

DEPARTMENT OF LABOR AND INDUSTRIES
STATE OF WASHINGTON

ELECTRICAL BOARD MEETING
TRANSCRIPT OF PROCEEDINGS
VIA MICROSOFT TEAMS

July 29, 2021

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Taken Before:

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21	(phonetic) - name spelled phonetically, spelling not verified	
22		
23	(as read) - not an exact quotation of document, paraphrased or not verified with source document	
24	(audio disruption) - digital platform audio feed break	
25	(extraneous noise) - background noise interrupting audio	

1 BE IT REMEMBERED that an Electrical Board meeting was
2 held on Thursday, July 28, 2021, via Microsoft Teams,
3 at 9:00 a.m., before CHAIRPERSON JASON JENKINS, BOARD
4 MEMBERS IVAN ISAACSON, KERRY COX, MIKE NORD, DYLAN
5 CUNNINGHAM, DON BAKER, DOMINIC BURKE, JACK KNOTTINGHAM,
6 RYAN LAMAR, and JAMES TUMELSON; TECHNICAL SPECIALIST
7 MUTCH, TECHNICAL SPECIALIST VANCE; and SECRETARY
8 MOLESWORTH. Also present was ASSISTANT ATTORNEY GENERAL
9 BENJAMIN BLOHOWIAK, representing the Board, and BETHANY
10 RIVERA, Board assistant;

11 WHEREUPON, the following proceedings were had, to
wit:

12

13 * * * * *

14

15 CHAIRMAN JENKINS: Well, it is July 29 at
16 9:00 o'clock sharp. And for the July 29, 2021,
17 meeting, I'd like to call the meeting to order.

18 MR. BERST: This is Bill Berst.

19 CHAIRMAN JENKINS: Yes. Bill Berst, are you
20 attending for . . . ?

21 MR. BERST: I'm presenter.

22 CHAIRMAN JENKINS: Okay. If you would put
23 your mic in mute, and we will get back to you here
24 shortly as we need you.

25 MR. BERST: Okay.

1 CHAIRMAN JENKINS: Thank you.

2 Once again, thank you for -- everyone, for
3 attending.

4 Once again, if you're not speaking, please make
5 sure that your mic is muted, and that is *6.

6 Also, be aware the chat feature is enabled but is
7 not an official form of communication during the
8 meeting.

9 And if possible, would you please have your
10 cameras on as -- talking to the Board members, if
11 possible, and especially while speaking.

12 Also, before you begin to speak, please speak your
13 name and position as Board members so we make a good
14 record for the court reporter.

15 So I'm going to start off with doing a roll call.
16 So Board members, would you please unmute your mics.

17 So starting off with -- it looks like we have
18 Alice Phillips that was excused, Bobby Gray which is
19 excused, and Erick Lee which is excused.

20 Ivan Isaacson.

21 BOARD MEMBER ISAACSON: Here.

22 CHAIRMAN JENKINS: Thank you.

23 Kerry Cox.

24 BOARD MEMBER COX: Present.

25 CHAIRMAN JENKINS: Thank you.

1 Mike Nord.

2 BOARD MEMBER NORD: Here.

3 CHAIRMAN JENKINS: Thank you.

4 Dylan Cunningham.

5 BOARD MEMBER CUNNINGHAM: Present.

6 CHAIRMAN JENKINS: Thank you.

7 Don Baker.

8 BOARD MEMBER BAKER: Present.

9 CHAIRMAN JENKINS: Thank you.

10 Dominic Burke.

11 BOARD MEMBER BURKE: Present.

12 CHAIRMAN JENKINS: Thank you.

13 Jack Knottingham.

14 BOARD MEMBER KNOTTINGHAM: Present.

15 CHAIRMAN JENKINS: Thank you.

16 Ryan LaMar.

17 BOARD MEMBER LAMAR: Here.

18 CHAIRMAN JENKINS: Thank you.

19 And James Tumelson.

20 BOARD MEMBER TUMELSON: Here.

21 CHAIRMAN JENKINS: Thank you.

22 Did I miss anybody that was expecting to be here

23 that didn't -- or showed up that didn't expect to?

24 Okay. I didn't get the recent -- I don't get the

25 recent updates, typically, as far as making sure

1 everyone's up to date, so that's why I always ask that.

