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ELECTRICAL BOARD MEETING

TRANSCRIPT OF PROCEEDINGS

April 28, 2022



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DEPARTMENT OF LABOR AND INDUSTRIES
STATE OF WASHINGTON

ELECTRICAL BOARD MEETING
TRANSCRIPT OF PROCEEDINGS
(Via Microsoft Teams)

April 28, 2022

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**CERTIFIED
TRANSCRIPT**

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1 At this point here, if I can have the board members
2 please unmute your mics so we can do a roll call.
3 Starting out with Vice Chair Alice Phillips, she's been
4 excused.

5 Board Member Ivan Isaacson contacted me. He'll be
6 late if he could make it.

7 Board Member Erick Lee, are you here?

8 BOARD MEMBER LEE: Yep. Present.

9 CHAIRPERSON JENKINS: Board Member James
10 Tumelson, are you here?

11 BOARD MEMBER TUMELSON: Present.

12 CHAIRPERSON JENKINS: Thank you.

13 Board Member Kerry Cox, are you here?

14 BOARD MEMBER COX: I am present.

15 CHAIRPERSON JENKINS: Board Member Mike Nord?

16 BOARD MEMBER NORD: Present.

17 CHAIRPERSON JENKINS: Board Member Dylan
18 Cunningham?

19 BOARD MEMBER CUNNINGHAM: Present.

20 CHAIRPERSON JENKINS: Board Member Bobby Gray?

21 BOARD MEMBER GRAY: Present.

22 CHAIRPERSON JENKINS: Board Member Don Baker?

23 BOARD MEMBER BAKER: Here.

24 CHAIRPERSON JENKINS: Board Member Dominic
25 Burke?



1 (No response.)

2 CHAIRPERSON JENKINS: Okay.

3 Board Member Jack Knottingham?

4 BOARD MEMBER KNOTTINGHAM: Here.

5 CHAIRPERSON JENKINS: And with us today we
6 have Ben Blohowiak, our AAG, and Wayne Molesworth, our
7 secretary.

8 Is there anybody I missed?

9 (No response.)

10 CHAIRPERSON JENKINS: And for the record, we
11 do have a quorum.

12 Once again, welcome everybody.

13 And we will start off with our first item on our
14 agenda today and our safety message. And I spoke with
15 Wayne Molesworth, and he (indiscernible) Lorin Lathrop
16 will be giving that to us.

17 AGENDA ITEM NO. 1

18 TECHNICAL SPECIALIST LATHROP: Thank you,
19 Chair Jenkins and members of the Board. I am Lorin
20 Lathrop, a technical specialist working for Wayne in
21 the Department. Today I'd like to talk to you just
22 briefly about it's spring, and we are having time to
23 get things done, and we are going out and doing a lot
24 of work in our yards. That means we're going to be
25 using equipment and tools that need electricity and



1 extension cords. Extension cords can be a great asset
2 because we can get where we need to go, but they also
3 have some issues that can be very relevant to their
4 safe use. They've been sitting in our garages all
5 winter, haven't been used, or maybe they were out in
6 the ice and the rain and the snow over the winter. So
7 we need to check them to make sure that they are still
8 in working shape, that their installation is still in
9 place, that their ends are nice and tight, and that we
10 are -- that they are safe for us to use. With it being
11 still spring and being nice and wet outside, we need to
12 also be sure that we're using ground fault protection
13 devices (audio distortion) part of the cord or in the
14 receptacle that we plug it into, making sure that our
15 ground connectors are all there, and being aware of our
16 pets, our children, our grandchildren, that they are
17 aware, and that they are away from our area while we're
18 using those extension cords. So go out, enjoy the
19 sunshine like it is here in Eastern Washington today,
20 and get your yards cleaned up. Thank you.

21 CHAIRPERSON JENKINS: Thank you very much. I
22 appreciate that. It's always good to have a safety
23 message that kind of -- that's kind of a personable
24 meaning. So thank you very much.

25 //



1 AGENDA ITEM NO. 2

2 CHAIRPERSON JENKINS: So moving on to Item No.
3 2, approval of transcript of last meeting. I'd like to
4 have -- the Chair would entertain a motion to approve
5 the Washington State Electrical Board minutes of
6 January 27, 2022.

7 BOARD MEMBER NORD: Board Member Nord, motion.

8 CHAIRPERSON JENKINS: We have a motion.

9 Do we have a second?

10 BOARD MEMBER LEE: Board Member Erik Lee,
11 second.

12 CHAIRPERSON JENKINS: We have a motion and a
13 second.

14 Any discussion?

15 Hearing none, all in favor by saying aye.

16 (Chorus of ayes.)

17 CHAIRPERSON JENKINS: Any opposed?

18 Hearing none, the motion passes.

19 Okay. Moving on to Item No. 3, Appeals.

20 Actually, before we get there, I want to mention
21 also, considering our July meeting, I'm pleased to
22 announce that we will tentatively be in a face-to-face
23 meeting in Tumwater on July 28, 2022. I don't know if
24 it makes everybody else happy, but I'm looking forward
25 to that. I'm looking forward to getting back to



1 somewhat normal.

2 AGENDA ITEM NO. 3

3 CHAIRPERSON JENKINS: Anyway, moving to the
4 appeals, do note on your most current update version,
5 we have Appeals A and B have both been continued on to
6 the July meeting.

7 And so we're down to two matters before the Board
8 today, the Advanced Drilling and Mr. Electric of Clark
9 County.

10 ADVANCED DRILLING, LLC AND ROBERT LAYMON:

11 CHAIRPERSON JENKINS: So our first
12 presentation of order is Advanced Drilling, LLC, and
13 Robert Laymon, Citation Nos. ESIMZ00384 and ESIMZ00385.
14 Is Mr. Laymon present?

15 (No response.)

16 CHAIRPERSON JENKINS: Hearing none, is there
17 any objection to the Department's proposed order?

18 MS. RIVERA: Jason, this is Beth Rivera.

19 CHAIRPERSON JENKINS: Yes.

20 MS. RIVERA: We did receive an email from
21 Robert Laymon passed to us from Pam Laymon, and I
22 forwarded that on to you and the Board AAG and Wayne.
23 I'm not sure if --

24 CHAIRPERSON JENKINS: I just received that
25 prior to this meeting starting. And it looks like



1 that's outside of our scope as far as (indiscernible).
2 It was more to see if there's anybody who has a dispute
3 (indiscernible) proposed order from the State. Thank
4 you very much, though, appreciate that.

5 Does anybody have an objection to the Department's
6 proposed order? Anybody here to make any statements?

7 Not hearing anything (indiscernible). All right.
8 At this point I've reviewed and will be signing the
9 Department's proposed order as presented. I think it
10 best reflects the position of the Board.

11 MR. LAYMON: Are you there?

12 CHAIRPERSON JENKINS: Oh, there we go. Is
13 this Robert Laymon?

14 MR. LAYMON: Yeah, this is Rob Laymon. For
15 some reason I can't talk to you.

16 CHAIRPERSON JENKINS: Well, we can hear you
17 now.

18 MR. LAYMON: Okay. Yeah, I object to this,
19 and I would prefer that you read the letter I sent you
20 before you acted.

21 CHAIRPERSON JENKINS: Okay. I did get a
22 chance to read through most of it, and the -- it is not
23 a proposed order; it is a statement from you concerning
24 the actual statement.

25 MR. LAYMON: I can't hear you. Say it again,



1 please.

