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STATE OF WASHINGTON  
DEPARTMENT OF LABOR AND INDUSTRIES

ELECTRICAL BOARD MEETING

HELD ON  
FRIDAY, JANUARY 31, 2025  
9:58 A.M.

DEPARTMENT OF LABOR & INDUSTRIES  
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1 APPEARANCES

2  
3 WASHINGTON STATE DEPARTMENT OF LABOR & INDUSTRIES

4 Amber Bac, Electrical Licensing Supervisor (via Zoom)

5 Jenn Dietrich, Program Support Manager

6 Wayne Molesworth, Secretary/Chief Electrical Inspector

7 Larry Vance, Chief Program Manager (via Zoom)

8  
9 STATE OF WASHINGTON ELECTRICAL BOARD

10 Jason Jenkins, Electrician, Chair

11 Don Baker, Electrical Contractor

12 Kerry Cox, Telecommunications Contractor

13 Kevin Davis, Electrical Utility Representative (via Zoom)

14 Stephen Entrekin, Telecommunications Provider

15 Bobby Gray, Electrical Contractor (via Zoom)

16 Ivan Isaacson, Manufacturer

17 Gregory Johnson, Electrical Engineer/RCDD

18 Jack Knottingham, Electrician

19 Erick Lee, Electrician

20 Mike Nord, Telecommunications Worker (via Zoom)

21 James Tumelson, Building Official (via Zoom)

22 Benjamin J. Blohowiak, Assistant Attorney General,

23 Board Attorney

24 George Jackson, Electrician (via Zoom)

25 Jordan Phillip, Contractor (via Zoom)

APPEARANCES (CONTINUED)

John S. Barnes, Assistant Attorney General

Chalmers C. Johnson, Longshot Law, Inc. (via Zoom)

ELECTRICAL BOARD MEETING

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9:58 A.M.

MR. JENKINS: Well, it is now 10:58 a.m. on --

UNIDENTIFIED SPEAKER: 9:58.

MR. JENKINS: -- 9:58 -- geez, I'm bad -- 9:58 on  
January 31st. I'd like to bring the Washington State  
Electrical Board meeting back to order. We'll do a quick  
roll call so we can verify our quorum.

So, Board Member Kerry Cox?

MR. COX: Present.

MR. JENKINS: Board Member Mike Nord?

We'll come back to you.

Board Member James Tumelson?

MR. TUMELSON: Present.

MR. JENKINS: Board Member Don Baker?

MR. BAKER: Yes.

MR. JENKINS: Board Member Gregory Johnson?

MR. GREGORY JOHNSON: Present.

MR. JENKINS: Board Member Ivan Isaacson?

MR. ISAACSON: Here.

MR. JENKINS: Board Member Erick Lee?

MR. LEE: Here.

1 MR. JENKINS: Board Member Stephen Entrekin?

2 MR. ENTREKIN: Entrekin. Present.

3 MR. JENKINS: Board Member Jack Knottingham?

4 MR. KNOTTINGHAM: Here.

5 MR. JENKINS: And Board Member Kevin Davis.

6 Board Member Kevin Davis, are you here? Are you  
7 present?

8 Mike Nord and Kevin, you're both muted currently.

9 Board Member Bobby Gray, are you present?

10 MR. GRAY: I am, for about 15 more minutes, and  
11 then I'll step out.

12 MR. JENKINS: All right. Well, we are still  
13 waiting on Board Member Kevin Davis and Board Member James  
14 Tumelson. They were on here earlier, but we still have a  
15 quorum --

16 MR. DAVIS: Kevin Davis is present.

17 MR. JENKINS: Oh. There we go.

18 MR. TUMELSON: James Tumelson. I already spoke as  
19 well. I'm still here.

20 MR. JENKINS: Okay. So we have a quorum, and we  
21 will move on.

22 We left yesterday at recess, and we are now at the  
23 point of deliberation of our last -- from the last meeting.  
24 So at this point here, I'll open up to the board members for  
25 discussion.

1 Yes?

2 MR. MOLESWORTH: Mr. Chair, can I make a statement  
3 first?

4 MR. JENKINS: Yes, please.

5 MR. MOLESWORTH: So I will not be participating  
6 today in the deliberations, but I will be here for technical  
7 assistance. So if you have technical questions about  
8 policy, about the law, I'm here to answer those during  
9 deliberations.

10 MR. JENKINS: Thank you very much.

11 MR. MOLESWORTH: Yep.

12 MR. ENTREKIN: Can I ask why?

13 MR. MOLESWORTH: I just feel that --

14 MR. JENKINS: One second. Make sure you speak  
15 your name first.

16 MR. ENTREKIN: Oh. Steve Entekin. Board Member  
17 Steve Entekin.

18 MR. JENKINS: Thank you.

19 MR. ENTREKIN: Can I ask why?

20 MR. MOLESWORTH: Yep. I just think that I'm a  
21 non-voting member, and I think the voting members should  
22 have an opportunity to discuss amongst themselves.

23 MR. ENTREKIN: Okay. Thank you.

24 MR. JENKINS: And I didn't say this earlier, so as  
25 a side note about this meeting, if you're not currently

1 active in the meeting, please mute your mics. Make sure  
2 you're aware of that before speaking.

3 Also, chat is not part of this meeting, so  
4 anything on chat will be ignored.

5 And once again, before you start speaking --  
6 especially online -- for the court reporter's help, please  
7 speak -- and the first time you speak, spell your name for  
8 the court reporter. Be much appreciated. Thank you.

9 Any discussion from the board? Any --

10 Yes?

11 MR. GREGORY JOHNSON: I'll start out with -- oh.  
12 Board Member Gregory Johnson. G-R-E-G-O-R-Y, J-O-H-N-S-O-N.  
13 I would -- just want to start out -- is I found problems  
14 with all the testimony from all the witnesses, of  
15 credibility. And so there seemed to be -- well, it was  
16 noted in the testimony, from multiple witnesses, that there  
17 was ample motivation for them to distort the truth. I'm not  
18 saying they did. I'm just saying that since that motivation  
19 exists, I have a hard time -- I'm looking -- so I'm looking  
20 at where they collaborate each other's stories. And so  
21 where I see collaboration across multiple witnesses, I can  
22 take that as being true. But where I have just one witness  
23 say something, I have questions about -- because I -- I have  
24 credibility problems with all the witnesses.

25 MR. JENKINS: Thank you.

1 Any other discussion from the board members?

2 MR. ISAACSON: So based -- Board Member Ivan  
3 Isaacson. Based on the testimony yesterday, I -- I  
4 appreciated Mr. Campbell. His testimony was passionate  
5 about his job, the -- the audit process, and -- and the  
6 purposes of that position. And I think that running back to  
7 2007 and questioning what someone has done, without them  
8 being present, is a bit of a stretch. And I -- I have a  
9 hard time -- without those people that made those decisions  
10 in person to talk about how -- why they came to those  
11 decisions, I have a hard time second-guessing them. We, as  
12 -- as the State and the shareholders, should be able to  
13 trust in the work that they're doing. And based on that, I  
14 -- I think I've made my decision. There's no question.

15 MR. JENKINS: Board Member Bobby Gray, please.

16 MR. GRAY: Thank you, Mr. Chair.

17 I have a little different perspective. Over the  
18 course of my career, I've probably offended -- I can't  
19 imagine how many people. And to think that, sometime, one  
20 of those people I offended would call into Labor & Industry  
21 and give them a tip that they should go verify my  
22 substantiation for taking the exam back in 1979, and they go  
23 back and found out that they had lost all of my data, and  
24 they say, "Oh. Sorry. That's our fault, but you don't have  
25 a license anymore, and you've lost your livelihood," that



1 really scares me. So for that reason, I think I would vote  
2 in opposition, and would pardon.

3 Thank you, Mr. Chair.

4 MR. JENKINS: Thank you.

5 Board Member Jack Knottingham?

6 MR. KNOTTINGHAM: Jack Knottingham, J-A-C-K, K-N-  
7 O-T-T-I-N-G-H-A-M. I -- Mark Leon worked as an auditor.  
8 His hours were approved by an auditor, Steve Meas  
9 (phonetic), as we came to find out. There were multiple  
10 statements made that he didn't know who it was. I -- I find  
11 that difficult, since they both worked at the department.  
12 I'm not sure what the time frames -- when Steve left, but it  
13 sounds like they were here about the same time. I find it  
14 difficult that he wouldn't know who that was.

15 Another thing that came up -- and I wish we could  
16 have some discussion about it -- but Mark Leon didn't have  
17 any recollection of who he worked for. And he said that  
18 multiple times: "I didn't know the names." But then it came  
19 out from his attorney, that said that they contacted the  
20 owner of MIRR, M-I-R-R. I think his name was "Mark," too.  
21 Right? "Mark"?

22 MR. BAKER: "Mike."

23 MR. KNOTTINGHAM: "Mike." They contacted him.  
24 And I find it difficult that they wouldn't have talked about  
25 that. Who -- who were the people?

1 I have issues with the 4,000 hours on the  
2 affidavit that was signed for the hours. How did they know  
3 they needed 4,000 hours? They worked there for eight years,  
4 and they only accumulated 4,000 hours. That seems a little  
5 suspect.

6 I have the same concerns about going back, you  
7 know, to '07, and looking at something. And if it was just  
8 the hours and the records, I would have a real problem with  
9 that. Because let -- let's assume that what Mark said is  
10 100 percent accurate: that all the stuff was presented, that  
11 Mr. Meas didn't do a good job of documenting, and the  
12 department lost it. That's one thing.

13 But I have concerns about the hours, whether they  
14 would have been approved. Because he was an owner of the  
15 firm. He was incorporated. And it came out in the  
16 statement that -- I think, from Shawn, that back to 2001,  
17 that he was a member of MIRR, but his hours are being signed  
18 off by somebody else. That -- that doesn't seem to fly with  
19 Colorado law. But I'm not, certainly, an expert on Colorado  
20 law. I know it wouldn't fly with Washington. So I have  
21 concerns about the whole process.

22 I don't have -- it -- it's troubling that, in an  
23 enforcement role, you can upset people, and they could  
24 submit an anonymous tip. Anonymous tips are one thing. If  
25 they look into it, and if there's -- if there's no smoke,

1 there's nothing. So just because they're alerted to  
2 something, you know, and they do an investigation -- you  
3 know, it -- it stinks. It's part of the job. But if they  
4 find something, that's different. So that's kind of where  
5 I'm at, is, you know, I'm siding with the department. I  
6 don't see any reason to overturn what the department did in  
7 the record. So that's what I would base my decision on.

8 MR. JENKINS: Thank you.

9 I have someone online first.

10 Who is it?

11 MS. DIETRICH: Mike.

12 MR. JENKINS: Mike Nord?

13 MR. NORD: Board Member Nord. Jack Knottingham  
14 just said exactly what I was thinking. So I concur, and I  
15 agree with exactly everything he said.

16 MR. JENKINS: Okay. Thank you very much.

17 Board Member Stephen Entrekin.

18 MR. ENTREKIN: Yes. Stephen Entrekin, board  
19 member. E-N-T-R-E-K-I-N. I -- I'm going to take a little  
20 bit of a different take. And -- and I like the fact that  
21 we're having a discussion, because I'm open to hearing other  
22 people's opinions too.

23 Now, to be an auditor, it's either like a -- in my  
24 mind -- and some of you might know, and I don't know -- but  
25 it seems like it's either a badge of honor -- you know, the

1 only qualifications to be an auditor that they talked about  
2 yesterday was four years in the field. So to be an -- an  
3 auditor, you know, it's either a badge of honor, or a place  
4 where you don't -- some of the bad electricians, you want to  
5 put, you know. And I don't know which one that is.

6 Mr. Campbell's -- the witness of Mr. Campbell  
7 really brought some credibility to that. And the fact that  
8 -- that -- that nothing was brought up with -- in fact, Mark  
9 was an auditor -- that he was a bad -- he was a bad  
10 electrician. I mean, he didn't -- you know, there was --  
11 nothing was brought up about whether he hurt somebody  
12 because of his work, you know, killed anybody by this work,  
13 or, as Mr. Campbell said, blew up a Safeway. There's no  
14 record of that. So I can only say, because there's only  
15 five positions now -- four, because they didn't backfill, it  
16 sounds like -- you know, it -- it's kind of a -- so I say  
17 that.

18 So you have to be pretty good to be an auditor, to  
19 be asked to be an auditor or apply to be an auditor. And I  
20 don't know if it's a salary upgrade or -- or -- or what, but  
21 there's only four positions. One of those positions was  
22 held by Steve, that took the information that was presented  
23 to him. You know, according to what Mark says, he came down  
24 to ask -- to see what they need. He provided that. Steve,  
25 who's an auditor, just like Mark and Mr. Campbell, took that

1 information and decided, "Yes, you can take the test."

2           And Mr. Campbell talked about how thorough they  
3 have to be and put the information in. So I can only  
4 assume. And there was nothing talked about the credibility  
5 of Steve in this, either. So I can only assume that he did  
6 his job and said he could take the test.

7           Now, Mark took the test, kept on -- and apparently  
8 did a good enough job to be asked to be an auditor, you  
9 know, after four years. You know, if -- if -- I'm sure, if  
10 he blew up a Safeway, he would probably not be asked, unless  
11 this position is for places like that. "We don't want you  
12 being out in the field." You know, sometimes there's those  
13 kind of -- type of positions, you know, in any industry.  
14 But it didn't seem like being an auditor is. And this is  
15 just -- like I said, this is what I gather from this.

16           So I -- I -- I say all that. I'm not sure. I  
17 don't understand why they want to revoke Mark's license for  
18 a mistake they made by not putting those CDs -- information  
19 from the CDs in the record. And that's -- and they admitted  
20 that yesterday. They're revoking for the reasons of they  
21 made a mistake. And -- and let me know if I heard this  
22 wrong, but -- so I'm not sure.

23           And L&I -- my experience with L&I, being out in  
24 the field, is -- they've always been kind of -- they've  
25 always been kind of fair. I mean, they're not out there to

1 be the -- the, you know, evil stepmother, you know, or  
2 somebody who's trying to -- you know, a department that's  
3 trying to make money. They want to change behaviors to keep  
4 everybody safe, you know.

5           So I don't understand. I don't see the fairness  
6 on how L&I, just because of a mistake they made, they want  
7 to revoke somebody's license. You know, in some of the  
8 other discussions beyond that point, it -- it -- even him  
9 stepping down was not -- you know, if he was -- and I'm just  
10 going to be transparent here. And this is where maybe I  
11 need some coaching moments afterwards. But, you know,  
12 they're talking about him kind of, when he was working as an  
13 auditor, being critical of other people, you know, and maybe  
14 even pushing some management, you know, and -- and turning  
15 in some ethics, you know, issues, which, our industry, we --  
16 we encourage that, you know.

17           So -- so if -- if he seems to be like a problem  
18 child, I'll just say, and they're wanting to -- and he  
19 stepped down. He stepped down, I think he said, like, in  
20 2023. And -- and yet we're -- and so apparently he's -- no  
21 longer wants to be an auditor for L&I; he just wants to be  
22 an electrician. And now they're going even beyond to take  
23 his -- they want to take his license away for a mistake they  
24 made. So, I mean, that's how I look at that. And I -- I'm  
25 totally open to discussion about this.

1 MR. JENKINS: I have -- speaking on something in a  
2 second. We have someone online who's had their hand up  
3 first, and it is Mike Nord.

4 Board Member Mike Nord?

5 MR. NORD: Thank you.

6 Board Member Nord. The one thing that truly  
7 troubles me about this entire case is I think there's more  
8 to it than we have uncovered. The triggering event, I don't  
9 think we know enough about that. There's a lot of -- a lot  
10 of questions about how, when, where, why of that triggering  
11 event, of him getting audited. Just the -- the mere fact  
12 that more time was not spent on the part of the department,  
13 trying to dive deeper into the Colorado end of records.

14 It's great to look at a database, but if you got a name,  
15 maybe you ought to try calling those people or -- or try  
16 doing a little -- spend a little more time on the research.

17 There's -- there's something missing here that we  
18 haven't found out yet. And I -- I think that is an  
19 influencing part of our decision, is there are missing facts  
20 that we did not discover answers to yesterday.

21 MR. JENKINS: Okay. Let me -- let me put my two  
22 cents in here, since we're there. On our board packets, we  
23 -- the -- on page -- if you want to follow along -- I got --  
24 is 1551. This is that letter from -- letter to Jordan  
25 Phillip, where it says, effectively, from the State of

1 Colorado's program director -- it says they -- they expect  
2 -- or they respect hours from registered apprentices. And  
3 then they said, "The board may consider applications where  
4 an individual is not registered but otherwise supervised."

5 So they will consider it. And I -- coming from an  
6 apprenticeship state, those are usually denied. They --  
7 they -- they'll accept them because they have to leave that  
8 door open in case there is something extreme. That's --  
9 they'll look at the possible exception. But usually they  
10 deny it because they didn't go through an apprenticeship.

11 So then we look back at the records for his work  
12 in Colorado. And he supplied us with records of how much he  
13 got paid every year for those times. And he was claiming  
14 lots of hours for the times. And the wages he was receiving  
15 during that time wouldn't even cover minimum wage.

16 So Option A is he was getting paid way low for  
17 many years, that I don't think anybody would put up with;  
18 or, B, he worked those many hours and he was getting paid  
19 under the table. And if you're getting paid that low of a  
20 wage, you're probably not doing electrical work, you know.  
21 I -- I hate to say this, but if you're getting paid that low  
22 of a wage, you're the -- sweeping the floors, you're  
23 cleaning up afterwards, you might get your hands in  
24 something here and there. Because he may or may not -- we  
25 don't know -- had a JW on-site to verify those hours.



1           So he has all these hours he's banking, that he  
2 did this work. Why were they not asked to register through  
3 Colorado? Well, he didn't. And I would assume -- I can't  
4 assume too much -- but in Colorado, you have to go to the  
5 board, like we have here, and you have to take those hours  
6 to the board to get those verified. That wasn't done. So  
7 as far as his work goes, I just don't see that time in  
8 Colorado as qualifying hours for that thing.