2 So I would like to be the first to welcome Jack
3 Knottingham and James Tumelson to the Electrical Board.

4 On that note, what I'd like to do is have you,
5 please, do a really quick introduction and what seat
6 you're sitting in. And then ideally we will do a more
7 formal introduction when we have a face-to-face
8 meeting, hopefully our next meeting.

9 So, Jack, if you wouldn't mind giving a quick
10 introduction of who you are.

11 BOARD MEMBER KNOTTINGHAM: Jack Knottingham.
12 I'm filling the electrician position. I went through
13 an apprenticeship, started in 1984, turned out in '88,
14 got an admin license in '91. You know, I've been
15 involved in commercial/industrial work, worked for
16 Labor and Industries as an inspector for 14 years, and
17 currently working for IBEW Local 76 as a business rep
18 dispatcher.

19 CHAIRMAN JENKINS: Thank you very much.

20 And you're sitting in the electrical seat that was
21 recently ceded by Tracy Prezeau, correct?

22 BOARD MEMBER KNOTTINGHAM: Correct.

23 CHAIRMAN JENKINS: Thank you.

24 James Tumelson, would you mind having a second to
25 introduce yourself?

1 BOARD MEMBER TUMELSON: Yeah. Good morning,
2 everyone. James Tumelson. I'm a local building
3 official. Also electrical background. I started in
4 the industry early 2000, commercial/industrial. Got my
5 01 admin. Got my 01 journeyman shortly after. A few
6 years back I picked up my master-electrician license.
7 And so I do plan review, electrical, you know, plan
8 review for jurisdictions and local building officials.
9 And so, excited to be here this morning.

10 CHAIRMAN JENKINS: Thank you very much.

11 So moving forward on our agenda today, it looks
12 like we're going to be doing a safety message.

13 Did -- Wayne, did you have any safety message from
14 the Department?

15 CHIEF MOLESWORTH: Yeah. I can sure give a
16 safety message for you.

17 And this is actually going to relate to fire and
18 smoke as well as prevention of fire and the care that
19 we need to take.

20 I have some personal experiences with this. And
21 so it brings to mind that this time of the year we need
22 to be especially careful with anything that we're doing
23 that we might not normally think can create arcs and
24 sparks, that type of thing.

25 You know, a lot of us like to garden. Your tiller

1 can create sparks when it hits rocks, and that can
2 ignite fire. Anything that -- the back of your pickup
3 that you're transporting that may fly out that could
4 create a spark needs to be secured at all times.

5 If you are working out in the open and there is
6 the possibility of that fire, you need to make sure and
7 be carrying shovels, fire extinguishers that you can
8 use to put out an immediate start of a fire. Right?
9 Those types of things will actually keep a lot of
10 wildfires from spreading.

11 And that's usually the reason why people -- or the
12 reason that they do spread, is people don't have the
13 proper equipment when they're out camping or they're
14 out working in the field or that type of a thing.

15 Eastern Washington -- or western Washington
16 probably doesn't encounter this as much because you
17 have a much more moist climate. And you find out that
18 fire does not like a moister climate. Even if a fire
19 starts, it will try to avoid areas that have been
20 sprinkled or will have a higher level of humidity just
21 because they like to roam free, and they look for that
22 dry oxygen content to support itself.

23 So carry the right equipment. Be careful out
24 there. No fires right now, open or contained. It's
25 just way too dry in the whole state, and we need to

1 prevent that as much as possible.

2 This comes into effect with a lot of your
3 employees, as well, because the smoke out there, the
4 N95 masks are somewhat effective with the smoke,
5 depending on the level of smoke that's out there. You
6 can check that through your local air-quality apps and
7 see if you're in the healthy, moderate, or an unhealthy
8 situation.

9 And then help your employees to understand how
10 they need to mitigate the inhalation of that smoke.
11 Right? Or adjust their work schedules to prevent them
12 being in those conditions.

13 I think that's -- that's about it.

14 CHAIRMAN JENKINS: All right. Thank you. I
15 appreciate that. And that is a serious issue now going
16 on currently, if you're all aware of the news going on.

17 So thank you so much for the update on that.

18 I just wanted to mention that we do have a quorum
19 currently, so we can move forward with the meeting.

20 So my Agenda Item No. -- I believe it's 2. Yes,
21 the approval of the Board minutes -- I'm sorry -- from
22 April. I'm assuming all the Board members had a chance
23 to review those.