2 CHAIRPERSON JENKINS: What you sent to us was
3 not an order; it was a rebuttal to the facts and
4 documents that we've already gone over in our last
5 meeting that we had presented before the board.

6 So I'm assuming you disagree with the proposed
7 order from the State, then.

8 MR. LAYMON: Yeah, it's definitely flawed in a
9 big way.

10 CHAIRPERSON JENKINS: Okay. Well, I'll give
11 you a couple of minutes if you'd like to make a
12 statement on that for the record.

13 MR. LAYMON: I didn't get your information
14 until about a week and a half ago. And I didn't have
15 time to work on my order to get it to you in a timely
16 fashion.

17 CHAIRPERSON JENKINS: Okay.

18 MR. LAYMON: So I would like this put off so I
19 can get you the order that you're requesting. This was
20 put off once before. And I requested this information
21 back in the fall, and I finally get it a week and a
22 half ago. I don't have time to comprehend -- I'm not a
23 lawyer, so I don't have time to comprehend this stuff.
24 I would like to put off until the next meeting so I can
25 get you the proper order.



1 CHAIRPERSON JENKINS: Ben, can we have -- get
2 your input?

3 AAG BLOHOWIAK: Well, Chairman Jenkins, to
4 continue this out is within your discretion. But I
5 would note for you that Mr. Laymon has been a part of
6 this process for months. He was at the last board
7 meeting as well, and he's been aware of what's been
8 going on. So those are facts you may want to consider
9 in your decision here today. But certainly, from a
10 legal standpoint, if you'd like to set this out and put
11 the presentment at the July meeting, that is certainly
12 within your discretion.

13 CHAIRPERSON JENKINS: Thank you very much.

14 So, Mr. Layman, I -- we have reviewed the
15 Department's proposed order, and they do reflect the
16 position of the board's last decision.

17 MR. LAYMON: Say that again. Please speak up.
18 I have a hard time hearing.

19 CHAIRPERSON JENKINS: So the Department puts
20 together a proposal, and the proposal does reflect the
21 decisions that was determined by the Electrical Board.

22 Are you disagreeing that the Department's order is
23 in difference from what the Electrical Board decided?

24 MR. LAYMON: I wasn't at that meeting. You
25 wouldn't let me go to that meeting. That was a private



1 meeting. So there's no way for me to know what the --
2 what the Board decided. You left me out of that. You
3 canceled me off that one. You guys all left, and I was
4 stuck sitting on the phone for an hour. So I don't
5 know what you decided. And I asked for the paperwork
6 so I could see what was said and done, and I never got
7 it. I got some paperwork, the order, here a week and a
8 half ago. And I asked last time to put the meeting off
9 so I could get that paperwork, and you still didn't
10 send me that paperwork until a week and a half ago. So
11 I don't know if this is what you guys decided. But I
12 do know that I will send you an order and let you
13 decide on the proper answer. And I would really
14 appreciate knowing what was said at the meeting and
15 done, but you guys did it in private without me.

16 CHAIRPERSON JENKINS: Yes, we held an
17 executive session; that is correct.

18 AAG BLOHOWIAK: Chairman Jenkins, if I could --
19 if I could jump in for a moment. While the -- the
20 Board did have an executive session during that
21 meeting, the Board's findings and rulings were put on
22 the record in the open portion of that meeting for
23 everybody to hear. And also, I'd just like to bring to
24 your attention, I see Ms. Nancy Kellogg from --
25 representative for the Department of Labor and -- for



1 the Department has raised her hand in this meeting, and
2 you may want to also -- you need to also address the
3 Department in this if they have any objections to
4 continuing this, or if the Board should sign the order
5 today.

6 CHAIRPERSON JENKINS: Thank you very much. So
7 what I'm going to do here is -- is there anything else
8 you would like to add, Mr. Laymon, to your comments to
9 objection on the record?

10 MR. LAYMON: Yeah. I would like to add that
11 there's no way for me to know what the Board directed
12 me to do without me knowing. I got an order sent to
13 me. But I don't know what it means and how you got to
14 that. I don't know if I was supposed to send you a
15 counter-order with the correct facts on it of if --
16 there's no way for me to know. And then she sent it to
17 me a week and a half ago and says here's an order.
18 It's like what the hell. Excuse me. How in the world
19 am I supposed to know what to do if I don't even know
20 what we're doing.

21 CHAIRPERSON JENKINS: Okay. What I'm going to
22 do is I'm going to give some time now to Ms. Nancy
23 Kellogg and let her express her opinion on this
24 particular order.

25 Nancy Kellogg, are you available? Nancy, either



1 you're on mute or -- you're still on mute, and you're
2 trying to speak right now.

3 AAG BLOHOWIAK: Chairman Jenkins, this is Ben
4 Blohowiak again. She's still attending the meeting.
5 So I'm not sure if she's having any technical issues.

6 CHAIRPERSON JENKINS: Looks like she popped
7 out and popped back in, and she's back in again. So
8 I'm going to give her just a moment here to hopefully
9 speak up. Looks like she's gone.

10 Ms. Nancy Kellogg, is there a way you can phone in
11 so we can hear what you have to say?

12 BOARD MEMBER BAKER: Chairman Jenkins, this is
13 Board Member Baker. Could I make a comment?

14 CHAIRPERSON JENKINS: Yes, please.

15 BOARD MEMBER BAKER: Maybe just a suggestion.
16 I don't recall the facts around this case. But in
17 order to move this meeting along, I would just
18 encourage you to consider extending this out to the
19 next Board meeting, and make sure that everyone
20 understands in this meeting this will be the sunset
21 time for this case, and give everybody a chance to
22 gather data and make proper responses.

23 MS. KELLOGG: Can you hear me now?

24 CHAIRPERSON JENKINS: Oh, there we go.

25 Thank you very much.



1 So go ahead, Nancy Kellogg. The floor is yours.

2 MS. KELLOGG: I just wanted to let you know
3 that this order was sent to the Laymons in January.
4 And that there has been sufficient time for him to
5 request a transcript from the Department, though
6 apparently he has not done so. A transcript is also on
7 the website. So this has already been moved over a
8 number of times, and it seems excessive to continue it
9 again.

10 MR. LAYMON: It wasn't sent in January.

11 CHAIRPERSON JENKINS: Thank you very much,
12 Nancy Kellogg.

13 Given the information I have there, and just as a
14 courtesy from (indiscernible) of access to information
15 in the past, I think I'm going to do is side with our
16 board member there, Don Baker, we will move this
17 decision, I guess, or order, to our July meeting, just
18 for the sake of making sure that everyone has access to
19 proper information. But this will be the final motion
20 as far as moving it further out.

21 Thank you very much for your time. I appreciate
22 it, Mr. Laymon and Ms. Nancy Kellogg, but I think I
23 still need to delay this one more time to July.

24 MR. LAYMON: Appreciate the delay, but --

25 MS. KELLOGG: Thank you.



1 MR. LAYMON: -- I still need to know what
2 we're doing. Thank you.

3 MR. ELECTRIC OF CLARK COUNTY:

4 CHAIRPERSON JENKINS: All right. Moving to
5 the next matter before us today is the matter of
6 Mr. Electric of Clark County Citation Nos. ECHBO00579,
7 ECHBO00581, ECHBO00583, ECHBO00584, and ECHBO00585.
8 This hearing is being held pursuant to proper and --
9 due to proper notice to all interested parties. It is
10 being held remotely due to an ongoing COVID-19 pandemic
11 on April 28, 2022, at approximately 9:19 a.m. This
12 matter has been stayed before the Board since April of
13 2021. This hearing is an opportunity for the parties
14 to argue whether or not the stay should remain in
15 place. Each side will have 15 minutes, or the party may
16 defer to the other if they're in agreement. And to
17 make a good record, would you please speak your name
18 and spell it for the reporter.