9           Was there a mistake done by the auditor? I would  
10 say, "yes." The auditor at that time, whether he did look  
11 at the hours, whether he got information from some  
12 documents, we don't know. But the only thing we do have on  
13 -- on track right now is him saying, "These are my hours."  
14 Well, what is your verification of that? And when he went  
15 back to Colorado, the auditor at the time was not given his  
16 -- his work report of how much he got paid during that time.

17           Because I can tell you right now. I know it --  
18 just by the discussions they had here, if an auditor was  
19 given that information, day one, back in 2007, and says,  
20 "Oh, by the way, here's my working hours I did, and this is  
21 how much I got paid for it," they'd go, "Whoa. Wait a  
22 second. That's not -- those don't line up." And much more  
23 investigation had been done. So we've been given more  
24 information than the auditor got during that time. And so  
25 I'm saying, those hours -- I don't think Colorado would have

1 accepted them. I don't think we should be accepting those  
2 hours.

3 On top of that, the -- you talk about the mistake  
4 made by the auditor and how we shouldn't be penalizing him  
5 for that.

6 Our code section -- because we follow our laws on  
7 this -- WAC Rules 296-46-990, Number 2, "Suspension or  
8 revocation of electrical licenses, administrator's  
9 certificate, master electrician's" -- so on and so forth.  
10 Number 2 says:

11 "The department may revoke or suspend, for such  
12 time as determined appropriate, an electrical contractor's  
13 license, administrator's certificate, master's certificate  
14 of competency, electrician's certificate of competency, or  
15 training certificate if:

16 "(a) the license, certificate, or permit was  
17 obtained through an error or fraud."

18 So if this was an error done by the jurisdiction  
19 -- if that error wasn't there, I would say, "no," he keeps  
20 it, because it was our fault. Our -- you know, benefit of  
21 the doubt, give him the -- give it to the applicant. But  
22 because of -- errors do happen, because we do make mistakes;  
23 we're all human.

24 I think, you know, one, the person that did this  
25 didn't give all the information or -- be honest with you, I

1 looked at -- every time that he went in and got that license  
2 upgraded from the -- was it 07? -- 07 to the 01, it was all  
3 certified and documented by the same person. That's the  
4 same chain. He came to the same location, talked to the  
5 same people.

6           And -- and, you know, just to be frank, if I am  
7 the auditor, and I, you know, made a mistake -- "Oh, we  
8 shouldn't have let this go through." And when he goes to  
9 the 01 and he says, "Well, here's my hours," are you going  
10 to turn on yourself and say, "I shouldn't have given those  
11 hours. Now, that's incorrect. I can't give you these"?  
12 You're going to go, "Oh. Yeah. Let's push this forward  
13 because I -- maybe I made a mistake." I make a lot of  
14 assumptions there, but it just -- nothing seems -- there's  
15 too much shade happening here.

16           And the idea of why they're looking back at the --  
17 this far, I -- that's not for me to decide. As a board  
18 member, I'm looking at what's the law say? Did they follow  
19 the law? I don't find any evidence in here that would truly  
20 support that work done in Colorado is acceptable hours. And  
21 beyond there, I don't see -- I -- I -- can't -- I'm not  
22 going to comment on why so far back, because that's --  
23 that's not our purview; it's not our -- it's not our system.

24           And I got someone here before that.

25           Someone on board? Someone online?

1 Oh. I'm sorry. That was -- I cut you off.

2 MR. LEE: No, that's all right.

3 MR. JENKINS: Board Member Lee?

4 MR. LEE: Yeah. Board Member Erick Lee, E-R-I-C-  
5 K, L-E-E. So I'm going to back up Jason. What we're here  
6 to decide is if the L&I's decision to remove -- to revoke  
7 this license was correct. So put yourself in the position  
8 that you're tasked to -- you get a tip. And I believe L&I  
9 is obligated to follow up on those tips. Right?

10 So they assign somebody to do the investigation.  
11 They do the investigation. And what they find are  
12 applications for the exam and letters stating hours worked.  
13 I don't see enough supporting documents to say that those  
14 hours are legit. There's no way to quantify the hours, even  
15 if he was doing electrical work. Whether he was sweeping  
16 the floors, doing any of that kind of stuff, there's no  
17 statement of how many hours were worked, anything like that.

18 Yeah. If you -- I think if you look at it from a  
19 position of if you're doing this investigation, did you find  
20 anything -- what -- what else could you have come across?  
21 What other decision could you have come to? I don't see any  
22 supporting documents.

23 MR. JENKINS: Yes. Board Member Greg Johnson.

24 MR. GREGORY JOHNSON: So I agree with -- yeah.

25 Board Member Greg Johnson. I agree with what everyone said.

1 I'm somewhere in the middle. So I view that there's huge  
2 red flags. I think every -- all the witnesses had  
3 substantiated their red flags. I mean, this should have  
4 been investigated because of everything you guys brought up.

5 They should have investigated this in 2007 when he  
6 applied for the 07. It should have been investigated in  
7 2009 when he applied for the 01. It should also have been  
8 investigated in 2014 when he got hired on in the department.  
9 Whether it was investigated or not, I don't know. There's  
10 not the documentation, which is a problem.

11 The thing I'm struggling with is that they brought  
12 it up now. And I don't believe they did a thorough  
13 investigation. Because even by the comments in the  
14 testimony, when asked, "Did you follow up with this person  
15 or that person?" if this was a -- what I would think this  
16 should have been -- it should have been an independent --  
17 hired an outside contractor to do an external investigation  
18 or throw this over to another department to do an  
19 investigation.

20 If that were the case and you had an external  
21 investigation that would have actually really independent --  
22 getting the facts, I could rely on the lack of info, you  
23 know, as being caused as "Well, we did a thorough  
24 investigation; we can't get the info, so we're" -- and I  
25 could rely on that. But the fact that it was an internal

1 investigation and -- which, I don't believe, had the due  
2 diligence -- when you come up with nothing, I -- I have a  
3 hard time using that for the level of proof.

4           Also, it was an anonymous tip. Using some pretty  
5 obvious logic, this was not anonymous. This came from the  
6 department. Because he got his hours in Colorado. Only  
7 people -- it was a very specific tip about "He doesn't have  
8 his hours." So the only people who would know that would be  
9 someone he worked with in Colorado that he hasn't seen in 17  
10 years, or someone who has access to the system, who can pull  
11 his record and see that there's a lack of documentation.  
12 And so that, in and of itself, is problematic.

13           I'm not going to -- I mean, there's personal  
14 issues that are outside of purview. I don't -- obviously,  
15 there was strife, and I don't question that. Obviously,  
16 Mark didn't agree with the direction that he was given. And  
17 -- and that's a personnel matter that's outside our purview,  
18 that -- and I think, not being part of that. And also, I  
19 defer and trust that the department is handling the  
20 personnel appropriately. And so that's a separate issue.

21           But when it comes to the licensing, I'm struggling  
22 with the burden of proof. Not saying that there isn't right  
23 flags, but because, I mean -- and also, one other point is  
24 on Washington state law, there's no onus on him to keep  
25 records 17 years ago. If there were, then I would say,

1 "Well, you didn't provide me records from 17 years ago," and  
2 it would be easy to decide, "Okay. You don't have -- you  
3 didn't do your due diligence."

4 But the fact that he has no -- he is not obligated  
5 to keep records that far back. And I question the  
6 investigation. I'm struggling with the burden of proof. So  
7 that's my question. I think there should have been an  
8 investigation. It's just -- I don't know if it's been done  
9 properly.

10 MR. JENKINS: I just want to add one thing,  
11 because we keep talking about this burden of proof. If I  
12 understand it correctly, it's required upon the applicant.  
13 And even during this case, they are disputing the decision  
14 by -- made by the department. It's their burden of proof to  
15 prove that the hours were there. So it is back on the --  
16 the appellant to prove that they actually had those hours.  
17 And there was nothing brought to the table for that, so.

18 Someone online?

19 Mike Nord, board member?

20 MR. NORD: Board Member Nord. The -- the other  
21 issue, as a board, that we have to look at is we have very,  
22 very minimal documentation from the years ago in Colorado.  
23 And basically that documentation says nothing. "I worked  
24 4,000 hours doing electrical." There's no substantiation as  
25 to what in electrical he did. You know, was he cleaning up

1 the floor? Was he marking panels? Was he placing conduit?  
2 Was -- well, what was he doing? There -- there's nothing to  
3 substantiate any of that work experience to tell us what the  
4 work experience was that we would require of someone to  
5 ensure they had the knowledge, skills, and training to grant  
6 him a license and the opportunity to take the test in this  
7 state.

8           The other thing the board has to remember is we've  
9 heard a lot of -- a lot of information, both yesterday and  
10 today, so far. But the board is charged with only one  
11 thing. The board has to follow what the RCW says the  
12 board's entitled to do, and that is to render a decision  
13 that is based upon the law that allows the board to make  
14 that decision.

15           And Board Chairman Jenkins brought up the WAC once  
16 again, that we talked about yesterday briefly. And the WAC  
17 clearly states that if the -- if the documentation of the  
18 hours cannot be substantiated, or there's fraud of some  
19 sort, or there is lack of full documentation, then the  
20 department has the right to pull the license.

21           So there's a lot of -- there's a lot of different  
22 angles going on in this story. There's a lot of different  
23 stories within the story. And as I said earlier, I think  
24 there's still some facts that we haven't found out about --  
25 about yet. But the board has to remember what the board is



1 charged to do in making a decision. Thank you.

2 MR. JENKINS: Thank you very much.

3 Board Member Kevin Davis.

4 MR. DAVIS: Yes. Board Member Davis here. I -- I  
5 do appreciate all the feedback and comments. And I'm -- you  
6 know, I kind of wish I didn't hear some of the things we  
7 heard yesterday, but I'm -- some of the politics within the  
8 department there. But I still rely heavily on the error, as  
9 far as the WAC, the departmental error back when they issued  
10 these licenses.

11 And the way I understand it, the burden of proof  
12 is on the license holder at that point to prove the hours.  
13 And there was ample opportunity yesterday to provide more  
14 evidence or more assurance to us of the type of work that  
15 was performed, the hours performed, who the master  
16 electricians were. I'm just having a hard -- I'm struggling  
17 with if it's more likely or -- than not that those were  
18 gained lawfully or legally. And I don't -- there wasn't  
19 much there. There was absolutely nothing there that showed  
20 that this work was performed, supervised by a master  
21 electrician. Not even a name was remembered.

22 So regardless of how long ago it was and the fact  
23 that there was likely an error by the department, I think  
24 the responsibility is -- is to ensure that we've got  
25 competent electricians, licensed electricians, out there.

1 And I would hate to see somebody that we had doubt about out  
2 there performing electrical work as an 01 or an 07.

3 MR. JENKINS: Thank you very much.

4 Board Member Don Baker.

5 MR. CHALMERS JOHNSON: Gentlemen, I'm back, if you  
6 need me.

7 MR. JENKINS: Thank you very much. And you are?

8 MR. CHALMERS JOHNSON: Chalmers Johnson.

9 MR. JENKINS: Thank you, for the reporter.

10 MR. BAKER: Board Member Baker. I used the term  
11 "Jerry Springer episode" yesterday. "Wackadoodle" would be  
12 appropriate as well. I have lots of thoughts and comments.  
13 I'll just roll them out in no particular order.

14 The 4,000 hours on the first letter that came from  
15 the company he worked for said, "at least 4,000 hours."  
16 That was for the 07. So that letter was verifying that,  
17 "Hey, not only did he work 4,000 hours, he worked at least  
18 4,000 hours."

19 The second letter that Mark Leon testified to --  
20 and by the way, I found his testimony to be very compelling  
21 and sincere. I think the term "soft skills" were used  
22 yesterday by Chris Campbell. I'd like to think I got good  
23 soft skills, too. I thought his testimony was very  
24 compelling and sincere. But the wool can be pulled over  
25 your eyes.

1           Where was I going with that? He -- he testified  
2 that Steve, the mystery man with the loud voice, went back  
3 and typed up that -- that second letter that you were  
4 referring to, Jack, that says, "4,000 hours." Because the  
5 second letter doesn't say, "at least 4,000 hours." It says,  
6 "4,000 hours," which is probably the metrics that he needed  
7 to meet to qualify to sit for the exam.

8           Jason, yeah, you made a lot of assumptions, but  
9 that's fair. That's fair. A lot of assumptions.

10           Dang it. My computer just froze up. That's okay.  
11 I hit "Close down."

12           You mentioned earlier about collaboration to  
13 verify the -- the comments that the witnesses were making.  
14 And the moment for me -- one of the moments for me was when  
15 Chris Campbell was being interviewed, and it came to light.  
16 We were well into the -- the process by then, hour and a  
17 half, two hours into the process. And Chris Campbell  
18 commented that he worked with Mark Leon in the department as  
19 an auditor. That was a dropping mic moment for me.

20           Keeping it clean. Why didn't the department lead  
21 with that? Why -- why wasn't that something that was shared  
22 right away? Right? I guess maybe it wasn't relevant to the  
23 case. I don't know. But it came out. And it's like,  
24 "Whoa. What?" Because I'm sitting here the whole time this  
25 is being presented, going, "Why are we looking at an

1 individual's" -- not knowing he was -- ever worked for the  
2 department -- "Why are we looking at a random individual,  
3 you know, 15, 17 years ago? Why are -- why are -- what's  
4 going on?"

5 I've been on this board for over 15 years. We  
6 have never seen a case like this. So it -- it lends itself  
7 -- we all had to be doing that. It's human nature. It's  
8 like, "Why? Why? What's going to stop" -- I think Bobby  
9 said, "What stops the department from going back and looking  
10 at my records? God forbid I got to qualify my hours. It  
11 was 1981. Those companies are out of business. I can,  
12 however, rattle off some names of guys I worked with.  
13 They're dead. They passed away."

14 But we're being cautioned that that -- the  
15 compelling evidence for me -- and I don't disagree with some  
16 of the comments you guys made. But I've been doing this a  
17 long time, and I've seen a lot of different situations, guys  
18 working in and trying to validate hours. As an  
19 administrator, I validated people's hours, so I know what  
20 that process is like.

21 Let me back up too. This mystery man, Steve,  
22 twice, he was the auditor that approved Mark's -- Mark  
23 Leon's affidavits to sit for the exam. But it was  
24 compelling to me, when -- when -- when Chris sat up there --  
25 remember, initially, Mark said, "I don't remember his name,

1 but he was a big guy with a loud, booming voice." That's  
2 how he described him. That's all he could remember about  
3 him. "And there was a gal at the front counter."

4 And when Chris took the stand, he goes, "Yeah,  
5 that was Steve." And the attorney, Mr. Johnson, said, "How  
6 do you know that? How do you -- how do you know that?" He  
7 goes, "Well, the loud voice. Anybody that worked in the  
8 department knows that that was Steve." That -- that -- his  
9 description, Mark Leon's description, was adequate enough  
10 for him to go, "Oh. That's Steve."

11 So that tells me that Mark Leon was being  
12 truthful, at least in that part. Right? That there was an  
13 auditor. It was Steve. He's the guy that took the -- the  
14 first -- with the first opportunity, and went back and --  
15 and made the phone calls; then he came back and approved it.  
16 He's the guy, the same guy that took the disc and went in  
17 the back and came back and approved it. Right? "Stephen,"  
18 you're saying, "there's an error. The department didn't  
19 properly log that information." "I didn't know the  
20 department was supposed to do that."

21 But, okay. What are we solving for here? Here's  
22 an individual, Mark, that has worked in the industry for a  
23 decade or two. He's worked as a contractor; maybe he worked  
24 as an 01 electrician. He applied for, interviewed for, and  
25 was selected to work for the Department of Labor &

1 Industries. We don't hire bad people. Right?

2           This Steve that worked as an auditor, where was  
3 any evidence that showed that Steve made all kinds of  
4 mistakes? Steve -- Steve -- we had to go back and look at  
5 several of Steve's records that he approved, because he made  
6 all kinds of mistakes. No. They didn't do that. They  
7 didn't show us any evidence of that. They didn't show us  
8 any performance appraisal reports saying, "Yeah, Stephen was  
9 a real -- he was a real case for us, and we've got lots of  
10 problems. We're reviewing lots of those." No. It's just  
11 one guy, fifteen years ago.

12           What are we solving for here? Is he a threat to  
13 the community? He's burning building down? Little children  
14 are in trouble? What -- what -- what are we solving for by  
15 taking this guy's license away? It's wackadoodle. I'm  
16 saying it again. It's wackadoodle. It doesn't make sense.

17           So it is relevant as to why are we doing this.  
18 And -- and I, for one, am not going to vote to take away  
19 this guy's license. I, for one, believe that 15 years ago,  
20 the department had a qualified individual, Mystery Man  
21 Steve, that reviewed that information, made the appropriate  
22 phone calls, looked at the CD, didn't record the stuff  
23 properly on the -- on the files. It sounds like, from  
24 testimony we heard yesterday, the department was still  
25 struggling to properly close out their jobs and -- and post

1 stuff. That was one of the things that Mark got himself in  
2 trouble with by not handling those situations appropriately  
3 within the department. So that's been going on since 2007.  
4 That's not unusual.

5           There's probably lots of us -- maybe even myself  
6 -- they go back and look at my record and not find those  
7 reports in there. I'm not going to substantiate them. I'm  
8 not going to be able to do that. Those people are gone.

9           What are we solving for? What is the problem  
10 we're solving for? The -- it's -- the department is  
11 supposed to protect property and personnel. We're going to  
12 take this guy's license away? It doesn't make any sense.

13           The evidence is that he came in twice, and the  
14 department twice approved him to sit for an exam. And he  
15 sat for the exam and passed the test. For those of you that  
16 work in the industry, you've heard the term "card holder."  
17 We know passing a test does not make you a journeyman  
18 electrician. You have to have competent hours. You have to  
19 work in the trade. You have to have on the job experience.  
20 That's why our apprentices do that.

21           And I, for one, believe that Mark did provide that  
22 information. I believe that the Department of Labor &  
23 Industries properly took that information in, analyzed it,  
24 assessed it, and approved him to sit for the exam. I don't  
25 believe the department made a mistake in that. And I

1 believe Steve did his job properly. And they approved him  
2 to sit for that exam.