24 And so the Chair would entertain a motion, unless
25 any discussion, on approving the April 29, 2021,

1 Electrical Board meeting minutes.

2 BOARD MEMBER NORD: Board Member Nord.
3 Motion.

4 CHAIRMAN JENKINS: Do we have a second?

5 BOARD MEMBER BURKE: Second from Burke.

6 CHAIRMAN JENKINS: We have a motion and a
7 second to approve the meeting minutes from April 29,
8 2021, Electrical Board meeting.

9 Any discussion?

10 Hearing none --

11 Oh, did I hear something?

12 Okay. Hearing none, all in favor, please signify
13 by saying aye.

14 (Chorus of ayes.)

15 CHAIRMAN JENKINS: And any opposed?

16 Hearing no opposed, unanimous vote, motion passes.

17 So Agenda Item No. 3, moving right on to appeals,
18 we're going to jump into the Mr. Electric versus Clark
19 County concerning Citation Nos. ECHBO00579, ECHBO00581,
20 ECHBO00583, ECHBO00584 ECHBO00585.

21 We're still in the same mode: This matter is
22 being -- still being stayed pending outcome from a
23 federal case.

24 So, Mr. William Berst, are you currently here
25 today?

1 Moving on -- I'm sorry.

2 Moving on to Item b for William Berst, are you
3 here currently today?

4 (No audible response.)

5 CHAIRMAN JENKINS: One more call of:
6 Mr. William Berst here today?

7 (No audible response.)

8 All right. Concerning the Citation EBEJO00372,
9 not hearing that Mr. William Berst is present, I guess
10 we're -- I'm going to move on to --

11 The order is currently consistent with the
12 findings and conclusions of the Electrical Board as of
13 its April 20, 2021, [sic] meeting and will be signed as
14 presented.

15 I guess, need to turn to -- is this --

16 Ben, does this need to be a motion?

17 AAG BEN BLOHOWIAK: I don't -- I don't
18 believe so, Chair. You may ask if Ms. So is present
19 from the Attorney General's Office and see if she has
20 any comments or concerns. But otherwise, I believe a
21 chair can sign the order and circulate that to the
22 parties once signed.

23 CHAIRMAN JENKINS: Perfect. Thank you.

24 So is Ms. So present?

25 AAG NANCY KELLOGG: She is not present.

1 Nancy Kellogg, AAG, is presenting for her.

2 CHAIRMAN JENKINS: Oh, okay. AAG Nancy
3 Kellogg, do you have any comments you'd like to make
4 about this particular case.

5 AAG NANCY KELLOGG: No. I believe that the
6 Board ruled that it would deny the motion for
7 consideration, and the order is consistent with the
8 ruling. And the Department asks that the Board sign
9 the order.

10 CHAIRMAN JENKINS: Okay. Given that I --
11 like I said, I haven't heard any dispute from that. So
12 I believe that's what we'll do, move on and conclude
13 the business with Mr. Berst, then.

14 AAG NANCY KELLOGG: Thank you.

15 CHAIRMAN JENKINS: Moving on to the next --

16 MR. BERST: Can I interrupt here? This is
17 William Berst. I lost you.

18 CHAIRMAN JENKINS: There you are.

19 So, Mr. Berst, are you still --

20 Let me step back here.

21 Do you still object to the proposed order prepared
22 by Counsel?

23 MR. BERST: Yes, I do. The reason being
24 is --

25 CHAIRMAN JENKINS: Let me --

1 MR. BERST: -- when I brought up --

2 CHAIRMAN JENKINS: Excuse me, sir.

3 MR. BERST: Pardon me?

4 CHAIRMAN JENKINS: I'll give you five minutes
5 to point your objections.

6 Please spell your name before the Board.

7 MR. BERST: William Berst, B-e-r-s-t.

8 CHAIRMAN JENKINS: Thank you. And you may
9 continue.

10 MR. BERST: Okay. My objection is the fact
11 that the issue that I brought up is not being talked
12 about at all. When Don Baker originally pointed out
13 that the problem was that I -- or we didn't get a
14 timely fix on the problem, it did get fixed, and I had
15 absolutely no intention of not fixing it. We had just
16 had to order parts, and it took longer to get those
17 parts than we anticipated. There's not much call for
18 small, 480-volt panels.

19 Anyway, I -- my issue was that I was not afforded
20 the same information that the company was afforded, as
21 far as an infraction notice, first, second, and third
22 notice, but I'm fined the same amount.