19 Is a representative for Mr. Electric here today?

20 MS. GOLDFARB: Yes, sir. This is Rachel
21 Goldfarb, an attorney in the state of Washington
22 representing Advanced Electrical Concepts, who does
23 business as Mr. Electric of Clark County and James
24 Kleiser.

25 CHAIRPERSON JENKINS: All right. You may go



1 forward.

2 MS. GOLDFARB: Thank you. I appreciate being
3 heard today.

4 As the briefing submitted to the Board makes clear,
5 it is Mr. Electric's position that a stay in this case
6 is proper. This is more a procedural argument than
7 anything else. But as the Board can imagine, you know,
8 right now we have a case where we have a federal
9 lawsuit, which has been appealed by both parties to the
10 action. Both Mr. Electric and the Department have
11 appealed the federal court's ruling. I think it's
12 important for the Board to recognize that nothing
13 decided by the federal district court, nor on appeal,
14 is going to alter a significant portion of the
15 administrative law judge's ruling because the State v.
16 Faford case dictated that ruling. That's a Washington
17 Supreme Court case, and that was not on appeal before
18 the federal court. So there is a decent portion that
19 has no -- you know, that the findings of the court of
20 appeals will have no bearing on.

21 To that end, lifting the stay could create a
22 procedural nightmare wherein reversal of the
23 administrative law judge's initial order by the Board
24 could certainly be impacted by the court of appeals
25 ruling. So to the extent that the court of appeals



1 reverses on the federal district court's ruling, and
2 then this Board has made a decision based on a ruling
3 under appeal, then we end up in a place where the Board
4 has wasted a lot of time and energy, as well as the
5 parties' time and money, in reaching a ruling that
6 isn't tenable because the basis, at least in part, was
7 changed on Appeal.

8 So, you know, again, we end up in a place where
9 Mr. Electric -- let's go back a step. The options here
10 essentially are for the Board to hear the case in July
11 and make a ruling consistent with a federal decision
12 that's current on appeal, in part, or to hear the case
13 at this -- the time of July, in which case the outcome
14 of that would be appealed to the extent Mr. Electric
15 didn't prevail would be appealed to the superior court.
16 Then we get the federal court of appeals ruling finding
17 in Mr. Electric's favor, and the matter then gets
18 returned to the Board for reversal of the Board's
19 decision, which reversed the lower decision. It's a
20 mess. And that's the best way to describe it. And I
21 can't necessarily understand why we would move in that
22 direction rather than, you know, leaving the outcome
23 the way it is now pending the outcome from the federal
24 court.

25 If the Board does choose to discontinue the stay



1 and hear the case in its entirety come July, which is
2 certainly its right to do, I think there's been a
3 suggestion somehow that the Board could just boot this
4 back to the Office of Administrative Hearings, and the
5 ALJ therein, to essentially reconsider its ruling based
6 on the -- in part based on the outcome of the Federal
7 District Court's decision. We are aware of no statute,
8 no rule, no law that permits that to be the case. In
9 fact, to the contrary, I believe that that creates a
10 pretty significant violation of Mr. Electric's
11 Fourteenth Amendment right to due process. Never does
12 a judge or a ruling body reconsider its own decision
13 without a decision from the board above it or the body
14 above it, in which case the law has set this Board as
15 the body that sits above the Office of Administrative
16 Hearings in this appellant sort of situation. So if
17 the Board chooses not to continue the stay, it is our
18 contention that the board is going to have to hear --
19 do a full hearing on the issues of law that have been
20 decided by the Office of Administrative Hearings and
21 rule thereupon already.

22 And I wanted to just address one additional thing
23 with the time I have -- or a portion of the time I have
24 remaining. I think there's been a suggestion in
25 correspondence with the assistant attorney general, who



1 I see on the line here today -- and, Ben, I don't want
2 to ruin your last name so I'm going to call you "Ben"
3 if that's okay. Apologies. And I think there was some
4 suggestion made that the administrative law judge
5 granted Mr. Electric's motion based on the elimination
6 of evidence, which is in part being considered by the
7 court of appeals, and from there summary judgment
8 followed. And I think it would be very important and
9 incumbent on the Board to look at the record and to
10 recognize that that is not at all what happened, that
11 those steps were sort of presented out of order, and
12 that while no evidentiary hearing was held in the
13 Office of Administrative Appeals, Mr. Electric's motion
14 for summary judgment in 2019 was granted on two totally
15 separate and distinct bases, one of which has nothing
16 to do with anything that's going on on appeal right
17 now. The administrative law judge granted
18 Mr. Electric's summary judgment on almost half of the
19 citations issued based on grounds that wouldn't be
20 reconsidered here, and there would be no reason to
21 reconsider here. So, you know, I think that it makes
22 the most sense from a practical perspective that the
23 stay be held in place on the citation appeal until
24 everything finalizes in the federal courts to avoid
25 creating this mess of -- you know, a tangled web,



1 essentially, of reversals and decisions that may be,
2 you know, challenging, if not impossible, to untangle
3 on the back end. Thank you.

4 CHAIRPERSON JENKINS: Thank you very much. I
5 appreciate your input on this.

6 Do we have someone from the Department to add
7 information to (audio distortion).

8 Mr. John Barnes, are you the --

9 AAG BARNES: Yes.

10 CHAIRPERSON JENKINS: Spell and state your
11 name for the court reporter, and then you may continue.

12 AAG BARNES: My name is John Barnes. I'm
13 assistant attorney general, and I represent the
14 Department of Labor and Industries in this matter.

15 There are a couple of things that I disagreed with
16 in that presentation. But for the most part, the
17 Department requests that this matter be sent back to
18 the ALJ Bryant in light of the district court decision.
19 There are numerous reasons for that. The most obvious
20 one is that there has been no evidentiary hearing on
21 any of the violations that are still pending in this
22 matter. So what this Board would be reviewing would be
23 purely legal argument, and a legal order from the ALJ.

24 But now there are a number of reasons why it should
25 be sent back. The first one is that that judge is in a



1 lot better position than this Board to review the
2 district court decision and -- which conflicts with his
3 own, and to sort that out on whether -- which part goes
4 forward and which does not. Also, if that ALJ does
5 find that there was no violation of the Privacy Act or
6 of the Fourth Amendment of search and seizure, as the
7 district court did, they can then schedule hearings.
8 You have to remember this has been years now that this
9 has been pending. And memories are fading. Witnesses
10 are disappearing. Inspectors are retiring or
11 transferring. So the longer this goes, the harder it
12 is to present an evidentiary hearing on these
13 violations of the electrical code.

14 Now, I find it ironic because the Board has the
15 authority to send it back. In fact, it is clearly
16 spelled out in RCW 34.05.464(7), which has been cited
17 throughout Mr. Electric's brief. But for some reason
18 they do not recognize that in Subsection 7, the
19 reviewing officer, which is the Board here, shall
20 either enter a final order disposing of the matter or
21 remand the matter for further proceedings with
22 instructions to the presiding officer who entered the
23 initial order. So the Board has the ability, the
24 authority to send this back down with instructions to
25 say, Hey, look, this district court decision conflicts



1 with your decision. You know, please review this and,
2 you know, proceed from there. If they do find that
3 there was no violation, then the hearing takes place,
4 which is what the Department is looking for. These
5 citations need to be presented and an evidentiary
6 hearing held.

