractors that have no licenses at all and no
25 certified people. So when we catch those, they're big

1 numbers.

2 Inspection-wise, our stops per day, in 2018, we were
3 doing 9.8. In 2019 we're doing 10.7.

4 Corrections. We issued 10,882 in 2018. 9,652 in
5 2019.

6 CHAIRPERSON PREZEAU: That's actually kind of good
7 news. I think that's the first time that I can remember
8 the number actually decreased.

9 SECRETARY THORNTON: And I think there's a couple of
10 different reasons for that. One, we're being on site a
11 little more often when the contractors are there. So a
12 lot of the corrections are getting made while we're there,
13 so we don't actually have to write them down. And we're
14 trying to be a little more proactive on that part of it
15 and, you know, pointing out what needs to be fixed and
16 letting people fix them rather than writing them down and
17 coming back.

18 Licensing process turn-around, we have a goal of 100
19 percent in the same day. We were at 99 percent both years
20 2018, 2019 for that same period.

21 Turn-around time for plan review. We have a goal of
22 1.5 weeks. In '18 and '19 we were at 1.6. So our
23 electronic plan-review process speeds up the
24 transportation of permits back and forth between the
25 customer and us. It doesn't really speed up much the

1 actual review of the permits -- or the plans. But it
2 certainly saves time and money when you can ship them back
3 and forth electronically rather than through standard
4 mail.

5 BOARD MEMBER CUNNINGHAM: Madam Chair, I can actually
6 -- we've been using this since the beginning of the year
7 in our engineering practice, and it's been helpful. It
8 takes a couple of days from when we send in the paperwork,
9 the initial application -- or the initial form and the
10 minimum payment check for the shipping cost and things and
11 the basic plan review fee. And it takes three or four
12 days to get the electronic key that allows us to then
13 upload. Then if we have to make changes or respond to
14 comments from the plans examiner, that can all be done
15 electronically, and it does -- it shaves probably a week
16 off of the overall time once it's in the queue.

17 SECRETARY THORNTON: When you take a plan for a
18 school, it might be 100 pages long. It probably weighs 50
19 pounds by the time you get it rolled up. And you start
20 shipping those back and forth through everyday mail, it's
21 rather expensive on top of being slow.

22 BOARD MEMBER CUNNINGHAM: Yeah. And then the
23 approved drawings have a tendency to get lost pretty
24 often. So then -- you know, at once a year, we end up
25 having to send back drawings to get reapproved even though

1 they've already been approved. Electronically now we've
2 got that; digitally we can share it.

3 SECRETARY THORNTON: And have you shared those
4 comments with the plan review supervisor? It might be
5 good.

6 They have put a lot of work into that. And then
7 we're combining them with the virtual inspections.

8 So we're trying to be as efficient as we can, use our
9 people the best we can.

10 BOARD MEMBER CUNNINGHAM: Yeah, I'll let them know
11 that.

12 SECRETARY THORNTON: Okay, appreciate that.

13 BOARD MEMBER CUNNINGHAM: A question also.

14 The two first key performance measures are both down.
15 Would you attribute that to a more robust construction
16 economy --

17 SECRETARY THORNTON: I think that's part of it. In
18 2019 we did our statewide training after the first of the
19 year which fell into this quarter. The year before we
20 were in the previous quarter. So that sends us back to a
21 huge workload which hurts our response times a little bit.
22 When we do 1,100 inspections a day, you take two days off
23 for the training, plus travel time, so you might go back
24 to 4,000 inspections to do. And we just don't get to them
25 as quick as if we're there every day.

1 I think that's the majority of the differences both
2 up and down on that.

3 When you look at the stops per day, it's up. Part of
4 that is due to when we go back, we have such a huge
5 workload that things are just a lot closer together. So
6 you can hammer out a lot of them without near as much
7 driving.

8 Let's see. Licensing-wise, during the quarter there
9 were 7,276 electrical licenses processed. The turn-around
10 time was 99 percent the same day. Phone calls have
11 remained pretty steady with a hold time of a minute or
12 less. So people don't have to wait very long to get their
13 -- get to somebody to talk to. The licensing staff and
14 all of our people on the phones, they do a good job of
15 getting to the phone calls pretty quick.

16 So no new testing labs.

17 And I guess I would entertain any other questions
18 that anybody has.

19 CHAIRPERSON PREZEAU: John.

20 BOARD MEMBER BRICKEY: Chief, back to virtual
21 inspections, I'm just curious how it works for corrections
22 on virtual inspections and whether corrections are allowed
23 to occur during the virtual inspection program process.

24 SECRETARY THORNTON: Certainly. If we see
25 corrections during the process, we note them. If they're

1 small enough, they can fix them as they go. But yeah, if
2 there's a correction that needs to be taken care of, we
3 note it in the permit. Nothing says they couldn't call
4 back for another virtual inspection in two hours if they
5 were that severe. Basically you can schedule an
6 inspection on the half hour.

7 So what, it's five after 10:00 right now. So you
8 couldn't get one at 10:34, but you could get one at 11:00.

9 BOARD MEMBER BRICKEY: One more question. If you saw
10 an egregious correction, an electrical disconnect type
11 correction, how would that be handled?

12 SECRETARY THORNTON: We would probably call the
13 utility right from -- while we're looking at it.

14 BOARD MEMBER BRICKEY: One other thing, Chief. I
15 just wanted to -- representing cities with jurisdiction,
16 thank you for allowing us for the last several years to
17 participate in the training that you put on. Because it's
18 a great opportunity for us to interact with State
19 electrical inspectors and to get some necessary training.
20 And really, really appreciate it. Thank you.

21 SECRETARY THORNTON: I think it's a way that we can
22 all be on the same page too. It makes it better for the
23 industry as a whole.

24 CHAIRPERSON PREZEAU: Just a follow-up question, and
25 I'm pretty sure I know the answer.

1 So in the event that you had a serious -- somebody
2 scheduled a virtual inspection, and upon that commencing
3 you saw a serious non-compliance or an electrical dis --
4 you saw a dangerous installation, I would assume that
5 given -- there can be many variables, but perhaps
6 installation, that contractor, that homeowner or whoever's
7 performing the work, the follow-up inspection, they may
8 not be eligible for virtual inspection depending on --

9 SECRETARY THORNTON: Correct. In the beginning
10 stages of it, we have done it virtually and then sent an
11 inspector by to say, Okay, what did we not see virtually.
12 Because it can be pretty focused as far as what you see,
13 and whoever's doing the inspection needs to be sharp
14 enough to know that somebody's only showing you the west
15 side of the room. Let's take a peek at what's on the
16 east side or some of those kinds of things. And it --

17 I had another answer for John, and now it got away
18 from me as far as virtual -- oh. Something else that
19 works well is if in the normal course of an inspection,
20 when the inspector puts it in mobile inspections, they get
21 an automatic notification. So if I got notified that I
22 had one that failed and it had two corrections and, oh,
23 wow, I'm only a mile away, I go fix them and I get them
24 cleared by virtual inspections. Because we've already
25 been there and examined the site. So then we are just

1 truly looking at the two corrections.

2 So from a keeping-the-job-moving standpoint, I think
3 it has a lot of possibilities.

4 CHAIRPERSON PREZEAU: Any other questions for Steve?

5 So before we hear from Technical Specialist Vance, at
6 the last quarterly meeting of the Electrical Board, Dave
7 brought up a bill that was in a House hearing I think it
8 was if I remember correctly.

9 BOARD MEMBER WARD: Yeah, 1594.

10 CHAIRPERSON PREZEAU: 1594. And we didn't, you know,
11 take any official action mostly because it doesn't need
12 our help, right?

13 So that bill passed unanimously in the -- it's on the
14 Governor's desk, right?

15 BOARD MEMBER WARD: Correct.

16 CHAIRPERSON PREZEAU: And I did some research about
17 this bill, and I -- and Dave Hanson is in the room, and I
18 applaud you. But you worked on that I'm assuming?