3           The error, I think you're taking that out of  
4 context in there. It does say, "in the exception of an  
5 error," but it's not an error in somebody presenting their  
6 information wrong or -- it's an error, after the fact, that  
7 the department didn't store the data properly. That --  
8 that error you're referring to there, I -- I don't believe,  
9 is an error in -- in -- in -- in assessing his -- his hours  
10 properly. I don't think -- it -- it's an error in the  
11 department didn't record it. It's a -- it's a clerical  
12 error. That is not the type of error they're referring to  
13 in that WAC rule. So applying that is, I believe,  
14 inappropriate. He -- he was approved to sit for the exam by  
15 the department. And somebody mentioned they hired him.  
16 They hired him, and they put him in the position as an  
17 auditor.

18           So, yeah, I -- there's absolutely no way I could  
19 -- could vote to revoke this gentleman's license. I don't  
20 think there's -- and I understand the burden of proof is  
21 Mark's to prove, that he has the hours. I'm standing on the  
22 ground that he did prove he had those hours by submitting  
23 that stuff to Steve, an approved auditor for the Department  
24 of Labor & Industries. That gentleman, I believe, did his  
25 job properly, twice, and let him sit for that exam. And



1 Mark passed that test.

2           So I -- I -- there's no way I'll vote to revoke  
3 this man's license. And I -- and I -- and shame on anybody  
4 who does, in my opinion. And I respect all of you. I  
5 respect your opinions. But I believe it's completely wrong,  
6 wackadoodle, Jerry Springer, whatever you want to call it.  
7 This shouldn't be happening.

8           MR. MOLESWORTH: Can I ask for a --

9           MR. JENKINS: Thank you.

10          MR. MOLESWORTH: -- quick break?

11          MR. JENKINS: A quick break?

12          MR. MOLESWORTH: Yeah.

13          MR. JENKINS: Let me get -- I think we have  
14 someone here --

15          MR. MOLESWORTH: Okay.

16          MR. JENKINS: -- who was going to speak. Oh.  
17 There wasn't. I guess it's probably a good time. Let's do  
18 a short recess till five till.

19          MR. MOLESWORTH: Okay. That's -- that's plenty.

20          MR. JENKINS: Sound good?

21          MS. DIETRICH: 10:55?

22          MR. JENKINS: So 10:55. We are on recess.

23           (WHEREUPON, a recess was taken.)

24          MR. JENKINS: It is now 10:58 a.m. We are -- the  
25 board meeting -- the board meeting is back in order.

1 MR. GREGORY JOHNSON: So I would like to --

2 MR. JENKINS: And you're --

3 MR. GREGORY JOHNSON: Board Member Gregory  
4 Johnson. I would like to hear from Ben and others about  
5 what is the burden of proof that is established,  
6 specifically who's responsible for proving the burden of  
7 proof and what -- you know, I mean, what that entails.

8 MR. BLOHOWIAK: I think I would defer to counsel  
9 for the parties to make those arguments. I certainly have  
10 done my own research and have an opinion, but I'd like to  
11 hear what they have to say first. And I think that in the  
12 -- as for fairness purposes, that also makes sense.

13 MR. JENKINS: So --

14 MR. BLOHOWIAK: Mr. Johnson.

15 MR. JENKINS: -- Mr. Johnson, do you have an  
16 answer for that question?

17 MR. CHALMERS JOHNSON: I do, and I'll be very  
18 brief. So the -- the burdens of proof in this case were  
19 researched by you, by the board, and, I assume, with your  
20 counsel. And they've been very clear from the very  
21 beginning of this case. And I think I'll just refer to the  
22 letter of November 14th, 2024, which was from Mr.  
23 Molesworth, secretary of the electrical board. This was an  
24 order responding to a request for continuance. And again,  
25 the date of the letter is November 14th, 2024.

1           The letter states -- as has been stated throughout  
2 the entire hearing, up until the judge reversed the burden  
3 of proof at the last minute -- it says, "All parties should  
4 plan on being at the meeting by 9:00 a.m., and the appeal  
5 will be held as soon thereafter as possible. Since the  
6 department has the burden of proof, it will present its case  
7 first. And then Mr. Leon will be given an opportunity to do  
8 the same."

9           So throughout this entire case, it's been clear  
10 from all the -- the written orders I've received from the  
11 board that the department has the burden of proof. And  
12 that's why we started the case out the way we did and I  
13 planned the evidence presentation the way we did, because  
14 the department does have the burden of proof.

15           And the burden of proof on the department is to  
16 show either that there was an error in logging the hours, in  
17 other words, something went wrong, and the hours are not  
18 enough; or that there was fraud with the same results, that  
19 Mr. Leon himself did something to fake the hours, and in  
20 fact the real hours were insufficient. So that's where I  
21 see the burden of proof. And I believe it was set by the  
22 board as the -- the law of the case. And that's what should  
23 have been followed.

24           Any other questions from the board? I'll be happy  
25 to answer.

1 MR. JENKINS: In fairness, is -- is the department  
2 available?

3 Mr. Barnes, are you available?

4 MR. BLOHOWIAK: He said it was 8719.

5 MR. JENKINS: Okay. Well --

6 MR. GREGORY JOHNSON: That letter that was  
7 referenced, is that part of the record? And if so, what  
8 page of the board packet is that?

9 MR. BLOHOWIAK: It is not.

10 MR. GREGORY JOHNSON: It's not part of the --

11 MR. JENKINS: We'll move forward -- give him a  
12 second to maybe -- John Barnes to become available.

13 Is there any other question you'd like to add  
14 before -- any more information you want to be on that?

15 MR. GREGORY JOHNSON: I'll -- I -- I just wanted  
16 to know if that's -- if that's not part of the -- that  
17 letter is not part of the board packet, then can we -- we  
18 can't consider that letter, can we? Or what's the --

19 MR. BLOHOWIAK: Right. The -- that letter is not  
20 evidence. Apparently Mr. Barnes is on there, but we cannot  
21 hear him, which is unfortunate. And this is Ben Blohowiak,  
22 assistant attorney general for the board. And --

23 MR. JENKINS: Well, hold that question for now.

24 Any other comments by the board? And we'll come  
25 back to this -- that subject, since we're still waiting here

1 on -- on either one of their answers.

2 MR. GREGORY JOHNSON: So I got one further  
3 question --

4 MR. JENKINS: Oh. Okay. Go ahead.

5 MR. GREGORY JOHNSON: -- would be who sets the  
6 burden of proof? I mean, we had it stated by the ALJ  
7 yesterday. Is that burden of proof what we are bound by, or  
8 is that -- did the board have discretion to set the burden  
9 of proof how they see fit, or what's -- how does that work?

10 MR. BLOHOWIAK: The burden of proof is set by  
11 statute, the legislature. And I'm trying to -- I'm getting  
12 it right now.

13 MR. GREGORY JOHNSON: Okay.

14 MR. JENKINS: Okay. Well, hold that thought,  
15 then.

16 Any other questions, comments from the board, to  
17 keep moving forward? We'll come back to that question.

18 MR. BAKER: That's kind of a big deal.

19 MR. JENKINS: It is. That's why I'm going back to  
20 it.

21 MR. BAKER: It's kind of a big deal.

22 MR. JENKINS: Yes.

23 Board Member Kerry Cox.

24 MR. COX: All right. Board Member Cox. I want to  
25 echo what Board Member Don Baker said. In fact, I commented

1 to him at the break. I wondered if he was reading my notes  
2 on what I was going to say. I am looking at part of the  
3 record, the exhibit list, Exhibit C, page 9 of 9, on what I  
4 assume is the Quick Cards. I've heard that reference in  
5 testimony, about the entries in Quick Cards.

6 And I asked the question, at least a couple of  
7 times, that it is -- was it the responsibility and duty of a  
8 program auditor to do the research, to do -- to take this  
9 information provided by applicants, and do their due  
10 diligence, do their job, do what they were hired to do,  
11 which is to make sure that the person is vetted for hours,  
12 experience, whatever it is? That's their job. That's the  
13 auditor's job. And Don -- Don referred to that. They're an  
14 auditor. That's their -- that's their position. That's  
15 what they do. That's the official in charge from the  
16 department that's authorized, duly authorized, to say, "Yes,  
17 you qualify to sit for exam"; "No. I'm sorry. I did the  
18 research. You don't qualify."

19 And I'm looking at this Exhibit C, the Quick  
20 Cards. And what I see is the very -- what looks to be the  
21 -- the beginning entry of this Quick Card. I'm sure, since  
22 everything we've heard, started in 2007, this line that's  
23 here -- because we were -- because the issue at hand is the  
24 01 electrical license; not the 07. I see the first line in  
25 here, and those four words are what make the decision for

1 me. And it says, "Approved for the EL01 exam." Approved.  
2 Not rejected. Approved.

3           It was the job of the auditor to vet that. If Mr.  
4 Leon did not have the hours to -- the documentation,  
5 whatever it was -- it was testified that the appellant, the  
6 applicant at the time, brought digital information on a  
7 compact disc, which was the medium of choice at -- during  
8 the day. Whether or not that was documented, properly  
9 documented, there was testimony that there -- there is, in  
10 fact, times when data is missing from these entries.  
11 Whether that was Quick Cards or whatever they were referring  
12 to, was -- there was testimony to the fact.

13           And as someone in the IT and database world --  
14 things happen. So whether it was a technical difficulty and  
15 it really was documented and now it's missing, or whether  
16 the auditor didn't clerically do his duty, the fact that  
17 this Quick Card says, "Approved for EL01 exam" says that the  
18 department accepted what the applicant provided to the  
19 department at the time.

20           And as Board Member Baker also made mention of,  
21 when Mr. Leon applied for the position of auditor, I'm sure  
22 there had to be a vetting process in that -- in that  
23 employment to make sure that the -- the -- the, you know,  
24 background checks, whatever it might be -- why wasn't this  
25 flagged when he applied for the job as auditor? And I look

1 up that Quick Card, as it's presented before us, and I see  
2 "Certificate renewed, certificate renewed, renewed  
3 certificate" all through the years. There was no question.

4           The way I see it, the department's position at the  
5 time was the applicant was -- met the criteria, that  
6 Washington State Department of Labor & Industry's electrical  
7 program accepted what was provided to them to allow the  
8 applicant to sit for the exam. The applicant passed. The  
9 applicant obtained his certification. So my position is he  
10 should not be revoked of his license because of an error of  
11 the department, a clerical error of the department.

12           MR. JENKINS: Okay. Board Member Gregory Johnson.

13           MR. GREGORY JOHNSON: Board Member Gregory  
14 Johnson. So I've been on the fence, kind of wanting to know  
15 burden of proof. But I'm glad you mentioned the Quick  
16 Cards, because now I've -- prompted me to actually pull up  
17 this -- I think it was Exhibit 15 that was added to the  
18 thing -- the thing.

19           This does not match what's in the record on the  
20 Exhibit C. In fact, not only does it not match, there is a  
21 note in 2009, by -- updated by MITU235, saying, "Received  
22 additional information attesting to additional 4,000 hours  
23 of 01 COM/IND experience working as sole proprietor EC in  
24 Colorado. It doesn't specify what the information is. It  
25 doesn't specify if it's a letter or if it's phone calls or



1 what. It just says they received additional information for  
2 4,000 hours.

3 So two things that I'm now -- that's changing my  
4 opinion. One is the fact that they don't match, and there's  
5 info on Exhibit C that isn't on Exhibit 15, and there's info  
6 on Exhibit 15 that's not on Exhibit C -- give me reason to  
7 question the record. And then, secondly is when I see a  
8 note saying he was approved with additional information,  
9 that tells me that there was some sort of info. I don't  
10 know -- I can't rely on what it is.

11 And I'm not going to say there wasn't things that  
12 need to be investigated, because those are valid, valid  
13 points, that there was red flags that needed to be  
14 investigated. But this is leading me to believe that there  
15 was some sort of investigation. I'm trying to follow the  
16 breadcrumbs, and --

17 MR. JENKINS: Okay. Yes. Board Member Jack  
18 Knottingham.

19 MR. KNOTTINGHAM: Board Member Knottingham. I --  
20 I think the reason the discrepancies -- and I'm glad you  
21 pointed that out. I -- I didn't really look at it that  
22 closely. But if you look at the Exhibit C, and you look at  
23 the top, it's referencing the EL01 license. If you look at  
24 Exhibit 15, it's three printouts: the admin, the 07, and the  
25 trainee. And that's why the notes are different, is because

1 they're -- they're different files. And I'm not -- I mean,  
2 I understand what you're saying, and -- and those are good  
3 points. But I just want to point out that that's why the  
4 records are different, is they're referencing different  
5 licenses or certificates, I guess.

6 MR. GREGORY JOHNSON: Well, this does have -- it  
7 does have some. So, I mean, you're right that this is  
8 supposed to cover three records, and that covers one. But  
9 these notes aren't on here for the -- because it does cover  
10 the 01 also here. The 01's not --

11 MR. KNOTTINGHAM: It doesn't cover it on -- on  
12 Exhibit 15. I don't see it there. I see Admin AD General.  
13 I see EL07 in the middle. And I see --

14 MR. GREGORY JOHNSON: The trainee --

15 MR. KNOTTINGHAM: -- trainee at the bottom. So I  
16 -- I -- like I said, I think your -- I think your points are  
17 valid. I just wanted to point out that there are four  
18 different certificates that are being referenced in Quick  
19 Cards.

20 MR. JENKINS: Okay. Board Member Kerry Cox?

21 MR. COX: Yeah. Board Member Kerry Cox. I'm --  
22 I'm -- I'm glad you pointed out Exhibit 15, because it came  
23 to us at the end of the day.

24 And thank you, Jack, for pointing out the license  
25 differences.

1 But I'm looking at timestamps, because I have a --  
2 I'm going to make some assumptions, some clerical  
3 assumptions. I'm looking at the timestamps on these. I'm  
4 looking at Exhibit C, that I originally referenced, saying,  
5 "Approved for EL01 exam." The date is 3/17/2009 at 9:22:24  
6 a.m., noted by MITU235, I'm assuming, a department employee.

7 When I move over and look at Exhibit 15, I -- I  
8 wonder if the -- the other page of Exhibit C would have had  
9 something similar to what I'm seeing on Exhibit 15, which,  
10 the second line of that says, "Date, 3/17/2009, at 9:11:01  
11 a.m.," by the same MITU235 employee, where it says,  
12 "Received additional information attesting to the additional  
13 4,000 hours of 01 communication/industry" -- whatever it is  
14 -- "experience working as a sole proprietor in Colorado."

15 So the timestamps are very similar. I'm just  
16 wondering if -- again, making the assumption -- if a second  
17 page of Exhibit C, if we had -- they had screenshotted down  
18 farther, we wouldn't see the same kind of information in the  
19 Quick Cards. But I'm -- I'm glad that my fellow board  
20 member pointed out those discrepancies.

21 MR. MOLESWORTH: So could I add one thing?

22 Kerry, I think, in the evidence file, that was the  
23 self attestation of the work hours that he verified himself  
24 as working, because it was as a sole proprietor in --  
25 electrical contractor in Colorado.

1 MR. COX: Well, let me -- we don't know that from  
2 the record that's in front of us. So I'm --

3 MR. JENKINS: Can I -- can I add a little bit to  
4 that?

5 MR. COX: Absolutely.

6 MR. JENKINS: Big, big, big picture record.

7 MR. COX: Yep.

8 MR. JENKINS: As I'm seeing here, back in -- I'm  
9 looking at the 07 maintenance license. Okay? And it shows  
10 here, "Approved for exam." And that letter from MIRR -- if  
11 you go back to our -- our documents, we have that letter  
12 that says, "Hey, this person worked" --

13 MR. COX: At least 4,000 hours.

14 MR. JENKINS: -- "4,000 hours" --

15 MR. COX: Yes.

16 MR. JENKINS: -- blah, blah, blah. It even says,  
17 almost directly from that, "Well over 4,000 hours of  
18 maintenance experience." Okay? And so that takes care of  
19 that one document that came in.

20 And I'm going to go to the electrical trainee  
21 listing. So this -- now he's applying to go to the 01  
22 license. He stated he was going to get -- he got a trainee  
23 card. So he got a trainee card. And when he got a trainee  
24 card, he went back in with this new letter, and says, "I  
25 worked 4,000 hours as a -- in -- in new construction," blah,

1 blah, blah, signed it, dated it, everything else. And that  
2 is exactly what that's saying right there. So I think that  
3 ties those two documents that we keep looking at to the  
4 documents that they report in there.

5           And there is nothing else. That's my problem.  
6 That's why I'm -- I'm still stuck on -- and I -- and I  
7 really appreciate your comment that -- I guess what it boils  
8 down to, maybe, in your opinion, is that the -- the -- the  
9 electrical board is responsible for licensing,  
10 certification, so on and so forth. And we somewhat give the  
11 responsibility to the department. That -- that -- that is  
12 our responsibility. And they've said the -- you know, the  
13 -- that one person, Steve, he's the one that should  
14 authorize this thing. And I -- I kind of disagree with you  
15 with that comment there as far as the -- when they make an  
16 error. Because people make errors.

17           MR. COX: We heard that in testimony --

18           MR. JENKINS: Yeah.

19           MR. COX: -- yesterday. People make mistakes.

20           MR. JENKINS: They make mistakes. And, you know,  
21 it -- I don't know if it's a mistake, because we don't know.

22           MR. COX: Correct. We do not know.

23           MR. JENKINS: And so without that, I'm looking at  
24 this, going, "Well, he could have gotten this material.  
25 There may have been a disc. There may not have been a

1 disc." We don't know. And the problem I have with that is  
2 that disc is from -- just like an apprentice coming in.  
3 When I come in as an apprentice, and I want to say, "I've  
4 worked these hours," I'm going to give everything in  
5 positive value of those hours I possibly can. I would -- if  
6 I thought they were shady, if I thought, "Oh, these might  
7 not work," I don't withhold that information. I'm just  
8 going to say, "Hey, here's my contractors. Here's who I  
9 worked for."

10 What wasn't presented in any way, shape, or form  
11 was his -- his statement of how much he made during that  
12 time frame. And we've gotten that. It's in there. It  
13 shows that he made -- in fact, he -- it's less than minimum  
14 wage for those four years or how many years he worked in  
15 Colorado.