7 The other thing, and they keep pointing out that
8 the district court decision affected the Department of
9 Labor and Industries and some of its individuals but
10 has no effect on a portion of the proceeding down
11 below. But I disagree because, well, for one, they
12 cite to Faford, and they say that the district court
13 decision did not affect the privacy violation of the
14 two ex-employees. But the criteria that the district
15 court used in their analysis applies back to those
16 individuals because the one thing they accused the
17 individuals of, or the judge down below found was, that
18 they violated the Privacy Act, the Washington Privacy
19 Act. And for that they cite Faford. But in the Faford
20 decision the real clear distinguishing factor is there
21 Mr. Faford, he eavesdropped on his neighbor's phone
22 conversations. So while they were ongoing, he was
23 listening to them, and then he reported back what he
24 heard back to the police. The police got a warrant and
25 went in and seized a bunch of narcotics. And the court



1 said that they couldn't use any of that evidence
2 because it was based on Mr. Faford's illegal
3 interception of that phone conversation.

4 Now, the district court, when they were addressing
5 the Privacy Act as to the Department, they cited to
6 another supreme court case called State v. Roden. And
7 in that case -- it's in the -- in their opinion if you
8 want to go back and look at it. But it defines the
9 term intercept in the Privacy Act to mean to stop
10 before arrival or interrupt the progress or course of
11 that transition. So it's -- it's, you know,
12 eavesdropping on -- it's either stopping or recording,
13 let's say, a phone conversation. But that's not what
14 happened here. The only thing the ex-employees did is
15 they copied previous recordings of those phone
16 conversations. So they did not intercept the
17 conversation coming in. But Mr. Electric records all
18 their phone conversations, and so the ex-employees
19 copied those recordings. And that's not a violation of
20 the Privacy Act. That's why the judge below should
21 take a look at that as well. And, you know, if there
22 is no Privacy Act violation, which is the Department's
23 position, there's nothing to stop the ALJ from going
24 forward with this hearing.

25 Now, a stay, on the other hand, that just equals



1 delay. For whatever reason Mr. Electric does not want
2 an evidentiary hearing on these citations. And the
3 Department, of course, wants just the contrary; they
4 want that evidentiary hearing to take place before
5 people's memories fade or it's impossible to locate
6 witnesses anymore. So there is a -- time is of the
7 essence to get this hearing to take place. And we
8 think that the best way to do that is to send the
9 matter -- which you have the authority to -- back to
10 the initial trial judge and have them consider their
11 rulings, which precluded the Department from
12 presenting, you know, the bulk of their evidence,
13 whether or not, in light of the district court
14 decision, the Privacy Act and the Fourth Amendment
15 search and seizure provision really do apply here.

16 Now, if he does decide that the district court
17 decision had no effect, then we're right back up here
18 again. But I imagine that if it gets sent back down to
19 the initial trial judge that there's going to be
20 numerous motions from the Department and from
21 Mr. Electric in regards to how that district court
22 decision affects his. And again, those are legal
23 analyses, and it's probably best decided, you know, by
24 the judge below rather than the Board. And until such
25 time as we do get an evidentiary hearing and a record



1 made on these citations, it might be premature for the
2 Board to review these decisions. Thank you. That's
3 all I have.

4 CHAIRPERSON JENKINS: Thank you very much.
5 Ms. Goldfarb, do you have a statement?

6 MS. GOLDFARB: Indeed.

7 And thank you, Mr. Barnes, for your argument.

8 There were a lot of mischaracterizations that were
9 just put on the record before this board, including
10 that Mr. Electric has, you know, a reticence or some
11 concern over reaching an evidentiary hearing, which is
12 absolutely not the case. What Mr. Electric has a
13 concern with is the waste of time, money, and energy in
14 reaching something that, A, may be procedurally
15 improper, and, B, you know, is conducted in the midst
16 of an appeal whereas -- you know, this wasn't addressed
17 by Mr. Barnes, but to the extent that the court of
18 appeals, every decision that forms the Fourth Amendment
19 in the United States, as a matter of black letter law,
20 it comes as a matter of the appeal, either through the
21 court of appeals or the Supreme Court. And so none of
22 the decisions were made in the federal district court,
23 and so we don't see this one as happening any
24 differently. But the point there is that the court of
25 appeals did not consider the State v. Faford situation



1 involving the government informants in this case as
2 individuals. They never spoke to that.

3 So our point is asking that -- this Board does not
4 have the right to go back to the administrative law
5 judge and say reconsider what you've already decided,
6 which is not on appeal in the -- in the court of
7 appeals. And more importantly, we do believe that the
8 RCW that was recited to you does require this Board to
9 make findings that then get submitted to the OAH, and
10 he has to reconsider consistent with the findings of
11 this Board. I do not believe that this Board has the
12 ability under the Fourteenth Amendment to be able to
13 say go back and reconsider what you already decided,
14 which is not under appeal or was never considered by
15 the court. So I would disagree.

16 The other thing I would disagree is although this
17 Board, who probably doesn't that the -- you know, the
18 legal background to consider juris prudence coming out
19 of -- out of the appellate courts, the case that was
20 presented just now and on appeal, which of course is
21 something that, you know, was raised by Mr. Electric,
22 ignores the fact that there were actually interceptions
23 here, which the ALJ did recognize. There were actual
24 interceptions of conversations that were in the present
25 live time being intercepted and provided to the



1 government. And that is exactly what the ALJ found
2 under State v. Faford. So those decisions or the facts
3 presented to this Board today are not accurate. They
4 are mischaracterizations of the findings in the lower
5 proceeding.

6 But for us it comes back to we're not afraid to try
7 this case. It's what we do for a living. And we've
8 got the records, you know, and the means to be able to
9 prove it. What we're concerned with is the epic waste
10 of time and money in this Board not making findings,
11 which it's required to do, sending it back to the OAH,
12 which is probably -- or our contention is a violation
13 of Mr. Electric's Fourteenth Amendment rights, and then
14 making it through a process that is then overturned or
15 wasteful, essentially, if the court of appeals
16 overrules the district court's original decision and
17 finds differently that there was an interception, and
18 therefore the privacy rights were impacted, and then of
19 course the Fourth Amendment rights.

20 So, you know, I can see no good reason to move
21 forward. We're years past already. Everything that's
22 to be said or done is already documented in deposition
23 testimony and documentary evidence, so there's nothing
24 that memories need to provide where the records speak
25 for themselves. And more importantly, you know,



1 creating a web of overturned decisions and useless
2 rulings doesn't seem to make sense in the economy of,
3 you know, justice. And that would be Mr. Electric's
4 position.

5 CHAIRPERSON JENKINS: Okay. Thank you very
6 much.

7 In light of the information presented here, what
8 I'm going to do is take a ten-minute recess. I want to
9 confer with counsel. And we will reconvene in ten
10 minutes, which will make that ten till 10. Thank you
11 very much.

12 (Brief recess was taken from
13 9:38 a.m. until 9:50 a.m.)