19 MR. HANSON: It was signed yesterday. I was there.

20 CHAIRPERSON PREZEAU: Oh, great.

21 So the reason I am bringing this up is just to sort
22 of give the Board and folks in attendance the opportunity
23 to understand the importance of this bill because it's
24 really about safety and 5G, right? So everybody wants 5G
25 and 5G is going to revolutionize a lot of -- it's going

1 to have a pretty big impact on human beings in a positive
2 way.

3 And so what this bill basically does is it ensures
4 that -- because it's my understanding there's two
5 different types of -- there's two competing types of 5G
6 installations, and one is the AT&T model, and the other is
7 a Verizon model if I'm getting that right. And the
8 equipment mounts on utility-owned power distribution and
9 maybe even transmission --

10 BOARD MEMBER WARD: Correct.

11 CHAIRPERSON PREZEAU: -- infrastructure. And one of
12 the models, they differ in the elevation that the
13 equipment gets mounted on the utility structures. But
14 both of them employ an antenna that is mounted on the top
15 of that structure. So when that antenna gets mounts,
16 obviously you have your -- the worker that does that is
17 going to move through the communication supply space, the
18 communication worker safety space, and then the power
19 supply space to get to the top of that utility structure,
20 which is -- you know, basically what this bill does is it
21 ensures that qualified electrical workers are the folks
22 that regardless of if it's AT&T or Verizon or whoever,
23 that qualified workers are going to install that
24 equipment, you know, respective to the elevation of the
25 5G equipment is going to be mounted. So to ensure safe

1 installations and to ensure that the right people -- if
2 it's in the supply space or the -- then it's going to be
3 qualified line workers -- power line workers. And if it's
4 in the communication space, it's going to be qualified
5 communication line workers. So that's -- it's a big deal.
6 And I'm really proud that we did that. That's cool.

7 BOARD MEMBER WARD: Yeah, it is cool.

8 CHAIRPERSON PREZEAU: It is cool.

9 Okay. Any other comments or questions? I kind of
10 took that in a different direction.

11

12 Item 5. Certification/CEU Quarterly Report

13

14 CHAIRPERSON PREZEAU: Mr. Vance, are you ready to
15 come and talk to us about CEU and certification quarterly
16 report?

17 MR. VANCE: I am.

18 Thank you, Madam Chair, members of the Board, new
19 Board members.

20 I'm Larry Vance. I work for the Department of Labor
21 and Industries as a technical specialist, and I work for
22 Steve Thornton, the Chief Electrical Inspector.

23 Looking at the 01 pass rate for the general
24 examination, there's essentially no change in the pass
25 rate for first-time attempts.

1 I do have some information to report to the Board on
2 the one person.

3 CHAIRPERSON PREZEAU: Oh, yay.

4 MR. VANCE: One person.

5 CHAIRPERSON PREZEAU: Yay.

6 MR. VANCE: Yay.

7 The report reflects that one person took the old
8 version. And I contacted PSI and received an e-mail back
9 from their manager of client services indicating that this
10 was a mistake made by one of their customer service
11 representatives.

12 This person was approved back in 2010 and just now
13 chose to schedule an exam. Based on the 2010 date, the
14 customer service representative approved him for the old
15 version of the examination.

16 And what PSI has confirmed is is that they've looked
17 at this, investigated it, and confirmed that their system
18 would no longer allow this to happen. So they fixed that.
19 In other words, they took access to that exam down or
20 whatever it took. It cannot happen again according to
21 PSI. So that has been remedied.

22 So I would imagine that this report -- this is kind
23 of a rolling year. Hopefully the next report will reflect
24 that this person drops off. I'm not quite sure where they
25 are in this year that this happened, but they should

1 probably drop off. And hopefully it never comes up again.

2 CHAIRPERSON PREZEAU: So let me see if I understand
3 this situation. So back sometime in calendar year 2010,
4 this person became eligible to sit for 01 general
5 journeyman's exam.

6 MR. VANCE: Right.

7 CHAIRPERSON PREZEAU: And because of that, that's
8 when the application was approved, they're under the old
9 version. And since 2010 -- at some point in 2010 -- the
10 printing of this report, this person has taken that exam
11 one time and has not passed it in nine years.

12 MR. VANCE: That is correct.

13 CHAIRPERSON PREZEAU: It's interesting.

14 MR. VANCE: It is.

15 There is some interesting things happen with people
16 that get approved for an examination. There are people
17 that are considering coming to the state, for instance.
18 They'll apply, they'll get approved, and they'll never
19 take the exam.

20 CHAIRPERSON PREZEAU: Oh, I didn't think about that.

21 MR. VANCE: There's also folks that just -- we have
22 master trainees. They will get approved for the exam, but
23 they will never take the exam.

24 CHAIRPERSON PREZEAU: Isn't -- Larry, isn't there
25 language in the WAC that says you can't be a master

1 trainee?

2 MR. VANCE: No. We have master trainees that are in
3 -- 20 year master trainees. That's -- yeah.

4 CHAIRPERSON PREZEAU: Okay.

5 MR. VANCE: There are people that for whatever reason
6 that are challenged by the open-book examination, and they
7 choose not to take it, not even attempt it. Because right
8 now currently we have a system that allows them to work as
9 a trainee for an unlimited period of time. That will
10 close in 2023 with the change in the law where you have to
11 be either in apprenticeship -- rather, you must have
12 completed an apprenticeship.

13 CHAIRPERSON PREZEAU: For the 01.

14 MR. VANCE: For the 01.

15 But we will continue to have an allowance for master
16 trainees in specialties, for instance.

17 CHAIRPERSON PREZEAU: So another question, and I'm
18 actually kind of embarrassed that I don't know the answer
19 to this. Is the exam question database, right? the bank
20 -- or I should say the bank of questions, which if my
21 memory serves me correctly it's like 2,500 questions?

22 MR. VANCE: Yeah. If not, far more, yeah.

23 CHAIRPERSON PREZEAU: Okay. And so if I -- is that
24 question bank the same question bank that the PSI when the
25 -- when I, you know, get approved to take an 02 exam, is

1 that the same bank of questions that is used for if I'm
2 taking an 01 general journeyman's exam and/or taking a
3 specialty electrician journey level ...

4 MR. VANCE: Years ago, subject-matter experts from
5 every one of the specialties sat in a room, and they went
6 through the question bank. And each specialty said,
7 "Yeah, that applies to us." "No." "If it applies to you,
8 raise your hand."

9 Essentially what they did is out of the question
10 bank, they tailored the questions to the different
11 specialties.

12 CHAIRPERSON PREZEAU: Because I'm aware that, you
13 know -- which I think is a terrific resource for exam
14 candidates -- approved exam candidates. You know, in your
15 -- in the Department's Web site, you can -- there's a lot
16 of information about PSI. There's a document -- a PDF
17 document that you can review. And there's also these like
18 manifests I'll call it, right? where it says if you're
19 going to take the 01 exam, this is -- and then it lays out
20 articles of the National Electrical Code, and then it says
21 how many questions are in these specific articles, and you
22 do that for all -- for the 01 and all the specialties.

23 MR. VANCE: Correct.

24 CHAIRPERSON PREZEAU: And also you even detail the
25 WAC and RCW's. Like these are the -- if my memory serves

1 me correctly, it's like this is the number of questions
2 that you're going to be asked.

3 MR. VANCE: Uh-huh.

4 CHAIRPERSON PREZEAU: So if I am hearing you
5 correctly -- I just want to understand. So here's this
6 big bank of questions, and some of them are tagged to say,
7 Okay, when we're going to generate an 01 exam, these are
8 the ones that you're going to pull from randomly. And if
9 you're taking an 02 exam, some of those questions are
10 tagged that say, Hey, this is -- pull from these ones
11 because these are applicable for the 02 scope of work. Is
12 that correct?