23 And I don't think that's fair. And I think if I
24 take it before a superior court judge, he's going to
25 say the same thing 'cause I had a similar issue like

1 this once before with Snohomish County. And they felt
2 that I should not be afforded due process. And
3 superior court found against me. Appellate court found
4 unanimously in my favor. And the supreme court, state
5 supreme court, refused to hear it.

6 So I'm looking at a similar situation here, not
7 that I was denied due process but that I was denied the
8 same information that the company was given, but I get
9 fined same amount of money as they did, but they were
10 notified and I'm not.

11 And if I had been notified, it certainly wouldn't
12 have gone past the second notice of the infraction.
13 But I was told after the fact that the -- there was a
14 problem. And my big mistake was I had forgot to call
15 back Joe Benson, the inspector, and tell him that the
16 panels were on order. You know, you get busy in life,
17 and sometimes you forget to make a call. But normally
18 that's not the way I operate. And I think fining me
19 \$500 for a missed phone call is a bit excessive.

20 Also, the fact that I wasn't notified is wrong.

21 And they should -- notices should be sent out
22 certified mail, and then there's no question.

23 And Don Baker, at the first meeting, was the only
24 person that spoke. I was surprised that no one else on
25 the Board had anything to say or ask, and they just

1 seemed to rubber-stamp the thing. I kind of get the
2 idea that after the notice I sent for the last meeting
3 I couldn't attend because of a doctor's appointment --
4 but I sent a letter. And again, the issue that I have
5 was totally ignored. It seems like the Board has
6 tunnel vision and can't see my -- beyond the end of
7 their nose.

8 So if I do take this to court, I think the judge
9 is going to say, hey, you didn't notify me, and,
10 therefore, he's probably going to throw it out. I
11 don't know. That's just my opinion from my past
12 experience. And Jessica So, the lawyer for L&I, would
13 probably tell you the same thing. I don't know.

14 But that's my argument. That's my issue.

15 CHAIRMAN JENKINS: Okay. Thank you for your
16 comments, Mr. Berst.

17 Moving on, the -- as mentioned before, the order
18 is consistent with the findings and conclusions of the
19 Electrical Board as of April 2021, and the meetings
20 will be signed as presented.

21 Thank you very much.

22 MR. BERST: Okay. Well, I'll see you in
23 court.

24 CHAIRMAN JENKINS: We --

25 MR. BERST: I'll probably have to subpoena

1 everybody to attend.

2 CHAIRMAN JENKINS: Have a good day, sir.

3 MR. BERST: You, too.

4 CHAIRMAN JENKINS: All right. So moving on
5 to Group DL, LLC, with Demytrii Lytrynenko. This is
6 concerning Citations Nos. EJONV05074, EJONV05075,
7 EJONV05076, EJONV05077, and EJONV05078 concerning the
8 proposed order that --

9 Mr. Lytrynenko and Ms. Balch, are you both present
10 today?

11 Mr. Lytrynenko, are you here today?

12 MR. LYTRYNENKO: Yes, I am here.

13 CHAIRMAN JENKINS: Okay. And, Ms. Balch, are
14 you here today?

15 AAG VALERIE BALCH: Yes, I'm here.

16 Can you hear me okay?

17 CHAIRMAN JENKINS: There we go. Thank you
18 very much.

19 AAG VALERIE BALCH: Okay. It took me a
20 minute to unmute. I apologize.

21 CHAIRMAN JENKINS: No, worries.

22 We had two orders proposed by the parties in this
23 matter.

24 Mr. Lytrynenko, do you object to the order
25 prepared by counsel for the Department?

1 MR. LYTRYNENKO: Yes. I prepared a proposal
2 order to the Department. I submit --

3 CHAIRMAN JENKINS: Do you object to the order
4 prepared by the order of -- or the Department?

5 MR. LYTRYNENKO: Excuse me. What?

6 CHAIRMAN JENKINS: Do you object to the order
7 prepared by the Department?

8 MR. LYTRYNENKO: Yes. I charge the
9 Department with proposal --

10 CHAIRMAN JENKINS: Mr. Lytrynenko, I'm going
11 to give you five minutes to put your objection on
12 record.

13 Please speak and spell your name for the court
14 reporter, and then you may continue.

15 MR. LYTRYNENKO: Thank you. My name is
16 Demytrii Lytrynenko.

17 My proposed order, to dismiss these five
18 citations. Based on the information what I received
19 from court, inspector was not able to verify all 14
20 car-chargers installations. Only one installations he
21 was able to find, but the witness of -- owner of the
22 house, he blame Amazon on that installation.