14 CHAIRPERSON JENKINS: I would like to resume
15 the April 28th Electrical Board meeting. It is now
16 9:50.

17 I want to say thank you everyone for your patience.
18 Me not being a lawyer by profession, I appreciate the
19 time to consult with counsel to make sure we have the
20 proper information here.

21 So before I make a decision on this, can I -- I
22 need to get a couple of answers from counsel, please.

23 Ms. Goldfarb, would you mind answering a couple of
24 questions for me?

25 MS. GOLDFARB: I'm here. Yes, sir.



1 CHAIRPERSON JENKINS: First of all, what is
2 your -- what is your expected time frame before you
3 think that this could actually be seen? What time
4 frame are you looking for?

5 MS. GOLDFARB: I don't think it would be my
6 time frame. We have already submitted our briefing
7 materials to the court of appeals. So now it's on the
8 State, who has requested extensions to file their
9 briefing, and then it's for the court to decide. So I
10 don't know that I would have the answer. I mean, I
11 think our preference, for all the reasons I've already
12 given, would be pending outcome of the court of appeals
13 ruling. To the extent the court of appeals affirms
14 what the district court decided, then I think it would
15 be proper for this Board to make its findings and then
16 remand, if it so chooses, to the OAH with its findings
17 as to the issues to be reconsidered. To the extent
18 that the court of appeals overturns the district
19 court's decision, then we're in totally different
20 territory, of course, because we're back where we
21 started where what the -- you know, what Mr. Electric
22 argued is correct, or may be correct, or not at all,
23 depending on what the court of appeals decides. I'll
24 remind that neither did the district court hear this
25 case yet. It was decided on an early dispositive



1 motion. So that could lead to a trial there.

2 CHAIRPERSON JENKINS: Okay. The other thing I
3 had a question about is the location or where you
4 received your information concerning our requirement
5 for -- supply a finding of fact and order to remand
6 this back to AL -- to the ALJ.

7 MS. GOLDFARB: Sure. Well, this is a basic
8 principle of constitutional law. Under the Fourteenth
9 Amendment, you know, there can't be a reconsideration
10 of something by the same person twice. That's not how
11 appellate works right -- appellant's rights work.
12 Clearly I need more coffee today. So to the extent
13 that was intended by the RCW guiding this process,
14 either this board can dispose of the matter, which
15 would basically be agreeing with the OAH, or it can
16 make its own findings and then remand, just like an
17 appellate court would, back to a lower court with
18 specific ideas of what it was that they had to
19 reconsider. But just saying, you know, our client
20 doesn't -- or the Department doesn't like your
21 decision, reconsider, or something happened in the
22 federal court which may have some bearing, which is our
23 position that it doesn't, obviously.

24 I mean, our position is that what happened -- the
25 basis upon which the appellate -- or the OAH decided



1 the citation appeal is separate and apart from what was
2 decided in the upper court, which was the lower OAH was
3 deciding on issues involving the government's
4 informants, and the federal court of appeals deciding
5 on issues a step above that.

6 But anyway, putting all the facts aside, as a
7 matter of appellate law and fourteenth --
8 interpretation of the Fourteenth Amendment it would be
9 a procedural misstep just say back to the OAH, hey,
10 figure out what you did wrong and fix it. That's not
11 how appellate law works. And so it would be our
12 position that an injunction would be necessary if
13 that's the decision the Board makes to determine
14 whether Mr. Electric's constitutional rights under the
15 Fourteenth Amendment are being, you know, impacted by a
16 remand without specific findings for what the OAH is
17 meant to reconsider.

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

20 Mr. John Barnes, are you available?

21 MR. BARNES: Yes, I am.

22 CHAIRPERSON JENKINS: I just have a real quick
23 question for you. I think you answered this already,
24 but if you would reiterate or add anything of -- what
25 kind of harm would this cause by leaving the stay in



1 place for a period of time? What kind of harm would
2 this create to the State?

3 MR. BARNES: Well, the harm that's created is,
4 again, that memories fade and that people leave.

5 UNKNOWN SPEAKER: Memory. We have record.

6 MR. BARNES: Excuse me?

7 CHAIRPERSON JENKINS: Excuse me. This is
8 Mr. Barnes' time to speak. Whoever is speaking, please
9 mute your mic.

10 MR. BARNES: Yes. It's just that the longer
11 it takes, the more -- you know, like memories fade,
12 people leave the office, people take new jobs. It's
13 been quite a long time. And these are somewhat serious
14 violations that should be decided on that.

15 And I just do just have one thing. On the statute
16 that I cited earlier that allowed the Board to remand
17 back to the initial presiding officer, that statute
18 does indicate that if you are to remand it back, you
19 must give instructions to the presiding officer, which
20 makes sense, which would simply be to consider the
21 district court decision and how it affects your prior
22 decisions. It may not affect it at all he may decide.
23 Or he may decide that it does. But, yeah, you will
24 have to give some instructions. We're not asking you
25 simply to remand it back there. Otherwise, we would



1 have asked it to be, you know, stayed at that level
2 rather than here. So you will have to give some. But
3 the longer it goes, the harder it is going to be to
4 prove these violations.

5 CHAIRPERSON JENKINS: Thank you very much for
6 your time on that.

7 Given the information that's been presented, I
8 believe that a proper mode would be to -- through
9 counsel, to extend this out six months, max. And so we
10 will be revisiting this in the next six months to
11 decide whether or not we move forward or make some type
12 of decision on this. So once again, the -- not the
13 July, but the September -- October meeting -- sorry --
14 October meeting we will have some type of motion to be
15 made. And I'm looking forward to getting this case in
16 motion one way or the other. I don't think we'll be
17 going any further than that.

18 MS. GOLDFARB: Thank you, Mr. Jenkins.

19 MR. BARNES: Thank you, Your Honor.

20 CHAIRPERSON JENKINS: So that will conclude
21 our comments -- our case with Mr. Electric vs. Clark
22 County -- Mr. Electric of Clark County vs. State.

23 AGENDA ITEM NO. 4

24 CHAIRPERSON JENKINS: And so moving on to our
25 next piece of our agenda, we're looking at number 4,



1 the Department Legislative update with Lorin Lathrop.

2 Are you available and online?

3 TECHNICAL SPECIALIST LATHROP: I am, Chair
4 Jenkins.

5 CHAIRPERSON JENKINS: Okay. The floor is
6 yours.

7 TECHNICAL SPECIALIST LATHROP: Thank you,
8 Chair Jenkins, members of the Board. Quick update for
9 you is that the revisions to the WAC for appeals to the
10 Board have been brought up to speed. They are now part
11 of the WAC and have been updated on the legislative
12 website. And it is in the process of being updated on
13 the L&I website as well.

14 And that's all I have for you unless you have
15 questions for me.

16 CHAIRPERSON JENKINS: No. I'm really happy to
17 see 995 is actually complete. And -- and it will be
18 nice to get a hard copy of that shortly. So thank you
19 very much. Appreciate that. And I'm sure our previous
20 chair and previous AAG are probably very happy with
21 getting this completed also because they were the
22 pushing parties for that. So awesome. Thank you. So
23 we're on to -- thank you very much again.

24 AGENDA ITEM NO. 5

25 CHAIRPERSON JENKINS: We're now on to Item No.



1 5, which is temporary allowances for basic trainee
2 classes with Wayne Molesworth, please.

