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Electrical Board Meeting

TRANSCRIPT OF PROCEEDINGS

July 30, 2026



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DEPARTMENT OF LABOR AND INDUSTRIES

STATE OF WASHINGTON

**ELECTRICAL BOARD MEETING
TRANSCRIPT OF PROCEEDINGS
JULY 30, 2026
VIA ZOOM VIDEOCONFERENCE
PAGES 1 THROUGH 109**

**CERTIFIED
TRANSCRIPT**

**Taken Before:
Rachel Wood, CCR, RSR**

Certified Stenographic Court Reporter

for

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1 BE IT REMEMBERED that on Thursday, July 30,
2 2026, at 9:00 a.m. via Zoom, an Electrical Board Meeting
3 was held before Rachel Wood, Washington State Certified
4 Stenographic Reporter, residing at Victoria, B.C.

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

7
8
9 * * * * *

10
11
12 CHAIR JENKINS: It is July 30, 2026, at
13 approximately 9:02 a.m. I would like to bring the
14 Washington Electrical Board meeting to order.

15 As a note for all attendants, this meeting is
16 taking place over Zoom platform. I would ask all
17 individuals in the meeting, unless board members, turn
18 off your cameras and mute your microphones until you are
19 called upon.

20 Further, we have a court reporter taking everything
21 down, and the remote nature of this meeting makes it
22 imperative that only one person is speaking. I also ask
23 you identify yourself prior to speaking so the court
24 reporter can properly attribute your comments to the
25 record.



1 Given that, thank you all for attending, and Board
2 Members for taking time out of your days to be here,
3 especially in the summertime. It's hard to get to these
4 meetings. I appreciate that.

5 At this time, I would have the Board Members please
6 unmute your mics. And we are pleased to welcome some
7 new members to the Electrical Board today. To help
8 everyone get acquainted, we will start by doing a roll
9 call. When I call your name, please state your full
10 name and then the Board position you currently hold.
11 Going off our list here.

12 We will see -- Jack Knottingham, are you available
13 today.

14
15 (No response.)

16
17 CHAIR JENKINS: I think he commented he may not
18 be here today.

19 Erick Lee?

20 BOARD MEMBER LEE: Present. Position
21 representing electricians.

22 Jason, did you want spelling?

23 CHAIR JENKINS: I think the court reporter has a
24 copy of that, so we are good. Thank you very much for
25 being here.



1 **Brian McCance?**

2 **BOARD MEMBER MCCANCE:** Brian McCance here.
3 Looking up the Board position.

4 **CHAIR JENKINS:** I believe you're the electrical
5 contractor position, correct?

6 **BOARD MEMBER MCCANCE:** That's it. Yes.

7 **CHAIR JENKINS:** Thank you very much.

8 **Roselynn Mitchell?**

9 **BOARD MEMBER MITCHELL:** Here. And I too am not
10 sure of the position I hold.

11 **CHAIR JENKINS:** I believe you are the lineman
12 position on the Board.

13 **BOARD MEMBER MITCHELL:** Thank you.

14 **CHAIR JENKINS:** Thank you.

15 And Charles Myers? Did you make it here today?

16 **BOARD MEMBER MYERS:** Charles Myers, present. I
17 hold a contracting position on the Board.

18 **CHAIR JENKINS:** Thank you very much.

19 **Mike Nord?**

20 **BOARD MEMBER NORD:** Present. I hold the
21 telecommunications position.

22 **CHAIR JENKINS:** Perfect.

23 **James Tumelson?**

24 **BOARD MEMBER TUMELSON:** Good morning, everyone.
25 James Tumelson. Building and fire official, City of

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1 **Edgewood.**

2 **CHAIR JENKINS:** Thank you so very much.

3 **Board Member Kerry Cox?**

4 **BOARD MEMBER COX:** Kerry Cox is present. I hold
5 telecom contractor position.

6 **CHAIR JENKINS:** Perfect.

7 **Board Member Kevin Davis?**

8 **BOARD MEMBER DAVIS:** Kevin Davis present.
9 Snohomish County PUD, utility position.

10 **CHAIR JENKINS:** Perfect.

11 **Stephen Entrekina?**

12

13 **(No response.)**

14

15 **CHAIR JENKINS:** Ivan Isaacson.

16 **BOARD MEMBER ISAACSON:** Good morning, Ivan
17 Isaacson here. I hold the manufacturer's seat on the
18 Electrical Board.

19 **CHAIR JENKINS:** Gregory Johnson?

20 **BOARD MEMBER JOHNSON:** Gregory Johnson,
21 electrical engineer/RCDD position.

22 **CHAIR JENKINS:** Perfect.

23 **Jason Jenkins, electrical seat, electrician seat,**
24 **chair of the Board. And our secretary, Randy Barnes.**

25 **SECRETARY BARNES:** Oh, sorry. Randy Barnes,

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1 secretary of the Board.

2 CHAIR JENKINS: Also chair -- chief.

3 SECRETARY BARNES: Also Chief Electrical
4 Inspector.

5 CHAIR JENKINS: Thank you very much.

6 And our counsel, Ben Blohowiak.

7 MR. BLOHOWIAK: Benjamin Blohowiak, Assistant
8 Attorney General. Counsel to the Washington State
9 Electrical Board.

10

11 INTRODUCTION OF NEW CHIEF ELECTRICAL INSPECTOR
12 AND BOARD SECRETARY

13

14 CHAIR JENKINS: Perfect. We are almost
15 completely represented, almost. All right.

16 So, also, didn't catch you beforehand, I'd also
17 give a couple minutes to the Board secretary, our new
18 chief. If you would like to take the floor and
19 introduce yourself to the Board as our new chief and our
20 new secretary.

21 SECRETARY BARNES: Thank you. Randy Barnes,
22 electrical chief, and new board secretary. As of about
23 a month ago, Wayne retired officially, Wayne Molesworth,
24 and I took his spot.

25 The timing of this meeting is fantastic because



1 this is also Public Service Recognition Week, so I would
2 like to take a couple minutes to thank all people who
3 make this possible. We would not be in this spot if it
4 were not for the entire electrical team and customer
5 service and people who laid the foundation of this
6 program before us. An official shout-out to them. I
7 would not be here at all, and most of us would not be.
8 Thank you, and I look forward to working with you.

9 CHAIR JENKINS: Thank you very much.

10 I talked to you earlier, but do you have somebody
11 or would you like to do a safety message?

12
13 SAFETY MESSAGE

14
15 SECRETARY BARNES: Yeah. I can do the safety
16 message.

17 Anybody who lives in Eastern Washington or Central
18 Washington knows we are officially in fire season. It
19 becomes pretty critical that you pay attention to apps
20 that we have, free apps to check air quality index, both
21 for exposure to smoke and fire and the extent of the
22 things those can do to people. Review those for your
23 workers. And please make sure you have things like N95
24 masks or reduce exposure to the smoke.

25 The other part of this is knowing and checking



1 regularly evacuation, areas that are regularly under
2 evacuation, and evacuation routes for your staff or
3 workers or yourselves that live in those areas or have
4 to travel.

5 CHAIR JENKINS: Thank you very much.

6 And, for the record, we do have a quorum, so moving
7 on to our next item, which is our approval of the
8 transcript.

9
10 APPROVE TRANSCRIPT FROM APRIL 30, 2026

11 ELECTRICAL BOARD MEETING

12
13 CHAIR JENKINS: Can I get a motion to approve the
14 transcripts of the meeting of April 30, 2026?

15 BOARD MEMBER NORD: Board Member Nord, motion.

16 CHAIR JENKINS: We have a motion. Do we have a
17 second?

18 BOARD MEMBER ISAACSON: Board Member Isaacson,
19 second.

20 CHAIR JENKINS: We have a motion and a second.
21 Any discussion?

22 Hearing none -- oh, someone piping in there? Oh,
23 okay. That's one reason I do not like online meetings.

24 All in favor of the motion, say "aye."
25



1 (Chorus of ayes.)

2
3 CHAIR JENKINS: And any opposed? Motion passes.

4
5 APPEALS: BRECHTECH INC & MARVIN BRECHT:
6 ELYOD03691, ELYOD03692, ELYOD03693, ELYOD03694

7
8 CHAIR JENKINS: So moving on to our next number
9 for appeals, and I think it's Brechtech, Incorporated
10 and Marvin Brecht.

11 The matter before us today is the appeal in the
12 matter of Brechtech and Marvin Brecht, Docket Number
13 01-2025-LI-02347. This hearing is being held pursuant
14 and due to proper notice and interest to all parties,
15 and proceeding via Zoom on July 30, 2026 at
16 approximately 9:10 a.m.

17 This is an appeal from the proposed decision and
18 order issued by the Office of Administrative Hearings on
19 August 13, 2025. It's my understanding the decision
20 affirmed citations and notices ELYOD03691, ELYOD03692,
21 ELYOD03693, and ELYOD03694, issued by the Department of
22 Labor and Industries on September 20, 2024 and it's
23 further my understanding that the firm has timely
24 appealed this decision to the Electrical Board.

25 Is there a representative of Brechtech here? If

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1 so, please unmute your mic and speak and spell your name
2 for the court reporter.

3 MR. POPE: Richard Pope. Can you hear me?

4 CHAIR JENKINS: We can.

5 MR. POPE: Richard Pope, attorney for the
6 appellants Brechtech and Marvin Brecht.

7 CHAIR JENKINS: Thank you very much.

8 Is there a representative here from the Department?

9 MS. BROOKMAN: Good morning. Caitlyn Brookman,
10 Assistant Attorney General.

11 CHAIR JENKINS: Perfect. Thank you very much.

12 The Electrical Board is the legal body authorized
13 by the legislature not only to advise the Department
14 regarding electrical programming, but to hear appeals
15 when the Department issues citations or takes some other
16 adverse action regarding electrical license,
17 certification, and/or compliance. The Electrical Board
18 is a complete separate entity from the Department, and,
19 as such, will independently review the action taken by
20 the Department.

21 The Department issued penalties. The issue is
22 assigned to the Office of Administrative Hearings to
23 conduct the hearing pursuant to the Administrative
24 Procedures Act. The ALJ that conducts -- who conducts
25 the hearing then issues a proposed decision and order,



1 and if either party appeals, that decision is subject to
2 review to the Electrical Board.

3 Keep in mind that while our review is de novo, for
4 example, we sit in the same position of the
5 Administrative Law Judge and will review the entire
6 record, regardless of whether a certain piece of
7 evidence is referenced by the ALJ. We are bound to the
8 evidence in the record, and no new evidence can be
9 submitted at this hearing.

10 Each party will be given approximately 15 minutes
11 here to argue the merits of your case. Any Board Member
12 may ask questions, and the time may be extended at the
13 discretion of the Board.

14 At the conclusion of the hearing, the Board will
15 determine if the finding and conclusions reached by the
16 ALJ are supported by the facts and rules pertaining to
17 the electrical installations.

18 Are there any questions before we begin?

19 Hearing none. Richard Pope, you are the appealing
20 party. You have the burden of proof to establish the
21 proposed decision is incorrect, therefore we will hear
22 from you first.

23 MR. POPE: Good morning, members of the Board.
24 Richard Pope for appellants Brechtech, Inc., and Marvin
25 Brecht.



1 This case is straightforward: The Department is
2 trying to hold a licensed contractor strictly liable for
3 the independent misconduct of an unlicensed third party.
4 The ALJ made serious procedural and factual errors that
5 require reversal. We ask to you reverse the initial
6 order, vacate all four citations, and remove them from
7 the public record.

8 One pretty easy issue here is the preconference
9 order that was entered on February 6, 2025, does not
10 include any allegations of any violation of July 2,
11 2024. The rules, WAC 10-08-130, make a pretrial
12 conference order binding unless a party objects to that
13 within ten days. While the Department initially had
14 filed a complaint on that issue, that was not included
15 in the preconference order, and it never was amended.
16 So anything on July 2, 2024, should be totally excluded.

17 If you look at the February 6, 2025, order, which
18 sets what's going to be heard at this appeal, July 2,
19 2024, was never in there. The Department representative
20 did not object within ten days, or did not object at
21 all. So this should be excluded totally from the
22 penalty because of the procedures.

23 With the July 2nd date removed, you are only left
24 with two discrete dates of violation alleged, on October
25 31, 2023, when the permit was obtained, and on November



1 30, 2023, a date that the unlicensed contractor
2 requested an inspection request. This isn't a
3 continuous non-compliance, and the willful and
4 continuous label and double matrix penalties have to
5 fail under that grounds.

6 The ALJ rewrote the testimony, a second point that
7 Mr. Brecht had knowing misconduct, that he had put in
8 finding of fact 4.31(a) that Mr. Brecht admitted that,
9 quote, he purchased a permit and agreed to allow PCS
10 employees, that's the unlicensed contractor, to work
11 under it. These are not in the transcript of his
12 testimony. There was, you know, simply language added
13 to that.

14 There's also finding in 4.34 and 4.35 of the
15 findings that Mr. Brecht knew that PCS was working
16 because the inspection reports were e-mailed to him, and
17 he knowingly allowed the work to continue. Mr. Brecht
18 testified he never opened the e-mails or requested the
19 inspections, and had no active involvement in that
20 project at that time, and didn't have a duty to monitor
21 every e-mail generated by the system.

22 These are not things that Mr. Brecht would have
23 been responsible for looking at, because he did not
24 request that, either one of those inspections. The
25 record they submitted showed that the inspections were



1 requested by people from PCS, not from Brechtech.

2 Looking at the violation alleged, because we have
3 both the violation by Brechtech and Mr. Brecht's
4 personal obligation under the -- being an electrical
5 administrator to make sure that his company did not
6 violate this particular rule, but it all hinges off of
7 alleged violation of WAC 296-46B-901(3). 901,
8 subparagraph 3.

9 The charge in the complaint says, the predicate
10 charge says, quote, obtaining an electrical permit,
11 electric work permit, for an entity not authorized to
12 perform electrical work. However, the language of the
13 WAC rule in question, even if that was true, would not
14 support that violation.

15 The actual WAC says, basically says, basically,
16 one, each person, firm, partnership, corporation, or
17 other entity must furnish a valid electric work permit
18 for the installation, alteration, or other electrical
19 work performed or to be performed solely by that entity.