23 So all others installations inspector was not able
24 to find. So I don't agree with citations based on
25 information what was provided on the hearing.

1 Also, the main problem, I have a hard financial
2 times. Because the inspector assigned a ticket for
3 almost \$28,000, so I cannot afford that payment from
4 verified installations.

5 Also, another problem, I'm planning to apply to
6 electrical program this year. All these citations on
7 my background will be a problem to find out a job.

8 So I am asking in the Board to dismiss all these
9 citations because they're not verified, and it was no
10 license for Group DL, either me to buy any permits and
11 to have any electrical paperwork, because inspector did
12 not bring enough fact of those installations. It was
13 just unverified reviews on the website.

14 And in his statement on page 214 on the Electrical
15 Board appeal packet, he say this was no way to verify
16 that information. But he did those citations. Nobody
17 seen these installations at all. I cannot see any new
18 facts or evidence of those jobs.

19 So I'm asking -- Board, you have an authority.
20 Please dismiss those citations and approve my proposal
21 order. I agree to pay \$1,000 fees for this
22 inconvenience case. I'm apologize about this
23 situation.

24 But like I said, I'm not an employee. I don't
25 have any unemployment benefits from Group DL, LLC. But

1 I have a citation about employee and all other
2 licenses, which is required for another company like
3 Amazon who performed a job, not Group DL, LLC.

4 And most all other -- my brief descriptions about
5 this case I put in the proposal orders where I -- you
6 can see all my explanations based on RCW. If
7 installation is -- wasn't happen or not proved, you
8 cannot charge me for -- without any evidence. So
9 unverified reviews can be an argument in this case.

10 So please approve my proposal order.

11 Thank you very much.

12 CHAIRMAN JENKINS: All right. Thank you for
13 your comments, Mr. Lytrynenko.

14 So the order prepared by the Department is
15 consistent with the findings and conclusions of the
16 Electrical Board in its April -- Electrical Board in
17 its April 20, 2021, [sic] meeting and will be signed as
18 presented.

19 Thank you very much for your time.

20 AAG VALERIE BALCH: Thank you.

21 CHAIRMAN JENKINS: So we are on Item Letter d
22 for Ahren Minsch.

23 Is Mr. Ahren Minsch currently present?

24 MS. HENRY: Am I --

25 CHAIRMAN JENKINS: Say again?

1 MS. HENRY: Can you hear me?

2 CHAIRMAN JENKINS: I can hear you.

3 MS. HENRY: Yes. I'm Linda Henry. I'm one
4 of the owners at Sign-Tech Electric. I'm sitting in
5 for Ahren Minsch.

6 CHAIRMAN JENKINS: Ben, is that a -- is that
7 the -- is this --

8 Can she sit in for Ahren Minsch's position?

9 AAG BEN BLOHOWIAK: I would inquire where
10 Mr. Minsch is and why he is not present today.

11 MS. HENRY: Yeah. I'm sorry. I just found
12 out this information a couple days ago.

13 He knew about the hearing but went on vacation and
14 thought he could do the phone call from where he is
15 vacationing. And his phone is not working. I can't
16 even get ahold of him.

17 So I am just -- decided that I would sit in and
18 see if that would work.

19 CHAIRMAN JENKINS: And I'm looking for a --
20 direction, Ben.

21 AAG BEN BLOHOWIAK: One moment, Chairperson
22 Jenkins.

23 CHAIRMAN JENKINS: Okay.

24 MR. BLOHOWIAK: This is not a situation I
25 anticipated this morning, so I just need one moment to

1 figure out.

2 CHAIRMAN JENKINS: Okay.

3 BOARD MEMBER LAMAR: Chairperson Jenkins,
4 this is Board Member Ryan LaMar. I'm actually not
5 comfortable with somebody who's not cited sitting in
6 for somebody who is cited. I don't find this
7 appropriate.