3 TECHNICAL SPECIALIST MOLESWORTH: Hello, Board
4 Members, Mr. Chair. I think this is a part of the
5 agenda that's probably been pushed out. We don't have
6 any allowances anymore for temporary classes. They're
7 back to in-person classes in order to receive CEUs for
8 trainees. So I think it was a mistake that we didn't
9 take that off the agenda. Probably my fault. We
10 covered this last -- last meeting, I think.

11 CHAIRPERSON JENKINS: Yes, I thought this was
12 a little bit interesting since I think we took all the
13 way -- away all those temporary allowances. But I
14 thought okay, well, let's see what we got going on.

15 AGENDA ITEM NO. 6

16 CHAIRPERSON JENKINS: All right. Given that,
17 I guess we're on to our next step, once again with you
18 on your secretary's report, please.

19 TECHNICAL SPECIALIST MOLESWORTH: Okay. So
20 cover the budget first. The electrical fund balance on
21 March 31, 2022, was \$13,241,988, which is about six
22 times the average monthly operating expenditures. The
23 average monthly operating expenditures for the third
24 quarter of the fiscal year of 2022 were \$2,222,765
25 compared to \$2,337,832 for the same period last year,



1 which is a decrease of about 6.1 percent. Average
2 monthly revenue for fiscal year 2022 was \$2,642,862
3 compared to \$2,250,097 for the same period last year,
4 an increase of about 17,500.

5 March 2022 customer service. 440 -- I'm sorry --
6 44,381 permits were sold last quarter, 99.5 percent or
7 \$44,173 were -- or 473 permits were processed online,
8 which is about a .2 percent decrease from last quarter.
9 99.9 percent of contractor permits were sold online,
10 which is consistent with the previous quarter.
11 Homeowners online sales for this quarter is 95,000 1.1,
12 which is a 2.2 percent decrease from the previous
13 quarter. Online inspection requests is 80.8 percent,
14 which is a .5 percent decrease from last quarter. And
15 during this quarter customers made 95.9 percent of all
16 electrical license renewals online, which is a .5
17 percent increase from last quarter. Needless to say
18 our online services are getting a lot of attention and
19 being used very well.

20 BOARD MEMBER BAKER: Wayne, can I interrupt
21 you for just a quick second? Board Member Baker. Can
22 I encourage you to go back and just read the comparison
23 to the 2.6 million and 2.2 million? I think you
24 misspoke and said a dollar figure instead of a
25 percentage. Just for the court reporter for the



1 record.

2 TECHNICAL SPECIALIST MOLESWORTH: So was that
3 in the budget or in the --

4 BOARD MEMBER BAKER: It's in the budget. It's
5 the last -- the last sentence of the budget, yeah.

6 TECHNICAL SPECIALIST MOLESWORTH: The last
7 sentence of the budget. Okay. Sorry about that.

8 Average monthly revenue for fiscal year '22 was
9 2,642,862 compared to \$2,250,097 for the same period
10 last year, an increase of about 17.5.

11 BOARD MEMBER BAKER: Thank you.

12 TECHNICAL SPECIALIST MOLESWORTH: Sorry about
13 that. I guess I need more coffee also. We ran out
14 today.

15 Okay. So key performance measures. Percent of
16 inspections performed within 24 hours of request, the
17 goal is normally 86 percent. That was set quite some
18 time ago. In fiscal year 2021 we did 81 percent. And
19 in fiscal year 2022 we did 76 percent.

20 Percent of inspections performed within 48 hours of
21 request. In 2021 it was 92 percent. And in 2022 it
22 was 89 percent. What I want to point out here, too, is
23 that the total -- well, the total inspections performed
24 were 63,283 last year at this time frame, and 6,870 --
25 I'm sorry -- 61,770 during this time frame for this



1 year. What I really want to point out, just so we
2 realize this, is that this gets a lot of attention
3 sometimes, and specifically our mandate is within 48
4 hours. But what these numbers tell us is that the
5 majority of our inspections are getting done within 24
6 hours of request. And so the only other thing that
7 comes into play here -- and we're looking at how to
8 report that to the board and others -- is that we do
9 have some backlog. And that backlog actually qualifies
10 for VEI inspections, and so we're working on how to --
11 how to get that in there. But -- but the majority of
12 our prioritized inspections are doing done within 24
13 hours.

14 So moving on, number 4 is the virtual electrical
15 inspections, VEI, performed. We had 2,841 last year
16 this time, and 6,870 this year. I want to point out
17 that only this last month was there an increase in
18 staffing for that period of time, and that they're
19 becoming very more efficient, and they're actually
20 doing some very good outreach with customers and doing
21 these inspections more and more efficiently to more and
22 more each day. We're currently doing -- with VEI
23 currently doing 12 percent of the total inspections.
24 And we're doing it with only 7 percent of inspector
25 FTEs. So it's turning out to be a very good usable



1 process.

2 Number 5, number of focused citations and warnings,
3 contractor licensing, worker certification, no permits,
4 failing to supervise trainees, anticipated total number
5 is 4,136. In the field last year at this time, they
6 did 296. ECOPE did 1,320, for a total of 1,616. That
7 same time frame this year the field did 516, and ECOPE
8 did 1,255, for a total of 1,771. I know the concern
9 last meeting was about a little bit of the compliance
10 numbers. And as you can see we're starting to make
11 some rebounds with our compliance in the field as well.

12 Number 6, inspection stops per inspector per day.
13 This is field inspectors. Last year we were doing
14 10.2, and this year we're doing 11.4, an increase of a
15 little over one inspection, which equates to quite a
16 large number when you multiply it out.

17 Serious electrical corrections that would result in
18 disconnection. Last year at this time it was 9,985,
19 and this year we were looking at 8,775.

20 Turnaround time for average plans for plan set
21 reviewed, goal is 1.6 weeks, which is, I think, a drop
22 from what it used to be. And now last year at this
23 time it was eight days. And right now during this time
24 frame this year two days. Plan review has made an
25 enormous jump with electronic plan review. We're 100



1 percent electronic plan, with maybe some stragglers we
2 have to push, but they're still doing the electronic
3 plan review. It's working out very well. Really
4 speeding up to process so people can get on with their
5 jobs.

6 Plan pages reviewed all electrically. Last year at
7 this time it was 1,342. This year it was 1,048.

8 Percent of warnings by focused violation type. So
9 licensing, 1 percent, certification was 37 percent,
10 permits, 25 percent, and trainee supervision 36
11 percent, for a total of all focused of 14 percent.

12 Licensing citations, amusement rides, appeals, and
13 auditors. Continuous improvement is still our top
14 priority. We've collected data to determine the time
15 it takes to process each task in our workload and
16 overall team knowledge doing this through time studies
17 that allow us to actually start to set better and more
18 clear goals for our staff. This information will help
19 us set team expectation, improve training, and ensure
20 we utilize team members in their full potential.

21 The licensing team continues to meet customer needs
22 by being available by phone calls and managing
23 workload. The implementation of the call centers
24 focused work schedule has been paramount in helping the
25 team manage and maintain workload, focus work time, and



1 improved training reduces errors and ensures
2 accountability to fix mistakes in a timely manner.

3 I want to add in here a little bit that we actually
4 hired a project manager for the program. And she's
5 done a wonderful job of organizing and pulling the
6 staff together. The staff has actually done a lot of
7 root-cause analysis processes and developed different
8 processes such as protected time for processing
9 documents. Before, they would answer the phone,
10 process document, and mix it all up. Right? There was
11 no -- no specific task being done. Through their --
12 through their work they've gotten to the point where
13 they've reduced their backlog of documents being
14 processed from about 1,300 down to -- last time I
15 checked it was about 300. And so the process works.
16 They've done a great job of doing that. I think they
17 deserve a lot of credit for really looking hard at what
18 they're doing.