13 MR. VANCE: Yeah. It's kind of the opposite of this.
14 This question isn't -- you know, this question is an 01
15 question. And it's -- essentially they're -- yes.
16 They're categorized -- every question is categorized as
17 to what specialty it would apply to. All questions apply
18 to --

19 CHAIRPERSON PREZEAU: To the 01, yeah.

20 MR. VANCE: And then down the hill from there.

21 And often we'll hear things that, you know, "Well, I
22 got a conduit-fill question. How does -- why does that
23 apply to me? I'm a low-voltage electrician." Or "I'm an
24 06 HVAC electrician. Why would -- I mean, it was a
25 conduit-fill question and it had wire sizes in it that

1 were so big that I'd never use."

2 Well, it's kind of like voltage and amperage and
3 Ohm's law questions and theory questions, the voltages
4 that you're not familiar with. It's all the same; the
5 math is the same; the concept is the same. You should be
6 able to -- it's an open-book exam. I, mean, whether it's
7 4/0 wire or number 18 wire, it has no -- you know, the
8 questions aren't, you know -- it's very interesting
9 because a lot of the feedback we get on the exam is is
10 that "This exam isn't exactly tailored to what I do." I
11 mean, there's questions on there like, for instance,
12 limited energy exam. There will be questions in there
13 about conduit, boxes, box fill, different things. Very
14 common. And they say, "I run nothing but open cable. Why
15 are you asking me conduit questions?"

16 Well, it's because it's allowed in the work scope.

17 People aren't -- you know, they don't maybe have the
18 breadth of what's allowed, you know, the breadth of
19 experiences to what's allowed within their --

20 CHAIRPERSON PREZEAU: Scope.

21 MR. VANCE: -- scope.

22 So we get feedback in that regard. But -- yeah.

23 Generally, our exam reviews, a lot of times they're
24 interesting. They just show that often when we go over an
25 exam review with somebody, it just shows that they may not

1 have the experience or the understanding of what their --

2 CHAIRPERSON PREZEAU: -- full scope of --

3 MR. VANCE: -- full scope of what they're --

4 CHAIRPERSON PREZEAU: -- allowed to do.

5 MR. VANCE: -- allowed to do.

6 CHAIRPERSON PREZEAU: And this -- just a follow-up
7 question is: Do you think that there could possibly be
8 value in convening an industry group like you described
9 earlier that the subject matter experts that identified
10 those are the questions that should be asked on these
11 exams, but you indicated that was -- it's been a while
12 ago. Do you think that there might be some value in
13 convening a similar process to review the current bank of
14 questions?

15 MR. VANCE: There could be. I mean, it would -- it's
16 a tremendous time commitment.

17 CHAIRPERSON PREZEAU: Yeah, no, I get that.

18 MR. VANCE: I mean, you have to have -- you know,
19 familiarize yourself with the question bank, and then look
20 at the methodology of the questions, and also you really
21 have an intensive understanding of what's allowed in the
22 work scope.

23 I mean, one of the work scopes that's incredibly
24 broad is the 06 work scope, limited energy. I know
25 there's different rules with different organizations, but

1 essentially a limited energy electrician can install any
2 conduit system, any wireway system, cable tray, you name
3 it. And often they don't. Often they just install open
4 cable systems. Very, very common that it's only open
5 cable systems.

6 And so they really almost are offended when there's a
7 conduit-fill question or something like that. "We don't
8 do conduit."

9 And the same thing with other specialties. You know,
10 why would an H -- why would an 06A electrician need to
11 know? Well, they're allowed to change a six foot raceway
12 between equipment. And they need to know what size wire
13 they can put in, what size flexible conduit. It's just a
14 -- it's a simple exercise out of an open-book exam.

15 So just knowing more about what you're able to do.
16 It's not what you know; it's what you can find in the open
17 book. So -- yeah.

18 CHAIRPERSON PREZEAU: And yeah, it's not what you --
19 Pam says, "It's not what you do; it's what you can do."

20 MR. VANCE: Yeah.

21 CHAIRPERSON PREZEAU: So then the next question I
22 have is: Do you find it -- well, I should say I find it
23 interesting that for as long as I've been on this Board
24 and for as long as you have -- or the Department has
25 provided this accumulative exam report, I'm troubled by

1 the fact that there are some specialty electrician exam
2 candidates -- or I should -- examinations that
3 historically they have less than ten people take the --
4 sit the exam.

5 And so, for example, you know, I'm not picking on
6 anybody. I'm just -- you know, 03A's in this time frame,
7 there was -- the number of first-time exam candidates was
8 six.

9 MR. VANCE: Right.

10 CHAIRPERSON PREZEAU: You know, 07A is 11. 07C is
11 two. And just -- the reason I'm troubled by that is I'm
12 curious if the Department looks at this as being somewhat
13 burdensome to provide -- let's be clear. I'm not saying,
14 Hey, we -- we're not going to do those exams anymore; I'm
15 just -- it's a consistent pattern of not very many people
16 when you compare it to, you know, the folks that are --
17 the folks that took the 01 general journey level exam in
18 this same time period was 1,190. And, you know, the folks
19 that took the 02 exam was 460 in that same time period.
20 Does the Department have an opinion about that statistic
21 -- or those statistics?

22 MR. VANCE: When the subspecialties were created,
23 they were an answer to industries' ask for a fast-track
24 certification. For instance, for lighting retrofit,
25 working within the existing housing of a fixture, how much

1 -- you know, how much knowledge does a person need to
2 know? How fast could they come up to speed? And that's
3 one of the 2,000-hour specialties.

4 There -- I think looking at the numbers, people
5 would rather shoot to be an 01 or shoot to be an 02 or
6 an 06 or an 06A or an 07. Those are more marketable
7 certifications.

8 There is some concern that, you know, these
9 certifications were put in place to ensure that the
10 industry out there had a path to be in compliance. So if
11 there's very few people taking the non-res -- let's say a
12 residential maintenance certification. I work for a large
13 property management company, and their folks are
14 residential maintenance certified electricians. It works
15 great for them. Would those folks rather be 07 non-
16 residential maintenance that can do all maintenance work?
17 Probably. Would they shoot more at gaining hours for
18 that? Probably. I mean -- but because of the lack of
19 supervision -- there's supervision components built into
20 the subspecialties, the 2,000 hour specialties, meaning
21 that -- and either 720 hours or 1,000 hours, depending on
22 which subspecialty, you're eligible for the examination.

23 So very quickly with 100 percent supervision, you can
24 qualify for the examination. And in that last period of
25 time after you passed the examination, you're allowed to

1 have a modified training certificate, which allows you to
2 work unsupervised.

3 CHAIRPERSON PREZEAU: But not to supervise others.

4 MR. VANCE: You don't need to supervise others. But
5 from the standpoint that you don't have 2,000 hours of
6 supervised work experience, that experience never carries
7 up.

8 So in a way, when you choose to be certified in a
9 subspecialty, you're putting yourself in a box, so to
10 speak. Very handy for some. But it just depends on your
11 career path as an electrician. Where do you want to -- if
12 you want to end up being an 01 electrician, you're more
13 likely to never want to pursue any subspecialty
14 certification; you're going to want to be a 4,000
15 specialty of some kind, whether it be an 06A, an 04 sign
16 company.

17 The 03A's are interesting because that's a pump
18 specialty. And in Eastern Washington, pumping is a big,
19 big business. There are some very large electrical --
20 (inaudible) -- there. And I know 01's get involved in a
21 lot of that work, but there are some that are 03A's and
22 -- I don't know how -- we don't have any numbers on how
23 that's actually represented. But we know that there's
24 some contractors that are making more 03A's. There are
25 probably some contractors in that business also that are

1 making 01's. Because -- but it is very -- almost -- it's
2 industrial work practically in the larger pumping
3 operations.

4 It'll all sort itself out over the years. It was the
5 system that was put in place for, you know, industry need.
6 And if -- there have been specialties that have become
7 extinct in the past.