20 If Brechtech had done work at that point in time on
21 the project, they did so later on. The permit was
22 obtained a number of months before the electrical work
23 was contemplated being done. This is a big remodeling
24 project of a building.

25 Basically the -- so basically the violation in that



1 case would have been by the PCS, because they did work
2 on that project without a permit. It's not --
3 Mr. Brecht did not -- his company Brechtech did not
4 violate that particular sentence.

5 The next sentence says that when the original
6 purchaser's replaced, for example, if the contract was
7 going to be -- work was going to be transferred from
8 Brechtech to PCS, the original purchaser is replaced,
9 another entity may request in writing written approval
10 from the Chief Electrical Inspector to take
11 responsibility for the work of original installing
12 entity under the original permit.

13 Okay. So if a new company doesn't do that, then
14 that's, you know, their responsibility. There's no
15 responsibility placed on the original purchaser to do
16 anything. If someone else wants to do work on that
17 project under that permit, they have the burden of
18 requesting it be transferred, not the original
19 purchaser. There's no duties on the original purchaser
20 here, only on the subsequent contractor.

21 The next thing says that if permission not granted,
22 the entity must obtain a new permit for the remaining
23 work. Again, we are dealing with PCS doing work on this
24 project, and they did not obtain a permit for it.
25 That's not a problem for the purchaser under this.



1 It also says two or more entities may never work
2 under the same permit, which, you know, this is
3 something that would be the entity that did not have the
4 permit having the problem with that. So none of these
5 would be anything that could be violated.

6 If there's some disagreement with the way that
7 Brechttech went about this, the rule does not cover that.
8 I understand some people might think it's just not
9 right, the way things transpired, but nothing in the
10 rule provides a penalty for this.

11 What the rules provide penalties for is what PCS
12 did, and they got, you know, there's evidence in there
13 of PCS being fined fairly heavily for doing unlicensed
14 work on this project, electrical work, as well as a
15 number of the people they had working on that. That's,
16 you know, what's penalized here under the different
17 rules here, not this.

18 If there is a violation by Brechttech here, the
19 escalated and matrix penalties are unlawful. First of
20 all, we have to throw out July 2, 2024, because it
21 wasn't in the preconference order for this hearing, but
22 otherwise you have -- there is no prior final judgment
23 against Brechttech for anything. In order -- under
24 WAC 296-46B-915, in order for there to be doubling or
25 other -- there can be some higher increase in doubling



1 for people that have lots of violations, but in order to
2 get to doubling, you have to have a prior final
3 judgment, which would mean not only a citation being
4 issued, but the citation being adjudicated.

5 Here we don't have a final judgment yet because we
6 are still in the appeals process. There can only be
7 doubling under that rule if there's a final judgment,
8 not if there's a couple different violations and you are
9 just simply issuing the citation on that the first time,
10 because this is not appropriate here.

11 This is a situation -- this isn't a case of the
12 licensed contractor trying to circumvent the law. It's
13 a case of the Department punishing the wrong party for
14 the independent contract of an unlicensed third party,
15 and also issues about a prehearing order that, for
16 whatever reason, did not include one of the three
17 violations initially alleged by the Department.

18 So we would ask that the Board reverse the order in
19 its entirety, vacate all four citations, waive all
20 penalties, or reduce them if there's not proper doubling
21 in this situation, and have them removed from the
22 appellant's public L&I record.

23 Thank you. I'm happy to answer your questions.

24 CHAIR JENKINS: Chair Jenkins here. Thank you
25 very much. We are going to move on to the AAG, Caitlyn



1 Brookman.

2 MS. BROOKMAN: Good morning. Thank you.

3 On behalf of the Department, Caitlyn Brookman,
4 Assistant Attorney General.

5 There is no dispute as to what events transpired to
6 give rise to these four citations. Mr. Brecht received
7 a call from a Mr. Bolanos who needed an electrical work
8 permit but was not authorized to get one for himself.
9 Mr. Bolanos asked Mr. Brecht to acquire the permit.

10 Per Mr. Brecht's testimony, Bolanos claimed him and
11 his company were working on becoming licensed, and
12 Mr. Brecht asked Bolanos, and they expressly discussed
13 that Brechtech would not provide any labor for this
14 project; Bolanos' company was going to perform all of
15 the work.

16 So when Mr. Brecht agreed and went forward with
17 obtaining that permit on October 31, 2023, it is clear
18 he did so for Bolanos, who was not authorized to perform
19 electrical work in our state. That is the basis for the
20 first citations issued to Brecht and Brechtech.

21 The basis for the second citations is that they
22 continued to hold this same permit when Bolanos'
23 company, which we have called PCS, or Prime, in our
24 briefing, requested inspections on November 30, 2023,
25 and on July 2, 2024. Those dates form the basis for

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1 Counts 1 and 2 in the second citation issued to each
2 appellant.

3 Both Mr. Brecht, as the administrator, and
4 Brechtech, as the electrical contractor, can and should
5 be held accountable for obtaining an electrical work
6 permit on behalf of an entity that was not licensed, was
7 an out-of-state operator, and for continuing to hold
8 that permit while the operator performed work over the
9 course of months.

10 The Office of Administrative Hearings did affirm
11 all four citations and their penalties, and it is Brecht
12 and Brechtech to bear the burden here to show that
13 decision was incorrect. Their arguments here can be
14 addressed by reviewing the rule, statute, or specific
15 language they rely on.

16 First, the code under which the citations were
17 issued, which requires that an entity must furnish a
18 permit for electrical work performed or to be performed
19 solely by that entity. Thus, it is very clear that a
20 licensed contractor may not obtain a permit with the
21 expectation that work will be performed by any other
22 entity.

23 The code then says when the original purchaser is
24 replaced, another entity may request to transfer the
25 original permit, and that transfer requires the approval



1 of the Chief Electrical Inspector. The rule
2 contemplates that sometimes a purchaser of a permit will
3 be replaced after the permit is obtained. It does not
4 contemplate that a permit should ever be obtained or
5 held by one contractor as a favor or a service to
6 another, which is what appellants contend here.

7 That code continues that two or more entities may
8 never work under the same permit, and the permit
9 application must be signed by the entity that is
10 performing the electrical installation or alteration.

11 Brecht and Brechtech should never have acquired a
12 permit for work they had no intention of completing
13 themselves. Appellants argue that Bolanos and his
14 company were at fault because they never took action to
15 transfer the permit, but Bolanos and his company's
16 actions are not at issue today. Again, Brecht and
17 Brechtech never should have acquired the permit in the
18 first place.

19 Also briefed by appellants is an issue regarding
20 notice or due process. Generally speaking, notice
21 requirements exist to require that an entity being cited
22 gets the information they would need about the violation
23 that's alleged and the appeal rights that they have. So
24 although appellants point to a statute -- is there a
25 question?



1 CHAIR JENKINS: No.

2 MS. BROOKMAN: Okay.

3 CHAIR JENKINS: You can keep going.

4 MS. BROOKMAN: Okay. Thank you.

5 Although appellants point to a statute with notice
6 requirements, the notice required is related to
7 citations, and they identify no deficiency with the
8 notice given for the citation itself.

9 What appellants actually complain of here is the
10 ALJ's consideration of evidence that related to e-mails.
11 Notably, the e-mails themselves were not offered into
12 evidence. What is in the record in relation to the
13 e-mails is testimony by the inspector that, generally,
14 Mr. Brecht would have received automatic e-mails when
15 inspections were requested under the permit he held, and
16 Mr. Brecht's own testimony essentially saying he was
17 aware of receiving e-mails, he did not read them, and he
18 ignored them because he believed they had nothing to do
19 with him.

20 The appellants seem to argue here that the
21 discussion of e-mails in the transcript and in the
22 evidence should have been excluded because those e-mails
23 were not sent with the notice that is required of a
24 citation, and that is just not the standard by which we
25 hold evidence. But there's a bigger reason why that



1 argument doesn't make a difference.

2 Whether Brecht knew about the ongoing work by
3 Bolanos and his company is not decisive as to whether
4 the citations should be affirmed. The code that gives
5 rise to the citations does not require the conduct to be
6 knowing, so even if Brecht was merely negligent in
7 failing to realize that Bolanos was making use of the
8 permit he held, that is enough to cite.

9 To address the multiple citations and the multiple
10 counts, the ALJ did not err in affirming both counts of
11 the second citation, even though the prehearing
12 conference order does not expressly include date of July
13 2, 2024. I encourage the Board to review that
14 prehearing conference order itself; it is in our packet
15 at pages 50 to 61 with the issue statements provided on
16 page 58. Each statement references an alleged offense
17 as set out in the respective non-compliance citation.
18 So although it's true that date of July 2nd does not
19 appear, the issue statements do encompass that date by
20 their reference to the citations, which clearly include
21 the date at issue.

22 Finally, regarding penalties, the civil penalty
23 code was followed here and should be affirmed. The
24 appellants argue that the penalties are in some way
25 duplicative, but where the code clearly and expressly



1 allows for a new violation to be counted on each day
2 that a violation occurs, and where these violations are
3 each related to a distinct day, the argument clearly
4 fails.

5 It is also clear under the law that there is no
6 error in citing both Mr. Brecht as the administrator,
7 and Brechtech the electrical contractor. Revised Code
8 of Washington 19.28.061 outlines the administrator's
9 duties, which do include ensuring that all electrical
10 work complies with the law.

11 Regarding the assertion that a first offense was
12 not final to justify sequential penalties, Brecht's
13 argument is incorrect. Taking the violations in the
14 order they occurred, which is what the ALJ did here, is
15 the correct application of the penalty statute. The ALJ
16 addresses this specifically in his decision, which is at
17 page 25 at the Board's packet.

18 As a policy matter, generally, the alternative
19 that's considered in Brecht's argument would be a less
20 reasonable approach to litigation overall. In theory,
21 the Department could separately litigate each of these
22 citations such that there was a final order for the
23 violation regarding the initial acquisition of the
24 permit, and then hold a second hearing to address
25 whether the conduct continued on the further dates at



1 issue in the second citations. But that would be
2 piecemeal litigation, and would require duplicative
3 hearings addressing the same sequence of events and
4 facts, and it's just efficient, and the parties agreed
5 here, to consolidate these matters. So where the
6 matters could be consolidated and addressed in one
7 hearing, as they were here, it is appropriate to address
8 a first citation, whether that first citation is final,
9 and then address whether the second citation is final.

10 This still gives an ALJ an opportunity to amend or
11 correct any changes that are necessary to any penalties
12 as a result of whatever their decision may be about the
13 earlier citation or citations before finalizing what the
14 amount -- the correct amount would be in later
15 citations.

16 There is no issue of a doubled penalty in relation
17 to the second citations, because they contain two dates.
18 So there is a penalty in relation to each count, which
19 relates to each date.

20 For all those reasons, the penalties were correctly
21 assessed. There is no valid legal argument to support
22 reversal in any part of these citations, and the record
23 plainly supports all four of the violations and their
24 penalties. So the Department asks this Board also
25 affirm.



1 If there are no questions, I would rest.

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

4 Any questions, comments from the Board?
5 Board Member Gregory Johnson.

6 **BOARD MEMBER JOHNSON:** Yeah, question for
7 Mr. Pope.

8 In your brief on page 7, I will quote, really
9 quick, "Nothing in WAC 296-46B-901(3) prohibits a
10 licensed contractor from obtaining a permit at the
11 request of another party when a good-faith transfer is
12 expected."

13 You basically quoted the record on page 8, I won't
14 go through reading those, but I just wanted to clarify:
15 Is your client acknowledging that Brechtech pulled the
16 permit for work they never intended to perform, but
17 instead intended to transfer to another entity? Is that
18 being acknowledged?

19 Am I understanding that correctly?

20 **MR. POPE:** I think that's certainly one
21 possibility there, because that's what Mr. Brecht's
22 testimony was.

23 Basically, PCS was a prime contractor on this
24 project, and they needed electrical work done that
25 was -- needed to be done sometime into the future.

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1 Basically, that would have been the expectation, that
2 PCS would have gotten a license and applied to have the
3 work transferred to it.

4 As things turned in reality, PCS got fined very
5 heavily for this, and Brechtech actually had to end up
6 doing this work, completing the work many months later,
7 with properly Washington-licensed employees.

8 At the time, the expectation was that PCS would get
9 a license and have the permit transferred to it. They
10 needed to have a permit in place in order to show that
11 they were, you know, doing the entire job, because
12 without the electrical work, they wouldn't basically be
13 getting the job in question, because that's an essential
14 part of the overall project that PCS was doing.

15 BOARD MEMBER JOHNSON: So maybe you can help me
16 understand. I'm having a hard time grasping why an
17 entity would pull a permit they never intended to
18 perform. Maybe you can help clarify why.

19 I mean, obviously things change, and they ended up
20 performing the work at a later date. But at the time of
21 pulling the permit, what purpose was it if they didn't
22 plan on doing the work? Why not just wait until Prime
23 Construction became licensed and let Prime Construction
24 pull the permits, unless you were intending to enable
25 work to begin before licensure occurred, or do you have



1 another explanation for that?

2 MR. POPE: Well, the explanation we have is that
3 the work was, you know, intended to be performed at a
4 considerable time into the future, because you don't
5 have to have the electrical work done at the outset of
6 the project.

7 And that my understanding, and the logical thing to
8 think here, is that PCS needed to have an electrical
9 permit on this in order for their job to be approved by
10 the property owner. For the property owner to contract
11 with them, they had to have an electrical permit. They
12 didn't have to have the electric work done immediately,
13 but they needed a permit. That was basically what was
14 done here.

15 Our point is that we don't believe this is a
16 violation of the law, because if Brechtech had done the
17 work, they would have done it with licensed employees,
18 and it should have been transferred to PCS, and they
19 should have had a license to do that. But, you know, I
20 understand the situation. It may not look good, but
21 it's our contention that the rules do not prohibit this.

22 BOARD MEMBER JOHNSON: So I'll move on to another
23 question on a different train of thought regarding the
24 due process and notice.

25 I just wanted to note, so basically I'm



1 paraphrasing, so correct me if I'm getting it incorrect.
2 Basically you're arguing the onus is on the person
3 performing work to transfer permits or obtain a new
4 permit. With that, I don't see the citations the
5 Department levied were not -- so, essentially, the
6 violation for not obtaining a permit is 12, and that was
7 levied against Prime Construction, but it was not levied
8 against Brechtech. Brechtech and Mr. Brecht were cited
9 for different violations.