19 To continue, service locations are starting to
20 open. We're improving our communication with teams
21 statewide to help ease duplication of work, streamline
22 processes, ensure timely turnaround with accuracy, and
23 meet agency records retention policies. As of
24 4/25/2022 the licensing backlog is at -- oh, here we
25 go -- 368 -- so I wasn't too far off -- with the oldest



1 date of 3/23/2022 in March. There were times when
2 those documents were stretched back for over three
3 months. And so the emphasis was put on this because we
4 understand that people need to be licensed, certified,
5 they need their documents processed so they can go to
6 work. This affects families.

7 Testing lab report. No new testing labs to report

8 Questions from board members and programs updates?

9 Any questions before I get into the program
10 updates?

11 CHAIRPERSON JENKINS: Hearing none --

12 TECHNICAL SPECIALIST MOLESWORTH: I'm waiting
13 for Don to ask me a question, but . . .

14 BOARD MEMBER BAKER: Are you prompting me,
15 Wayne?

16 TECHNICAL SPECIALIST MOLESWORTH: No.

17 BOARD MEMBER BAKER: Okay. This is Board
18 Member Baker.

19 Pretty impressive you got plan review down to two
20 days. Congratulations to the team for that. That's a
21 big deal, yeah.

22 Yeah, still concerning to see the number of focused
23 citations with anticipated goal of 4,000 and we're
24 around 1,500 to 2,000. That's still alarming. I guess
25 those really aren't questions.



1 TECHNICAL SPECIALIST MOLESWORTH: But I
2 understand your concerns, and it emphasizes that we
3 need to pay more attention to that.

4 We're actually doing a little bit of that same
5 root-cause analysis on a lot of these different
6 processes to see what -- what is it that could be
7 affecting those numbers -- right? -- and so that we can
8 tell, you know, where we need to put our resources.

9 With that, I want you guys to know that -- that
10 we've -- and I might have mentioned it in previous
11 meetings. We've developed a compliance agreement with
12 the City of Seattle. We're working in conjunction with
13 their compliance officer. And we actually process the
14 citations and -- and prosecute them, and they go out
15 and collect the evidence packages. And it's working
16 out really really well. It gives us a better emphasis
17 inside of Seattle. And this was something, you know,
18 that they've been asked to do by a lot of their
19 stakeholders. Not work with us, but that they develop
20 a compliance program. And so we worked together to
21 develop this process, and so far it's been working like
22 gangbusters. We're actually looking at adding another
23 inspector in that area because we've been unsuccessful
24 to hire E CORE inspectors in the Seattle area. It's
25 just -- it's a pay thing again. Right?



1 And so with that said, I know we were interested in
2 the last meeting about the pay, and what we're doing
3 for inspectors. And I wanted to give you guys a little
4 bit of an update. I can't get too into it because it's
5 still in process, and we may have represented members
6 in the Board meeting, so we want to make sure that
7 we're not violating any -- any laws for Labor Standards
8 Act. But we are submitting some things to State HR
9 that hopefully we'll be successful with and be able to
10 at least build a bridge for wages until we can actually
11 put together a class and comp package to submit to
12 State HR for wage increases. We've actually pulled
13 together all the data for comparison of wages with
14 other municipalities that have jurisdictions, and also
15 the union and private sector labor out there that are
16 making considerably more or 29 percent more, and in
17 some cases up to 40 percent more, than our inspectors
18 do. It's depressing in some instances to think that
19 our inspectors are actually making apprentice wages
20 compared to some of the locals. So with that, and some
21 of the other information we put through, we're fairly
22 confident we can have a very good successful class and
23 comp package when we get that opportunity this next
24 session.

25 BOARD MEMBER BAKER: Again, Board Member



1 Baker. I appreciate your comments about the City of
2 Seattle and compliance, because as you were going
3 through your report earlier I was wondering, you know,
4 if there's any way of tracking within the city
5 jurisdictions how much compliance we're seeing because
6 our inspectors just aren't there. And maybe that's a
7 focus for the E CORE folks, you know, hitting the cities
8 versus the rural areas. But good to hear you're
9 working hand in hand with the Seattle. You know, King,
10 Snohomish, Pierce Counties are, you know, pretty large
11 counties for a lot of activity, so yeah. And if
12 there's anything I can do --

13 TECHNICAL SPECIALIST MOLESWORTH: This is a
14 model --

15 BOARD MEMBER BAKER: Go ahead.

16 TECHNICAL SPECIALIST MOLESWORTH: Oh, I was
17 going to say this is a model that we'd like to expand
18 to other jurisdictions as well. You know, we have to
19 create those relationships. Some of them are a little
20 strained sometimes. But really want to -- to see if
21 this will work in some of the bigger counties, some of
22 the bigger jurisdictions.

23 I know when I was supervisor in Spokane the City of
24 Spokane would refer to us quite often. We didn't have
25 that same where their inspectors would collect evidence



1 package, but they were doing some great referrals. We
2 don't see that very often. But we're going to (audio
3 distortion) of that a little bit more as we go because
4 I think this has really turned out to be a good model
5 for us to use.

6 BOARD MEMBER BAKER: Last thing I was going to
7 say was if there's anything I can do personally to help
8 you guys with your class and comp package, my appeal
9 last week to the -- our last session to the governor
10 didn't appear to yield any fruit, and I'm still on the
11 Board. So, I don't know, maybe he's just getting
12 around to getting back with me. But I still think
13 there's an opportunity to declare a state of emergency.
14 I mean, if we can eradicate the European green crab,
15 maybe we can do something to support the L&I
16 inspectors.

17 TECHNICAL SPECIALIST MOLESWORTH: I hope so.
18 There's a lot of special consideration going into this
19 by our director. Joel Sacks is having some
20 conversations that he's (audio distortion) in the past.
21 And I think that's what we see from the situations
22 we've been in the last couple of years is it creates an
23 opportunity to think a little bit more outside of the
24 box and see what we can -- you know, what we can come
25 up with. So hopefully by next meeting we'll be able to



1 really elaborate on what we were successful at getting.
2 I'm looking forward to that meeting. And I'll prompt
3 you again, Mr. Baker.

4 BOARD MEMBER BAKER: Feel free. It doesn't
5 take much for me.

6 CHAIRPERSON JENKINS: Thank you, Board Member
7 Don Baker.

8 This is Chair Jason Jenkins. I had a quick
9 question for you, Wayne. What is our current
10 qualifications for inspectors? Are we -- where do we
11 stand with that today? And, you know, because I know
12 we were having issues with maintaining them and looking
13 to, you know, recruit more. What are qualifications to
14 become an inspector today?

15 TECHNICAL SPECIALIST MOLESWORTH: Right. So
16 the current qualifications are actually an RCW, and
17 it's a range of different knowledge, skills and
18 abilities, and experience. The main one that we see
19 mostly is that they have to be a journeyman in the
20 state of Washington for four years -- right? -- which
21 by definition in the RCW a journey-level worker is
22 somebody who has a Washington certification.

23 I know we are working on some things to adjust that
24 a little bit. I don't know if I'm ready to share that
25 just yet, just because we have to get some higher-level



1 agreement from administration. But we are looking for
2 different way, and -- and, really, we'd like the advice
3 from the Board, too, if you've got suggestions on what
4 that might look like.