8 CHAIRPERSON PREZEAU: Really?

9 MR. VANCE: Yeah.

10 And that's one of the things that -- I think it was
11 appliance repair was a specialty way back, that the
12 numbers just dwindled to the point where there wasn't
13 anybody in it. And through the Department's -- probably
14 in the early 2000's there was some, you know, some looking
15 at some Department policies and some different things that
16 were in place. There was some -- really some
17 reconsideration of what the electrical laws applied to and
18 if the Department was actually fulfilling their role in
19 administering the electrical laws completely. And that's
20 where things like, you know, questions around
21 telecommunications, questions around HVAC, that sort of
22 thing. That's how we got to where we are today.

23 And the subspecialties are a result of industry's
24 desire for an equitable way to get somebody up to speed
25 for a very fine -- finely defined electrical task, working

1 within the, you know, the housing of an existing
2 luminaire, working on a piece of skid-mounted equipment or
3 equipment repair.

4 There was actually -- some of the subspecialties are
5 actually legislated. One in particular is the equipment
6 repair specialty. Things like a Ingersoll Rand air
7 compressor skid or an air dryer or -- you know, there's a
8 number of things that come into -- you know, where
9 equipment repair applies to.

10 And that allows manufacturers to have a certified
11 workforce out there supporting their equipment beyond
12 their warranty needs.

13 CHAIRPERSON PREZEAU: It's very helpful.

14 Were you part of that process with this appliance
15 repair?

16 MR. VANCE: No.

17 I've been with the Department for 15 years, and I've
18 been a technical specialist since 2007.

19 So the one thing I did get was some overlap with the
20 folks that were there during that time. Ron Fuller and
21 Doug Erickson. They were deeply involved in all of that.
22 And also, you know, Faith has been with us for a long
23 time. So she has some history back in that era.

24 So it's interesting. Our history is an interesting
25 thing. The Electrical Currents newsletters have been

1 very, very helpful in kind of documenting that.

2 I came across a document that was written by former
3 Electrical Board member and former Chief Electrical
4 Inspector Janet Lewis. And it had to do with Perry
5 Technical Institute, and it was the entire timeline of
6 Perry Technical Institute.

7 For those unfamiliar with Perry Technical Institute,
8 it was a -- it is a training school established in 1946.
9 And there used to be a provision in the law that allowed
10 training schools established in 1946 to -- for the
11 graduates of that school to immediately sit for the
12 electrical examination. So they could go there for two
13 years, take the electrical examination, and go out and go
14 to work as a certified journey level electrician.

15 And through some different actions by courts, they
16 found that that was not an equitable provision within the
17 law because it only applied to those in 1946 -- that were
18 accredited in 1946. And so that was stricken.

19 But it was just interesting to look at the whole
20 timeline.

21 So how do we view those folks that completed back
22 when that was allowed? How do we complete -- you know,
23 how do we thereafter?

24 So 1997 is kind of the break point of that. I think
25 the court decision was in 1992.

1 But a very interesting historical document, though.

2 CHAIRPERSON PREZEAU: Yeah, we were reminded of that
3 last quarter when Mr. Baker came here and said, Hey, March
4 19, 2019, marks the hundred-year anniversary --

5 MR. VANCE: Absolutely, yeah.

6 CHAIRPERSON PREZEAU: -- of Washington state
7 regulating electrical installations.

8 MR. VANCE: And Rod was the -- Rod and Tom worked
9 together on a nice Electrical Currents newsletter article
10 there that -- about the oldest electrical contractor --
11 the longest continuously operating electrical contractor
12 in the state. And that's Lassen Electric in Olympia,
13 Washington.

14 CHAIRPERSON PREZEAU: That's cool.

15 MR. VANCE: Very interesting stuff.

16 And then there's a few others. But had to be very
17 careful as to how that article was written because there's
18 still some folks around that are neck and neck there with
19 Lassen. They might have changed names. They might have
20 had a period where they -- that they were not active for
21 a very short time for some reason. But Lassen is the
22 longest continuing operating electrical contractor.
23 Oldest.

24 CHAIRPERSON PREZEAU: Thank you, Larry.

25 MR. VANCE: Yeah. Thank you.

1 CHAIRPERSON PREZEAU: Appreciate it.

2 Any other questions from the Board members for
3 Larry?

4 BOARD MEMBER GRAY: Just a comment, Madam Chair.

5 I don't know if you were suggesting that perhaps
6 maybe we have too many of these subspecialty categories
7 based on the lack of interest. But I think your comment
8 regarding the burden on the Department is a good one.
9 Because I could see where having a number of those would
10 make it very difficult to enforce scope -- (inaudible) --
11 for those very limited subspecialties. And so you got to
12 think that perhaps there's a temptation to go out of their
13 allowance and do other work simply because they have some
14 sort of a credential to be able to do electrical work. So
15 there may be a good argument to take a look at that and
16 see if maybe some of those could be reduced down.

17 Also see extra work for the examination questions and
18 that sort of thing.

19 So anyway, I just -- I would -- again, I don't know
20 what you were implying. But ...

21 CHAIRPERSON PREZEAU: Well, I will say this, that I'm
22 not implying anything other than -- because this is just
23 one piece of information. And it tells -- you know, it
24 tells a different story depending on how you look at it,
25 right? So I'm not -- you know, I'm not suggesting that

1 based on this confined bit of statistics, which I think is
2 very helpful, that we should overhaul the current
3 certificate structure. I think that -- I think it's one
4 piece in a more complex investigation that --

5 But I am interested in -- I think because of
6 technology and because of, you know, it's now --
7 technology is advancing no longer at a -- well, it's
8 advancing at an exponential rate now, which is why we
9 have these -- there's now a new generational category.
10 It's called Generation Z. Right? And social scientists
11 make those cuts in those generational categories, whether
12 you're talking about baby boomers -- traditionalist, baby
13 boomers, Gen X, Gen Y, right? And millennials. And now
14 we have Gen Z.

15 Gen Z, those social scientists base those cuts on
16 technological advancements having a dramatic impact on our
17 culture and our workplaces and our, your know, our lives,
18 right? And Gen Z's task is not -- they haven't actually
19 described it, right? They've said that it exists, but
20 they haven't actually put the overarching characteristics
21 to the Gen Z because they're still figuring it out I
22 guess. I'm not a social scientist, but --

23 So I'm just cognizant of the fact that that's
24 happening in our industries. And all of these -- in the
25 entire electrical industry and including as a whole but

1 also in the subspecialties.

2 And one of our -- you know, we're an advisory board
3 to the Department, but we own certain functions within
4 that. And the exam and continuing education is one of
5 those. And so I'm mindful of that responsibility, and not
6 based on -- I don't have enough information at this time,
7 and I don't think anybody does, to make a declaration
8 that, Oh, appliance repair specialty needs to go away,
9 right?

10 But I just want to put a marker in that says we --
11 you know, this is something that is worthy of discussion
12 and investigation. And I'm -- you know, that's all --
13 that was all my intent.

14 But thank you for giving me the opportunity to
15 clarify.

16 Dylan.

17 BOARD MEMBER CUNNINGHAM: The exam that we've talking
18 about here, it tells us only one variable.

19 CHAIRPERSON PREZEAU: Exactly.

20 BOARD MEMBER CUNNINGHAM: It's how many people are
21 sitting for this --

22 CHAIRPERSON PREZEAU: Exactly.

23 BOARD MEMBER CUNNINGHAM: -- the number of hours that
24 Larry described. You can get there very quickly.

25 What I would be curious to know is how many certified

1 -- how many certificate holders are there in each of the
2 specialties from the very top all the way down to --

3 CHAIRPERSON PREZEAU: So I'm super excited you asked
4 that question. Because we -- we know that answer.

5 And the reason I say that -- and I don't have the
6 Electrical Currents newsletter in front of me from August
7 of 2018, I don't think. But I do have the Electrical
8 Currents newsletter from August of 2016 and -- no, I
9 don't. And -- I have it for 2013. And the reason why --
10 so you could -- and this is I think, you know, is this is
11 a special edition it says in bold up in front.