10 I guess I'm having a hard time understanding how
11 the onus to transfer, you know what I mean, being on
12 another party, and how is that relevant when they
13 weren't even cited for that? They were cited for other
14 violations.

15 MR. POPE: Well, they were -- basically the
16 conduct, you know, the offensive conduct in question of
17 PCS doing work without a permit was, you know, amply
18 punished, as the record shows peripherally, as to all
19 the things that PCS and its employees got over this.

20 The issue with what Brechtech did. They obtained
21 an electric permit, which if they had had their licensed
22 employees work on it, it would have been perfectly fine.
23 If Brechtech did no work under the permit -- because
24 sometimes people obtain permits they never do anything
25 with -- there wouldn't have been an issue with that.



1 The problem that the Department has, and obviously you
2 see that as an issue as well, I certainly don't blame
3 you, is that PCS ended up doing work on this project.

4 But the 901(3), which is the core predicate
5 violation, would require PCS to have a permit for the
6 work that they did, which -- that's not an issue with
7 Brecht. If it's transferred, they want to transfer it,
8 PCS would have had to apply to transfer it. This is --
9 Brechttech had a permit. There is no rule that directly
10 says that you can't do what was done in this situation.

11 The obtaining of -- I mean, obtaining an electric
12 work permit for an entity not authorized to perform
13 electric work isn't what the rule actually covers. This
14 is what's really the problem here, is that PCS did work
15 on this project without a permit and with unlicensed
16 employees, not any conduct by Brechttech.

17 BOARD MEMBER JOHNSON: So I will -- I might have
18 misquoted 12. Twelve is what you guys were cited for,
19 and 11 is what the PCS was cited for, and that's the one
20 -- that's where I'm just going to correct that
21 reference, is it's 11 under the WAC.

22 I will just kind of move on. So I guess real quick
23 what I -- I will just lay out what I am -- after reading
24 through the evidence and studying the code, the statute,
25 and the rule, what I am seeing is that Mr. Brecht did



1 have -- if you read the responsibilities in RCW
2 19.28.061(5), which lists out what the master
3 electrician or administrator responsibilities are, those
4 match up exactly with the WAC 296-46B-915, on 12(A)
5 through I think it's F, or whatever. Really the ones
6 that are pertinent is point B and point D. So 12(B) and
7 12(D) in the WAC, and then 5(B) and 5(D) in the RCWs.

8 If you read the -- I will read B, "Ensure that all
9 electrical work complies with the electrical
10 installation laws and rules of the state. Ensure that
11 all electrical labels, permits, and licences required to
12 perform the work are used."

13 Those pertain to the administrator. So I am seeing
14 that those fines pertaining to the administrator are
15 valid, and I am looking -- my opinion is that. When I
16 read through the -- I do see when I read the WAC, the
17 responsibility for, and it talks about -- that's WAC
18 296-46B-901(3) -- I do see where it talks about only one
19 entity can work under a permit. That leads me to
20 believe there's an ongoing responsibility for the
21 administrator for any permit he pulls.

22 On the contractor side, so Brechtech, I do see that
23 they were cited under the WAC violation 14(B), which
24 -- when I read the rest, I don't see an ongoing
25 responsibility. So my opinion is that Brechtech was



1 correctly cited for the October 31st, the time that the
2 permit was pulled, but I don't see any ongoing onus on
3 the contractor for the following dates. I do see the
4 following onus does occur for an administrator.

5 I just want to lay out my opinion for the other
6 Board Members.

7 CHAIR JENKINS: Chair Jenkins here. Thank you
8 very much.

9 Are there any other questions, comments from Board
10 Members?

11 Any questions brought up to the Brechtech counsel,
12 I will also open the door for the AAG to respond to
13 those same questions.

14 MS. BROOKMAN: Thank you. Just very briefly
15 regarding why the permit was acquired.

16 I would encourage the Board to review the record of
17 my cross-examination of Mr. Brecht, which begins at the
18 Electrical Board packet page 289.

19 But I have no other response to the comments made.
20 Thank you.

21 CHAIR JENKINS: Thank you very much.

22 Is there any questions or comments from the Board
23 Members?

24 BOARD MEMBER MCCANCE: I'm good.

25 CHAIR JENKINS: Just want to bring up one thing.



1 I wanted to make note of the idea of if truly he was --
2 first of all, I think his violation of these rules, I
3 think we should uphold the ALJ's decisions.

4 But I also want to point out that the permit
5 inspections were called -- if I read it correctly --
6 were called online, or to get to that position, you had
7 to have a passcode to get there. If I truly, as a
8 contractor, was going to not expect a person to work on
9 those jobs, I would not give them the password to call
10 for inspections.

11 So I think it's a violation in more ways than one.
12 It's 100 percent appropriate on the ALJ's part. That's
13 just my opinion.

14 Board Member Gregory Johnson.

15 BOARD MEMBER JOHNSON: I agree with what you just
16 said, Mr. Chair. I think Mr. Brecht -- 100 percent
17 agree with that.

18 I would also want to add that -- this isn't a
19 question that needs to be answered, but per my reading,
20 I think it would have been appropriate to cite Marvin
21 Brecht also for 12(A) and 12(E). I think those
22 violations were actually more pertinent, even more
23 relevant. The others are very relevant, but I think
24 those are even stronger, and those carry fines of \$1,000
25 and \$500 per instance, respectively.



1 My opinion is that the Department was nice by not
2 citing everything that could have to Mr. Brecht.

3 CHAIR JENKINS: Chair Jenkins here. Thank you
4 very much.

5 Once again, any more comments to the Board?

6 Hearing none. The Chair would entertain a motion.

7 BOARD MEMBER NORD: Board Member Nord. I make
8 the motion that the Board affirm and support the ALJ's
9 decision on all citations, and, furthermore, that
10 penalties for all citations stand.

11 CHAIR JENKINS: We have a motion. Do we have a
12 second?

13 BOARD MEMBER LEE: Board Member Lee, second.

14 CHAIR JENKINS: We have a motion and a second.
15 Any discussion?

16 BOARD MEMBER COX: Yes. Board Member Cox.

17 I was waiting for the motion before we had
18 discussion.

19 Well, I think Mr. Brecht was foolish in this whole
20 situation. Reading through the testimony, I can see why
21 he did it; he was speculating that he would get some
22 part of the business. But foolishness aside, as it even
23 says in the record that he learns he's not going to do
24 this again, and wise on his part, but I don't see
25 anything in the WAC that talks about intent.



1 And what I do see is -- I happen to be looking at
2 page 229 of the Board packet. And the testimony of the
3 inspector, where it says -- when the appellant's counsel
4 asks, "When it says another entity may request, that
5 obviously means a request made by another entity other
6 than the original purchaser, doesn't it?" And the
7 inspector says, "Yeah." And he goes on to say in the
8 next paragraph and question, "If Prime Construction
9 Solutions with California, or somebody that we know and
10 recognize here in the State of Washington, was going to
11 end up doing that work, then they would have to request
12 to transfer the permit to the Department of Labor and
13 Industries, correct?" And the inspector, again,
14 answers, "Yes."

15 So I don't see anything in the rules, again,
16 talking about intent, but I don't see where -- again, I
17 agree with I think it might have been you, Chair
18 Jenkins, that said these inspections were done online.
19 That's what I troubled about it, is Prime had to have
20 the passcode in order to request those inspections.

21 It's not in the record, and it is simply my
22 personal and professional opinion that most likely
23 Mr. Brecht purchased the permit online, received that
24 conversation, and simply forwarded it on to the person
25 at Prime, "here's the permit you asked for," because I



1 think it was on page two or three, whatever it is,
2 basically the last page of the permit, electronically
3 gives you the passcode to get in and do that. I think
4 he forwarded it. It's not in the record; that's my
5 personal opinion of how this all plays out.

6 I don't see anywhere in the rules that it talks
7 about you can be cited for intent. I'm looking at the
8 actual language of the code that says what did you
9 violate. And he -- I see him purchasing a permit.
10 Intent not foregoing, I see him purchasing a permit. I
11 see that he was eventually put in as the electrical
12 contractor by the owner or the general or whomever it
13 was in the record, and he ended up hiring -- I can't
14 remember if it was two or three of Prime's electricians
15 to work for him.

16 So, again, I don't see where in the code he
17 violated the code by what he did. Foolishness, yes.
18 But violation, I don't see that. Thank you.

19 CHAIR JENKINS: Thank you very much.

20 Board Member Gregory Johnson, do you have a
21 comment?

22 BOARD MEMBER JOHNSON: Yeah. I fully support the
23 motion, but one minor question, and maybe this is a
24 suggestion for a friendly amendment. I mean, that's if
25 the motion-maker and the second agree.



1 I think it's a stretch to cite Brechtech for more
2 than the October 31st. It's 100 percent valid to cite
3 Marvin for more than -- for everything that's listed,
4 but I wonder if -- while -- just as I read over and over
5 again, read the WAC and the RCWs, I feel it's a stretch,
6 because I believe Brechtech made a violation on the time
7 they pulled the permit. I don't see an ongoing onus for
8 Brechttech. I do see an ongoing onus for the
9 administrator, because all the WAC and RCWs refer to
10 responsibilities of the administrator, but not of the
11 electrical contractor.

12 For that reason, I would suggest we uphold the
13 ALJ's, minus we would strike out ELYOD03692, which is
14 the one that's issued to Brechtech on the dates outside
15 the 31st.

16 CHAIR JENKINS: Thank you very much. Chair
17 Jenkins here.

18 I will disagree with that. I think it's still
19 appropriate to put those in place. It's a personal
20 thing, again.

21 I also want to point out the whole idea of him
22 giving the passcode, I don't think would have made a
23 difference, in my opinion. I think that's another nail
24 in the coffin, to say, "No kidding, this is even more so
25 of a violation."



1 With or without that passcode he passed to him, him
2 opening a permit for somebody else is a complete
3 violation of his administrator license. He knowingly
4 opened a permit knowing he would not be doing the work.
5 Intent or not, it would not make a difference. He did
6 not intend to do the work himself. I believe everything
7 that has been signed is appropriate. Once again, that's
8 my opinion.

9 **SECRETARY BARNES:** Secretary Barnes.

10 The contractor had an opportunity to close or
11 cancel the permit at any point, and they did not.
12 That's why the continued onus was on that contractor.
13 At any point, they could have called and canceled the
14 permit, closed the permit, or said, "This other entity
15 should not be performing work under my permit, it's to
16 be performed solely by that entity." And they did not
17 do that at any point.

18 **CHAIR JENKINS:** Chair Jenkins again. Thank you
19 very much.

20 Any comments or questions to the Board?

21 **BOARD MEMBER JOHNSON:** Thank you. I just wanted
22 to say thank you, Randy, for that clarification. I
23 guess with that clarification I could support, yeah, the
24 motion as it was. I withdraw the request for the
25 friendly amendment.



1 **CHAIR JENKINS:** Thank you very much.
2 Are there any more discussion? Hearing none.
3 All in favor of the motion, signify by saying
4 "aye."

5
6 (Chorus of ayes.)

7
8 **CHAIR JENKINS:** Any opposed?

9 **BOARD MEMBER COX:** Board Member Cox, opposed.

10 **CHAIR JENKINS:** Hearing no other. Motion passes.
11 All right. So thank you very much; the Board has
12 made a decision.

13 Would you, AAG Caitlyn Brookman, get in contact
14 with Brechtech, Incorporated, or counsel for them, to
15 see if you can reach an agreement that best reflects the
16 decision of the Board. Please be advised that if you do
17 not reach an agreement, this matter will be set for
18 presentment at the next regularly scheduled Board
19 meeting.

20 If an agreed order has not been received by that
21 date, parties will be expected to file their proposed
22 orders and appear before and advise why their proposed
23 order best reflects the Board's decision. Hoping this
24 won't be necessary.

25 If you are able to reach an agreement as to the

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1 form and order before the next meeting, please forward
2 it to the secretary of the Board's office, and they will
3 make sure it's signed and copies to all parties.

4 Are there any questions?

5 MS. BROOKMAN: No.

6 MR. POPE: No. No questions.

7 CHAIR JENKINS: Thank you very much. I hope to
8 see this get resolved. Thank you very much.

9 So moving on to our next item here is our review of
10 proposed order for Epic Lights and Charles Elledge.

11 Charles Elledge items EBERU02765, ECMIG00700,
12 ECMIG00701, and ECMIG00702.

13 Is there someone here from the Department?
14

15 REVIEW OF PROPOSED ORDERS: EPIC LIGHTS & CHARLES ELLEDGE
16 EBERU02765, ECMIG00700, ECMIG00701, AND ECMIG00702
17 DEPARTMENT'S PROPOSED ORDER
18

19 MR. DIEMER: Yes, good morning. Neil Diemer,
20 Assistant Attorney General for the Department.

21 CHAIR JENKINS: And would you please spell your
22 name for the court reporter, please?

23 MR. DIEMER: Yes. N-E-I-L, D-I-E-M-E-R.

24 CHAIR JENKINS: Thank you very much.

25 Is someone here from Epic Lights?



1

2

(No response.)

3

4

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CHAIR JENKINS: Give a moment longer. Once again, is there anyone here from Epic Lights?

6

7

(No response.)

8

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CHAIR JENKINS: Hearing none. I believe you sent in an order, and after reviewing the order, looks to be signing it and makes it complete. So thank you very much. Thank you for appearing.

13

MR. DIEMER: Thank you.

14

CHAIR JENKINS: I appreciate that.

15

Moving on to our next agenda item, Number 6.

16

Certification of CEU quarterly report, exam provider update.

17

18

Technical specialist Larry Vance, are you available?

19

20

21

CERTIFICATION/CEU QUARTERLY REPORT,

22

EXAM PROVIDER UPDATE, LARRY VANCE

23

24

MR. VANCE: Great.

25

CHAIR JENKINS: Before we get started, I'm going



1 to ask a question: What is your full title currently
2 today?

3 MR. VANCE: I am an Electrical Construction
4 Inspector 5.

5 CHAIR JENKINS: Thank you very much. I'm
6 probably going to still call you a Technical Specialist,
7 if that's okay. Thank you.