16 So if that would have been included with that,  
17 saying, "Here's my hours. Oh, by the way, this how much I  
18 made," I personally think the department would go, "Whoa.  
19 Wait a second. That doesn't make sense." And so if he  
20 stepped away, and I'm sitting there in the lobby, and I'm  
21 waiting for somebody to go make a phone call and call some  
22 people, I don't see that as -- they've got -- he's going to  
23 call multiple contractors, talk to multiple businesses.

24 And was that provided to him? He says he had a  
25 disc. He says, "Hey, this is what I need. This is what

1 I've got. Do you want a -- do you want a copy of it?  
2 Because, if not, I need a copy of it." That's from his  
3 statements. So he didn't get all of those places to call.  
4 Did he call one? Maybe. I don't know. And he said that he  
5 probably did want them back or he came back and said,  
6 "You're good to go."

7 None of that research has been given. It's not in  
8 our documents. I would think that if -- a person that's  
9 going to be evaluating someone's hours would say, "Hey,  
10 look. I had to call multiple contractors," or "Verified  
11 with Electrical Contractor A, B and C." That's not in the  
12 documents. It's not in his proof. All I'm seeing is a  
13 letter saying, "This is how many hours I worked." Whether  
14 the person was being complacent, or maybe he knew him, or  
15 maybe he talked a good talk, I don't know. We don't know.

16 MR. BAKER: So you're saying Stephen was  
17 incompetent?

18 MR. JENKINS: I'm saying he probably made a  
19 mistake. He didn't look deep enough into it. Maybe he was  
20 under pressure. Maybe it was one of those days that he was  
21 -- had to get some stuff done, and he said, "Yeah, you know,  
22 it looks right; everything looks good to go," sign off, and  
23 said, "Here."

24 The problem I have with that whole idea is --  
25 okay. He made a mistake. And so, going on to the next

1 step, he went back to him for Level 2. So Level 1, he got  
2 his in 3/17/2009. He got his -- actually, the -- it was for  
3 the other one. It came first.

4 MR. COX: Yeah. In 2007, he got his 07.

5 MR. JENKINS: So then he walks in with this thing  
6 from MIRR. And maybe he called MIRR. And what would MIRR  
7 say? "Hey, yeah, he worked for me. He did electrical  
8 work." MIRR's not an electrical contractor. It's a general  
9 contractor that does whatever work. Did he call somebody  
10 else? We don't know. Maybe he just made an assumption --  
11 like I do often, that you just had mentioned -- made an  
12 assumption. "Yeah. It's electrical contractor." And he  
13 signed off on it.

14 Now he gets to the next one from this -- he comes  
15 back and -- "Well, here's my other hours." "I'll go back  
16 and look." And said, "Oh, I authorized those hours." Am I  
17 going to go, "Oh, I -- I probably should have looked  
18 deeper," or are you going to go, "Well, yeah, it looks  
19 good," and move on? Effectively tattling on yourself.

20 So once again, these are assumptions. But it's  
21 still done by the same person every time. I think, if there  
22 was another person involved in this, they would have said,  
23 "Whoa. Red flag. These are out-of-state hours. These are  
24 not done by an electrical apprentice," which is the -- the  
25 normal path for the state of Colorado. The other one says,



1 "Hey, let's talk to Colorado a little more. Let's find more  
2 information about what these hours are. There is a big red  
3 flag that somebody dropped the ball."

4           And so I say, well, if they dropped the ball, it's  
5 a mistake -- so let's go back to the codes. What do the  
6 codes say about a mistake, an error? And the error says  
7 they'll revoke it. And then he comes back in and says, "No.  
8 I did those hours." He comes to us and says, "No. The  
9 State did -- revoked them. I did those hours." Okay. And  
10 he's all "I don't know the person. I don't remember the  
11 locations. I don't have any information."

12           I can state most of my jobs I did as an  
13 apprentice, and I can state multiple people. There are some  
14 people I -- I won't remember. I get that. But -- and I  
15 also can document day one, since I started in '95. I can  
16 document every -- every contractor I worked for. This has  
17 no -- there's nothing there.

18           On top of that, would those hours be allowed here  
19 in the state of Washington, if you worked like that in the  
20 state of Washington? The answer is "no." He was working  
21 for a subcontractor to another contractor. And I know it's  
22 a different state, but where's his schooling at? Where's  
23 his training at? It's all on the job. Even a trainee here,  
24 before the apprenticeship kicked in, had to have X amount of  
25 hours every year.

1 And I'm asking, how many hours per year?

2 MR. MOLESWORTH: So he had to have --

3 MR. JENKINS: The trainee.

4 MR. MOLESWORTH: A trainee has to have 2,000 hours  
5 a year. Right?

6 MR. JENKINS: Oh. They have --

7 MR. MOLESWORTH: Doesn't have to, but he can  
8 report up to, because that's the number of hours. And so we  
9 would research that.

10 MR. JENKINS: How many hours of actual in class  
11 training, though?

12 MR. MOLESWORTH: Oh. Let's see. What is it?  
13 Sixteen, I think, in -- in the seats.

14 MR. JENKINS: Okay. And no training anywhere in  
15 here. And I look at this history. Okay. So he did --  
16 apparently worked at Colorado for X amount of years. Okay.  
17 No -- no training, no official training. He worked for  
18 multiple JWs, multiple companies as a sole proprietor, which  
19 means did he -- what did he do? His hours show he didn't  
20 make squat. So I -- that's, like, a laborer. You know, if  
21 somebody is just going out there and cleaning up the space,  
22 putting stuff away, whatever it is, that's the -- that's the  
23 pay scale he was at. Unless he was getting under the table  
24 stuff, which, if that's the case there, illegal either way.

25 Okay. So not electrical, in my opinion. And then

1 he comes here to the state of -- the state of Washington --  
2 sorry -- the state Washington, and he applies for this  
3 thing, and they pull his hours. "Okay. Fine. We'll --  
4 we'll grant you those hours." And then what does he do from  
5 there? What -- what -- I have a -- it's kind of a question.  
6 What did he do after he got his 07? I think he said that he  
7 actually opened a business. And he started operating  
8 because he got his administrator's license. Right? That  
9 was in '09?

10 So he got his administrator license; he opened a  
11 business. He's not doing any work. He's administrator of a  
12 business. Right? So unknown work. Got his license. Being  
13 administrator. I don't know if he's done any work. He goes  
14 to the department and says, "Hey, look. I'm a -- I am a  
15 company owner. I've been doing all this work. Here's my  
16 license." No one questions a license. Do you ever question  
17 someone's license you have in front of you? "I've -- I've  
18 got a license; I'm license carrier," as you mentioned.

19 MR. BAKER: Card holder.

20 MR. JENKINS: "I'm a card holder." The -- why  
21 would I research it? I don't know there's any problems with  
22 it. Why would the State go -- have any indication to go  
23 back and check that? "Oh. Okay. License holder. You got  
24 your own business. Looks like you've been doing pretty  
25 good. We need a position. Looks like you might fill it."

1 And they bring them in.

2           Should they research it? Yeah, maybe they should.  
3 Maybe that's something -- new policy they put in place. But  
4 then he goes back and starts working in the department.  
5 What physical work do you do in the department? What --  
6 installations -- and I'm -- this is kind of rhetorical. We  
7 don't do installations in the department. Right? You go  
8 out there and inspect stuff. So what installations has he  
9 done since day one? Unknown. Really don't know. There's  
10 no documentation. No -- he didn't even mention a  
11 contractor's name, a person's name, to say, "Yes, I  
12 installed."

13           You know, if you asked me what I worked, I'm going  
14 to label off a whole bunch of jobs I went and worked at, and  
15 stuff I did, because I'm proud of it, you know. "Hey, I did  
16 this. I installed that." None of that was brought out.

17           MR. BAKER: There was a photograph, that he  
18 provided, of him doing an installation.

19           MR. JENKINS: One. Okay. You got one. He's  
20 working on something.

21           MR. BAKER: That's right.

22           MR. JENKINS: Okay. So we got one. I take that  
23 --

24           MR. BAKER: And he testified that he had pulled  
25 lots of permits in different jurisdictions after he got his

1 administrator's license.

2 MR. JENKINS: After he got his administrator's  
3 license.

4 MR. BAKER: That's right.

5 MR. JENKINS: So did he pull it for him to work,  
6 or did he pull up for somebody else?

7 MR. BAKER: That wasn't disclosed.

8 MR. JENKINS: We didn't know. Okay. So nothing's  
9 been proven at that point. And now he works at the  
10 department. So I don't see any solid experience other than  
11 a picture and a couple comments. No other jobsite stuff.  
12 And so now we're going to turn around and say, "Yep, we took  
13 your license. We're going to give it back. And what's your  
14 proof?" "I -- it happened 15 years ago. Let it go." Maybe  
15 that's what we need to do in the future. Our codes today  
16 don't say that. Our codes today say we go back, look at the  
17 documentation. Is it legitimate hours? Is there  
18 documentation of it?

19 And I -- I respect your comment about -- yes,  
20 that's -- that's a pretty harsh deal, to pull someone's  
21 license. I don't think this precludes him or excludes him  
22 from getting it again. He can do whatever the -- finish his  
23 hours of whatever he needs to do. They might deem hours for  
24 some other stuff. I don't know. But I just don't see the  
25 proof there. I really don't.

1 MR. COX: So with your -- I take exception to your  
2 comment about pay grade equaling the work that you're doing.  
3 And that might be fine in a metro area where you have a lot  
4 of competition and you're at union scale and -- but I can  
5 speak from the fact that I came from the telephone company,  
6 where I was making, in the day, an astronomical amount of  
7 money for a man my age. Things happened at the phone  
8 company, and I left there. I needed a job. There was a  
9 small businessman who needed an employee. And I took the  
10 job, and I took a huge pay cut, and I was doing the work for  
11 a pittance amount of money because I had a wife and child  
12 and needed to pay my bills.

13 That didn't mean I wasn't necessarily doing the  
14 work that needed to be done that would have -- had I moved  
15 to Spokane, outside of Asotin County, in the very southeast  
16 corner of Washington State, Cowville -- had I moved to  
17 Spokane, that might have been a different story and I would  
18 have gotten a different pay grade. So I have to take  
19 exception to -- and I -- and I know Mr. Campbell testified  
20 to that, and he looks at that, and that -- again, that might  
21 be fine in a metro area. But sometimes in small communities  
22 or in environments where you're working for a sole  
23 proprietor, they can't pay those kind of wages.

24 So that being a determination whether or not a  
25 person is doing electrical work -- or any kind of work, for

1 that matter -- and we put upon them that, well, they must  
2 just be sweeping new floors, that -- that's no -- that's an  
3 assumption far out there, because I can attest to myself. I  
4 was doing work and not getting paid what I should have been  
5 paid, but I needed the job.

6 MR. JENKINS: Thank you.

7 MR. GREGORY JOHNSON: So I have a question.

8 MR. JENKINS: Board Member Gregory Johnson.

9 MR. GREGORY JOHNSON: Yeah. So you brought up a  
10 really good point about we don't know what that information  
11 was. We don't even know if the CD existed or not. So  
12 that's a good point. I'm wondering, is our only choice is  
13 -- is to revoke or not revoke? Or could we -- do we have  
14 the ability to say, "Well, we're going to suspend it pending  
15 additional proof"? Or -- or, like, what -- what's our  
16 options for how we rule? Because, I mean, there's a lot of  
17 unknowns.

18 MR. BLOHOWIAK: My understanding is that you are  
19 charged with determining whether or not the department's  
20 actions were correct or incorrect. And that's it.

21 MR. GREGORY JOHNSON: So correct or not correct.  
22 Does that mean --

23 MR. BLOHOWIAK: Was it correct to revoke the  
24 license, or was it incorrect to revoke the license?

25 MR. BAKER: Is it revoked right now?

1 MR. BLOHOWIAK: Yes. That's why --

2 MR. BAKER: It's revoked right now?

3 MR. BLOHOWIAK: That's why it's --

4 MR. BAKER: Okay. All right. If --

5 MR. MOLESWORTH: It's not -- it's not revoked per  
6 se. It's with the intent to revoke, and then they have an  
7 opportunity to appeal.

8 MR. BAKER: Okay. So it's pending?

9 MR. BLOHOWIAK: Yes.

10 MR. BAKER: The revoke is pending?

11 MR. BLOHOWIAK: I should make it clear. When the  
12 department takes action on somebody's license, if they  
13 appeal, it is automatically stayed. And so it's -- it's --  
14 you're determining whether or not the department should go  
15 forward with the revocation or not.

16 MR. BAKER: Okay.

17 MR. GREGORY JOHNSON: Can we -- like, for  
18 revisiting, like, if we were to revoke, and then later on he  
19 were to provide additional evidence of hours, can we  
20 reconsider? Or are we basically saying, "No. Sorry. You  
21 have to go sit through the exam and the whole application  
22 process"? Or can it just be made as in, "Okay. You got the  
23 hours. We'll add that to your record and go back"? Or how  
24 does that work?

25 MR. JENKINS: Let me say that is a question I



1 would go to the department with.

2 MR. MOLESWORTH: So at -- at this point, I'd have  
3 to look at the records to see if he still has a journeyman  
4 certificate -- right? -- or if he still has an EL01. We're  
5 revoking the EL01 -- right? -- is what we're doing. So at  
6 that point, there's no way to gain additional experience.  
7 You know, he'd have to start as a trainee and work for a  
8 company that had a certifying supervising journeyman  
9 electrician or master electrician to gain those hours to  
10 then come back and apply and -- and retest.

11 MR. JENKINS: So I guess your question might be,  
12 if he -- after today -- and say we do what we did; I don't  
13 care what it is -- he went to -- to Colorado, drove out  
14 there, found the JWs he worked for, and says, "This is my --  
15 sign, press hard -- all these hours, I worked for these  
16 different locations," and he approves 16,000 hours -- just  
17 throwing some number out there -- and he comes back, and he  
18 hands it to the department, would they reinstate his 01  
19 license?

20 MR. MOLESWORTH: So, probably not. And the reason  
21 for that is because he's going to go, and he has the  
22 opportunity to influence or to have somebody give them hours  
23 -- and not just this individual, but any individual. He may  
24 be able to do that. And if they submitted them to the State  
25 of Colorado, and the State of Colorado accepted them and

1 entered them into their system, then we would probably  
2 accept them from that point because you have another  
3 governmental agency that -- where the work was actually  
4 accomplished, that is accepting those hours. And that's  
5 what we do through -- through audit, is we check with those  
6 people. And we do check with employers if those hours don't  
7 show up there. But there's a lot of times we don't approve  
8 them.

9 MR. GREGORY JOHNSON: So --

10 MR. JENKINS: Thank you.

11 MR. GREGORY JOHNSON: -- one more last follow up  
12 question that's, like, concerning, is there was an objection  
13 to what the burden of proof and whose onus it was to prove  
14 stuff during the proceeding with the ALJ. I don't know if  
15 that burden of proof shifted throughout time. I don't know  
16 what point that changed. Did it just change right --  
17 yesterday, or did it change -- I don't know -- during prior  
18 conversations? But I would hate to make a rash decision  
19 with the assumption that -- and then, if he wasn't given an  
20 opportunity to provide the additional information that was  
21 necessary, and then it's like, "Well, we can't go back in  
22 time and fix it." So that's what I --

23 MR. JENKINS: Okay.

24 MR. GREGORY JOHNSON: Yeah.

25 MR. JENKINS: So I think your original question

1 was started, and we are holding off to get a hold of -- find  
2 people online. So the original question was --

3 MR. CHALMERS JOHNSON: Gentlemen, I -- I have the  
4 -- the WAC that -- that your attorney was asking for. I can  
5 just give the citation and leave it to him, if you'd like.

6 MR. BLOHOWIAK: Well, John Barnes is on the phone.  
7 And so --

8 MR. CHALMERS JOHNSON: Sure.

9 THE REPORTER: May I please get the name of the  
10 person who just spoke over Zoom?

11 MR. CHALMERS JOHNSON: Chalmers Johnson.

12 THE REPORTER: Thank you very much.

13 MR. CHALMERS JOHNSON: Would you like the WAC  
14 number?

15 MR. JENKINS: Hold on a second. Let's see what  
16 John has to say, and then we will refer back.

17 MR. CHALMERS JOHNSON: Okay.

18 MR. BARNES: Can you hear me?

19 MR. JENKINS: Yes, we can.

20 MR. BARNES: Okay. Under the Statute RCW  
21 19.28.241 -- it's titled "Revocation of certificate of  
22 competency." And it says that the -- the individual is  
23 entitled to a hearing in accordance with Chapter 34.05, RCW.  
24 Now, that's the Administrative Procedures Act. And under  
25 that act, the appealing party has the burden of proof. So I

1 think where people are getting confused is that normally you  
2 are hearing appeals from citations of penalties. And under  
3 that WAC, 296-46B-995, subsection (3)(b), it talks about  
4 appeal -- "In all appeals of penalties issued by the  
5 department, the department has the burden of proof by a  
6 preponderance of evidence."

7 So generally under appeals of citations, the  
8 department has the burden. But on a revocation, it's  
9 pursuant to the Administrative Procedures Act, which has the  
10 appealing party with the burden.

11 MR. JENKINS: Did that answer the question?

12 MR. GREGORY JOHNSON: Partially. The other part  
13 was was that well-known by both counsels throughout the  
14 proceeding? At what point was that made clear? Or that --

15 MR. BLOHOWIAK: That was made clear at the outset  
16 of the hearing.

17 MR. GREGORY JOHNSON: Which was after the point  
18 that evidence was allowed to be admitted to the record --  
19 submitted?

20 MR. BLOHOWIAK: No. It was at the beginning of  
21 the hearing.

22 MR. GREGORY JOHNSON: At the beginning of the  
23 hearing. But the deadline for submitting exhibits was prior  
24 to that.

25 MR. BLOHOWIAK: Well, we were admitting exhibits

1 that weren't submitted prior to the hearing during the  
2 hearing yesterday.

3 MR. GREGORY JOHNSON: Oh.

4 MR. BAKER: My expectation would be that both  
5 counsels -- smart, bright individuals -- were supposed to  
6 know their way and how to navigate these systems. And  
7 there's -- they should know that.