12 So you can go to the Department's Web site, and they
13 archive these. Dylan, you could go and look at the
14 special edition from August 2018 that detailed the process
15 of the technical advisory committee and -- I don't know if
16 the right word is "commenced" the rulemaking process. And
17 in there is a table that tells you -- and you can have a
18 look at this if you want -- that details the methodology
19 for determining the number of electrical contractors and
20 electrician members on the technical advisory committee.
21 And so it tells you how many people were in those 01 --
22 how many contractors were 01 administered contractors, 02,
23 right? and then additionally for the electricians. And so
24 you could -- for a more current snapshot of that, you
25 could look at the August 2018.

1 BOARD MEMBER CUNNINGHAM: So Larry, what's an 07B? I
2 don't have those memorized.

3 MR. VANCE: I don't have them memorized either.

4 CHAIRPERSON PREZEAU: Go to your exam --

5 BOARD MEMBER: C -- 07C.

6 CHAIRPERSON PREZEAU: 07C is --

7 MR. VANCE: I think that's residential maintenance
8 or --

9 MS. JEFFREY: No, that's D.

10 MR. VANCE: Is that D?

11 (Board members talking over
12 each other.)

13 BOARD MEMBER: Restricted non-residential
14 maintenance.

15 CHAIRPERSON PREZEAU: Yeah, 07C is a non-residential
16 maintenance restricted examination.

17 MS. JEFFREY: 07C, is that equipment repair?

18 BOARD MEMBER: That's equipment repair.

19 CHAIRPERSON PREZEAU: 07A is non-residential lighting
20 maintenance and lighting retrofit.

21 07B as in boy is residential maintenance.

22 07C, as I said, is non-residential maintenance
23 restricted exam.

24 07D as in David is appliance repair.

25 07E is equipment repair.

1 BOARD MEMBER CUNNINGHAM: So total in the state,
2 those 07 -- if you exclude the 07 main category, there's
3 maybe 500 people working in those A, B, C, D and E
4 specialties. 19 in the 07C. So there's 19 electricians
5 working under that certificate when this was printed 2016.

6 CHAIRPERSON PREZEAU: Uh-huh.

7 BOARD MEMBER CUNNINGHAM: So it's something like a
8 lighting retrofit that's almost -- (inaudible). From a
9 engineering perspective, that's kind of almost an
10 anachronistic specialty. I don't see a lot of history
11 being -- (inaudible). That was a changeover from T12 to
12 T8 technology or T8, T12, T5. It's just an observation.

13 Again, I think I'm kind of agreeing with where you're
14 going. We need to keep looking at are these all still
15 relevant.

16 CHAIRPERSON PREZEAU: So Steve, do you think that at
17 the next meeting, would it be too onerous to ask that the
18 Board -- that the Department deliver to the Board a
19 current snapshot like you do for the methodology in
20 determining the participants on the Technical Advisory
21 Committee? Would that -- is that a difficult report to
22 produce?

23 SECRETARY THORNTON: I think it would be one we'd
24 have to do manually, but it's certainly something we can
25 look at doing.

1 CHAIRPERSON PREZEAU: So I will just say this is if
2 the Department could before the next quarterly meeting
3 produce that. And if that doesn't happen because it's
4 difficult to -- because you're 16 inspectors down and, you
5 know, lots of other stuff. But it would be a continuing
6 request that when it could be produced that could be
7 shared with the Board. Is that reasonable?

8 SECRETARY THORNTON: Yes. It's something that a
9 non-inspector will get tasked with doing so the vacancies
10 shouldn't hurt there.

11 MR. VANCE: Yeah, we do have the -- you know, we had
12 to do up a report from the last rulemaking here, the one
13 that you may not have in with your information there.

14 SECRETARY THORNTON: Tracy, do you want to see that
15 Currents newsletter? I mean --

16 CHAIRPERSON PREZEAU: No. I think we -- I mean,
17 Board members know that they can go look at it on-line.
18 It would be the August 2018 special edition. So that
19 would give you --

20 What would be interesting is if Board members would
21 do that. Or maybe we could -- at the meeting where the
22 Department delivers us the current snapshot, what would
23 be helpful is -- me because I like paper, clearly -- is
24 if you would print for us the August 2018 special edition
25 report, at least that methodology so we could kind of see

1 where --

2 SECRETARY THORNTON: So maybe --

3 CHAIRPERSON PREZEAU: -- is it trending.

4 SECRETARY THORNTON: Yeah, a copy of this Currents
5 newsletter and what the current numbers are --

6 CHAIRPERSON PREZEAU: Correct.

7 SECRETARY THORNTON: -- compared to this one.

8 CHAIRPERSON PREZEAU: I think that would be --

9 SECRETARY THORNTON: So the category that has zero
10 contractors in it, does it still have zero contractors in
11 it.

12 CHAIRPERSON PREZEAU: Yes, that would be helpful.

13 SECRETARY THORNTON: Okay.

14 CHAIRPERSON PREZEAU: Thank you.

15 John.

16 BOARD MEMBER BRICKEY: Madam Chair, you know, you
17 mentioned the generational changes, Gen Y, Gen X, Gen Z.
18 I'm just curious since we've reached the end of the
19 alphabet, where are we going next?

20 ASSISTANT ATTORNEY GENERAL THOMURE: It goes to AA,
21 at least according to my world.

22 CHAIRPERSON PREZEAU: Really?

23 ASSISTANT ATTORNEY GENERAL THOMURE: Exhibit AA, yes.
24 Sorry. I didn't mean to interrupt.

25 CHAIRPERSON PREZEAU: I don't know. Or 1.

1 Thank you very much, Larry. That was very
2 insightful.

3 Any other questions before -- I'm inclined to take a
4 -- I'm not inclined to just draw out the meeting, but I am
5 inclined to take a break. So I have that it's -- it's
6 roughly ten minutes to 11:00. Can we come back on the
7 hour? Is that reasonable?

8 THE BOARD: (Nodding affirmatively.)

9 CHAIRPERSON PREZEAU: Very good.

10 (Recess taken.)

11 CHAIRPERSON PREZEAU: All right. So it is 11:05, and
12 I would like to reconvene the -- what are we doing --
13 April 25, 2019, Washington State Electrical Board meeting.

14 And so before we -- a couple things before we get to
15 agenda item 6, which is -- I wanted to make sure that the
16 Board members were introduced to Assistant Attorney
17 General Kevin Elliott.

18 And Kevin, you work in the Spokane office?

19 ASSISTANT ATTORNEY GENERAL ELLIOTT: I do.

20 CHAIRPERSON PREZEAU: And Kevin is Pam's backup to
21 her work here with the Board like if Pam goes on vacation
22 or if Pam wins the PowerBall.

23 ASSISTANT ATTORNEY GENERAL THOMURE: That would be
24 ...

25 CHAIRPERSON PREZEAU: Then Kevin Elliott steps in to

1 assist Pam in that regard.

2 So he's attended meetings before and has presented in
3 front of us before.

4 But we have a couple of new Board members, and maybe
5 -- we're not at full strength this morning, but just -- so
6 Erick Lee is the -- replaced Janet Lewis on the Board
7 representing electricians.

8 So I think that's the only person that you probably
9 haven't met previously.

10 So thank you for attending.

11 And then one other thing I just want to engage the
12 Board on.

13 And Dave Ward, I want you to perk your ears up a
14 little bit. And that is -- there's -- you know, I've been
15 on this Board since 2005. And there's only been two
16 instances where I felt that there was a potential for
17 safety concern, right? Fortunately we've not had incident
18 with -- because it's an open meeting and people can come
19 and emergencies can happen, right?

20 And the reason I ask is I think there's a practice in
21 the utility industry and maybe even outside construction
22 that when meetings are held that aren't, you know, in the
23 workplace, but there's a culture -- a safety protocol
24 culture that they say at the beginning of the meeting -- I
25 think it happens -- and they say, "Hey, in the event that

1 there is an emergency, these are the exits that we would
2 use and this is where we'll muster."

3 And I think it's -- I think we should incorporate
4 that in this meeting in the opening. And I'm looking for
5 Board members to confirm or refute that so that -- it
6 doesn't take long. But it's just an acknowledgement of
7 hey, in the event that something goes haywire or the fire
8 alarm goes off or some other troubling incident, to
9 report folks how we're going to safely exit the building
10 and where we are going to shelter in place, if you will,
11 right?