8 MR. VANCE: This title change is due to a
9 routine, fairly recent kind of, I don't know if you call
10 it a reclassification. I believe there was a
11 reclassification there. We essentially went to a system
12 where it's Inspector 1 through Inspector 5. Just to
13 make it simple.

14 CHAIR JENKINS: I'm still liking the first one.

15 MR. VANCE: Chairperson Jenkins, my name is Larry
16 Vance. I'm an Electrical Construction Inspector 5 with
17 the Department of Labor and Industries.

18 Today I would like to direct your attention toward
19 the Board reports I have provided for the Board. They
20 are board exam reports, to be more specific, one of
21 which is the statistic summary by attempts report.

22 Of note, today the first-time pass rate for 01
23 general journeyman level exams remains right at about
24 51 percent, almost 52 percent, which is consistent with
25 past rates. This is a one-year rolling block of time;



1 every three months we drop three months and add three
2 months to this report.

3 There is something here that -- in the attempt
4 column, you will see that there's an attempt number 21,
5 22, 23, and 24. That would be possibly somebody that's
6 on that number of attempts. We do have a system in our
7 contract with our exam provider that doesn't let people
8 make a run at the exam questions, so to speak. In other
9 words, you are eligible to sit for the exam every three
10 months. Once you failed it three times in the one-year
11 exam-approval period, and for electricians that starts
12 on the day you are approved for the exam and ends a year
13 later, so if you fail three times within that period of
14 time, you are now eligible to take the exam every three
15 months.

16 It just keeps people from -- we have a large
17 variety of questions in our exam database, but it just
18 makes it more secure for that purpose. There are some
19 proposed WAC rules we will go over later that slightly
20 change that. There's a requirement in the law that
21 makes it so the exam has to be available four times a
22 year, and with a 90-day requirement interval.

23 It may not -- you would almost have to be in a
24 perfect world to get four attempts a year, so we want to
25 make sure we are not violating that law. There's a rule



1 change later that will be discussed about that.

2 Looking at a couple of the other exam pass rates.
3 If you look at the residential, that's the 02
4 residential specialty. The pass rate there is
5 27 percent, almost 28, which is a little higher than it
6 has been in the past, and I don't know what's
7 influencing that. It's usually, in my memory, it's
8 hovering around 23 to 25 percent, but it's inched up a
9 bit. I have no idea what that is, or what's influencing
10 that.

11 If we were to look further here, in another
12 populous category, the first-time pass for the 06A exam,
13 for instance, is 25 percent, 25.29 percent, so just
14 slightly lower than the presidential exam pass rate.

15 Get into some of the smaller specialties, and that
16 can be a little troubling from the aspect -- you just
17 look at the number of people that attempt the exam, and
18 that would indicate that those categories aren't the
19 most popular. For instance, you get into the pump and
20 irrigation category, and you see only a total -- this is
21 the 03 category -- there was only a total of 16
22 first-time attempts. So there's 16 people involved in
23 that industry that attempted the exam.

24 You get the 03A, which is the 2,000-hour
25 subspecialty to the 03. You will see in that period



1 that only three people made a first-time attempt for
2 that exam. So it's just kind of an indication of
3 popularity. Maybe people in the industry are more apt
4 to move toward the 03 specialty rather than the
5 2,000-hour subspecialty, because 03 is a more robust
6 certification; you can do far more than you can as an
7 03A.

8 Other than that, there is a lot of interesting
9 information in here, but -- I could go on for a bit, but
10 I don't think it's very relevant.

11 If anybody has any questions or anything, I would
12 be happy to respond.

13 CHAIR JENKINS: Chair Jenkins here.

14 Question I have for you. Our last meeting I
15 believe we talked about here the contract with the
16 testing agency. Where are we at with that? What's our
17 current status with that?

18 MR. VANCE: Do you have any new information on
19 that --

20 SECRETARY BARNES: Secretary Barnes.

21 We don't have an update. We are still trying to
22 settle a contract. We are still issuing the tests, the
23 exams, and we will continue to issue the exams. The
24 contract has not been issued yet.

25 Part of the challenge is, with Wayne leaving and my



1 stepping into place, that you now have another person
2 that has to be replaced as a signer, which is me.

3 CHAIR JENKINS: My other question is I think last
4 time you mentioned you wouldn't give who our new
5 contracts would be signed with. Is it still going to be
6 PSI, or is that something you can say or not?

7 MR. VANCE: At this point we are not able to
8 -- until it's awarded, we are not able to --

9 CHAIR JENKINS: Okay.

10 MR. VANCE: -- share information on that. There
11 has been some things that have happened across L&I where
12 our workload has shifted. There are fewer resources to
13 accomplish workload. We have two days ago communicated
14 with our contracts division and asked for an update, and
15 have yet to receive a response on the update. It's not
16 that we aren't -- we aren't on top of it, it's just the
17 fact it's not within our control. So, it's with the
18 control of another division.

19 CHAIR JENKINS: I completely understand. I was
20 just curious where we were at, if we got the answers.
21 If we haven't, it's not a big deal. Just curious what
22 you had. I understand that.

23 MR. VANCE: We have got some rulemaking that's
24 going to affect exam delivery, and we also have the task
25 of going through and updating the exam to the 2026



1 National Electrical Code references. The exam doesn't
2 significantly change because the code didn't
3 significantly change.

4 The big job that we have with updating the exam is
5 actually updating the references for the answers.
6 That's the big job, because the National Electric Code
7 has some new articles, things that were in one article
8 are now in another article, a new article. That's the
9 big work. As far as adding questions, those are things
10 we always consider. Adding questions or removing
11 questions.

12 Somebody that attempts an exam this year and five
13 years from now, or five years ago, is not looking at any
14 real significant difference in the exam, from the
15 standpoint the exam is based on the fundamentals of the
16 code, not on the -- we like to refer to them as the
17 "new, shiny things." There are always a few new shiny
18 things, and in our experience, we also saw that the new,
19 shiny things can often change. It might take a couple
20 of code cycles for an issue to kind of be settled.

21 The emergency disconnecting means for a
22 single-family dwelling would be an example of that.
23 There was all kinds of ways you can accomplish that, and
24 now they just made it simple and they say it's going to
25 be on the exterior of the dwelling unit or within sight,



1 and it's going to be called the "emergency disconnect."

2 They took something that was very complicated and
3 made it very simple. Those are the kinds of things that
4 we have to think whether or not it's a viable thing to
5 immediately start examining people on that knowledge.

6 CHAIR JENKINS: My last question of that whole
7 thread is: Do we have an expected date when we will see
8 the 2026 testing applied? When it will change and we
9 have a date, like, yes, this will be done, yes, this is
10 all based on this code?

11 SECRETARY BARNES: Secretary Barnes.

12 Two things. Assuming our rulemaking goes through
13 to adopt the NEC, 2026 NEC for December 31st, our intent
14 would be to look for an exam update approximately six
15 months later to give the industry, the apprenticeships
16 and whatnot, an opportunity to live in that new code
17 before we start providing examination on it.

18 CHAIR JENKINS: Perfect. Thank you.

19 MR. VANCE: The examination doesn't ask the
20 applicant to name a code article where a requirement is.
21 That's the major difference that different editions of
22 the code has. We just -- whether it lives in Article
23 220 or 120 or 210, maybe it moved. That's of no
24 significance as far as the exam is concerned.

25 People should rest easy knowing that whatever



1 edition, whatever version of the exam they take, they
2 are essentially -- it might have a different name of
3 what it's based on, but it's significantly similar.
4 Beyond extremely, you know, significantly similar, if I
5 might add.

6 And there's thousands of questions on the exam in
7 the exam pool. It's just the fact that what edition
8 it's based on means that the references are correct. In
9 other words, when we are challenged on a question, we
10 can go into that question and we can look and see where
11 the reference is. We can go to that reference and say,
12 "This answer's correct." That's the big lifting we have
13 to do, and the big lift that our exam provider has to
14 do.

15 CHAIR JENKINS: Thank you. I think that too, I
16 just wanted it in an official -- sometimes there -- that
17 this is now based on 2026 code. We usually have a date
18 for that, and that's why I'm asking.

19 MR. VANCE: Right. I want to help relieve some
20 of the anxiety that people have about, you know -- they
21 have a little anxiety about the fact they are taking
22 what they perceive to be a different exam, and it's not.

23 What I am saying is there's -- from what they see,
24 there's no significant difference in the exam, so.

25 CHAIR JENKINS: Board Member Kerry Cox, did you



1 have a question?

2 BOARD MEMBER COX: I did. Thank you, Chair
3 Jenkins.

4 Question for Inspector Vance. Since you brought it
5 to light the large number of attempts, I'm just curious,
6 more than anything, is there any more information or
7 insight that you see into what's happening with those
8 people above attempt Number 10?

9 Like you mentioned, I see attempt 23, 24, and
10 there's one here, two there, three there. Any insight
11 into that, or is it just someone that's plodding along,
12 or do we know anything more about those high of
13 attempts?

14 MR. VANCE: It's hard to speculate on that. We
15 do have, on a daily basis, requests for special
16 accommodations for examinations, people that have some
17 sort of disability. Some have a language barrier issue,
18 and it is an open-book exam. It's not an exam based on
19 memorization or knowledge, just familiarity with the
20 industry reference material. It is hard to speculate
21 why somebody would be at attempt number 20.

22 We also don't know that -- because this -- once you
23 enter the exam system with PSI, for instance, you are
24 now tracked by an identification number. So what PSI is
25 looking at is if this person might have taken the exam

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1 ten times and passed it ten years ago, and let's say
2 they forgot to renew within 90 days of expiration, and
3 they are now back in the exam system again. Maybe now
4 it's taken them -- maybe they're on their 12th attempt,
5 for whatever reason.

6 They are tracked throughout their, you know, each
7 attempt at the exam adds to the previous. It's -- and
8 -- it's something that we would probably find out what
9 the situation was, but we probably couldn't talk about
10 what the situation was, if that makes any sense, because
11 we're not able to talk about anyone's challenges that
12 they may have.

13 BOARD MEMBER COX: Okay. That is helpful,
14 though.

15 So if a person was to take an exam four times,
16 several years ago, pass it, and then in the future, now
17 they are going to have to take it again, those four are
18 counted? So their first attempt, second time, is now
19 attempt five; is that what I'm hearing?

20 MR. VANCE: That's correct.

21 BOARD MEMBER COX: Okay. Thank you, Larry.

22 MR. VANCE: Yeah.

23 CHAIR JENKINS: Any other questions from the
24 Board for Larry Vance?

25 Seeing none. Do you have anything else you want to



1 bring up?

2 MR. VANCE: I don't. Thank you very much.

3

4 TECHNICAL ADVISORY COMMITTEE (TAC) UPDATES

5

6 CHAIR JENKINS: Moving on to number seven.

7 Technical Advisory Committee updates. Number seven.

8 Before we get started, how is our court reporter
9 doing?

10 THE COURT REPORTER: I am doing great. Thank you
11 so much for checking.

12 CHAIR JENKINS: Back to number seven.

13 SECRETARY BARNES: Secretary Barnes.

14 I will do the TAC Committee updates. I will do a
15 real brief history of where we are.

16 We have advertised at the beginning of the year for
17 the TAC Committee and WAC rule proposals and made a
18 cut-off date for those. Once we received all of the
19 proposals and committee applications, we took the
20 complete applications and hosted a TAC Committee
21 virtually, and here, on April 1st.

22 The Committee reviewed and discussed, and their
23 decisions essentially were either to support a TAC
24 proposal or not to support a TAC proposal. I'm going to
25 go through the TAC proposals for you. These have been

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1 posted online, both TAC proposals and the proposed
2 rulemaking language.

3 I will go through the TAC proposals first, then we
4 can go through the rulemaking language afterwards. I
5 will go through these. These have been sent to the
6 Board and posted online, so hopefully everyone has had a
7 chance to review them. I will go through them and read
8 them. If you would like to stop me and interrupt me to,
9 you know, discuss or ask questions, let's go ahead and
10 do that, otherwise I would like to continue to read
11 them, just in the interest of time, since there's
12 approximately 20.

13 First proposal we received was for WAC 296-46B.
14 Proposal number one was to add a definition for the
15 mini-split HVAC refrigeration system. Essentially, they
16 wanted to add a definition for what that was to
17 Section 100. This was not supported by the TAC. We
18 have HVAC definitions already within the 298-46B. The
19 Board didn't support this at all. I can't say not at
20 all; there was not majority support. Excuse me.

21 Second proposal also is a definition request for
22 296-46B 100, and this also was a proposal to define
23 mini-split system. This was not supported by the Board,
24 or excuse me, the Committee.

25 Proposal Number 3 was also a definition addition



1 for 296-46B 100. This was to add a definition for
2 variable refrigerant flow/VRF. This also was not
3 supported by the TAC Committee.

4 If anybody has any questions or wanted to stop and
5 discuss --

6 BOARD MEMBER JOHNSON: Can I throw in a
7 clarification?

8 One, two, and three, so Mike Nord and I attended in
9 person, and just to clarify, the obvious intent of one,
10 two, and three was to expand the work for an 06A
11 license, so the rejection of that was basically people
12 weren't opposed to defining those terms in the code, but
13 they were opposed to using the definitions to modify the
14 scope of 06A.

15 So that's why it was rejected, or that's my
16 interpretation of why it was rejected.

17 SECRETARY BARNES: Thank you. Moving on to
18 proposal number four.

19 Proposal 4 had to do with modifications of 296-46B,
20 008(A). This was asking for modifications of the
21 language for the GFCI requirements for outdoor outlets.
22 Not receptacles, but outlets, which would include HVAC
23 equipment. The NEC has an exception for this, however,
24 the 2026 code has an exception for this, but it expires
25 December 31, 2026 when we adopted the new code. The



1 request for this proposal was to extend that same
2 verbiage through 2029.

3 This is not -- was not completely supported by the
4 Committee, however, we have extended some of the -- we
5 have delayed enforcement of this because recognizing the
6 industry is struggling right now with product
7 availability, whether that's GFCIs that actually work
8 with inverter-driven HVAC systems, or, actually, the
9 products that are now being made by, well, proposed and
10 introduced in the 2026 code, which is for high frequency
11 breaker protection. Product availability does not exist
12 yet. It is on the near horizon, and manufacturers are
13 trying to get it out. We will reevaluate the electrical
14 reenforcement as we get better understanding of product
15 availability.