8 MR. GREGORY JOHNSON: Okay.

9 MR. BAKER: Right? And if it was misunderstood,  
10 well, that's on them.

11 MR. GREGORY JOHNSON: Okay.

12 MR. BLOHOWIAK: And one moment. Just, my advice  
13 to the board. My understanding, in review of the law, the  
14 board does not have the authority to change the burden of  
15 proof, nor does the department. That there was a  
16 typographical error, it was probably my mistake in reviewing  
17 the letters that went out. And so I apologize for that.

18 But my review and understanding of the law of this  
19 case and the board's authority is that it is the appealing  
20 party that has the burden, that this is not -- this is  
21 governed by 35.05.570 of the Administrative Procedures Act.  
22 And so it is a burden on the appealing party to show that  
23 the department action is invalid. So that would be my  
24 advice to the board, would be to follow the law. And so --  
25 and that's my understanding of the law.

1 MR. BAKER: In light of that, going back to the  
2 letter, I mean, if the letter says that the department has  
3 the burden of proof, maybe we set him up to fail a little  
4 bit in that letter. Some miscommunication. Right?

5 MR. BLOHOWIAK: Yeah.

6 MR. BAKER: Yeah.

7 MR. BLOHOWIAK: But as you said, Mr. Chalmers and  
8 Mr. Barnes are both competent --

9 MR. BAKER: That's right.

10 MR. BLOHOWIAK: -- counsel.

11 MR. BAKER: That's right.

12 MR. BLOHOWIAK: And have due diligence to their  
13 clients to research and understand the law.

14 MR. JENKINS: Okay. Board Member Stephen?

15 MR. ENTREKIN: Yeah. So Board Member Entrekina.  
16 When talking about the case -- not talking about the burden  
17 of proof -- but about the last 15 minutes, we -- we talked  
18 about a lot of assumptions.

19 You mentioned a lot of assumptions about, you  
20 know, did he work the hours? Did you -- you know, you --  
21 you -- it sounded like -- that you were thinking -- it's,  
22 like, "Well, maybe he didn't. Well, maybe he did. We don't  
23 know." They're assumptions.

24 Let me add another assumption about Steve. Maybe  
25 he had a directive from his supervisor to reduce the audits.

1 And so therefore they were rushing through there, and we  
2 didn't get this logged in back then. Maybe. I don't know.

3           So to my point, if we're -- if -- if the -- if L&I  
4 wants to revoke his license, if there were violations while  
5 he was an electrician here in Washington, wouldn't that be  
6 brought up also during this case, to -- to more validate  
7 revoking of the license, saying that he hasn't had the  
8 supervision, you know, to where he is making mistakes out in  
9 the field, because he didn't have that -- you know, the --  
10 the supervision?

11           So, you know, part of making this decision is we  
12 talk about these assumptions from the facts that were  
13 brought up. So I just wanted to make sure that I put other  
14 assumptions along with our assumptions, and not forget about  
15 our facts and what was -- what was brought up and what was  
16 not brought up, so.

17           MR. JENKINS: Thank you.

18           Board Member Jack Knottingham.

19           MR. KNOTTINGHAM: Board Member Knottingham. You  
20 know, I looked at that too, and I looked at the WAC that was  
21 provided in -- in the packet. WAC 296-46B-900, subsection  
22 (2), states, "The Department may revoke or suspend, for such  
23 time as it determines appropriate, an electrical  
24 contractor's license, administration certificate, master  
25 electrical certificate of competency, electrical certificate

1 of competency, or training certificate if" -- and then  
2 there's a list -- "the license, certificate, or permit was  
3 obtained through error or fraud."

4 And I just wanted to interject. I don't see that  
5 as error: "We lost your -- your -- your information." I --  
6 I really don't. I see it as error: "You shouldn't have been  
7 approved." I mean that -- that's -- that's my editorial.

8 "(b) The license, certificate, or permit holder is  
9 judged to be incompetent to work in the electrical  
10 construction trade as an electrical contractor,  
11 administrator, master electrician, journey-level  
12 electrician, specialty electrician, electrical technician,  
13 or electrical trainee."

14 So my comment is this kind of addresses what you  
15 just raised, is that would be another reason that they could  
16 go for revocation. And I know that -- that this group has  
17 done revocations because of gross installations that have  
18 happened -- cut ground rods, unsafe installations -- they've  
19 gone for revocation.

20 And then, I guess that's more (c). "For serious  
21 noncompliance as described in RCW 19.28.241 and 19.28.341  
22 for other grounds or procedures." It goes on, and it lists  
23 a couple other reasons why it could be -- you know, false  
24 statements. That hasn't been an allegation here, that there  
25 was any fraud. So I just want to point out that there's



1 multiple reasons why the department may proceed with  
2 revocation; not just because of incompetence.

3 MR. JENKINS: And just to add to that, just as a  
4 side note, those are not "and" items or "or" items. Any of  
5 these could create them. Doesn't have to take more than one  
6 of those to create them.

7 Yes. Board Member --

8 MR. COX: Board Member Cox. The question was  
9 asked a moment ago about verifying the -- verifying  
10 employment. And Chairman Jenkins referred that to the  
11 department. And Chief Molesworth, I just heard him answer  
12 that question, and said, "Checking with those employers is  
13 done through audit." Which then brings me back to Exhibit  
14 C, that says, "Audit approved for EL01 exam."

15 So it's, again, audit's responsibility and duty to  
16 check with those employers, to verify that employment.  
17 Whether that was done thoroughly on the part of the auditor  
18 in question, as we have identified as "Steve," we don't know  
19 that. What we know on record and by testimony is that the  
20 applicant was approved for the EL01 exam.

21 MR. JENKINS: Okay. Anybody else have any  
22 questions or comments for the meeting?

23 MR. BLOHOWIAK: I just want to make -- this has  
24 been -- again, one other thing here is that while my advice  
25 is that the burden is on the appealing party, also, the

1 burden of proof is a preponderance of the evidence. That is  
2 not a reasonable doubt. This is not a criminal proceeding.  
3 That is 50 percent plus one, whether it is more likely than  
4 not. So that is how you can view the evidence today and  
5 when you're making your decision. I just want to make that  
6 clear, that the -- the burden is just -- Mr. Leon just has  
7 to show is more likely than not that he met his burden in  
8 this case, that he had the hours.

9 MR. BAKER: Yeah. And I -- I believe it is more  
10 likely than not that he did, based on the fact that, as you  
11 articulated, an auditor -- hired, trained, a professional  
12 auditor for the Department of Labor & Industries -- twice  
13 approved his hours. He sat the exam. He passed the exam.

14 I'm going to make a motion, just to -- just to get  
15 that out there, that we -- what are our options here?

16 MR. BLOHOWIAK: You can -- so the department's  
17 action currently is suspending -- or revoking the license.  
18 So you can determine that the department's decision to  
19 revoke the license is incorrect, so that they should not --

20 MR. BAKER: I make the motion the department's  
21 action to reverse -- to -- to reverse the -- the -- what's  
22 the word?

23 MR. BLOHOWIAK: To revoke.

24 MR. BAKER: To -- to revoke his license is  
25 incorrect, and they should stop and desist.

1 MR. JENKINS: And then, for our -- to get this  
2 thing written out, if I understand it correctly, based upon  
3 what findings of fact?

4 MR. BAKER: Well, we can get into the finding of  
5 facts. But that's my motion.

6 MR. JENKINS: Okay.

7 MR. BAKER: And as I said prior --

8 MR. JENKINS: Hold on.

9 MR. BAKER: -- there's a -- there -- we could look  
10 at -- if -- if you really want to dig into it. But I can  
11 hang my hat on page 35, his application that was approved.

12 MR. JENKINS: Okay.

13 MR. COX: Board Member Kerry Cox will second the  
14 motion.

15 MR. JENKINS: So we have a motion. We have a  
16 second. Any discussion?

17 MR. ISAACSON: This is strictly for the 01  
18 certificate. Correct?

19 MR. JENKINS: Yes, it is.

20 MR. BAKER: Correct.

21 MR. COX: As I understand, that's all that's in  
22 question --

23 MR. JENKINS: Yes. That's why I want to make sure  
24 that was --

25 MR. COX: -- the revocation of his 01 --

1 MR. BAKER: Yeah.

2 MR. COX: -- certificate.

3 MR. GREGORY JOHNSON: There's a lot of info we  
4 just discussed. Is it possible to table the motion and take  
5 a short recess to -- you know what I mean? -- just as we  
6 mull over our thoughts, and then come back, and dispose of  
7 the --

8 UNIDENTIFIED SPEAKER: Isn't that what we're doing  
9 here?

10 MR. JENKINS: The motion -- okay. There's a  
11 motion on the table. We have a second. We're in discussion  
12 --

13 MR. GREGORY JOHNSON: But you can't do a --

14 MR. JENKINS: -- which is now asking for --

15 MR. GREGORY JOHNSON: I'm -- I -- I would like to  
16 move -- move to table the motion for a short recess --

17 MR. JENKINS: Just for a break?

18 MR. GREGORY JOHNSON: Just for a short, like, 10  
19 minute break to --

20 MR. JENKINS: Let's do five.

21 MR. GREGORY JOHNSON: -- or five --

22 MR. JENKINS: Five-minute break.

23 MR. GREGORY JOHNSON: Okay.

24 MR. JENKINS: -- this case. I want -- I want to  
25 make sure it's done correctly in the end.

1 MR. GREGORY JOHNSON: Right.

2 MR. BLOHOWIAK: I'm just looking. I pulled up my  
3 Roberts Rules cheat sheet.

4 MR. ENTREKIN: Okay. While he's doing that. Can  
5 I ask -- Board Member Entrekkin. Can I ask what the  
6 procedure is to rendering a decision from the board? Is it  
7 just motion and then --

8 MR. JENKINS: Motion, second, discussion we're  
9 doing now --

10 MR. ENTREKIN: Okay.

11 MR. JENKINS: -- which is open. You can talk  
12 about --

13 MR. ENTREKIN: Right.

14 MR. JENKINS: -- his motion. And then we'll vote  
15 --

16 MR. COX: And then call for the question.

17 UNIDENTIFIED SPEAKER: Yeah. And I believe --

18 MR. ENTREKIN: Okay. So --

19 UNIDENTIFIED SPEAKER: -- a motion to table is the  
20 priority motion that you can --

21 (Simultaneous speaking.)

22 THE REPORTER: I'm sorry. Could you speak one at  
23 a time, please?

24 MR. JENKINS: Thank you.

25 MR. ENTREKIN: Okay.

1 MR. JENKINS: So currently I have a motion on --  
2 for tabling. And I'm verifying that that's --

3 MR. BLOHOWIAK: So --

4 MR. JENKINS: -- Robert's Rules.

5 MR. BLOHOWIAK: -- there needs to be a second for  
6 the motion to table, and it needs to pass by a majority.

7 MR. JENKINS: Okay. So we have a motion to table  
8 and take a five-minute break.

9 MR. COX: Board Member Cox will second the motion  
10 to table for five minutes.

11 MR. JENKINS: Okay. So, second.

12 Any discussion?

13 All in favor, signify by saying, "Aye."

14 BOARD MEMBERS: Aye.

15 MR. JENKINS: Any opposed?

16 BOARD MEMBERS: Aye.

17 MR. JENKINS: Thank you.

18 Any opposed?

19 Hearing none, motion passes.

20 So we're -- got a five-minute table.

21 (WHEREUPON, a recess was taken.)

22 MR. JENKINS: So it is now 11:55. We'll bring the  
23 meeting back to order.

24 All right. So we're currently on the vote  
25 discussion of the reversal of the department's decision.

1 Yes. Board member?

2 MR. KNOTTINGHAM: Board Member Knottingham. I --  
3 I just kind of want to push back a little bit on what Mr.  
4 Cox had said about the -- about the pay. And -- and I  
5 understand that, and it's valid points. But in '01,  
6 according to the tax record -- and this is Exhibit 10 --  
7 24K. In '02, 16K. 14K the next year. 14K. And then, in  
8 '05, 13.2K. So the wages are going down. They -- they  
9 never were that high. So that, right there, is a -- is a  
10 flag for me.

11 And it comes back to -- you know, this is  
12 difficult; I -- I agree. It's -- it's very impactful for  
13 Mr. Leon and for the department. I don't see anything to --  
14 in -- in my opinion, in the record, that would point to the  
15 department shouldn't have -- seek revocation. That --  
16 that's my view.

17 MR. JENKINS: Any more comments from the board  
18 members, including online? All right.

19 MS. DIETRICH: I don't know if Mr. Tumelson can --  
20 can speak, or all of them.

21 MR. JENKINS: I don't see any hands up.

22 MS. DIETRICH: No.

23 MR. JENKINS: All right. So hearing none --

24 MR. GREGORY JOHNSON: Can -- is it -- real quick,  
25 just to refer back to the -- to the WAC that was referenced.

1 So under the WAC 296-46B-990, which, I believe, is what was  
2 referenced earlier -- and I'm reading a lot of this for my  
3 own benefit -- where it talks about revocation, if we look  
4 at (2)(e), "The certificate holder falsely, incompletely, or  
5 inaccurately reported previous work experience. The  
6 department will deny an application for a  
7 license/certificate during the period of revoking or  
8 suspension of the same -- another license under this  
9 chapter."

10 Is there something I missed? Is there another  
11 section of this -- of this rule? Or is there another  
12 statute I should be relying on more heavily?

13 MR. JENKINS: I would --

14 MR. GREGORY JOHNSON: That's just to the other  
15 board members. Is there --

16 MR. JENKINS: I think the best person, that's in  
17 the statutes more often, would be Wayne.

18 Anything else --

19 MR. MOLESWORTH: I guess I don't understand your  
20 -- your --

21 MR. GREGORY JOHNSON: I just want to review the  
22 statute -- which, I mean, this is the administrative rule,  
23 not statute -- but either the statute or the rule that we're  
24 basing our decision on.

25 MR. MOLESWORTH: Right. So I think that was in



1 the evidence file, what we were basing it on. Right?

2 MR. GREGORY JOHNSON: Can we go to that page real  
3 quick, just so we can reread --

4 MR. MOLESWORTH: Yeah. I don't have it in front  
5 of me, the exact number.

6 MR. JENKINS: Does anybody have that, that  
7 section?

8 MR. BLOHOWIAK: Are you looking for -- you want  
9 the RCW?

10 MR. GREGORY JOHNSON: Either the RCW or the WAC  
11 that we should --

12 MR. BLOHOWIAK: So --

13 MR. GREGORY JOHNSON: Is it possible to read it  
14 again so we can just get a --

15 MR. BLOHOWIAK: 19.28.241. That is revocation of  
16 a certificate of competency, grounds and procedure. Do you  
17 want me to read the statute?

18 MR. GREGORY JOHNSON: Would you, please, just so  
19 --

20 MR. BLOHOWIAK: Yeah.

21 "The department may revoke any certificate of  
22 competency upon the following grounds:

23 "The certificate was obtained through error or  
24 fraud;

25 "The holder thereof is judged to be incompetent to

1 work in the electrical construction trade as a journey level  
2 electrician or specialty electrician;

3 " (c) The holder thereof has violated any of the  
4 provisions of RCW 19.28.161 through 19.28.271 or any rule  
5 adopted under this chapter; or

6 " (d) The holder thereof has committed a serious  
7 violation of this chapter -- chapter or any rule adopted  
8 under this chapter. A serious violation is a violation that  
9 presents imminent danger to the public."

10 And then, that is also -- the Washington  
11 Administrative Code also discusses the suspension and  
12 revocation of electrical licenses. And that's been read a  
13 couple of times. But 296-46B-990, subsection -- starting  
14 with subsection (2):

15 "The department may revoke or suspend, for such  
16 time as it determines appropriate, an electrical  
17 contractor's license, administrator's certificate, master  
18 electrician -- electrician's certificate of competency, an  
19 electrician's certificate of competency, or training  
20 certificate if:

21 " (a) The license, certificate, or permit was  
22 obtained through error or fraud;

23 " (b) The license, certificate, or permit holder is  
24 judged to be incompetent of working in the electrical  
25 construction trade as an electrical contractor,

1 administrator, master electrician, journey-level  
2 electrician, specialty electrician, electrical technician,  
3 or electrical trainee;

4 "(c) For -- for serious noncompliance as described  
5 below. See RCW 19.28.241 and 19.28.341 for other grounds  
6 and procedures.

7 "(d) The license or certificate holder  
8 incompletely or inaccurately reported continuing or basic  
9 trainee class education units on an application for renewal;  
10 or

11 "(e) The certificate holder falsely, incompetently  
12 (sic), or inaccurately reported previous work experience."

13 And that -- that's the end of that.

14 MR. GREGORY JOHNSON: So we're basing the decision  
15 on -- from what I heard what you read, it's basically --  
16 department error is really the point that we're focused on.  
17 So was there a department error or not?

18 MR. JENKINS: Well, the -- the motion on the table  
19 is currently that there was no error, and it was the --  
20 based upon the -- we'll get to that -- why.

21 MR. BAKER: So the motion is that, based on the  
22 preponderance of evidence that's been provided, that, I  
23 believe, that the department should not seek to revoke his  
24 license?

25 MR. JENKINS: Thank you.

1 MR. BAKER: And, you know, one thing I would point  
2 to, besides all the testimony we heard yesterday, is the  
3 fact that they approved him to sit for the exam. That some  
4 competent person in the -- Steve, or Mystery Man Steve,  
5 twice reviewed his information and approved him to sit for  
6 the exam. I believe that individual did his job. I believe  
7 he had the information he needed. It's unfortunate that 15  
8 years later we don't have a record of that. But I believe  
9 he did do his job properly, based on all the evidence  
10 provided. Therefore, I believe the department should not be  
11 revoking this -- this man's license.

12 MR. JENKINS: Okay. Board Member Jack  
13 Knottingham?

14 MR. KNOTTINGHAM: RCW 19.28.241, on the  
15 revocation. You know, that is in -- in statute. Right?  
16 That's statute?