12 Is that something that the rest of the Board thinks
13 is a good idea?

14 BOARD MEMBER WARD: It's a great idea.

15 BOARD MEMBER NORD: It's a standard procedure in --

16 CHAIRPERSON PREZEAU: So I think we should -- and I
17 don't know, Bethany, if it needs to be an agenda item.
18 Maybe it would be helpful in the event that it reminds us
19 because that's something that we're not in the practice
20 of. But I do think that that would be --

21 BOARD MEMBER NORD: It should be item 1.

22 CHAIRPERSON PREZEAU: It should be item 1, yeah.

23 BOARD MEMBER BURKE: Especially when you take into
24 consideration like exiting the Rhodes Center.

25 CHAIRPERSON PREZEAU: Well -- and that -- okay. And

1 to that point, so there's -- we were -- one of the times
2 that I started to have some concerns, we were at the
3 Rhodes Center. And the way that the seating was set up
4 and what was happening, in the event that the situation
5 that I was concerned about actually happened, it would
6 have -- the concerning party was between the Board members
7 and the exit that you're familiar with. And that was
8 troubling for me.

9 BOARD MEMBER BURKE: I had the same concern.

10 CHAIRPERSON PREZEAU: Okay. And so I actually spoke
11 with Bethany and Megan last night about this concern, and
12 that I didn't understand that there was another exit,
13 right? And so I just -- that's what brought this to my
14 mind was, Hey, I think that this is something we should
15 start every meeting with. And we should be mindful of
16 the room setup in the event that a concerning participant
17 is part of our proceedings, that we ensure safe exit of
18 all people.

19 Do those words make sense? Because I don't want to
20 actually have to say active shooter, but that's what was
21 -- right? I was -- there was -- I was -- it did not
22 happen clearly, but I had some concerns about because
23 people -- it's an open meeting and people can come here
24 that I think that that needs to be built into our room
25 design and our practice.

1 ASSISTANT ATTORNEY GENERAL THOMURE: And I would
2 second that because being a state agency and a state
3 employee that people get disgruntled often with not so
4 much you guys, but with state business and, you know, we
5 have to take precautions in my office on a routine --
6 well, not routine, but regular basis. So you never know.

7 CHAIRPERSON PREZEAU: Well, I mean, I had some -- an
8 individual I would say made slanderous remarks on social
9 media regarding the Chair. And they never -- nothing came
10 of it other than I actively work to make sure that they
11 were slan -- they were not -- the statements made were
12 untrue, which they were. But it was a disgruntled person
13 who lashed out at the Chair. And it was disconcerting at
14 best.

15 BOARD MEMBER GRAY: Do you need a formal motion for
16 this?

17 CHAIRPERSON PREZEAU: No, I don't think so. But I
18 appreciate that.

19 But I think we'll just -- Bethany, if you would just
20 add it to the agenda. And then be mindful of the room
21 layout would accommodate a safe exit, safely removing
22 ourselves from any unsafe situation.

23 Very good. Thank you.

24 ///

25 ///

1 Item 6. Appeal Hearing Procedures WAC 296-46B-995

2

3 CHAIRPERSON PREZEAU: Appeal hearing Procedures WAC
4 296-46B-995.

5 Pam, do you have an update?

6 ASSISTANT ATTORNEY GENERAL THOMURE: No.

7 BOARD MEMBER BURKE: (Addressing Assistant Attorney
8 General Elliott) See, this isn't so tough, is it.

9 ASSISTANT ATTORNEY GENERAL THOMURE: We did have a
10 meeting sometime ago I think with Rod and Faith and some
11 other folks in terms of just the timelines where we have
12 an OAH appeal and we have counsel involved. And so I
13 think we discovered that there's a lot more time for
14 certain things, and so we haven't really -- I haven't
15 done anything further with that. But it's not as easy as
16 we had hoped, at least on the appeal procedures for OAH
17 hearings.

18 I think that you and I have talked, that there's
19 definitely certain areas that we need to fix. For
20 instance, the whole thing with the PNW case and those
21 procedures that don't fit into what we have. Like that
22 was a variance, something like --

23 But I don't have anything else to report than that.

24 CHAIRPERSON PREZEAU: Yeah, so just that the work is
25 ongoing, and that we're making a good-faith effort to, you

1 know, communicate with the Department and other assistant
2 attorney generals who practice in front of the Board or
3 come in contact with the Board and our policies and
4 procedures so that the real goal is, you know, to have
5 language crafted to propose to the Department in the 2020
6 rulemaking cycle. So we have time, but we're still, you
7 know, being intentional about the research and the
8 language design and wrapping our arms around it so that
9 proposal is as appropriate as possible.

10 Does that make sense?

11

12 Item 7. Public Comments

13

14 CHAIRPERSON PREZEAU: Okay. So woo, woo, woo, we are
15 down to public comments regarding items not on the agenda.

16 And for the record, the appeals sign-in sheets
17 reflect that Assistant Attorney General John Barnes was
18 here in the Electric Service and Sean Mochinski matter. I
19 saw him earlier with a bag; I think he's going to the
20 airport. So that's concluded.

21 And then there's only one person that has signed in
22 for public comment requesting to speak, right? It's Tena
23 Risley with Northwest HVAC/R.

24 Tena, did you want to address the Board?

25 MS. RISLEY: No. I told her I didn't want to speak.

1 I thought she just wanted me to sign in for the day. I
2 didn't want to --

3 CHAIRPERSON PREZEAU: Way to be a rule follower.

4 SECRETARY THORNTON: Make her speak. Make her speak.

5 CHAIRPERSON PREZEAU: All right.

6 So unless -- so just as a reminder of, you know,
7 Bethany -- I'm assuming this was you -- provided
8 electronically for the Board members the per diem rates
9 because you can -- and expense sheets. And so when you
10 complete these forms so that you can be reimbursed for
11 your travel including, you know, meal per diems, they send
12 that completed paperwork to Megan. Yes?

13 "MEGAN": (Nodding affirmatively.)

14 CHAIRPERSON PREZEAU: So that's there for your
15 convenience.

16 And then unless -- Steve, do you have anything
17 further?

18 SECRETARY THORNTON: I don't believe so, no.

19 BOARD MEMBER BRICKEY: Madam Chair?

20 CHAIRPERSON PREZEAU: Go ahead, John.

21 BOARD MEMBER BRICKEY: If I could share a personal
22 thought with the Board here. I've been thinking a lot
23 since our last meeting about the Board and the role we
24 play and the honor it is to be a part of the Electrical
25 Board. And I -- after thinking through the process of the

1 last appeal, I feel that the Board really acted on emotion
2 and a sense of fairness rather than on a black and white
3 of the law. And that bothers me some that we did that.

4 The reason it bothers me is that I think that the
5 Chief and his staff made a very sound determination on
6 code worthiness of an installation. And we, based on a
7 sense of fairness, overturned his decision. I can
8 sympathize with that contractor that was involved, having
9 been in the construction industry in my past life. I
10 certainly can sympathize with him and would feel strongly
11 like he did. But I think that the real solution to that
12 issue was not an overturning of a sound decision by our
13 Chief, but rather there are other avenues. If he felt
14 that he had been harmed by a action of an individual that
15 worked for Labor and Industries, there are other avenues
16 to deal with that other than this Board acting on a sense
17 of fairness.

18 So I'd just like for the Board to think about that
19 perhaps, and as we go forward, our decisions, try to base
20 them on the black and white of the law, the rules and
21 regulations that we're entrusted with and not make
22 decisions based on either a sense of fairness,
23 affiliations that we may have personally, any of that, but
24 truly make decisions that are sound.

25 CHAIRPERSON PREZEAU: So John, that's a good reminder

1 because more than once that we've had entities during my
2 tenure on the Board, you know, charge parties, if you
3 will, or appellants come in front of the Board, and there
4 was a desire to -- I've even had one Board member say,
5 "Our job is to lessen the bureaucracy." And I said -- I
6 corrected that Board member and said, "No. Our job is to
7 uphold the law and the associated rules. That's our job."