16 Proposal Number 5 is also an amendment to
17 210.008(A), dwelling unit, GFCI protection. This was
18 wanting to address GFCI protection at RV power-supplied
19 feeders. Verbiage was to amend GFCI protection to not
20 be required for receptacles intended 125, 250-volt RV
21 power supply feeders for RV use only. Again, this
22 proposal was not supported by the Committee.

23 Number 6. Number 6 is also a proposed amendment to
24 210.008(B). This was to strike the existing exception
25 for three-phase receptacle GFCI protection. That



1 already exists, and the proposal was to strike that
2 exception. That was not supported by the Committee.

3 Sorry. I'll keep scrolling.

4 Proposal Number 7 was another amendment to
5 210.008(B). This was to amend the GFCI requirement for
6 vehicles supplying equipment. This would have amended
7 3B to include connection of a feeder assembly, as
8 defined in Article 100 of the NEC. Branch circuit GFCI
9 requirements under this section do not apply to cord and
10 plug-connected feeder assemblies. Again, this proposal
11 was not -- excuse me -- this proposal was not supported
12 by the Committee, either.

13 Number 8 is an additional modification to 210.008.
14 This was to expand or clarify the requirements GFCI
15 requirements for not just receptacles, but outlets in
16 close proximity to bathtubs and showers. This was not
17 for a receptacles, but for outlets, things such as
18 heated towel racks and bidets. This was actually
19 supported by the Committee.

20 Number 9. Number 9 was modification of
21 210.52(C)(2), island, peninsula, and countertop work
22 surfaces. The current wording eliminates and the
23 current code eliminates the requirement for a receptacle
24 on an island or a peninsula on the sides, due to
25 perceived safety issues with Crock-Pots or things of



1 that nature hanging over the counter tops that are
2 plugged in. The proposal was to strike the exception
3 and to require a receptacle, islands, countertops --
4 excuse me, not in countertops. On the sides of islands
5 or peninsulas. That was also supported by the
6 Committee.

7 Number 10. This was an amendment that had to do
8 with electrical vehicle supply, load calculations. For
9 EVSE, it's modification to 220.57. The proposal was to
10 change the load calculation from 7,200, as it currently
11 is, to require 9,600 watts or the nameplate rating of
12 the EV, or whichever is larger. This proposal was not
13 supported by the Committee.

14 Eleven. Number 11 is an amendment, a request for
15 an amendment to WAC 296-46B, Rule 225.41, and it's a
16 requirement for emergency disconnects. This has to do
17 with -- the request was the intent for emergency
18 disconnects on multifamily homes or townhomes, and,
19 essentially, the request was not to require a service
20 disconnect in one location on the exterior of the
21 building, or within sight of the building itself, and
22 also have an instance where you would have a feeder
23 disconnect result.

24 So, for example, you have a row of townhomes and
25 you put the service disconnects at one end of the



1 townhomes. Do we now, since they are individual
2 buildings, have to require an individual emergency
3 disconnect on the exterior of those buildings? This did
4 not have full support of the Committee, but has been
5 addressed, and some policies for how we would review or
6 how we'd see some of these feeders in specific
7 conditions.

8 CHAIR JENKINS: Board Member Gregory Johnson, do
9 you have a question or comment?

10 BOARD MEMBER JOHNSON: Yeah. I wanted to note
11 the reason that was rejected was, the sentiment was the
12 proponent of that proposal had a misunderstanding what a
13 townhome was versus an apartment. And that also relates
14 to Number 14, which you haven't gotten to yet, similar
15 thing. There's a note that basically we needed to
16 better explain what townhomes were versus apartments.

17 There was an Electrical Currents in May, newsletter
18 that went out in the May, that talked about apartments
19 and townhomes. Unfortunately, our Electrical Currents
20 Newsletter had incorrect information in it and wrongly
21 described the scenario. There seems to be confusion in
22 the industry, and I have talked to a lot of authorities
23 having jurisdiction in different cities, and there's a
24 varying level of understanding. Some understand
25 correctly, and some don't. There's a lot of confusion



1 on the topic.

2 I think it would be prudent for us to send out an
3 update with a correct info. I think I forwarded on a
4 description of examples of how it actually is correctly
5 stated, but never heard a response. I can forward that
6 again to you, Randy, if you would like.

7 SECRETARY BARNES: Please do. We would be more
8 than happy to address that.

9 BOARD MEMBER JOHNSON: And City of Spokane has
10 done an excellent job of accurately describing the
11 scenario. They're a prime example of how it's done
12 correctly. They didn't used to in the past. There was
13 a point they had it confused, but in the last few years
14 they have corrected and excellently captured it.

15 Really what the issue is is what defines a building
16 as a one-building versus multiple buildings is the
17 parcel data. So you have to look at how it was parceled
18 out, and that's the summary. You can have the same
19 exact building that looks like a townhome, and it can be
20 the same thing, and if they don't parcel out each
21 individual unit, it's one single building.

22 If they have gone through the effort of parceling
23 it out, which requires they have to meet all the
24 prerequisites of firewalls and stuff, then they are
25 individually legally different buildings. That's what



1 drives the disconnect requirement. If there's an
2 individual building, you have to serve each one with a
3 separate individual service and a separate individual
4 disconnect. If it's one big building, you are only
5 allowed to service it with one, because buildings can
6 only have one service, unless they get an exception, in
7 the NEC.

8 There's a brief summary of what it is, but I can
9 forward you a description so you have that.

10 SECRETARY BARNES: Yeah, I appreciate what you
11 are saying, Gregory.

12 I think we are addressing this issue statewide with
13 trying to address the different municipalities, and we
14 are addressing some issues about do we have a disconnect
15 for each building, and is there a requirement for that
16 disconnect to actually be on that building and install
17 multiple disconnects for that building, whether it's on
18 that building or on-site, and the additional
19 requirements is are we addressing additional safety or
20 are we not?

21 Absolutely available to have that discussion with
22 you and address that e-mail.

23 CHAIR JENKINS: Board Member Kerry Cox.

24 BOARD MEMBER COX: Yeah. For Secretary Barnes:
25 Is that something that maybe we need that in 100 to



1 define what a townhouse is, or do you think the
2 discussions you are already having is going to address
3 that?

4 SECRETARY BARNES: We don't define a building
5 type in the electrical code that's already addressed in
6 building code. And building codes, whether it's an IBC,
7 UBC, the local municipalities get to define what those
8 structures are and what the occupancies are.

9 BOARD MEMBER JOHNSON: I would agree with Randy
10 Barnes. IRC, IDC, and, actually, National Electric
11 Code, which doesn't really define but addresses it, I
12 believe that the national codes, model codes, are
13 correct as they stand. It's just a matter of
14 understanding those codes, not necessarily -- we don't
15 need to change anything code, we just need to help
16 people understand what the code says already.

17 BOARD MEMBER COX: I was wondering from an
18 inspection standpoint, as we go forward, is there going
19 to be confusion, or is there going to be a known
20 document or something known that our inspectors will be
21 able to say, "This is a townhome; this isn't a
22 townhome," kind of thing, or if we need to have it
23 otherwise defined?

24 SECRETARY BARNES: I appreciate the comments,
25 Kerry. It's part of what we are trying to address with



1 the Currents article is sometime, even what we call a
2 townhome is almost an industry slang, right. I think
3 that's possibly what Gregory was saying, is the
4 definitions of what those are is -- we use them
5 subjectively sometimes.

6 Is it a condo, is it a townhome? I don't think
7 those are necessarily always set terms, it's the
8 conditions of the building. How is it built, is it a
9 separate building, is it a separate structure, right.

10 BOARD MEMBER COX: Right. When appeals come to
11 us and a contractor has done something in violation and
12 it's like, "Well, I was told this was a townhome," you
13 know. That's what I am trying to address is those
14 contractors who don't have a good definition or may be
15 misled. That's all.

16 SECRETARY BARNES: Excellent point. That's why
17 we are trying to communicate that through the Currents,
18 and it is a challenge because different municipalities
19 may do this differently.

20 BOARD MEMBER COX: Thank you, Randy.

21 SECRETARY BARNES: Moving on if there are no
22 further questions.

23 Should be on Number 12. Number 12 was a similar
24 related proposal, but this is for WAC 296-46B-230, and
25 it relates to services. This was trying to define the



1 difference between firewalls and putting it within the
2 service requirement section of the WAC. This, again,
3 was related to the previous discussion and was not
4 supported by the Committee.

5 Proposal Number 13 was an amendment to 230.71(B).
6 This had to do with the metering centers, the
7 six-disconnect rule, and the metering centers that had
8 separate apartments now required. The exception that
9 they were requesting was that exception stays within the
10 WAC and that's it's extended -- or added to the WAC and
11 extended that they don't necessarily have to have
12 separation. This proposal also was not supported, and
13 any exceptions for that expired on July 1st.

14 Proposal Number 14. It's modification of 230.85.
15 This is addressed by trying to define what an emergency
16 disconnect is and whether they are required, and it
17 wanted to require the conditions of which we would use
18 an emergency disconnect and how they would be used or
19 where. This was addressed in the 2026 NEC. We will no
20 longer have a difference in where a service disconnect
21 is required.

22 Coming in 2026, the emergency disconnect and
23 service disconnect will be required to be on the
24 exterior of the building, on or within the building or
25 within sight, and we won't have the option anymore of



1 having an emergency disconnect and a service disconnect
2 inside a building. This was not supported by the
3 Committee.

4 Proposal 15. This was a proposed change to 450.27,
5 and it was a clarification to transformer locations and
6 to bring the definitions or the verbiage we have in line
7 with the building codes, and what they call combustible
8 surfaces, and the requirements of where the transformers
9 are located, and provided some clarifications for the
10 locations, not just being within or near a combustible
11 surface, but what that combustible surface looks like.
12 Included is verbiage on three hour or greater fire
13 resistance. This was supported by the Committee.

14 Proposal 16 is an amendment to NEC 624.42. This is
15 an amendment proposing an exception for sizing feeders
16 for service conductors or multiple charging stations,
17 and it was asking to us apply the demand factors similar
18 to other sections of the code. This was not supported
19 by the Committee. And you will see another one just
20 like this, the difference being one of these are for two
21 different types of charging stations.

22 Proposal 17 is for 625.42. Identical language to
23 the last proposal, just applied to a different type of
24 charging station and applying demand factors for
25 multiple charging stations when sizing feeders. This



1 also was not supported by the Committee.

2 Proposal 18 was a proposal to modify the language
3 in 706.004(3). This was a proposal to using similar
4 language for energy storage systems and providing design
5 review that's required, and EV systems or any other
6 parallel production systems. Just requiring them be
7 -- the designs they already have to do are present on
8 the site for the inspector to review. This was
9 supported by the Committee.

10 Proposal 19 --

11 BOARD MEMBER JOHNSON: Before you get to 19, I
12 will note that 18 was very important.

13 I have personally seen a lot of solar and battery
14 system requests from people who have submitted, because
15 the utility reviews a lot of them, and I will say
16 there's a lot of people that have not done their due
17 diligence. So 18 is a very important thing to get added
18 in there.

19 SECRETARY BARNES: It was overwhelmingly
20 supported by the Committee.

21 Proposal 19 is a modification to 920(2), and is a
22 06A scope of work. Essentially, the proposal was to --
23 I will read it: Specialty is allowed to run the
24 electrical cables from mini-split indoor unit to outdoor
25 unit on the installations of residential one- and



1 two-family dwellings or multifamily dwellings three
2 stories or less, commercial buildings that allow the
3 same wiring methods for residential on three stories or
4 less.

5 That would be a modification to the 06A work scope.
6 This proposal was not supported by the Committee.

7 CHAIR JENKINS: Board Member Gregory Johnson.

8 BOARD MEMBER JOHNSON: Yeah. I just had a
9 question.

10 We heard -- there was a lot of debate and -- at the
11 TAC regarding 060 work. I mean, everyone agreed that
12 the definitions is not the proper place to address the
13 issue. But then inside the -- on 20, not on the
14 definitions, it directly addresses it directly, head-on.
15 We also heard at our last board meeting a lot of
16 testimony from people asking for 060.

17 I don't know the history. I heard there is history
18 that this has come up with past code cycles and was
19 rejected for other reasons, and I'm not familiar with
20 all of that, but I'm wondering: Does this warrant
21 closer look to evaluate?

22 I mean, I've talked to a bunch of electricians who
23 are both 01s and also 06As, and I have -- every single
24 person I have asked, you know, I mean, and they are
25 people in various places. Every person I talk to



1 disagreed with the 06 -- how it's currently written now,
2 and so I'm wondering, not knowing the background, does
3 this warrant a separate rulemaking, separate
4 consideration or, you know, or is it our -- or is it
5 just past history that's already been -- and we don't
6 need to wade back into it?

7 CHAIR JENKINS: Chair Jenkins here.

8 Been on the Board for -- and I think Mike Nord's
9 been here also longer than I have, and this is a
10 contentious thing that's been going on a long time.

11 UNIDENTIFIED SPEAKER: Since 2008.

12 CHAIR JENKINS: 2008 the HVAC industry has been
13 pushing to advance their scope of work in many ways,
14 shapes, and forms, whether it be adding wiring to
15 disconnects, to replacing this or replacing that,
16 including this new wire. Not really new wire, but newly
17 since 2008, requesting that we do this wiring between
18 the two units with no change to their scope of training
19 or requirements.

20 So we pretty much, across the Board, have decided
21 many cycles ago this is not a good idea to have this
22 portion expanded without any other type of changes to
23 their training. I will put it there. They have gone
24 through this iteration of training request through TAC,
25 and they have also sent it through legislation, and



1 every time it's been shut down.

2 This is in my opinion. I will just be clear about
3 this and say that this is the child that keeps crying
4 over and over again and hopefully they get their way.
5 The reality is nothing changes, they just keep asking
6 the same questions and they keep getting denied. I
7 still stand on my soapbox to say it is not a good idea
8 to make this change, to have that scope change.

9 My premise is basically it's -- call it what you
10 want, but I will call it a safety issue. It's a
11 training issue that they never been allowed to do this,
12 but now they are requesting to do some other work they
13 have never done in the past, with no change in the
14 training. I can go on for a long time on this, but I
15 won't; people will get upset with me.