17 MR. BLOHOWIAK: Yeah.

18 MR. KNOTTINGHAM: You know, it goes through the  
19 leg. It's proved. I don't know why that would have been  
20 included -- obtained through error or fraud. Fraud,  
21 obviously. Right? But for error, other than the fact that,  
22 like, this -- assumption of this case is that somebody  
23 screws up, somebody that's supposed to be competent in  
24 reviewing makes a mistake and approves something that  
25 shouldn't have been approved. I don't see any -- any other

1 reason why, through error, it would be included, unless that  
2 was the reason. That's -- anyway.

3 MR. JENKINS: Okay. Next board member.

4 MR. COX: Board Member Cox. I'll speak an  
5 assumption on that. What if the error were the state that  
6 the applicant was coming from made an error in their  
7 records, gave that to the applicant; the applicant used that  
8 as official record to provide to the State of Washington.  
9 That's also where error could occur.

10 MR. KNOTTINGHAM: Yeah. I agree.

11 MR. COX: Yeah.

12 MR. KNOTTINGHAM: I agree.

13 MR. BAKER: To Jack's point, though, I think, you  
14 know, the error is in there for a reason. I think it should  
15 be there. But the error isn't on -- how to say this -- get  
16 it right. The error isn't on Mark Leon not having --  
17 Stephen got this information -- in my opinion, based on the  
18 preponderance of evidence -- and reviewed it, and approved  
19 him to sit for the exam. No error has been made yet. Okay?  
20 No error has been made. Then, when the time came to  
21 document, memorialize that evidence that he received, it  
22 didn't get memorialized; it didn't get put into the system.  
23 If there's an error, that would have been the error.

24 Now, you made a point earlier that maybe networks  
25 fail; sometimes information gets lost. Is that an error? I

1 don't know. It's a failure. But -- so the word "error," I  
2 think, applies to everything leading up to that auditor  
3 reviewing. Did the auditor make a mistake in reviewing the  
4 evidence that was given to him? That would be an error for  
5 sure. And approved him to sit for the exam? That would be  
6 an error. I don't believe he did. I believe he made a  
7 couple phone calls. I believe, based on the evidence that  
8 we received, that he did all that and that he did not make  
9 an error.

10           Were these forms filled out properly? No, it  
11 looks like there's some things that should have been checked  
12 here. There's things that probably should have been done.  
13 Did the -- did the information get memorialized properly?  
14 No, it doesn't sound like it did. It sounded like the  
15 department had some policies in place, and they maybe  
16 weren't followed properly. But that, I don't believe, is  
17 the error that's listed in that statute. It's a -- it's a  
18 different kind of error. Right?

19           MR. JENKINS: Okay.

20           MR. KNOTTINGHAM: Board Member Knottingham. I --  
21 I appreciate that, and I -- and I think you're -- you're  
22 correct. But based on -- and I'm -- and I'm not saying you  
23 need to look at the evidence -- but based on the evidence, I  
24 -- I can't come to that conclusion. If that was my  
25 determination -- that, you know what, the department screwed

1 up; they didn't document, and they lost it -- you know, bad  
2 on them. I wouldn't -- I wouldn't go back to -- to Mr. Leon  
3 and look for revocation.

4 The only thing I can base it on is what's been  
5 presented to us. And it doesn't look like -- what's been  
6 presented to us does not qualify his hours. And that's  
7 solely what my decision is based on.

8 MR. BAKER: Yeah. So the -- it's an error. So I  
9 respect you. I do. And I respect your position. But the  
10 error you're looking at is that the auditor made an error in  
11 reviewing the evidence, in reviewing the information that  
12 Mark gave him --

13 MR. KNOTTINGHAM: Hours shouldn't have been  
14 approved.

15 MR. BAKER: -- which we don't have. We don't have  
16 that --

17 MR. KNOTTINGHAM: Yes.

18 MR. BAKER: -- to look at it. But you're assuming  
19 that the information he gave him wasn't correct, and Steve  
20 made an error. That's an assumption. You're -- you're  
21 assuming that the evidence he got was wrong. And it's lost,  
22 unfortunately; it was 15 years old. The department didn't  
23 record it. Mark didn't hang onto it. So we have -- you're  
24 making the assumption that --

25 MR. KNOTTINGHAM: I --

1 MR. BAKER: And I'm assuming he didn't. I'm  
2 assuming he looked at it properly and he got it right,  
3 because I believe in the department, I believe the people  
4 they hire are competent, I believe he was in that position  
5 because he knew what he was doing. And I believe he did it  
6 right and did it correctly. So that -- that's -- that's  
7 where I think you're coming from. You know where I'm coming  
8 from. We're just going to agree to disagree.

9 MR. KNOTTINGHAM: Yeah. And -- and I would --  
10 would have appreciated it if we had information that  
11 supported those hours.

12 MR. BAKER: Yep.

13 MR. KNOTTINGHAM: You know, we had names, we had  
14 things. And then, honestly, this wouldn't be an issue. And  
15 -- and I think I would be voting to deny the revocation.

16 MR. BAKER: Yeah.

17 MR. KNOTTINGHAM: But we don't have -- we don't  
18 have that --

19 MR. BAKER: That would make it a lot easier, for  
20 sure.

21 MR. KNOTTINGHAM: Yes.

22 MR. BAKER: But I understand. If somebody asked  
23 me to go dig up something 15 years ago, I'd have a hard time  
24 with that.

25 MR. KNOTTINGHAM: I understand. But I -- I do. I



1 have records of when I was living in Idaho as a 14 year old  
2 --

3 MR. BAKER: Yeah.

4 MR. KNOTTINGHAM: -- who I worked for and what I  
5 did and how much I made.

6 MR. BAKER: Yeah. So we're all different. Right?

7 MR. GREGORY JOHNSON: And that's the -- that's the  
8 challenge of this decision. If this were five years ago,  
9 it'd be an easy decision. If -- but, I mean, if this is  
10 long ago -- so that's what I'm -- I'm struggling with. It  
11 makes it a really challenging decision.

12 MR. LEE: I got -- I got a quick comment here.  
13 Board Member Lee. So on page 1 of the 1500-page packet, the  
14 charges are laid out. And then, the third kind of  
15 paragraph, I guess -- the problem is it states,  
16 "Specifically, the -- the documentation you provided to  
17 qualify for the EL01 exam was not sufficient or complete."  
18 Are you saying that you're taking Steve -- Steve's approval  
19 in place of the documentation?

20 MR. BAKER: Well, we don't have that  
21 documentation. Right?

22 MR. LEE: I agree 100 percent.

23 MR. BAKER: Yeah. And -- and the -- through  
24 testimony yesterday and the evidence that was provided, we  
25 were told that that was provided to Steve, and he reviewed

1 it, and they came back and they approved him to sit for the  
2 exam. So, yeah, I'm trusting that system 15 years ago, that  
3 it worked properly. And it's unfortunate that we don't have  
4 the disc. It's unfortunate we don't have records of the  
5 phone calls that he made, but I believe they took place.

6 MR. JENKINS: Any other discussion for the motion?  
7 Hearing none, all in favor of the motion, signify  
8 by saying, "Aye."

9 BOARD MEMBERS: Aye.

10 MS. DIETRICH: We have four people online.

11 MR. JENKINS: Oh. Okay. Let's do --

12 BOARD MEMBERS: Aye.

13 MR. GREGORY JOHNSON: Can we call roll?

14 MR. JENKINS: Well, hold -- let's -- let's do  
15 this. Everyone raise your hand for --

16 MR. GREGORY JOHNSON: Can we do a roll call vote?

17 MR. JENKINS: Yes, we may.

18 MR. GREGORY JOHNSON: Let's do that.

19 MR. JENKINS: So, Kerry Cox, yea or nay?

20 MR. COX: In favor. A "yea."

21 MR. JENKINS: Mike Nord, yea or nay?

22 MR. NORD: Nay.

23 MR. JENKINS: James --

24 THE REPORTER: Was that a "nay"? I'm so sorry.

25 It's muffled.

1 MR. JENKINS: Mike Nord, is that a "yea" or a  
2 "nay"?

3 MR. NORD: Could -- could you please refresh me on  
4 -- on what the motion is at this point?

5 MR. JENKINS: The motion on the table currently is  
6 to reverse the department's decision to reinstate the -- to  
7 revoke the license. In other words, he would be reinstated  
8 with this motion.

9 MR. NORD: I vote "no."

10 MR. JENKINS: Okay. And James Tumelson is a non  
11 voting.

12 So, Don Baker?

13 MR. BAKER: Yea.

14 MR. JENKINS: Greg Johnson?

15 MR. GREGORY JOHNSON: Yea.

16 MR. JENKINS: Ivan?

17 MR. ISAACSON: Yea.

18 MR. JENKINS: Erick Lee?

19 MR. LEE: Nay.

20 MR. JENKINS: Stephen?

21 MR. ENTREKIN: Yea.

22 MR. JENKINS: Jack?

23 MR. KNOTTINGHAM: No.

24 MR. JENKINS: And we have who online?

25 MS. DIETRICH: We have Kevin Davis.

1 MR. JENKINS: Kevin Davis?

2 MR. DAVIS: That'd be "no."

3 MS. DIETRICH: Bobby Gray.

4 MR. JENKINS: And Bobby Gray?

5 MR. GRAY: Yes.

6 MR. JENKINS: 1, 2, 3, 4, 5, 6. Yes. And 1, 2 --  
7 1, 2, 3, 4. We got four "noes" Did I miss somebody?

8 MR. BLOHOWIAK: I had five "noes."

9 MR. JENKINS: Five "noes"? So --

10 MR. BAKER: I got -- so I got three "noes."

11 MR. JENKINS: Motion passes. Okay.

12 UNIDENTIFIED SPEAKER: You're not voting?

13 MR. JENKINS: I -- I can't vote unless it's a tie.

14 All right. So currently we have a -- to  
15 reinstate, now I'm going to -- I think, to make this record  
16 correct, we need to apply the correct findings of fact to  
17 supply that decision. So --

18 MR. GREGORY JOHNSON: I would -- so I would like  
19 -- one finding of fact I would like to suggest is the fact  
20 that, on multiple occasions, the department investigated.  
21 So they investigated in 2007 and 2009. And so that's one  
22 finding of fact, is that they -- the -- the department  
23 investigated on two occasions at least.

24 MR. JENKINS: Okay. Don?

25 MR. BAKER: And those investigations resulted in

1 an approval to sit for the exam. Yeah. Okay. Yeah.

2 MR. JENKINS: Any other finding of fact that would  
3 support that decision?

4 MR. GREGORY JOHNSON: So another finding of fact  
5 is in Exhibit 15, "Received additional" -- there is a note  
6 on March 17th, 2009, at 9:11:01 a.m., by MITU235. It says,  
7 "Received additional information attesting to additional  
8 4,000 hours of 01 COM/IND experience working as a sole  
9 proprietor EC in Colorado." So.

10 MR. JENKINS: Okay. Any other finding of fact  
11 that would even support this decision?

12 MR. ISAACSON: The testimony from yesterday's  
13 hearing.

14 MR. JENKINS: Okay. Anything in particular?

15 MR. ISAACSON: No. Just hearing the testimony  
16 from yesterday.

17 MR. BAKER: So the preponderance of evidence  
18 provided.

19 MR. GREGORY JOHNSON: Specifically from the  
20 testimony, there was a note by -- let me just refer back  
21 real quick -- to -- it was -- it was their second -- or --  
22 no. I mean the third -- the third --

23 MR. BAKER: Shawn Johnson?

24 MR. GREGORY JOHNSON: Yeah. Shawn Johnson. There  
25 was a note from Shawn Johnson about not calling all the --

1 and following up on everything, so.

2 MR. JENKINS: So a lack of following up on --

3 MR. GREGORY JOHNSON: Lack of following up on --  
4 he did not make a phone call to MIRR, and he only made a  
5 single phone call to Treasurer --

6 MR. BAKER: Treasurer Mitchell?

7 MR. GREGORY JOHNSON: -- Treasurer Mitchell, and  
8 didn't -- and let eight months go by and didn't bother to  
9 follow up. So that provides reason to believe that there  
10 wasn't an adequate investigation.

11 MR. JENKINS: Okay. Any other findings of facts  
12 from anybody on the -- on the call?

13 And the conclusions -- conclusions of law are  
14 covered by the -- the motion. Correct?

15 All right. So given that, I think -- unless --  
16 otherwise -- no -- that concludes the case for -- case. So  
17 does the proponent --

18 MR. BAKER: Appellant.

19 MR. JENKINS: The -- does the appellant and --

20 MR. GREGORY JOHNSON: Oh. One other finding of  
21 fact that would be of note. It's worthwhile noting that  
22 both witnesses, Mark Leon and Chris -- what was --

23 MR. COX: Campbell.

24 MR. GREGORY JOHNSON: What was that?

25 MR. COX: Campbell.

1 MR. ENTREKIN: Campbell.

2 MR. GREGORY JOHNSON: Oh, yeah, Chris Campbell.

3 Both of them collaborated that there was a lack of  
4 documentation that occurred at points in time.

5 UNIDENTIFIED SPEAKER: Within their department.

6 MR. GREGORY JOHNSON: Like -- yeah, within the  
7 department. Now, there wasn't specified to what degree and  
8 to what -- but both of them collaborate there was a lack of  
9 -- at different points.

10 MR. JENKINS: Okay. So we'll read the script.  
11 Thank you. The board has made its decision.

12 Mr. Johnson, could you please get together with  
13 the department to create an order that -- that reflects the  
14 -- reflects the board's decision? And if so, can you please  
15 get a copy of it to the board so that it can be signed? And  
16 if you have not created a decision before the next meeting,  
17 you'll be scheduled to appear before the board to present  
18 your position and why or why not it -- it reflects the  
19 decision of the board.

20 MR. CHALMERS JOHNSON: Yes, sir. May I have the  
21 court reporter's information so that I can order just the  
22 findings of fact and get it straight in the order?

23 THE REPORTER: Yes, Attorney Johnson. I will get  
24 you that information. I think I have yours.

25 MR. CHALMERS JOHNSON: Wonderful. Thank you very

1 much.

2           And, members of the board, I really appreciate  
3 your hard work on this case and the fact that you allowed me  
4 to be here to watch your deliberation. I thank you so much.

5           MR. JENKINS: Thank you. And any -- any other  
6 questions?

7           MR. CHALMERS JOHNSON: Nothing further. We'll  
8 take care of the rest on our side.

9           MR. JENKINS: All right. Thank you very much.  
10 So moving on to our -- on our agenda -- find it.

11           MR. COX: Item 4.

12           MR. JENKINS: Thank you. We're on line 4,  
13 certification and CEU quarterly report from techno  
14 specialist Larry Vance.

15           Are you available? Are you online today?

16           MR. VANCE: Thank you, Chairman Jenkins. I think  
17 -- I believe I am.

18           MR. JENKINS: Okay.

19           MR. VANCE: Am I heard in the room?

20           MR. JENKINS: Yes, you are. You're good to go.

21           MR. VANCE: Thank you.

22           The -- in -- in the board packet, board members  
23 can see two reports. One is pertaining to exams delivered  
24 at exam testing locations across the United States. It --  
25 it appears that we're still widely -- widely offering exams



1 in -- in all PSI testing locations, and people are taking  
2 advantage of that.

3 The other report is a -- is a report that shows  
4 the first-time pass rate for the different exam types. And  
5 there have been no substantial changes or no relevant  
6 changes in -- in exam pass rates.

7 There was a outstanding question from Board Member  
8 Cox regarding the zero pass rate.

9 MR. COX: Yes.

10 MR. VANCE: And I do have some information about  
11 that from PSI. And it's as follows:

12 "Due to technical issues while testing, the count  
13 may get off and be set to null, which displays -- displays a  
14 zero. For example, a candidate may be scheduled for two  
15 portions of the exam." That would be two sections. "While  
16 taking the second portion, they are able to answer one item,  
17 and the exam freezes. We have to reschedule for the second  
18 portion. And the system gets confused with the attempt  
19 count for the second portion, and it gets set to null. We  
20 cannot manually re-enter the count for that attempt."

21 So having -- having kind of looked at this, it --  
22 it appears that this anomaly is something that happens  
23 really with administrator exams. It happens extremely  
24 infrequently. And given the -- you know, the -- the breadth  
25 of -- of PSI testing locations across the United States,

1 things do happen a little bit, you know, in -- in computer  
2 networks. So I -- I'm not really seeing this as a -- as a  
3 -- as a real -- real issue. It's -- it's interesting, but  
4 I'm not sure how to -- how to make it exactly perfect or if  
5 we're ever going to get to perfection.

6 MR. COX: Just having the explanation, Larry, is  
7 enough. It -- it's an IT issue, so. It -- it --

8 MR. VANCE: Sure. Well, thank you.

9 MR. COX: It has meaning, so we -- we at least  
10 know why it's happening. And so thank you for investigating  
11 that. I appreciate it.

12 MR. VANCE: Thank you.

13 MR. JENKINS: Did you have anything else there,  
14 Larry Vance?

15 MR. VANCE: I do not --

16 MR. JENKINS: Okay.

17 MR. VANCE: -- Chairman Jenkins.

18 MR. JENKINS: Thank you. I wasn't sure if you  
19 were done or not.

20 MR. VANCE: Nope. That -- that's all I have for  
21 you. Thank you.

22 MR. JENKINS: All right. Thank you very much.  
23 And I appreciate you -- your information on this.

24 We're on to our next subject, which is subject for  
25 possible rulemaking, electrical rules. And I don't have a

1 person doing this, so I -- I'm assuming --

2 MR. MOLESWORTH: I'll -- I'll take that, Chairman.

3 MR. JENKINS: Okay. So we have subject number 5,  
4 please.

5 MR. MOLESWORTH: Wayne Molesworth, secretary of  
6 the board. Thank you, board members. Rulemaking that we  
7 have going forward right now -- the only rulemaking we're  
8 doing is -- as an agency -- a program for the electrical  
9 program, is a fee increase. Fee increase is going to be as  
10 the economic growth factor is determined by the State, which  
11 is 6.4 percent. And that would become effective July 1 if  
12 passed.

13 There's a lot of discussion about fees right now.  
14 There's a lot of discussion about cost savings. And so  
15 we're keeping a close eye on the -- on the fund to ensure  
16 that we have the funds to do our business and to make sure  
17 that we're not going to get in another layoff situation.