8 And I will I guess object maybe to the work of the
9 Board today. And the reason I said that is because --

10 (Addressing AAG Thomure) Is this -- can I talk about
11 this?

12 ASSISTANT ATTORNEY GENERAL THOMURE: I don't know
13 what you're going to say. I'm good, but not that good.

14 CHAIRPERSON PREZEAU: Is -- well, the record will
15 reflect that your statement was -- and I'm paraphrasing
16 that the ALJ got it right -- the decision, right? based
17 on the law as it's written. And that's a very objective
18 statement. And I'm -- you know, I'm inclined to agree
19 with that.

20 And I think that it is -- this Board consistently --
21 I mean, because we're human beings. So this Board
22 consistently demonstrates empathy and sympathy for the
23 folks that come before us, whether it's in public comment
24 or it's in an appeal or a revocation or suspension.

25 But I think that very rarely does this Board make

1 decisions that are rooted solely in emotion. It's
2 tempting, right? It's very tempting. Because we're, you
3 know, all well-intended human beings I believe. So -- but
4 that's a really good reminder, so thank you for that.

5 BOARD MEMBER BRICKEY: And I'd also like just to say
6 to the Chief I don't think anybody on this Board had ill
7 will toward the Chief, but I personally would like to
8 apologize not because of my vote because I'm a non-voting
9 member, but because I didn't speak up in support of your
10 decision.

11 CHAIRPERSON PREZEAU: It was a tough case that might
12 need further clarity in the WAC. Not might, right? We
13 need more -- we need greater clarity in the -- and for the
14 reasons that you brought up, right? So I don't want --
15 you know, for the reasons that you brought up about
16 condominium associations and LLC's and, you know, in a
17 changing world and the, you know, dual-shared pump well.
18 So it's -- I think it put very clearly a red flag that
19 says, Hey, we need to kind of -- the Department needs to
20 wrap their arms around that in the WAC.

21 BOARD MEMBER NORD: It needs further clarification.

22 CHAIRPERSON PREZEAU: Yeah.

23 ASSISTANT ATTORNEY GENERAL THOMURE: And I would say
24 for Board members that this is often how things get
25 changed in the law is because it's interpreted one way and

1 here's the letter, and then that -- then what happens is
2 then the agency, in this case, the Department, has the
3 option to go back and clarify through rulemaking what its
4 position is or -- I mean, something that happens. And
5 that's usually why we get changes.

6 BOARD MEMBER NORD: Well, but it's also through the
7 appeal process that a lot of the information that the WAC
8 doesn't even think about came out today. And --

9 CHAIRPERSON PREZEAU: Yeah, it's a really good
10 process actually.

11 BOARD MEMBER NORD: As we clarify the WAC in the
12 future, perhaps there might be other occasions where we
13 have to look at other information and other building codes
14 or other Secretary of State reports or whatever it may be
15 to more clarify what our position is to be.

16 CHAIRPERSON PREZEAU: Yeah, and I -- oh, Bobby, you
17 had your hand up.

18 BOARD MEMBER GRAY: Thank you. Madam Chair, I was
19 trying not to speak, but I lost that battle.

20 I think what Pam said, this was a classic example of
21 that.

22 And I think John, you said it exactly right, that the
23 administrative law judge read the law and interpreted it.
24 And the Department thought that the law meant something
25 different.

1 And so we had the opportunity to point that out, that
2 the law isn't that clear if there are two very smart
3 entities that can't agree on what the intent of the law
4 was, then the law needs to be changed if that's the case.
5 It needs to be clear, not only for us and for the people
6 that have to hear these rulings, but also especially for
7 the users. People that have to go apply those laws as
8 part of their business, it has to be clear for them.

9 And I'm very active in writing NEC rules. And that's
10 one of the challenges that we have. We're technical
11 people that have to take a technical subject that we know
12 a lot about and write it in such a way that it can be
13 installed the way we intend it to be installed, enforced
14 the way we intended it for it to be enforced, and then
15 arbitrated by some non-electrical technical administrative
16 law judge that understands the law, but may not understand
17 the technical aspects.

18 CHAIRPERSON PREZEAU: Or the historical practice.

19 BOARD MEMBER GRAY: And if that's the case, it needs
20 to be rewritten in such a way that it is clear to all
21 three of those entities.

22 ASSISTANT ATTORNEY GENERAL THOMURE: Then you put us
23 all out of business.

24 BOARD MEMBER GRAY: Yeah, that's true. That's true.

25 ASSISTANT ATTORNEY GENERAL THOMURE: You'll have no

1 need for attorneys or courts or litigation.

2 BOARD MEMBER NORD: No. You'd have to tell us what
3 the original intent was.

4 CHAIRPERSON PREZEAU: Dominic.

5 BOARD MEMBER BURKE: And I really wasn't going to
6 speak, but I couldn't have written my segue any better.
7 So I'm going to bring it up what we talked about. And I
8 don't know if it's public comment or if I can speak as a
9 Board member.

10 I can tell you as an electrician, a administrator, a
11 contractor, I just went through a scenario that I feel
12 pretty terrible about, and I think it's appropriate to
13 bring it up.

14 A family member building a home -- I'll make it as
15 short as I can -- the licensed residential electrician
16 doing the work in the home does not do the utility feed to
17 the house. It's Grant County PUD. We called Grant County
18 PUD. They dropped the conduit off. We go install the
19 conduit. We install the wire.

20 PUD says, "Well, I'm got going to energize."

21 "Why not?"

22 "Because you don't have a permit."

23 "Well, the electrician in there has a permit. This
24 is exempt per 90.2 (B)(5) of the code. Utilities are
25 exempt from that work."

1 They said, "Well, you need to pull a permit."

2 They made my uncle pull a permit. An L & I inspector
3 came out and inspected the conduit that now is the
4 jurisdiction of the utility.

5 And so there's a couple different sides of me that
6 are concerned about this. As an Electrical Board member,
7 I get concerned that L & I is inspecting things that are
8 out of their jurisdiction. And it's not common. And I --
9 as someone who's permitted all their work, and this is not
10 something I'm trying to do, essentially I was almost set
11 up in a way where I performed the work without a permit
12 and then had to go get the permit later. And I just feel
13 like it -- back to the rulemaking process and just the
14 public comment discussion, I think it's something that --

15 ASSISTANT ATTORNEY GENERAL THOMURE: So you're not --
16 you didn't get cited and you're not appealing, right?

17 BOARD MEMBER BURKE: I'm not, no. It's public
18 comment. This is public comment, just a discussion, just
19 for discussion.

20 No, I did not get cited. No, I did not -- no,
21 nothing like that.

22 BOARD MEMBER GRAY: It will next month.

23 SECRETARY THORNTON: Dominic, it's in the mail.

24 CHAIRPERSON PREZEAU: I don't -- you know, I'm not --
25 I don't believe that the Department -- so to alleviate

1 your concern, I don't -- even though there's this odd
2 practice or inconsistent practice with the utility portion
3 of the service installation as you described, right? at
4 Grant County PUD. And it's --

5 BOARD MEMBER BURKE: And one other county, right,
6 Steve?

7 SECRETARY THORNTON: Yeah.

8 BOARD MEMBER BURKE: Down in Vancouver, Washington.

9 SECRETARY THORNTON: Right, yeah.

10 CHAIRPERSON PREZEAU: Because that's not -- it's
11 exempt from L & I 's jurisdiction, even though they're
12 having this inconsistent practice at Grant and Clark
13 County PUD, I don't think they would have the jurisdiction
14 to cite you for performing the work because it's exempt.
15 I don't know how you would do that.