16 That's the basic history behind it.

17 BOARD MEMBER JOHNSON: Thank you. I agree with
18 your sentiment, what you just described.

19 You did mention something that's intrigued me, is
20 the training that's currently part of that 06A license
21 may not make them qualified, but is it worth looking at
22 offering -- changing the training so they could
23 -- looking at it from that different angle?

24 Maybe the industry says, "Oh, we don't want to
25 change our qualifications," in which case we know it



1 would be denied dead. But would it be worth considering
2 a change so they could become qualified?

3 CHAIR JENKINS: To answer that, we've asked that
4 same question multiple times, and they have never come
5 back with a result. I don't think it's the Electrical
6 Board's scope to approach these different industries and
7 say, "This is what you should do in order to do this."
8 It's the industry that needs to provide that.

9 And honestly, I have also seen -- the only people I
10 have seen push this agenda are the contractor, not
11 necessarily the workers, in order to bring their costs
12 down. The reality is -- I'll stop, otherwise I will get
13 on my soapbox again. Yes. We have seen this many, many
14 times, and I think it's been due cause. It's been shut
15 down many, many times. My opinion.

16 Any comments or questions to the Board concerning
17 that? All right.

18 SECRETARY BARNES: Proposal 20 is very similar.
19 It would modify 920(2)(f) and is a modification to the
20 06A scope of work for similar requirements, introducing
21 the 06A and being able to install a cable in between the
22 indoor units and outdoor units, and also incorporating
23 some of the definitions that were proposed earlier.
24 This was not supported by a majority of the Board, or
25 the Committee.



1 Proposal 21 is also a proposal to modify 920(2)(f)
2 for the 06A scope of work. It essentially is making the
3 same proposal, but wording it differently and packaging
4 it differently. This also did not have support from the
5 Committee, but of three proposals, this was the one that
6 had more support than the other two.

7 And finally, Proposal Number 22. This was a
8 proposal to modify 925(14), and it was clarifying what
9 assisting a homeowner or household, person, a friend,
10 neighbor, relative, and what that would look like if you
11 are volunteering to assist them, and creating more
12 clarification or definition. This was not supported by
13 the Committee.

14 And that is the end of the TAC proposals. What we
15 are looking for from the Board is advisement and
16 opportunity to have some discussion. You have had an
17 opportunity to review these for the last month, so the
18 Electrical Program is looking for advisement from the
19 Board.

20 **CHAIR JENKINS:** Chair Jenkins here.

21 Any questions or comments from the Board Members
22 considering the TAC Committee's decisions for the
23 proposals?

24 **BOARD MEMBER JOHNSON:** I just want to do an
25 acknowledgement to Randy and thank you for guiding us



1 through this process. You did a really good job during
2 -- even though it was a hybrid meeting, it was a great
3 job of facilitating doing the TAC.

4 CHAIR JENKINS: Board Member Kerry Cox.

5 BOARD MEMBER COX: Yes. Question for Secretary
6 Barnes.

7 I think Proposal 22, another one of the had HVAC
8 ones. I'm well familiar with the history as well, but I
9 think you said, 22 you said received more support from
10 the Committee than the other proposals? Is that the
11 right one, 22?

12 SECRETARY BARNES: No, sir. That would be 21.

13 BOARD MEMBER COX: 21, okay.

14 Did you take a head count? How much more supported
15 was that one? It sounded by your description they
16 packaged it and worded it. How much more support did it
17 get than --

18 SECRETARY BARNES: For the first two proposals,
19 so proposal 19 and proposal 20, had two people
20 supporting them. Proposal 21 had eight people
21 supporting, out of 22 or 23.

22 BOARD MEMBER COX: Okay. So it wasn't a large
23 -- okay. That's -- thank you.

24 CHAIR JENKINS: Chair Jenkins again.

25 Questions, comments, Board Members?



1 **BOARD MEMBER ISAACSON:** Board Member Isaacson
2 here.

3 I just would like to say, on behalf of
4 manufacturers, we are working diligently on those
5 high-frequency GFCIs. I'm pretty sure we will have
6 something good by the end of the year, so hopefully by
7 the end of next year we can accommodate those
8 requirements.

9 **CHAIR JENKINS:** Thank you for that information.
10 Can I get a motion to the -- for the departments --
11 how do I phrase this -- can I get a motion?

12 **BOARD MEMBER NORD:** Board Member Nord.
13 I propose a motion that the Board continues to
14 support the (inaudible) Department. Thank you.

15 **BOARD MEMBER JOHNSON:** Board Member Johnson will
16 second that.

17 **CHAIR JENKINS:** We have a motion and a second.
18 Any discussion?

19 Seeing none. All in favor, say aye.

20

21 (Chorus of ayes.)

22

23 **CHAIR JENKINS:** Any opposed?

24

25 (No response.)



1

CHAIR JENKINS: Motion passes.

2

3

I believe the intent was to say -- yes, I think based on the support versus not support, we support what they support, the Board and the Department. Assuming that's what you meant.

4

5

6

7

SECRETARY BARNES: Thank you.

8

CHAIR JENKINS: I know. We support support.

9

SECRETARY BARNES: Just to clarify, we support the Committee's findings.

10

11

CHAIR JENKINS: Yes. Thank you for the clarification. Thank you.

12

13

All right. So how's our court reporter doing?

14

THE COURT REPORTER: I am still doing well.

15

Thanks for checking.

16

CHAIR JENKINS: We are onto Number 8. It's been a while. I think it's appropriate to take a break anyway, I think.

17

18

19

Let's do this. The Chair entertains a motion for a 15-minute break.

20

21

UNIDENTIFIED SPEAKER: Motion.

22

CHAIR JENKINS: We have a motion. Do we have a second?

23

24

BOARD MEMBER LEE: Board Member Lee, second.

25

CHAIR JENKINS: Motion and a second. Any



1 discussion?

2 I look -- Board Member Rose Mitchell, you have a
3 question or a comment?

4 BOARD MEMBER MITCHELL: Chair Jenkins, thank you.
5 I do apologize because I need to excuse myself. I have
6 another commitment. But I will do better in the future
7 to make sure I am available all day for the Board.

8 CHAIR JENKINS: Thank you very much. Thank you
9 for the information.

10 Any more discussion on the motion? All in
11 favorite, say, aye.

12
13 (Chorus of ayes.)

14
15 CHAIR JENKINS: 15-minute recess.

16
17 (A break was taken from
18 10:54 a.m. to 11:17 a.m.)

19
20 RULEMAKING UPDATES AND REVIEW, L&I STAFF

21
22 CHAIR JENKINS: This is Chair Jenkins. It is now
23 11:17. We are on to the rulemaking. Looks like we have
24 our Technical Specialist Electrical Construction Level 5
25 Larry Vance who is going to go over letter A. The floor

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1 is yours.

2
3 2026 NATIONAL ELECTRIC CODE AND OTHER
4 WAC 296-46B AMENDMENTS

5
6 MR. VANCE: Thank you, Chair Jenkins. My name is
7 Larry Vance. I'm an Electrical Construction Inspector 5
8 for the Department of Labor and Industries.

9 Secretary Barnes spoke of the outside proposals
10 that were received. Part of the code amendment
11 rulemaking is actually going in and correcting all of
12 the references that changed in the National Electric
13 Code between the 2023 and 2026 version. What I have
14 today is a document that makes all of those changes, and
15 also incorporates essentially two: One's an outside,
16 one's a Department proposal. What I would like to do is
17 take a very quick run through that.

18 What I would like to propose to the Board is we
19 skip the reference changes and just go to the two
20 proposals that were something that weren't covered under
21 the TAC section.

22 The one proposal is a proposal that has to do with
23 -- I don't know the exact proposal number, but it was
24 one that had to do with GFCI protection for equipment in
25 shower areas. Just for background information, what we



1 have is we have -- we have code requirements currently
2 that talk about distances from things, whether it be a
3 shower curb, tub, something of that nature. People are
4 building bathrooms that don't have any of those. It's
5 essentially a room, sometimes a large room, usually
6 tiled floor to ceiling, with some elaborate shower
7 equipment and other plumbing equipment in it. There's
8 nothing to measure from.

9 So what we have done is added a definition in 210.
10 I don't know if we have that available yet on the Board.

11 Is there a way to make that larger?

12 MS. DIETRICH: I would love to. Come on.

13 SECRETARY BARNES: In the meantime -- this is
14 Secretary Barnes.

15 That was -- the proposal that was supported by the
16 TAC Committee was the proposal that had to do with the
17 GFCI outlet.

18 MS. DIETRICH: There's no matches.

19 MR. VANCE: It's in 210, so we have to roll
20 through the document a little bit.

21 MS. DIETRICH: We're on 205 and I need to go to
22 210?

23 MR. VANCE: You are in the wrong RDS.

24 MS. DIETRICH: Okay.

25 CHAIR JENKINS: Chair Jenkins here.



1 Just a question for the Board Members here. Is
2 there anyone at disagreement, I think it would be just
3 the topical view of the items that are changing, just
4 bypassing the reference code changes? We should look at
5 the actual code change made because of these WAC
6 -- these TAC changes.

7 Anyone disagree to that?

8 MR. VANCE: So the actual language in 210
9 essentially makes it so that if it's anything within 5
10 feet of the spray of a showerhead, would be subject to
11 GFCI requirements, I believe. I'm going strictly off
12 memory, because I don't have the document in front of
13 me. It's either 5 or 6 feet, but I believe it's 5 feet.

14 CHAIR JENKINS: Board Member Gregory Johnson, do
15 you have a comment?

16 BOARD MEMBER JOHNSON: I'm not opposed to
17 bypassing the TAC, but I'd like to see the change, just
18 be able to read it. On the Board agenda it was the same
19 thing that was displayed. It doesn't appear to have the
20 information in there.

21 Would it be prudent to, you know, is there a way to
22 get that sent out now, or some way we can actually see
23 it?

24 MR. VANCE: Give me about a minute, and I will
25 have the information.



1 CHAIR JENKINS: Board Member Gregory Johnson, I
2 believe it was -- I went through myself, on our agenda.
3 If you click on the 2026 National Electric Code, another
4 WAC amendments, and then scroll down to where it talks
5 about the first draft short, I think that's what you are
6 trying to get to.

7 MR. VANCE: It is. There's actually a layered
8 draft that's going to be part of the CR-102 filing, and
9 I believe the first draft doesn't contain one of the
10 changes. For whatever reason --

11 MS. DIETRICH: What about this, Larry?

12 MR. VANCE: I want to e-mail it to --

13

14 (Crosstalk.)

15

16 MR. VANCE: There we go. We have all hands on
17 deck here. We got it. You were just back at the 210.
18 There we go.

19 So displayed on the Board, for members that are
20 online, or any member in the room that can't read this,
21 we are amending this requirement in the Washington
22 Administrative Code to read the GFCI requirements apply
23 to "all fixed electrical equipment with exposed grounded
24 metal parts within an enclosed shower area or within 5
25 feet of the top inside edge of a bathtub."



1 This is for rooms that don't have any of those
2 items it in it. In other words, they don't have an
3 enclosed shower area and they don't have a bathtub in
4 them, we have added this provision here: "Or area
5 subject to spray from a shower." In other words,
6 there's no tub, there's no shower enclosure, there's
7 just -- coming out of the wall is a shower, and it's a
8 large room. That's the exact wording we are proposing.

9 The only wording that's being added are the words
10 "or area subject to spray from a shower." That's the
11 extent of that change.

12 The other change is a definition in 100. So we
13 would go back to the top of the document to 100, which
14 is the very first part of the document. We are going to
15 the definition of -- the "equivalent apprenticeship" is
16 the definition we are going to.

17 So this term "equivalent apprenticeship program"
18 appears two times in RCW 19.28. It has to do with being
19 able to work in Washington, and the other part is --
20 under RCW 19.28.161 (2)(A)(i), and that's -- that's your
21 ability to work in Washington if you are in an
22 equivalent apprenticeship program.

23 The other provision that's being added is a
24 provision that allows you to qualify for the examination
25 under RCW 19.28.191(1)(C)(ii). This is just necessary



1 to define what "equivalent" means, and equivalent means
2 one that is -- an equivalent -- equivalent
3 apprenticeship program means one that is party to a
4 reciprocal agreement recognized by the Washington State
5 Apprenticeship and Training Council under WAC
6 296-05-011(3).

7 So to unpack all that, Washington has Washington's
8 Apprenticeship Council and is entered into an
9 apprenticeship reciprocal agreement with the states of
10 Oregon and Montana. Really what this means is
11 apprentices from Oregon and Montana can work in the
12 state because those programs are considered equivalent
13 apprenticeship programs. They can also qualify for
14 examinations because equivalent apprenticeship program
15 used in that section, and this definition applies to
16 that. It's a very simple thing, but it's got its own
17 complications with it.

18 Those are the two things I have to share with the
19 Board that weren't covered under Secretary Barnes'
20 presentation.

21 CHAIR JENKINS: Board Member Gregory Johnson, do
22 you have a question or comment?

23 BOARD MEMBER JOHNSON: I fully support those
24 changes, they are pretty straightforward.

25 Did want to note that in the rulemaking page and on



1 the stuff on the Board packet these changes don't appear
2 there, which appears to just be an oversight. That RDS
3 document is a different RDS document in all locations.

4 Just for future reference, it would be helpful if
5 these things were provided in the thing, but that's
6 minor. They all look like straightforward changes.

7 MR. VANCE: Thank you, Board Member Johnson.

8 The other change that you are probably familiar
9 with that I did not cover in here is the changes for the
10 wording for transformer clearances. That's also
11 incorporated in here.

12 I believe that we can go to that wording that's
13 under I believe 450, so if we can go to the document
14 down -- there we go. Look at that. There we go.

15 BOARD MEMBER JOHNSON: That's TAC proposal 15
16 that was accepted by overwhelming support.

17 MR. VANCE: Correct. If you just scroll down,
18 please. There we go.

19 As far as transformer clearances, it now says, "a
20 transformer installed adjacent to any combustible
21 surface on a building." We have struck the words that
22 follow that that say "with any combustible surface." In
23 other words, we are just changing the order of that to
24 make it more clear.

25 Was there any -- scroll down and see if there's



1 anything additional. There we go.

2 We go ahead and talk about what -- under B, it says
3 "a transformer installed adjacent to a three-hour or
4 greater fire resistance rated assembly on a building."
5 Now we are talking about I believe what fire resistant
6 structure is, and it's talking about having no
7 combustible surfaces, and it defines the distance within
8 8 feet of the transformer.