18 So as you guys know, the -- the staff --  
19 inspection staff received a sizable pay raise a year and a  
20 half ago, two years ago, and that did make a dent in the  
21 fund. And as you know, we lost money over the last couple  
22 years. It's going to take us a couple of these to probably  
23 get to that point where we're adding a little during the  
24 high season and going down in the low seasons -- right? --  
25 because we do have a high and low season.

1           And that's the objective, is to have a waveform on  
2 our budget: up, down, up, down, up, down. Not a constant  
3 increase; not a constant decrease. Right now, for the last  
4 two years, we've been in a constant decrease, from 16,000 to  
5 approximately eleven five right now. So it's -- it's  
6 substantial. So we're working to ensure that that doesn't  
7 happen, by implementing this kind of a fee increase.

8           Okay. Any questions about that?

9           No?

10          MR. KNOTTINGHAM: Yeah. Board Member Knottingham.  
11 So you said it passed. I should know how this passes. But  
12 how -- how does it pass or not pass?

13          MR. MOLESWORTH: Oh. It --

14          MR. KNOTTINGHAM: What's the process?

15          MR. MOLESWORTH: This goes -- this goes in front  
16 of the legislature, put into the governor's budget.

17          MR. KNOTTINGHAM: Okay. Thank you.

18          MR. MOLESWORTH: So it's voted on and then makes  
19 it into the budget. Well, actually, I'm -- I'm going to  
20 retract that. This is -- this is a WAC, and it's 6.4. So  
21 we're doing a WAC proposal to change this. This will go in  
22 front of public hearings. Public hearings will -- will hear  
23 that, and make our decision whether or not we go forward  
24 with it. Right? Sorry.

25          MR. KNOTTINGHAM: Okay.

1 MR. MOLESWORTH: Confused another issue I'm  
2 thinking about right now.

3 MR. KNOTTINGHAM: Thank you.

4 MR. MOLESWORTH: So it -- it wouldn't have to go  
5 in front of the leg.

6 MR. KNOTTINGHAM: So it wouldn't have to be  
7 passed, then? It would just have to be implemented by the  
8 department?

9 MR. MOLESWORTH: We just implement it.

10 MR. KNOTTINGHAM: Okay.

11 MR. GREGORY JOHNSON: So where are we at? Are we  
12 going to send out a CR-101? Or are we at the CR-102?

13 MR. MOLESWORTH: We already did.

14 MR. GREGORY JOHNSON: We already sent out the 101?

15 MR. MOLESWORTH: Yeah.

16 MR. GREGORY JOHNSON: So when does the CR-102 get  
17 released on that?

18 MR. MOLESWORTH: I'm not sure when the date on  
19 that is just yet, but it'll be coming up.

20 MR. GREGORY JOHNSON: Okay.

21 MR. MOLESWORTH: So.

22 MR. COX: Question for the department, from Board  
23 Member Cox. If you hear pushback or -- let me ask it this  
24 way. Would there be any reason why the department wouldn't  
25 move forward with a 6.4 percent increase?

1 MR. MOLESWORTH: We would have to hear sufficient  
2 evidence to the fact that it was going to have a very  
3 negative impact on -- on the public and on contractors. A  
4 6.4 increase, right now, in comparison to the average permit  
5 cost, is an increased permit cost of just about \$9 on the  
6 average permit. So we don't -- we don't foresee that it's  
7 going to impact.

8 Matter of fact, most of the feedback we get from  
9 -- from customers, our stakeholders, and other governmental  
10 agencies is right now we're the cheapest game in town,  
11 across the state. Right? And we just can't afford to be  
12 the cheapest and -- and supply a high-level product like we  
13 do. So we have to make sure that we can cover our costs.  
14 And we don't want to overcharge; we don't want to  
15 undercharge. That's why I went that way. All right.

16 MR. COX: I'm -- I'm glad to hear you don't  
17 foresee a problem with this. Thank you.

18 MR. COX: No. I -- I -- I -- personally, I don't.

19 MR. COX: Yeah. Good.

20 MR. GREGORY JOHNSON: So, on that, just for the  
21 timeline -- is once you file the CR-102, then you have to  
22 have hearings. Are we -- is the department going to take  
23 care of all the hearings and then report it back to us, or  
24 do we need to -- if there's any public testimony, what's the  
25 process?

1 MR. MOLESWORTH: Yeah. We -- we report back to  
2 you guys, you know, what -- what our findings are and how  
3 we're moving forward, just like right now, you know, telling  
4 you that we're going to do that. We filed the CR 101. And  
5 then, as the process goes, we come to the board meeting and  
6 we follow through. The next board meeting being in April,  
7 you know, we'll probably be past a lot of those public  
8 hearings and -- and on our way to implementation, so.

9 MR. GREGORY JOHNSON: So then only action on the  
10 board is just voting on the CR-103?

11 MR. MOLESWORTH: No. There's no action --

12 MR. GREGORY JOHNSON: Oh. It's --

13 MR. MOLESWORTH: -- on the board for a fee  
14 increase. The -- the board's -- the board -- board's -- I  
15 don't know if it's really authority, but it -- it -- the  
16 board states that we have to maintain a three-month  
17 operating expenses in order to maintain the -- the program  
18 the way it is. That's advice. Right? And that's not a set  
19 in stone. But we try to maintain that as closely as we can.

20 MR. GREGORY JOHNSON: Thank you for those  
21 clarifications in the process.

22 MR. MOLESWORTH: Yeah. You bet.

23 Anything else?

24 MR. JENKINS: Are you good to go with Number 5, or  
25 was there more information you had on that? I'm sorry.

1 MR. MOLESWORTH: What's that?

2 MR. JENKINS: I didn't want to interrupt you -- I  
3 didn't want to interrupt you if you were continuing.

4 MR. MOLESWORTH: Oh.

5 MR. JENKINS: Are you -- got more? Do you have  
6 more?

7 MR. MOLESWORTH: I got -- no. I -- I'm done --

8 MR. JENKINS: Okay.

9 MR. MOLESWORTH: -- Chairman. Sorry.

10 MR. JENKINS: With that particular subject. But  
11 we have our next piece, which is back to you again, for our  
12 secretary's report.

13 MR. MOLESWORTH: Yeah. Well, thank you, Board  
14 Member --

15 MR. JENKINS: Thank you.

16 MR. MOLESWORTH: -- Member -- or Board Chair Jason  
17 Jenkins.

18 Board members, I'm about to read the secretary's  
19 report into the record. December 2004 (sic) customer  
20 service. 42,679 permits were sold last quarter. 98.4  
21 percent or 41,981 were processed online, which is an  
22 increase of 0.8 percent from last quarter. 99.8 percent of  
23 the contractor permits are sold online, which is the same  
24 for the previous quarter. Homeowners' online sales from  
25 this quarter is 84.0 percent, which is a 2.4 percent



1 increase from the previous quarter. Online inspection  
2 results -- or requests -- sorry -- is 74.2 percent, which is  
3 a 4 percent -- or 0.4 percent increase from last quarter.  
4 During this quarter, customers made 88.7 percent of all  
5 electrical license renewals were online, which is a 0.4  
6 percent increase from last quarter. We're becoming more  
7 effective online.

8           Scorecard goals or indicators. Percent of  
9 inspections performed within 24 hours of request. 2024, we  
10 did 76 percent. In '25, we did 82 percent. For sediment  
11 inspections performed within 48 hours of request, the goal  
12 is 94 percent. We did 89 percent in 2024, and we did 93  
13 percent in '25. Total inspections performed, 64,365 last  
14 year. This year, 65,590. Virtual electrical inspections  
15 performed last year was 11,344. This year, happy to report,  
16 13,337. Number of focus citations. I might add to Number 4  
17 that this is a reflection of line number 2 and the increase  
18 in 48-hour inspections, with the virtual inspections  
19 becoming more prevalent. It allows our inspectors in the  
20 field to go and do their inspections quicker.

21           MR. BAKER: Can -- can I ask you a question while  
22 we're on that subject right there?

23           MR. ENTREKIN: Yeah. I got a question too. But  
24 go ahead.

25           MR. BAKER: I think I've asked this before. I

1 don't know if you've looked into it. But does the total  
2 number of inspections performed include the virtual  
3 inspections on line 4?

4 MR. MOLESWORTH: My understanding was that it did  
5 not, but it very well may. I'll have to check it --

6 MR. BAKER: Yeah.

7 MR. MOLESWORTH: -- that again for you. I'm --  
8 I'm not sure.

9 Jenn, do you know if that -- if that's how they  
10 put this in here?

11 MS. DIETRICH: Lauren does that report for us --

12 MR. MOLESWORTH: Okay.

13 MS. DIETRICH: -- so I'm not certain.

14 MR. MOLESWORTH: Okay.

15 MR. BAKER: And then, total inspections performed,  
16 does that include return inspection, second inspections?

17 MR. MOLESWORTH: Yeah. It -- it includes  
18 reinspections.

19 MR. BAKER: Okay.

20 MR. MOLESWORTH: Yeah.

21 MR. BAKER: Yeah.

22 MR. MOLESWORTH: Any request that is made --

23 MR. BAKER: Yeah. Okay.

24 MR. MOLESWORTH: -- for inspection.

25 MR. BAKER: Perfect.

1 MR. MOLESWORTH: All right.

2 MR. BAKER: Thank you.

3 MR. ENTREKIN: And I've got one more question.

4 MR. MOLESWORTH: Sure.

5 MR. ENTREKIN: Board Member Entrek. Can you  
6 clarify for me -- just because I'm a newbie -- when you say  
7 '24 to -- compared to '25, 2024 to -- so far, this -- this  
8 year?

9 MR. MOLESWORTH: Same time frame. Right.

10 MR. ENTREKIN: Okay. All right. And when you  
11 say, "this year" -- well, what do you mean, "Same time  
12 frame"? Oh. Okay. Okay. From --

13 MR. MOLESWORTH: Yeah. October --

14 MR. ENTREKIN: From January --

15 MR. MOLESWORTH: -- December 31st --

16 MR. ENTREKIN: -- to January 30th?

17 MR. MOLESWORTH: Yeah. It's this last quarter.

18 MR. ENTREKIN: Okay.

19 MR. MOLESWORTH: Right. Sorry.

20 MR. ENTREKIN: Okay.

21 MR. MOLESWORTH: Yeah. The last quarter of -- of  
22 data is what we're dealing with.

23 MR. ENTREKIN: But there's no last quarter of '25.  
24 That's where I'm confused.

25 MR. MOLESWORTH: Of '24.

1 MR. ENTREKIN: Of '24. So compared to '23?

2 MR. MOLESWORTH: Yeah. Well, no. It's October  
3 1st to December 31st, FY24 and FY25. So last year -- see,  
4 we go by fiscal years. I'm sorry.

5 MR. ENTREKIN: Okay.

6 MR. MOLESWORTH: So a fiscal year starts in July.

7 MR. ENTREKIN: Okay.

8 MR. MOLESWORTH: Right? So --

9 MR. ENTREKIN: All right.

10 MR. MOLESWORTH: -- I -- I apologize.

11 MR. ENTREKIN: Fiscal year. That makes sense to  
12 me now.

13 MR. MOLESWORTH: I should have made that more  
14 clear.

15 MR. ENTREKIN: Oh, no. No, it's okay. It's  
16 probably assumed. I just didn't understand that, so. Okay.

17 MR. MOLESWORTH: No problem.

18 MR. ENTREKIN: Thank you. Sorry about that.

19 MR. MOLESWORTH: Yeah.

20 MR. KNOTTINGHAM: Board -- Board Member  
21 Knottingham. I -- I'm going to jump ahead and then go back.  
22 So the stops per day is -- is down a little bit, 10.9 as  
23 opposed to 11.2. But the inspections are up. So has the  
24 staffing level -- have you addressed staffing, or is that  
25 going to come up later?

1 MR. MOLESWORTH: Yeah, staffing level is -- is  
2 actually down from last year. We have -- we're holding -- I  
3 think it was right around 17 inspector positions at this  
4 time. Let's see. And so you're talking about three-tenths  
5 of a percent. That can vary, depending on the types of  
6 inspections we do and the miles driven. Right? So I think  
7 there's a tolerance there that is acceptable.

8 MR. KNOTTINGHAM: I understand. But looking back  
9 to it, the total number of inspections is up.

10 MR. MOLESWORTH: Yeah.

11 MR. KNOTTINGHAM: So if the inspections is up, but  
12 the stops per day is down, then -- you know, I would assume  
13 that E-CORE -- because -- or virtual inspectors was rolled  
14 into that, because that's the only one that's gone up.

15 MR. MOLESWORTH: Oh. Yeah.

16 MR. KNOTTINGHAM: So I --

17 MR. MOLESWORTH: Yeah.

18 MR. KNOTTINGHAM: I'm just trying to make sure --  
19 makes sense with the data.

20 MR. MOLESWORTH: Yeah. Exactly.

21 MR. KNOTTINGHAM: Thank you.

22 MR. MOLESWORTH: So I'll take a look at a couple  
23 of those things and -- and actually report back to you guys  
24 what that looks like completely so you get a good picture of  
25 it.

1 MR. KNOTTINGHAM: Great. Thank you.

2 MR. MOLESWORTH: Because I have a question in  
3 there too, so. Okay. So where were we? Number 5?

4 MR. KNOTTINGHAM: Number 5.

5 MR. MOLESWORTH: So focus citations and warnings.  
6 Contractor licensing, worker certification, no permit,  
7 failing to supervise trainees. Last year in the field, 647.  
8 This year, field, 326.

9 E-CORE and audit. Last year, 4,862. This year,  
10 1,794.

11 Inspection stops per inspector per day -- we  
12 covered that just now - 11.2, 10.9.

13 Serious electrical corrections that would result  
14 in the disconnection of power, 9,674 last year. 8,366, this  
15 period.

16 Turnaround time for average plan set reviewed. It  
17 was three days in 2024. It's now two days. We had a little  
18 change in plan review as well. We had a guy retire. So we  
19 may see some numbers increasing in that next quarter, for  
20 number of days, because we're not replacing that individual  
21 at this time.

22 All right. Plan pages reviewed. We got that.

23 Percent of warnings by focus violation type.  
24 Licensing was zero. Certification was 26. Permits were 71.  
25 Trainee supervision, 3 percent. And all focus were 3

1 percent on the average. So --

2 MR. COX: Question.

3 MR. MOLESWORTH: Yeah.

4 MR. COX: That percentage of warnings by focus  
5 violation type, does that tell you, Chief, anything about  
6 what's going on out there?

7 MR. MOLESWORTH: It -- it tells me that, for  
8 certifications -- and -- and trainee supervision especially  
9 -- and I look at the permits quite often when we look at  
10 warnings -- my direction has been, for -- for warnings, is  
11 that they're talking with their supervisors. Because I'm  
12 not a huge believer in -- in warnings, because they're  
13 certified individuals, licensed contractors; they're  
14 responsible for knowing the laws that pertain to them and  
15 abiding by them. There might be special circumstances, and  
16 in that case, the supervisor can help them make that  
17 decision so that we're not playing favorites with people we  
18 get to know in the field. Right? So that we're treating  
19 everybody equally, I guess, is what I want to make sure  
20 we're doing.

21 We don't -- a lot of times, for trainee  
22 supervision, we don't -- we don't cite the trainee  
23 themselves because -- unless they don't have a certification  
24 card, and then we cite them for not being certified, you  
25 know, or don't have a training card; we cite them for not

1 being certified.

2           Okay. Electrical licensing citations, amusement  
3 ride, and appeals section. As of January 23, '25, we are  
4 approximately 582 items waiting to be processed by the  
5 licensing team. The oldest item is dated 12/2024. About  
6 479 of these items are affidavits needing to be processed.  
7 The team is working with one vacant customer service  
8 specialist position.

9           In addition to processing documents, licensing  
10 staff are responsible for answering all incoming licensing  
11 phone calls all the time frame between 10/1/24 to 12/30/24.  
12 They received 4,928 calls through the licensing phone line.  
13 This does not include inbound calls to their direct lines or  
14 outbound calls made by the customer service staff. Amber  
15 Bac continues to fill the role of licensing supervisor  
16 position and is also still handling the appeals position.

17           Both of the citations and amusement ride positions  
18 are currently vacant. There was only two. They're both  
19 vacant. Due to the recent directive of governor -- of the  
20 governor 2419, we are unable to hire any positions. We will  
21 do what we can to process this work with the resources we  
22 have within the program. So hiring being done. Jenn is  
23 pulling triple or quadruple duty. Amber Bac is also pulling  
24 three jobs down at the same time, trying to make sure we can  
25 stay up with this. Licensing staff can't help with



1 amusement rides because they're a lower classification. So  
2 it kind of puts us in a bind. No new testing labs to  
3 report. We haven't passed any litigation.

4 Have a couple of -- a couple of announcements.  
5 Something that we've already been kind of discussing is that  
6 as of -- as of this meeting -- this will be the last in  
7 person meeting we do until further notice -- we'll be doing  
8 everything online. Make it a little bit more difficult, but  
9 I still appreciate the board's participation, and -- and  
10 hopefully we'll have even higher participation on a regular  
11 basis, where people can make it virtual. I would rather see  
12 them in person because I like the -- the way that we can  
13 communicate in person. But unfortunately, due to budget  
14 constraints and the governor's mandates, we're unable to.

15 MR. BLOHOWIAK: I just had a question. I'm sorry.  
16 I'm just curious. Step on Jason's toes a little bit. We  
17 had talked, I think, briefly about maybe being able to do  
18 them sort of hybrid style. So -- because this is space the  
19 department already has and has paid for, and the meeting's  
20 going to be run from Tumwater. Could, like, you know, if  
21 electrical board members were local to the area or the  
22 public's local to the area, could we put us up on the board  
23 and do that sort of hybrid thing, or, do you think, all  
24 online?

25 MR. MOLESWORTH: So -- so I'd have to check to

1 make sure if the program is actually charged for these  
2 rooms, because we actually do pay for L&I services per  
3 program. So I want to make sure that --

4 MR. BLOHOWIAK: That's different.

5 MR. MOLESWORTH: -- we're not paying for it. The  
6 other thing would be -- is that if there was any travel or  
7 any per diem that -- that local people would have that would  
8 be presented, we couldn't -- we couldn't do it. Right?