5 But one of the things that I'm doing that's not in
6 the RCW, but within our power, is we're changing our
7 pdf for our position description form to list in the
8 required qualifications when we hire that they must
9 have been engaged in the electric construction industry
10 in the previous two consecutive years. And the reason
11 that I'm doing that is because what we're seeing right
12 now in our applicant pool is mostly maintenance
13 electricians, and they're -- even though there's
14 nothing wrong with maintenance electricians that hold a
15 journeyman certificate, what we're finding is that the
16 people that are in our pool are not able to answer and
17 communicate with terminology that we would normally use
18 in the construction industry. For example, when we
19 asked the question "describe the difference between
20 service and a feeder" they're unable to do it. And
21 that's a fairly simple task for me. And when we --
22 when we look at that, we have to describe code
23 violations to our customers every day. And if we're
24 not able to understand or use the correct terminology,
25 and have the experience to know where that terminology



1 applies, it doesn't work out really well. And so I
2 think that it may yield better -- a better pool when we
3 list it that way. They can actually communicate on the
4 construction sites and be able to describe what's going
5 on.

6 The other factor there for us is that a lot of
7 people that are engaged in the maintenance are not
8 understanding time -- time frames and schedules for
9 construction projects. And we need to be able to
10 understand those things to make sure that those
11 projects move smoothly and that we can -- how we can
12 best help with that.

13 CHAIRPERSON JENKINS: Okay.

14 TECHNICAL SPECIALIST MOLESWORTH: An
15 inspection just isn't an inspection. You have to look
16 at it, you know, in a prioritization.

17 CHAIRPERSON JENKINS: Thank you.

18 TECHNICAL SPECIALIST MOLESWORTH: Anyway, I
19 just wanted to update you on that a little bit.

20 CHAIRPERSON JENKINS: Great. Thank you,
21 again.

22 If there's any more questions from the Board for
23 Wayne Molesworth concerning his secretary's report?

24 All right. Hearing none, thank you very much. I
25 appreciate your time, Wayne.



1 TECHNICAL SPECIALIST MOLESWORTH: Thank you.

2 AGENDA ITEM NO. 7

3 CHAIRPERSON JENKINS: So moving on to our Item
4 No. 7, looks like. We're up to certification/CEU
5 quarterly report with Larry Vance.

6 Larry Vance, are you online and available?

7 TECHNICAL SPECIALIST VANCE: I am.

8 CHAIRPERSON JENKINS: Okay. The floor is
9 yours if you'd like to continue on.

10 TECHNICAL SPECIALIST VANCE: Thank you,
11 Chairman Jenkins.

12 I'm Larry Vance. I'm a technical specialist for
13 the Department of Labor and Industries. Today I'm
14 going to just give a little information about our exam
15 results. Last -- last -- from today prior one year, so
16 a year's worth of data here shows us that we have 991
17 candidates that attempted the 01 exam the first time.
18 The pass rate is about 48 percent, which is in -- which
19 is not out of -- not out of the parameters of normal.
20 An interesting thing is that those folks that attempted
21 the exam the first time, it's a mix of folks. We don't
22 know quite who they are. We know who they would be.
23 They would be apprenticeship graduates, electrical OJT
24 trainees, and electricians from out of state.

25 So there are questions with the -- with the



1 implementation of -- of Substitute Senate Bill 6126 as
2 to how many apprentices there's going to be come, let's
3 say, about 2024. The bill comes into effect in 2023.
4 And a simple exercise if -- if all these were
5 apprentices that were headed at that exam for the first
6 attempt and all apprenticeships programs were four
7 years -- currently some are five. But just for simple
8 math, if you have four years, four-year
9 apprenticeships, it would be about 1,000 apprentices in
10 each class. That would put 1,000 apprentices at the
11 exam every year for the first attempt. So it's just
12 some numbers to kind of -- just kind of dwell on a
13 little bit about, you know, if you're -- if you're
14 hearing questions about how many apprentices there's
15 going to be and apprenticeship capacity and those sorts
16 of things.

17 The economy probably supports more than 900 people
18 taking the exam because purportedly there is some --
19 you know, there's a shortage of certified electricians
20 in the state. But then the economic factors come into
21 to play as to is -- how attractive are the jobs here in
22 Washington. So just a little bit of information there.

23 Our -- with COVID and everything we're not -- we're
24 not hearing any -- any problems with our exam centers.
25 They're up and running, and we're -- we're in pretty



1 good shape.

2 CHAIRPERSON JENKINS: All right. Thank you
3 very much.

4 Is there any questions from the Board concerning
5 the certification or CEU quarterly report?

6 (No response.)

7 CHAIRPERSON JENKINS: Just a comment I'd like
8 to make personally is this is going to be -- eventually
9 a historical record of what's happened in the past
10 compared to what happens in -- after the apprenticeship
11 bill takes effect. So I'm really kind of excited to
12 see the difference and see -- see what kind of benefit
13 or how much benefit will be created by this.

14 Thank you very much for -- Technical Specialist
15 Larry Vance. I appreciate your time on this. Thank
16 you, again.

17 TECHNICAL SPECIALIST VANCE: Thank you. Thank
18 you, Chairman Jenkins.

19 PUBLIC COMMENT REGARDING ITEMS NOT ON THE AGENDA
20 AGENDA ITEM NO. 8

21 CHAIRPERSON JENKINS: All right. It looks
22 like we're all the way down to our last item here, No.
23 8, which is our public comment regarding items not on
24 the agenda.

25 Do we have anybody here that would like to speak to



1 the Board via the public comments?

2 (No response.)

3 CHAIRPERSON JENKINS: So there's once.

4 Once again, if you would like to speak to the
5 Board, please unmute your mic. And once again, is
6 there anybody here online that would like to speak to
7 the Board concerning public comment regarding items not
8 on the agenda?

9 (No response.)

10 CHAIRPERSON JENKINS: There's twice.

11 And lastly, once again, is there anybody that would
12 like to speak to the Board during public comments?

13 (No response.)

14 CHAIRPERSON JENKINS: All right. Well,
15 hearing none, as I said, just to remind everyone once
16 again, next -- next meeting will be a face-to-face. As
17 I mentioned before, it will be in Tumwater at the Labor
18 and Industries headquarters auditorium. It's been
19 tentatively scheduled there, assuming nothing goes
20 sideways from here until then.

21 And given that, the Chair would entertain a motion
22 to end the April 28th Washington State Electrical Board
23 meeting.

24 BOARD MEMBER NORD: Board Member Nord, motion.

25 CHAIRPERSON JENKINS: We have a motion.



1 Do you have a second?

2 BOARD MEMBER KNOTTINGHAM: Board Member
3 Knottingham, second.

4 CHAIRPERSON JENKINS: We have a motion. We
5 have a second. Any discussion? Any comments?

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

7 (Chorus of ayes.)

8 CHAIRPERSON JENKINS: Any opposed?

9 (No response.)

10 CHAIRPERSON JENKINS: Motion passes.

11 Thank you very much for your time. Appreciate
12 that.

13 (Proceedings concluded at 10:28 a.m.)

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CERTIFICATE

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

That the foregoing proceedings were reported by me and thereafter reduced to a typed format under my direction; that the transcript consisting of pages 1 through 56 is a full, true and complete transcript of said proceedings;

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IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of May, 2022.



Janette Curley, CCR No. 2030



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