9 So I believe that incorporated the changes that
10 were recommended by the TAC.

11 BOARD MEMBER JOHNSON: If you scroll up to the
12 figure, that shows the distances. The distances didn't
13 change, what changed -- the only thing that was really
14 changed was the -- there's another figure down below,
15 but that shows the 8 feet and the other shows the 2 feet
16 for the noncombustible surface.

17 Really, the only thing that changed is the figure
18 didn't define the word "noncombustible," so this is
19 taking the definition in the National Electric Code for
20 transformer volts and saying that's what a
21 noncombustible surface is. It also takes the same
22 definition from the International Fire Code on -- for
23 firewalls and saying that's the standard for a
24 noncombustible surface.

25 MR. VANCE: So the changes that were made are



1 consistent with those recommended by the TAC.

2 CHAIR JENKINS: Board Member Kerry Cox.

3 BOARD MEMBER COX: Thank you, Chair Jenkins.

4 If it's possible to go back to the change about the
5 GFCI and the shower area, please. My intention is not
6 to get into the minutia, but sometimes punctuation is
7 necessary for clarity in the field.

8 I'm looking at metal parts within an enclosed
9 shower area or within 5 feet of the top inside edge of a
10 bathtub or area subject to spray from a shower.

11 Should there be any other punctuation or should --
12 the 5 feet from area subject to spray? I know what our
13 intention is, is it's going to be within 5 feet of an
14 area subject to the spray, but do we need a punctuation
15 or something more to be more clear?

16 What do you think, Larry?

17 MR. VANCE: I don't know. Are you thinking maybe
18 you need a colon after the word "of"? And then possibly
19 a colon after "of" so it read within "5 feet of:"?

20 BOARD MEMBER COX: Yes, that may be it. Of the
21 top inside edge of a bathtub, or area subject to spray.
22 That would define it clearly, I think, in the field for
23 clarity.

24 MR. VANCE: I don't see any problem to making
25 that change at this point.



1 BOARD MEMBER COX: I don't know why anyone would
2 simply look at "or the area subject to spray from a
3 shower" and say, "I will stick a GFCI in the spray of
4 the shower." I just simply don't want to have some
5 appeal coming to us later on down the line that says,
6 "Well, the code says."

7 MR. VANCE: Yeah.

8 BOARD MEMBER COX: I think the colon does it
9 perfectly.

10 Thank you, Larry.

11 MR. VANCE: We will update this draft, this
12 draft. You might see the draft come out in the 102
13 filing of this rule, and that's the proposed language of
14 the rule prior to having a public hearing and public
15 input on the rule. So in the 103 version, we will have
16 the punctuation correct.

17 BOARD MEMBER COX: Maybe a comma after the word
18 "shower," so it would read within 5 feet of, colon, and
19 then this is your parameters, the top edge of the
20 bathtub, or area subject to spray from a shower, and
21 then we say, "must have." So, okay. Thank you.

22 MR. VANCE: Yeah. We can put all the -- it's
23 interesting. We will put the punctuation in and see
24 what the office does. They are actually the punctuation
25 experts. Sometimes they say no to things, so we will



1 get this -- these are great suggestions.

2 CHAIR JENKINS: Chair Jenkins here.

3 Board Member James Tumelson.

4 BOARD MEMBER TUMELSON: Morning. Board Member
5 Tumelson here.

6 Just want to go back to the equivalent
7 apprenticeship program comments that were made.

8 I was interested to know if it's published anywhere
9 there about what those programs are? I know that you
10 mentioned Oregon and Montana. You know, I know that
11 question's come up and it's been fluid and changed over
12 the years, but is that -- is the reciprocity kind of
13 published? I haven't seen it in quite some time.

14 MR. VANCE: It's published, but that's something
15 that's regulated under the apprenticeship section of
16 Department of Labor and Industries, and they do have a
17 document on their website that is the -- I believe they
18 refer to it as the Tri-State Agreement. It's a
19 Tri-State reciprocity agreement for those three states.

20 It's not anything that we, under the electrical
21 laws and rules, really have anything to do with, it's
22 just that there is some crossover between electrical and
23 the apprenticeship side of the house when it comes to
24 what an equivalent apprenticeship program is. We don't,
25 as an electrical section, get to define that without



1 input from the apprenticeship side.

2 If somebody were to come right now from Tennessee
3 and say, "Hey I want to -- here's my application for an
4 electrician exam, and I completed an equivalent
5 apprenticeship program," we are not the ones that are
6 going to decide whether that's program's equivalent.
7 That will go to the apprenticeship section for review.

8 BOARD MEMBER TUMELSON: Got it.

9 Would it make sense to have that code or that
10 pointer here in this definition, then, to, you know,
11 hey, this is where -- while this is the definition of
12 it, this is the location in which it is, you know, kind
13 of spelled out, if you will.

14 MR. VANCE: It's hard to point to a PDF.

15 BOARD MEMBER TUMELSON: It's just a PDF, okay.

16 MR. VANCE: We are pointing to WAC 296-05-011(3),
17 which is the allowance for reciprocal agreements under
18 the apprenticeship laws and rules.

19 BOARD MEMBER TUMELSON: Perfect. Thank you for
20 that clarification.

21 MR. VANCE: Yeah.

22 CHAIR JENKINS: Board Member Erick Lee.

23 BOARD MEMBER LEE: Thank you, Chair Jenkins.

24 Larry, a little more clarification on this just for
25 me. So the intent for this equivalent apprenticeship



1 program is an apprenticeship has their hours recognized
2 that they worked in Montana or Oregon, and the intent is
3 they got their 8,000 hours, or they completed an
4 equivalent apprenticeship program.

5 The idea isn't that they go and travel for a while
6 and have those hours count towards Washington State's
7 test, this is more along the lines of they completed a
8 program or worked enough hours that they could sit for
9 the general 01 exam in Washington State; is that right?

10 MR. VANCE: Yes. They would qualify under
11 191(1)(c)(ii), under the equivalent apprenticeship path
12 to qualifying for Washington State electrician exam,
13 journey-level electrician exam. Any other
14 apprenticeship is not deemed equivalent, it would be
15 subject to -- it's not saying it can't be, it would just
16 be subject to review by the apprenticeship section.

17 BOARD MEMBER LEE: Understood. Thank you.

18 CHAIR JENKINS: Any other questions for Larry
19 Vance, Board Members?

20 SECRETARY BARNES: Secretary Barnes.

21 I have a clarification or correction. There is one
22 more section that was modified due to the TAC
23 Committee's proposal, 706.

24 MR. VANCE: Oh, yes.

25 SECRETARY BARNES: This is the design review



1 requirement, and is a new section of the WAC.

2 MS. DIETRICH: This?

3 MR. VANCE: And it's verbatim I think to the --

4 SECRETARY BARNES: Exactly. The proposal is the
5 same language we use in EV systems and other parallel
6 systems.

7 MR. VANCE: I believe you are there at 706. WAC
8 296-46B-706. See where it says new section? That's why
9 it's not completely underlined. So there it is. I
10 believe that's verbatim from the proposed.

11 SECRETARY BARNES: Right.

12 CHAIR JENKINS: Chair Jenkins.

13 Any questions from the Board concerning this
14 section?

15 MR. VANCE: Just for information, this version
16 that we are looking at currently is soon to be filed as
17 the 102 version, which is the proposed rule. I believe
18 that's happening here on the 4th of August, right.
19 That's -- the filing of the 102 will start the official
20 public comment period. There's a public hearing that's
21 scheduled, so we will be moving forward with the
22 amendments to the WAC based on the already-adopted 2026
23 National Electric Code that's effective on December 31,
24 2026. That's the chain of events.

25 CHAIR JENKINS: Board Member Gregory Johnson.



1 **BOARD MEMBER JOHNSON:** Yeah. I don't think any
2 change is needed or any action for this comment, because
3 I think everybody in the industry pretty much
4 understands the design review, which is kind of the same
5 as for solar systems. And you also have design review
6 documentation for, like, education facilities and all
7 that kind of stuff.

8 I have -- sometimes you have homeowners who are
9 trying to DIY and do it themselves and pull permits, and
10 sometimes they get caught up in not understanding the
11 design review. Doesn't mean you are hiring a third
12 party to review it, it means you are doing all the
13 drawings and calculations and having it available for
14 the electrical inspector to review it. I ran across
15 that sometimes, because when we have homeowners try to
16 do it and they don't understand what to do.

17 I don't know if you have any informational info on
18 pulling permits to kind of clarify that for homeowners.
19 Chances are, if they're not familiar with the process,
20 they're not capable of actually doing the calculations
21 anyways.

22 **SECRETARY BARNES:** In Section 100 of the WAC, WAC
23 296-46B-100, we explain what the design review
24 requirements are. You are right; there's probably
25 homeowners that may not know how to do those things.



1 This is like many other things.

2 We can't design things for people. They are not
3 capable of doing that. They should probably seek
4 professional guidance for those things. There are
5 several online products that help with that, including
6 when you purchase things from solar distributors, yes.

7 BOARD MEMBER JOHNSON: I agree. We don't need a
8 change, I think the WAC is clear. I just wonder if it's
9 worthwhile to put some more clarity on the site saying,
10 "If you are not familiar with this, hire a
11 professional," or something. Because we have ran across
12 questions of -- you know what I mean?

13 And I have directed multiple individuals, saying,
14 "I recommend you hire someone, you know, either a
15 licensed electrician who installs these things or hire
16 an engineer."

17 MR. VANCE: We appreciate what are you saying.
18 It's always a challenge to try to train the one-off
19 person. I'm not sure if that's completely possible. We
20 try to make every attempt to communicate things like the
21 Current newsletter, but people who read the Currents
22 newsletter are typically involved in the industry
23 already.

24 CHAIR JENKINS: Board Member Kerry Cox.

25 BOARD MEMBER COX: Thank you, Chair Jenkins.



1 Question for Larry. The document we are seeing in
2 front of us we have been reviewing, I'm trying to find
3 that on the L&I electrical website. Is that available?

4 I happened to see something as you were scrolling
5 down with communications in Section 800, and it looks
6 like a new section. I'm trying to locate that so I can
7 review it from the website.

8 MR. VANCE: It is not filed yet. It will be
9 filed on the 4th. What we wanted to do is present the
10 format that will be -- the latest format without the
11 Board Member Cox edits.

12 BOARD MEMBER COX: Did I see something in
13 Section 800 that was new language or added language?

14 MR. VANCE: No. There's punctuation that Board
15 Member Cox has pointed out needs to be there --

16 BOARD MEMBER COX: I was seeing in the document
17 as it was scrolled down -- yeah. There's a new language
18 outside and entering buildings.

19 MR. VANCE: That is one of the -- it is nothing
20 more than a title change to conform to the title that's
21 now used for 800 in the 2026 National Electric Code.

22 BOARD MEMBER COX: In the new code book, okay.

23 MR. VANCE: Reference change only. There are
24 others in this document as well, but at the beginning of
25 this presentation we talked about maybe foregoing those



1 details.

2 BOARD MEMBER COX: Thank you for the
3 clarification, Larry.

4 CHAIR JENKINS: Are there any other questions
5 from the Board Members?

6 Anything else there, Larry Vance?

7 MR. VANCE: Thank you very much.

8

9 RULEMAKING UPDATES AND REVIEW, L&I STAFF
10 CR-102 PROPOSED RULE LANGUAGE FOR ADMINISTRATORS,
11 EVITP, AND EXAMINATIONS. FINAL RULES (CR-103)

12

13 CHAIR JENKINS: Thank you. We are moving on to
14 part B of rulemaking and update, and I believe that --

15 MR. LATHROP: That's me.

16 CHAIR JENKINS: Our other technical specialist
17 for our constructions, yeah. Floor is yours. Good
18 morning.

19 MR. LATHROP: This is Lorin Lathrop, ECI5 with
20 the Department.

21 I'm going to give you an update on rulemaking we
22 have been working on for about a year now. Back in a
23 legislative session of 2025, Substitute Senate Bill 5528
24 established a requirement for any type of public work
25 involving electric vehicle infrastructure required an

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1 EVITP certification as well. This is a third-party
2 certification. It's outside of our control, or out of
3 our system, but it is required for those situations.

4 In response to that, we have put forward and
5 created a new section in the WAC, 296-46B-941, to
6 address the issues that come about from that. Things
7 like how do we enforce this, what's the requirement. If
8 other programs come forward and say, "Hey, we are
9 equivalent to EVITP," how do we then establish that
10 equivalency?

11 That's been really the challenge, because EVITP is
12 a trademarked term, and so this really pointed at a
13 single -- pointed at a single program and then trying to
14 figure out what everything looks like.

15 That's what this does, is trying to make the law
16 enforceable and interpret it for our customers and our
17 stakeholders. I will pause there. It's not a very long
18 section. We can display it, but I think it's pretty
19 self-evident, in my opinion, but I think we can read
20 through it if you have questions.

21 The second half of this rulemaking was to clean up
22 our language for administrator exams. One of the things
23 that we have seen is that the experience for
24 administrator exam candidates is not the same as the
25 experience for electrician certification exams. So we



1 wanted to -- that's where we started, at least, and we
2 started to look at those proposals, how do we make the
3 two processes look similar.

4 Rulemaking has taken a while because we ran into a
5 few complications with establishing some computer
6 pathways and some website interfaces in order for us to
7 make the administrator exam application look like the
8 other.

9 We had to pivot a little bit, but we have taken
10 parts of that out. What we have done is that we have
11 increased the approval window for all exams, meaning
12 right now if someone wants to take an exam, they apply
13 with us, and they have one year to complete that exam.
14 We would like to make the change to two years to give
15 people more of an opportunity to get through that
16 window, and also give our staff an opportunity. We are
17 not repeatedly seeing these people again, giving them
18 more time to get it done. Not increasing our paperwork
19 and kind of busywork.

20 The other thing, we are decreasing the window of
21 when you can take it. So if I do go in and take an exam
22 and fail it today, after my third fail, it is 90 days
23 from that fail, that third failing of the exam, to when
24 I can take that exam again. We are reducing that window
25 to 60 days.