16 So to relieve everybody, this is not going to be
17 adjudicated.

18 BOARD MEMBER BURKE: No, no. So I mean -- and
19 another thing is is there's nowhere in an L & I permit to
20 go pull for a utility conduit inspection. These people
21 made us pull a 240 volt service -- full service permit for
22 150, 170 bucks to have the guy come out. It's just not --

23 CHAIRPERSON PREZEAU: And it took three weeks, right?

24 BOARD MEMBER BURKE: Yeah, well, it ended up -- I
25 mean, we called once we found out that this was the case,

1 which I've never known.

2 He said, "Yeah, just pull the permit." You know,
3 "That's fine."

4 And then he came out and said, "Well, you already" --

5 And we had told him that we already did the work
6 because it was utility work. So I didn't pull permit and
7 we did the work.

8 And he says, "So it's done?"

9 And we said, "Yeah, it's finished."

10 And he came out and he said, "Okay, well, it's all
11 covered, so now you have to pothole."

12 So now I had to get a piece of equipment and go out
13 and I had to pothole it four times in four locations. And
14 then they only inspect this area once a week.

15 So here I've extended a simple service inspection.
16 I've -- according to the rule, if I had to pull a permit
17 for it, I installed it illegally. I mean, it's -- it's
18 setting me up for a complete failure.

19 And I just -- to the stakeholders and the people who
20 are, you know, following the rules and trying to follow
21 the rules on that side of it, this is --

22 CHAIRPERSON PREZEAU: Like yourself.

23 BOARD MEMBER BURKE: Yeah. I mean, this is not very
24 easy to do or to know what they are because it's
25 inconsistent.

1 So just letting everybody here know that it was an
2 interesting scenario.

3 CHAIRPERSON PREZEAU: Thank you, Dominic.

4 Because like to your point, the perfect segue is not
5 everything is perfect. And I think, Bobby, you really
6 captured it well with your comments is as whenever
7 appropriate -- whenever we become aware of
8 insufficiencies, if you will, in the WAC or in the
9 statutes or in practice, we need to know about it in order
10 for to ensure the right outcomes, whatever that is, right?
11 It's not an accusatory statement; it's a "Hey, let's learn
12 from this so that this practice -- this unfortunate
13 situation is not repeated if at all possible. Right?
14 Elevate the industry.

15 Okay. So -- Steve.

16 SECRETARY THORNTON: One item on the WAC rule updates
17 that I gave earlier, the implementation date has been
18 moved back some for internal efficiency reasons I'll say.
19 So it probably won't be implemented until August sometime
20 rather than July 1st.

21 CHAIRPERSON PREZEAU: Okay.

22 Oh, yes, Pam.

23 ASSISTANT ATTORNEY GENERAL THOMURE: I was just going
24 to ask the Board members. I was talking to Bethany, and
25 she was telling me sort of what she's working on for the

1 schedule and locations of the Board's meetings for 2020.

2 And I was just -- I found that information helpful and
3 interesting, and I was just wondering if the Board members
4 might also want to know that.

5 THE BOARD: Absolutely (nodding affirmatively.)

6 MS. RIVERA: Well, I have the schedule up at my desk
7 in my cubicle.

8 ASSISTANT ATTORNEY GENERAL THOMURE: I can tell you
9 what you told me.

10 MS. RIVERA: Oh.

11 ASSISTANT ATTORNEY GENERAL THOMURE: Do you know
12 or ...

13 MS. RIVERA: I -- and I tried to jot it down. But
14 January would be in Tumwater. April, Spokane. July,
15 Vancouver. And October, Pasco.

16 CHAIRPERSON PREZEAU: In 2020.

17 MS. RIVERA: Yeah.

18 CHAIRPERSON PREZEAU: Where's our next meeting at?

19 MS. RIVERA: The next three are going to be in
20 Tumwater.

21 CHAIRPERSON PREZEAU: Very good. Thank you for
22 providing that.

23 BOARD MEMBER GRAY: So could you say that again
24 please.

25 MS. RIVERA: Yeah. January is Tumwater. April is

1 Spokane. July is Vancouver. And October is Pasco. And I
2 can e-mail that to you guys.

3 ASSISTANT ATTORNEY GENERAL THOMURE: I just thought
4 it might be helpful in terms of planning, especially when
5 people are traveling.

6 BOARD MEMBER BURKE: I live over in the Tri Cities.
7 Perfect.

8 MS. RIVERA: It won't be too hot.

9 CHAIRPERSON PREZEAU: Okay. So any other -- thank
10 you, Pam and Bethany for that. Appreciate it.

11 Anything else?

12 BOARD MEMBER BURKE: Two more minutes. On the good
13 side, I have to tell a quick story. Our kids' preschool
14 went down last week. PSE pulled the meter, cut the wires
15 to the pole. It was really bad. The meter base was
16 arcing, not a good deal.

17 CHAIRPERSON PREZEAU: At the school?

18 BOARD MEMBER BURKE: At the school.

19 I was able to call L & I in Tukwila, pulled the
20 permit, get the meter base installed, get PSE back in
21 there and get power back on in a time of three and a half
22 hours.

23 THE BOARD: Wow.

24 BOARD MEMBER BURKE: So I just want to tell everybody
25 here also that it works when you can -- when you need it

1 to, and if you call the right people and involve you guys
2 as best you can. So I just want to say thank you to the
3 whole department for that. Because that's pretty cool
4 that you can get a school back up and running inside of
5 four hours. That's -- and inspect -- and had the
6 inspector out there. I mean, it was the whole just boom,
7 boom, boom.

8 CHAIRPERSON PREZEAU: Shebang.

9 BOARD MEMBER BURKE: It was pretty cool.

10 SECRETARY THORNTON: Let me know who those
11 individuals were.

12 BOARD MEMBER BURKE: I spoke with Nancy in Tukwila
13 and Mark -- Mike White -- Mark White was the inspector.

14 SECRETARY THORNTON: Oh, Mark. He's out of Bellevue,
15 uh-huh, the Bellevue office.

16 BOARD MEMBER BURKE: I mean, and this all happened --
17 literally they went down at 11:30, and PSE turned them on
18 at 3:10. I mean, it was impressive. I was like, Wow,
19 that's cool.

20 So anyways, please a big thank you. Because there
21 were 82 kids at the school with no power.

22 SECRETARY THORNTON: That's another one of the
23 benefits to our PS2's, program specialists.

24 CHAIRPERSON PREZEAU: Yes.

25 So Nancy's a program specialist?

1 SECRETARY THORNTON: Yes.

2 CHAIRPERSON PREZEAU: We've celebrated them before.

3 But thank you, Dominic. That's a good way to
4 potentially cap today's work.

5 Any other questions? comments? concerns? Seeing
6 none, the Chair would entertain a motion to adjourn.

7

8 Motion to Adjourn

9

10 BOARD MEMBER JENKINS: So moved.

11 BOARD MEMBER NORD: Motion.

12 CHAIRPERSON PREZEAU: It's moved.

13 BOARD MEMBER NORD: Second.

14 CHAIRPERSON PREZEAU: It's moved and seconded to
15 adjourn the April 25, 2019, Electrical Board meeting. All
16 those in favor, signify by saying "aye."

17 THE BOARD: Aye.

18 CHAIRPERSON PREZEAU: Opposed?

19

20 Motion Carried

21

22 CHAIRPERSON PREZEAU: We are adjourned. Thank you
23 very much.

24 (Whereupon, at 11:35 a.m.,
25 proceedings adjourned.)

C E R T I F I C A T E

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STATE OF WASHINGTON)
) ss.
County of Pierce)

I, the undersigned, a Certified Court Reporter in and for the State of Washington, do hereby certify:

That the foregoing transcript of proceedings was taken stenographically before me and transcribed under my direction; that the transcript is an accurate transcript of the proceedings insofar as proceedings were audible, clear and intelligible; that the proceedings and resultant foregoing transcript were done and completed to the best of my abilities for the conditions present at the time of the proceedings;

That I am not a relative, employee, attorney or counsel of any party in this matter, and that I am not financially interested in said matter or the outcome thereof;

IN WITNESS WHEREOF, I have hereunto set my hand on this 10th day of May , 2019, at Tacoma, Washington.

H. Milton Vance, CCR, CSR
Excel Court Reporting

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