9 MR. BLOHOWIAK: Maybe just more of a headache than  
10 -- than I thought.

11 MR. MOLESWORTH: Yeah. Unfortunately, it's --

12 MR. BLOHOWIAK: Yeah. Sorry. I shouldn't have --  
13 this is why -- I'll get back to my friend.

14 MR. JENKINS: Yes. Board Member Jack Knottingham.

15 MR. KNOTTINGHAM: Board Member Knottingham. I  
16 just want to go on the record. This last hearing that we  
17 had about the revocation would have been impossible to do, I  
18 think, remotely.

19 MR. BAKER: Oh. A hundred percent. That's right.

20 MR. KNOTTINGHAM: So I understand the savings, but  
21 there are some times where it just -- you got to be able to  
22 meet and talk and -- and -- and see the witnesses. It's --  
23 it's really difficult to do it remotely.

24 MR. MOLESWORTH: And -- and I -- I agree with you.  
25 I put an enormous amount of pushback on this. They kind of

1 snuck it in. But I thought it was necessary also, for this  
2 type of a deal. And in the future, if we have this type of  
3 a hearing, I will also push to have that in person. Yeah.  
4 My boss said, "No." His boss said, "No." And then we  
5 worked through that. Right? So.

6 MR. BAKER: What if we --

7 MR. MOLESWORTH: And his boss said, "No."

8 MR. BAKER: What if we increased the permit fee  
9 from 6 and a half to 7 percent to pay for the --

10 MR. COX: Beautiful. Right -- right there.

11 (Simultaneous speaking.)

12 MR. MOLESWORTH: Do a -- do a WAC proposal and put  
13 that in the fee schedule so that we've got it.

14 MR. BAKER: We'll pay for it, though. It's --  
15 we'll take care of it. Leave us alone.

16 MR. MOLESWORTH: We do have a governor's executive  
17 order that we want to talk about.

18 What's the number on that?

19 MS. DIETRICH: I -- it's 2503, and I have copies,  
20 if you didn't save them from yesterday.

21 MR. COX: And I -- I have a question --

22 MR. JENKINS: Yes. Board Member Cox?

23 MR. COX: Board Member Cox. So you had mentioned  
24 about both Jenn and Amber taking on triple, quadruple  
25 duties.

1 I think that's -- is that the right one?

2 MS. DIETRICH: Yep.

3 MR. COX: Okay. So are -- are you tasked with  
4 anything more? Are you doubled up --

5 MR. MOLESWORTH: Oh, yeah.

6 MR. COX: -- and -- and -- and --

7 MR. MOLESWORTH: Oh, yeah.

8 MR. COX: Okay. They have you making coffee?

9 MR. MOLESWORTH: Yeah. Yeah. Yeah. Actually,  
10 they know a lot more about what they do than I do. The  
11 amount of work that has come on me is justification for why  
12 we need to do different things --

13 MR. COX: Okay.

14 MR. MOLESWORTH: -- and how we can reduce costs to  
15 meet the 6 percent mandate that -- that the governor put  
16 out. All cabinet agencies are required to come up with a 6  
17 percent reduction. And in the case of Labor & Industries,  
18 since we're, you know, a fairly expensive agency, that  
19 equates to \$60 million. So we've already been in a budget  
20 --

21 MR. COX: Deficit.

22 MR. MOLESWORTH: -- tasked with creating a budget  
23 or reducing a budget shortfall with L&I. And we have to  
24 show savings just like anybody else. Even though we are a  
25 dedicated fund, we still have to show savings, and we've

1 been doing that for the last year and a half.

2           It's -- it's -- it's a struggle to come up with  
3 another six, because they ask you, "What things can't you  
4 do?" And if any of the board members can tell me what are  
5 six things -- what are -- what are three things that I can't  
6 do in our program, I'd appreciate it, because I can't find  
7 any. Right? These all affect -- everything we do affects  
8 the public. We -- we don't make calendars for -- you know,  
9 for our customers. We don't, you know, do this or that.  
10 Some -- some parts of the agency do, and they're stopping  
11 all of that. But ours are basic services, and so we're --  
12 yeah. It's -- it's a struggle, and we're working on that.

13           MR. GREGORY JOHNSON: Is that 6 percent net, or is  
14 it just expenses?

15           MR. MOLESWORTH: It's 6 percent of our gross. So  
16 -- so, if it costs us a billion dollars a biennium to  
17 survive, it's 6 percent of that billion dollars.

18           MR. GREGORY JOHNSON: I get -- but, I mean, if  
19 we're raising fees 6 percent, so our revenue goes up 6  
20 percent, is that taken into account?

21           MR. MOLESWORTH: No.

22           MR. GREGORY JOHNSON: No. So it's just the  
23 expense side; it's not the --

24           MR. MOLESWORTH: No. We're just --

25           MR. GREGORY JOHNSON: -- revenue side?

1 MR. MOLESWORTH: We're just hoping they don't tell  
2 us we can't raise fees, because that's another part of -- of  
3 this, is they don't want to show an impact to the public to  
4 make up for the shortfall. Right? So us increasing, we got  
5 to see how that turns out. So that's -- that's a hard one.  
6 Right?

7 MR. GREGORY JOHNSON: Does the fact that the CR  
8 101 was filed prior to this executive order help us out?

9 MR. MOLESWORTH: Not so much. They can -- they  
10 can rescind that any time they want to. That was an intent  
11 to change the fees. Right? We're just -- CR 101 is just  
12 making people aware. And so, yeah. So.

13 MR. JENKINS: Board Member Knottingham?

14 MR. KNOTTINGHAM: Board -- Board Member  
15 Knottingham. The board has been very supportive of  
16 increased pay to the inspectors. That is an increase to the  
17 cost. I assume that if -- if we want to continue the -- the  
18 temporary increase or even go above it, we've got to take  
19 that into account and reduce more. Is that correct?

20 MR. MOLESWORTH: Well, not per se, because they're  
21 going off of the last two years. Right?

22 MR. KNOTTINGHAM: Okay.

23 MR. MOLESWORTH: And so -- I think it's the last  
24 two years. Anyway, so that's another issue. We've  
25 submitted a class and comp package -- which the new governor

1 supports -- class and comp packages which would make that  
2 temporary increase permanent. And it also changes the  
3 classification series for electrical inspectors.

4 We rewrote the classifications because of some  
5 issues that were happening, and those classifications hadn't  
6 been touched in 25 years. And so hopefully we are  
7 successful in the complete package. But a lot of confidence  
8 in the wage package. So any support you guys can give us up  
9 the ladder is just great. Our agency is all for it. The --  
10 it's been bargained. So it's up to the governor and the  
11 legislature right now. So, yeah.

12 MR. JENKINS: Thank you.

13 So we're on --

14 MR. MOLESWORTH: Any other questions?

15 No?

16 MR. JENKINS: -- the Executive Order 2503, I  
17 think.

18 MR. MOLESWORTH: Oh. 2503. So -- so that --  
19 that's a -- it's an interesting one. What they're asking us  
20 to do is create a catalog of all permits -- permits,  
21 certifications, anything that we process for applications  
22 and -- and deliver to the public. Right? It's pretty much  
23 laid out in there. I'm just giving you a high-level scope.  
24 That if we don't meet proper timelines, that we will have to  
25 refund that application fee. We could possibly have to

1 refund that application fee, is what it says. Now, they'll  
2 also take into consideration where do we draw the line with  
3 -- with gifting services? Right? And so we won't -- we  
4 won't do it if it's appeared as we are gifting our services.

5 But this puts us in a little bind because right  
6 now we're not allowed to hire staff. We're not able to meet  
7 the deadlines for processing a lot of this stuff. And if we  
8 don't meet it, then we have to refund. Refunds take other  
9 staff time, other staff monies that we would normally use  
10 for hiring more staff. This is a domino effect. This could  
11 be damaging, if -- if -- if we're found that -- that this is  
12 going to happen. They've got to allow us to have the staff  
13 in order to be able to process timely.

14 And Jenn had got that right down to almost  
15 nothing. We put a lot of stuff in place over the last five  
16 years, as you may have heard previously in the last hearing.  
17 We put a lot of stuff in place to make sure that we're as  
18 efficient as we can be and make sure we can serve the public  
19 the way we should. Right? We got rid of a lot of backlogs,  
20 I think.

21 What was the backlog, Jenn, in -- in processing  
22 affidavits at one point?

23 MS. DIETRICH: 1500.

24 MR. MOLESWORTH: And what was it? Just --

25 MS. DIETRICH: What you just reported in the



1 secretary's report is --

2 MR. MOLESWORTH: Well, I mean, recently we had  
3 gotten that down to about 200 or something.

4 MS. DIETRICH: Correct.

5 MR. MOLESWORTH: Right? Since we've lost staff,  
6 that's started to climb again. But you can see that getting  
7 that from 1500 down to 200 was a chore. And they -- they  
8 did a lot of internal changes, a lot of process changes, and  
9 -- and did a great job of getting those affidavits processed  
10 so people could actually go take exams. So it's important.

11 So you guys can read that. That's just kind of a  
12 high-level -- some of my concerns. And we'll kind of see  
13 how it plays out. Jenn and Megan were tasked with putting  
14 that list together. I think Larry put a pretty  
15 comprehensive list together and gave it to them. The -- the  
16 -- the catalog will include all the different things that  
17 you see in the -- in the order.

18 MR. BAKER: This is interesting.

19 MR. MOLESWORTH: So it's quite -- quite  
20 interesting.

21 MR. BAKER: Does -- do --

22 MR. MOLESWORTH: Of course, that takes work.

23 MR. BAKER: Do -- do you think this is brought on  
24 by the lawsuit that's pending up now in -- in Cle Elum?

25 MR. MOLESWORTH: I -- I have -- I have no idea.

1 MR. BAKER: It was over a permit issue with the  
2 developer. And Cle Elum was looking like they were going to  
3 be going bankrupt over that whole thing, because the  
4 developer was found right. And it was over permits and --

5 MR. MOLESWORTH: The permit for what, though?

6 MR. BAKER: For developments of property -- a  
7 large piece of property.

8 MR. MOLESWORTH: Oh. So, like, environmental  
9 services permits?

10 MR. BAKER: He was going to develop it. He was  
11 going to build houses up there. But, yeah, it --

12 MR. MOLESWORTH: Yeah.

13 MR. BAKER: Yeah. There was a big brouhaha been  
14 going on for several years. And right now, it's been deemed  
15 that the City didn't act appropriately --

16 MR. MOLESWORTH: Yeah.

17 MR. BAKER: -- and timely.

18 MR. MOLESWORTH: It -- it -- it could have.

19 MR. BAKER: Yeah.

20 MR. MOLESWORTH: I don't know --

21 MR. BAKER: That's interesting.

22 MR. MOLESWORTH: I know that he's implementing a  
23 new -- a new section of government that will speak to  
24 efficiencies for the agencies --

25 MR. BAKER: Yeah.

1 MR. MOLESWORTH: -- all agencies. And --

2 MR. BAKER: So he was the -- he was the attorney  
3 general.

4 MR. MOLESWORTH: He --

5 MR. BAKER: Right? Wasn't he the attorney  
6 general?

7 MR. MOLESWORTH: Yeah.

8 MR. BAKER: Yeah. So he was very aware --

9 MR. MOLESWORTH: And he --

10 MR. BAKER: -- of what happened up in Cle Elum --

11 MR. MOLESWORTH: Yeah.

12 MR. BAKER: -- I bet you.

13 MR. MOLESWORTH: And he appointed Jesse Jones to  
14 head up that? If everybody's familiar with Jesse Jones?

15 MR. BAKER: Yeah.

16 MR. MOLESWORTH: So -- so it -- it'll be an  
17 interesting next few years. So nothing against -- I'm just  
18 saying, you know, he's a very consumer-oriented individual,  
19 and he's looking always out for the best thing we can do for  
20 the consumer. And I think that's where this may have come  
21 from --

22 MR. BAKER: All right.

23 MR. MOLESWORTH: -- which -- which is good. But  
24 there's always ramifications behind things that -- that, you  
25 know, we apply to every agency. So we'll see. We'll see

1 how it goes.

2 Any other questions about the secretary's report?

3 MR. JENKINS: Did you have anything else you  
4 wanted to bring up?

5 MR. MOLESWORTH: No. I think that was -- I think  
6 that was it.

7 MR. JENKINS: Okay.

8 MR. MOLESWORTH: Yeah.

9 MR. JENKINS: So we're on to the next section,  
10 which would be public comment. But before we get there, I  
11 wanted to bring up a sad possibility. It looks like this  
12 might be likely Don Baker's last meeting.

13 MR. BAKER: That's what I get for being that guy.  
14 Yeah. Yeah. I've been being told for several years that,  
15 like, my term is up, but I keep coming back to these  
16 meetings, so.

17 But you don't know for sure?

18 MR. JENKINS: It's a pretty high percentage, but,  
19 no, it's not definite. So it's --

20 MR. BAKER: So if I'm not back at the next  
21 meeting, great serving with you guys. Make -- make a good  
22 record going forward. I've been on this board since the  
23 Christine Gregoire administration.

24 MR. COX: Wow.

25 MR. BAKER: Yeah. Yeah.

1 MR. COX: So you've been through this before?

2 MR. BAKER: Yeah. So, no. Like I was telling  
3 them earlier, I heard about this board in 1979. A guy I  
4 worked with was on the board and helped write the  
5 administrator's desk. And, yeah, I got an opportunity to  
6 get on the board 14, 15 years ago. I've lost track of it.  
7 And it's not what I thought it was going to be, but it's  
8 been fantastic serving on the board. So if I continue to  
9 stay on for another couple months, I will. If not, I'm  
10 gone. I've already submitted another name to you. So  
11 Charles Meyers would be a great --

12 MR. JENKINS: He's likely going to be here.

13 MR. BAKER: He'd be a great contractor --

14 MR. BLOHOWIAK: It wasn't Baker Don.

15 MR. BAKER: Yeah. No.

16 (Simultaneous speaking.)

17 MR. BAKER: Yeah. Yeah. So, no. I could  
18 reminisce over all kinds of things. But, yeah, it's been  
19 great serving on the board.

20 MR. JENKINS: I think, from the board's view, we  
21 really appreciate you being on board. And I can't say  
22 enough for volunteering all the time you spent -- spent out  
23 here.

24 MR. BAKER: You're welcome.

25 MR. ENTREKIN: Okay. Can I ask what was the

1 precedent or the reason why -- does --

2 MR. JENKINS: It has --

3 MR. ENTREKIN: Is there a term that we're --

4 MR. JENKINS: Yeah. We have term limits on our --  
5 on our seats.

6 MR. ENTREKIN: Oh. We do. Okay.

7 MR. JENKINS: And there's --

8 MR. BAKER: I think it's a three-year term. I've  
9 been here 15 years --

10 MR. JENKINS: And we have some -- there's some  
11 leeway to it.

12 MR. BAKER: -- or something like that.

13 MR. ENTREKIN: Right.

14 MR. JENKINS: There's some -- definitely --

15 MR. BAKER: Maybe 17 years. I don't know.

16 MR. JENKINS: -- change that, you know. And I'm  
17 sure COVID had a huge impact on that recently.

18 MR. ENTREKIN: Right.

19 MR. JENKINS: But as we start getting closer to  
20 our end of terms, I'll -- I'll be talking to individuals  
21 about what the next step would be, or what --

22 MR. ENTREKIN: Right.

23 MR. JENKINS: -- not to do.

24 MR. ENTREKIN: I didn't know there was -- it was  
25 termed, so.

1 MR. JENKINS: Currently. Our new governor might  
2 change that.

3 MR. ENTREKIN: Yeah.

4 MR. JENKINS: So we don't know. It's kind of up  
5 in the air.

6 MR. ENTREKIN: Okay.

7 MR. BAKER: Okay.

8 MR. JENKINS: So thank you very much, once again.

9 MR. BAKER: And it is good to get fresh blood and  
10 get fresh perspective. And, yeah, you might lose a little  
11 bit of historical knowledge, but there's plenty of other  
12 people that have got historical knowledge on the board. So,  
13 yeah.

14 MR. KNOTTINGHAM: That's why the balance is nice,  
15 though. You know, you get this historic, and then you get  
16 some new, fresh faces.

17 MR. BAKER: That's right.

18 MR. KNOTTINGHAM: I mean, you kind of need that.  
19 It provides continuity.

20 MR. BAKER: That's right.

21 MR. GREGORY JOHNSON: Are you going to pull up the  
22 transcripts of all the meetings and start reading them?

23 MR. BAKER: I have a bunch of them. Yeah. I'll  
24 -- I'll come in and sit in the gallery. I'll sign in for  
25 public comment.

1 UNIDENTIFIED SPEAKER: We're going to need more  
2 time for the public comment section.

3 MR. BAKER: I got a few comments for you guys.  
4 Yeah. No. It's been -- it's been good. So --

5 MR. JENKINS: All right.

6 MR. BAKER: -- there's not --

7 MR. JENKINS: So we're back on the public comment,  
8 and I don't believe anybody signed in for it.

9 Was there anybody -- since it is open -- is  
10 anybody online that needed to be added to public comment?

11 Hearing none, the chair would entertain a motion  
12 to end the meeting.

13 MR. KNOTTINGHAM: Motion to end the meeting.

14 MR. JENKINS: We have a motion. Do we have a  
15 second?

16 MR. GREGORY JOHNSON: I'll second that motion.

17 MR. JENKINS: We have a second.

18 Any discussion?

19 All in favor, signify by saying, "Aye."

20 BOARD MEMBERS: Aye.

21 MR. JENKINS: Any opposed?

22 Hearing none, motion passes.

23 Thank you very much.

24 (WHEREUPON, the proceedings concluded at 12:54  
25 p.m.)



CERTIFICATE

I, Valerie Barna, do hereby certify that I reported all proceedings adduced in the foregoing matter and that the foregoing transcript pages constitutes a full, true and accurate record of said proceedings to the best of my ability.

I further certify that I am neither related to counsel or any party to the proceedings nor have any interest in the outcome of the proceedings.

IN WITNESS HEREOF, I have hereunto set my hand this 17th day of February, 2025.



Valerie Barna #3079

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