1 Part of the reason for that is that we have an
2 obligation to offer the exam four times a year, set
3 forth in rule, so we want to -- at 90 days, we get
4 really close, especially when they are in that 90-day
5 window every three months, not being able to meet that
6 requirement. If we limit it to 60, it makes sure we are
7 in the opportunity for those candidates to take the exam
8 in a reasonable window that meets the statutory
9 requirement.

10 The other thing that we did, and this has been the
11 one that we put a lot of time into, is we reworked the
12 accommodation language for exams. The reason for the
13 rework is we discovered we were getting -- we didn't
14 want to put ourselves in between a requirement that's
15 already federally mandated in some rule or law -- some
16 rule that we put in that makes it so that someone can't
17 get something that's protected by an ADA and
18 accommodation. We have taken that language out. Not
19 that accommodation for exam is no longer available, but
20 it is now in line with the federal regulations. We are
21 not in the middle of it, and it gives the candidate some
22 more guarantees to that.

23 What we have done is put a placeholder at the
24 federal requirements for accommodation for exam, whether
25 that's language, any other kind of disability, or



1 anything they need. And that allows us to get out of
2 the way, essentially.

3 The other thing it does is it allows us, with a new
4 language, it allows whoever our testing vendor is, it
5 allows them to administer that accommodation based on
6 the fact that they already have to, by their own
7 standards and by federal law, so it's eliminating a step
8 for our customers. They are no longer having to call
9 us, ask us -- e-mail us, ask for an accomodation, we
10 review it, we then send it. When they schedule the
11 exam, they get to talk to the testing vendor and they
12 get to address those issues. It gets us out of the
13 middle.

14 That's it in a nutshell. I would entertain any
15 questions or anything.

16 CHAIR JENKINS: Chair Jenkins here.

17 Any concerns or questions for this update, part B?
18 Seeing and hearing none.

19 MR. VANCE: One thing. The CR-102 is being filed
20 next -- it's been filed, thank you. Thank you. It was
21 filed. So we are getting ready for public comment.

22 CHAIR JENKINS: Anything else?

23 MR. VANCE: I believe our web page -- this is
24 Larry Vance, Electrical Inspector 5 -- our website is
25 updated with the information on the CR-102 filing and



1 the public hearing and public comment period.

2 CHAIR JENKINS: Thank you very much. I
3 appreciate that.

4 Again, any questions? If not, we will move on.
5 Thank you very much.

6 Moving on to legislative updates.

7
8 LEGISLATIVE UPDATE, L&I STAFF

9
10 MR. VANCE: We don't have much in terms of
11 legislative updates. We are in the process of
12 implementing behavioral mental health apprenticeship
13 bill that was passed, so we are in the process of trying
14 to implement that. It affects us a little bit sooner
15 than it does the apprenticeship; the apprenticeship
16 requirements don't take effect for a year.

17 And just for anyone who is unclear on what this is,
18 it's just the ability to have four hours of CEU
19 requirements that are allowed to be behavioral or mental
20 health awareness.

21 Otherwise, within the agency, we are looking at
22 agency-sponsored legislation for what's coming in the
23 next session.

24 CHAIR JENKINS: Questions from the Board?
25 Looks like you have the next section of your



1 report. Before we get there, I want to the point out
2 something.

3 We have a pretty, I will say, great system here,
4 where we have a lot of people dedicated to our program,
5 so much so that we have some people here, for instance,
6 our previous, previous chief, Steve Thornton is joining
7 us today, I believe in our audience. And also Bob
8 Thomas, one of our longtime supervisors from Tumwater,
9 and I believe online currently is Wayne Molesworth. So
10 this kind of proves our program has been very valued
11 system. And I want to thank you all for what you have
12 done in the past also. Thank you.

13 Given that, I will move on to our Item Number 10.
14 Secretary's report.

15
16 SECRETARY'S REPORT, RANDY BARNES
17

18 SECRETARY BARNES: Right. Secretary Barnes. I
19 provided the secretary report for this month.

20 The budget report includes data from the Board of
21 the fiscal year 2026 through July 1, 2025. Dated the
22 end of the year fiscal accounting June 2026 data is not
23 -- it's incomplete. And as we pointed out earlier, this
24 could be modified for June, \$200,000 to \$300,000 in
25 expenditures, while all the accounts are being settled.



1 It's not reflected in this report, and it will reduce
2 the electrical fund balance reported below.

3 The Department continues to have revenue reporting
4 discrepancies that we are still working to resolve.
5 When these get resolved, we will provide a full account,
6 electrical fund balance and revenue. Data reported here
7 is not complete, but we want to share with the Board
8 where we are at at this current time.

9 The electrical fund balance as of June 30, 2026,
10 was \$7,539,652, which, for reference, is about
11 two-and-a-half times our average monthly operating
12 expenditures. The average monthly operating expenditure
13 for fiscal year 2026 was \$2,938,755, which, for
14 reference, is -- compared to \$2,932,744 for the same
15 period last year. This is about a .2 percent increase.

16 Average monthly revenue for fiscal year 2026 was
17 \$2,373,184, compared to \$3,360,095 for the same period
18 last year. For reference, that's a 29 percent decrease.
19 Part of the reason is our reporting discrepancy, and
20 also is possibly a slight reduction.

21 June 2026 customer service information. 44,615
22 permits were sold last quarter, and 98.7 percent of
23 those were processed online, which is an increase of
24 .1 percent from last quarter. And 99 percent of
25 contractor permits are sold online, which is an increase



1 of .1 percent from last quarter as well.

2 Homeowners online sales for the quarter is 84
3 percent, which is a 1.7 percent increase from the
4 previous quarter. Online inspection requests is at
5 71.8 percent for the quarter, which is about a
6 1.7 percent decrease from last quarter. During this
7 quarter, customers made -- 92.8 percent of license
8 renewals were online, which is about a .8 percent
9 increase from last quarter.

10 Some of our key measures or scorecard indicators.
11 Number one, percent of inspections performed within
12 24 hours of request. In 2025, we were at 81 percent,
13 and 2026 we were at 82 percent.

14 Second item, percent of inspections performed
15 within 48 hours of request. The goal is 94 percent. In
16 2025, we were at 93 percent, and in 2026 we are at
17 92 percent.

18 Total inspections performed in fiscal year 2025 was
19 263,159. For fiscal year 2026, 257,111. Virtual
20 inspections performed in that same period for 2025 was
21 50,635, and for fiscal year 2026 was 55,884.

22 The number of citations for 2025, we had 1,219 for
23 the field teams, and 3,604 for our ECORE and audit
24 teams, for a total of 4,823. There are some provisional
25 statements with this, so I will get to that in just a



1 second. Currently we have processed for -- excuse me.
2 For 2026, we have 524 for the field, and 817 for ECORE
3 and audit, for a total of 1,341.

4 Part of what you do not see are citations that have
5 been written, which is the note you see at the bottom of
6 the report, which is matrix citations not reported, are
7 4,236 citations, and that is due to staffing, which we
8 will get to in just a minute.

9 Currently, we have a staffing shortage, as you have
10 been told before, since 2024. We are currently fully
11 staffed now in the citation desk; we are nearing
12 training. Training for citation desk processing and
13 appeals is a very complicated. It's not an easy
14 training process, and our citation processing actually
15 goes down because the trainers who were doing the
16 process are now also providing the training and
17 double-checking and looking through the work that the
18 new staff has gone through.

19 We are making about a week's worth of progress, I
20 think, that we have gained from the last meeting,
21 meaning that we have citations pending from August
22 -- yeah. We still have citations not processed from
23 August 2025. Again, we are fully staffed, and that
24 staff is getting much closer to being where they can
25 effectively affect those numbers on their own.



1 Inspection stops per inspections per day. This is
2 a workload indicator of approximately how many stops
3 each inspector is. 2025, we were at 11.7. Currently,
4 in 2026, we are at 11.9.

5 Serious electrical corrections that would result in
6 disconnection. In 2025 it was 33,622. We have lowered
7 that to 30,918 for 2026.

8 Turnaround time for the average plan review.
9 Currently -- in 2025 was 1.4 days. Currently, it is
10 four days, which is still well within the 1.6 weeks or
11 10-day goal. We have definitely seen a slight uptick in
12 the workload for plan review.

13 Plan pages reviewed for 2025, 4,763, compared to
14 currently 4,802.

15 Electrical licenses, citations, amusement rides.
16 Or, as we like to call them, recreational conveyances.

17 As of July 30, 2026, there are approximately 2,500
18 items waiting for processing by the licensing team. Of
19 those items waiting, about 1,800 are affidavits of
20 experience. Again, the backlog we faced in the citation
21 desk, it's a very similar issue that we had with the
22 short-staffing in our licensing.

23 In addition to processing documents for licensing,
24 staff are responsible for answering all of the incoming
25 calls, which, you can imagine, with a backlog of



1 licensing, there are phone calls for people wanting to
2 know what's going on with their license and application.
3 Between April 1st and June 30th of 2026, the team
4 received just over 4,900 calls. This does not include
5 calls made to staff members' direct lines or outbound
6 calls to customers.

7 Three citations, amusement rides, and appeals
8 program specialist positions have been filled, and we
9 are still working on training. One of the individuals
10 moved -- that previously worked in the customer service
11 moved into a leadership role. They continue to support
12 the licensing team in this training of our six new hired
13 customer service, so we currently have now nine licensed
14 customer service positions that have been filled.

15 We are also in the process with them. Licensing
16 staff is very complicated position, as you guys know.
17 You look through all the WAC and RCWs here. Imagine
18 that the licensing staff has to learn all of those
19 themselves and any exceptions or rules.

20 Due to the amount of new staffing training,
21 response times are significantly delayed and some of the
22 work streams have been temporarily paused because of our
23 ability to work fast.

24 Any questions, comments, concerns?

25 CHAIR JENKINS: Chair Jenkins.



1 Any questions from the Board?

2 Seeing none. Thank you very much. Appreciate
3 that. It's a long discussion; a lot of stuff there.

4

5 PUBLIC COMMENT REGARDING ITEMS NOT ON THE AGENDA

6

7 All right. We are moving on to our public comment.
8 I think we are there. Looks like we have one person
9 signed in.

10 Wayne Molesworth. A comment? The floor is yours.

11 MR. MOLESWORTH: Thank you, Mr. Chair. Trying to
12 see if I can get my camera to work. It looks like it
13 is.

14 I appreciate you calling on me. Thank you, Chair,
15 thank you, Board. Good morning, Board. I think most of
16 you thought you wouldn't have to put up with me again,
17 so I'm sorry to disappoint you.

18 I wanted to say that Jason, you stole a little bit
19 of my thunder, because I really wanted to say that I
20 appreciated that past Chief Mr. Thornton and supervisor
21 are there with us today, and wanted to point out that
22 that just points out that we are very concerned about
23 the program, even after retirement. We are always going
24 to stay in touch, because this has been all of our lives
25 for such a long time, and it's a very important part of

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1 public service that you guys actually portray.

2 I wanted to talk a little bit more to some of the
3 newer members, but when we look at the Board and the
4 Board's actions, it's important that we work in an
5 objective atmosphere. Some of the things that we see is
6 that you actually help to maintain the laws and the
7 rules of Washington through the appeals, like the one
8 you heard today. When we make decisions based on
9 opinions and not based on the law, we weaken those
10 rules.

11 So I do appreciate you. And the decisions you have
12 made in the past, when I was the chief, and decisions
13 you made today really make a huge difference in our
14 program and allow us to continue to serve the public and
15 ensure the safety of the residents of the State of
16 Washington, and to make sure that the right people are
17 doing the right work, and they're doing it right.

18 I also wanted to say that, you know, in listening
19 to the way we look at RCWs and WACs, when you go to
20 approve RCWs and WACs, what I would hope -- and sorry
21 for my bad throat today -- is that you consider looking
22 at whether or not these things are subjective or
23 objective. When we have 130 inspectors, leads, and
24 supervisors making decisions on what something means, it
25 can be very hard. It's hard for the contractors to also



1 understand what that means.

2 I'll give you a quick example with the shower thing
3 we talked about today. How do we know what the spray
4 is, because we don't know what the shower configuration
5 might be at the time of rough-in. We are not sure where
6 that might go. When you look at those types of things,
7 we need to make sure that we have an objective thing
8 that we can go off of to ensure that when somebody
9 questions us, we have something to fall back on.

10 You guys always make good decisions, and you always
11 look at those things clearly. I wish I was sitting
12 there with you. Mr. Barnes is going to do a wonderful
13 job for you. I think he's probably got dedication, bar
14 none, to the program and will do everything to ensure
15 that he's effective for the program and for you at the
16 same time.

17 Just wanted to say thank you and throw a little bit
18 of my opinion in there, which is normal, right. Sorry.
19 I'm looking over here at you and not at my camera, but
20 you guys have a wonderful day, and thank you very much.

21 CHAIR JENKINS: Chair Jenkins.

22 Thank you very much, I appreciate that.

23 Any more people for public comment? Online, do we
24 have anyone public comment?

25 Going once. Going twice. Okay. So the Chair



1 would entertain a motion to end the Washington
2 Electrical Board meeting.

3 BOARD MEMBER NORD: Board Member Nord, motion.

4 CHAIR JENKINS: We have a motion. Do we have a
5 second?

6 BOARD MEMBER LEE: Board Member Lee, second.

7 CHAIR JENKINS: We got a motion and a second.
8 Any discussion? Hearing none.

9 All in favor, say "aye."

10
11 (Chorus of ayes.)
12

13 CHAIR JENKINS: Any opposed?
14

15 (No response.)
16

17 CHAIR JENKINS: Motion passes.
18

19 (Concluded at 12:13 p.m.)
20
21
22
23
24
25



C E R T I F I C A T E

I, RACHEL WOOD, a Certified Stenographic Court Reporter in and for the State of Washington, residing at Victoria, BC, do hereby certify;

That the foregoing proceedings were taken before me and thereafter reduced to a typed format under my direction; that the transcript is a full, true and complete transcript of said proceedings consisting of Pages 1 through 109;

That as a CCR in this state, I am bound by the Rules of Conduct as Codified in WAC 308-14-130; that court reporting arrangements and fees in this case are offered to all parties on equal terms;

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

That upon completion of signature, if required, the original transcript will be securely sealed and the same served upon the appropriate party.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of August, 2026.



Rachel Wood, CCR No. 24025777
Certified Stenographic Reporter



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