8 CHAIRMAN JENKINS: Thank you, Ryan LaMar. I
9 take that on note. And I'm sure Ben heard you on that
10 one, also.

11 BOARD MEMBER NORD: Board Member Jenkins,
12 this is Board Member Nord. I concur with Ryan LaMar.

13 CHAIRMAN JENKINS: Thank you very much, Mike
14 Nord.

15 THE REPORTER: Chair Jenkins?

16 CHAIRMAN JENKINS: Yes.

17 THE REPORTER: Can we have the woman on the
18 phone please spell her name for the record?

19 CHAIRMAN JENKINS: Yes.

20 Would you please spell your name for the court
21 reporter, please.

22 MS. HENRY: Yes. Linda, L-i-n-d-a, Henry,
23 H-e-n-r-y. Was Mendenhall. Just recently changed to
24 Henry.

25 CHAIRMAN JENKINS: Thank you very much.

1 AAG BEN BLOHOWIAK: Chairperson Jenkins, this
2 is Ben Blohowiak. And just so the meeting can keep
3 moving, while I look into this, I suggest that the
4 Board move on to Signode. I believe all the parties
5 are represented in that case and they're present. When
6 that is concluded, I should have an answer for this,
7 and we can come back to Mr. Minsch's case.

8 CHAIRMAN JENKINS: Perfect. Thank you very
9 much.

10 So we're going to move on to Item Letter e for
11 Signode Industrial.

12 And is the Assistant Attorney General Angela
13 Zurlini here?

14 AAG ANGELA ZURLINI: I am present.

15 CHAIRMAN JENKINS: Thank you.

16 And is Mr. Douglas Ehlke, representing Mr. Tracy
17 Coyne and Norris Salazar, present?

18 MR. EHLKE: Yes, I am.

19 CHAIRMAN JENKINS: Thank you very much.

20 So the final appeal before us today is the matter
21 of Signode Industrial Group, LLC, Tracy Coyne and
22 Norris Salazar, Docket Nos. 07-2020-LI-01309 [sic],
23 07 -- another docket number, 07-2020-LI-01310 [sic],
24 and 07-2020-LI-01311 [sic].

25 This hearing is being held upon -- pursuant to due

1 and proper notice to all interested parties. The -- it
2 is the -- it is being held remotely due to ongoing
3 COVID-19 pandemic on July 19, 2021, [sic] at
4 approximately 9:27 a.m.

5 It is an appeal from the initial order issued by
6 the Office of Administration Hearings [sic] on
7 January 22, 2021. It is my understanding that the
8 decision granted the appellants' motion for summary
9 judgment and dismissed the citation and notices EJO --

10 Can I have whoever's got the background noise
11 please mute your mic or whatever it takes.

12 Once again, Notice Nos. EJONV04910 --

13 UNIDENTIFIED SPEAKER: (Indiscernible) some
14 of the notary language or whatever. As long as it's
15 got a notary seal on it and signature and, you know --

16 MS. RIVERA: Sorry. I went --

17 BOARD MEMBER BURKE: Can we get Chris
18 Campbell to mute your mic? I believe it was coming
19 from there.

20 MS. RIVERA: I went through. I clicked Mute
21 All. So I'm sorry. The board members will have to
22 unmute themselves again, including Jason.

23 CHAIRMAN JENKINS: Thank you. Took me a
24 second there. All right.

25 So we'll sit back just a second to repeat the

1 notices, which is EJONV04910, EJONV04911, EJONV04912,
2 EJONV04913, EJONV04914, and EJONV04915.

3 It is further my understanding that the Department
4 has timely appealed the decision to the Electrical
5 Board. At this time, the Department is present and is
6 represented by Assistant Attorney General Angela
7 Zurlini, and Appellants Mr. Tracy Coyne and Mr. Norris
8 Salazar are represented by Mr. Douglas Ehlke.

9 Each party will be given approximately 15 minutes
10 today to argue the merits of their case. Any Board
11 member may ask questions at a timely -- any Board
12 member may ask questions, and the time may be extended
13 at the discretion of the Board.

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

18 Any questions before we begin?

19 Okay. Ms. Zurlini, you're the appealing party.
20 You have the burden of proof to establish the initial
21 order is incorrect. Therefore, we'll hear from you
22 first. Please speak and spell your name for the court
23 reporter, and you may continue.

24 AAG ANGELA ZURLINI: Thank you, Chairperson
25 Jenkins.

1 My name is Angela Zurlini. My last name is
2 spelled Z-u-r-l-i-n-i. And I am the assistant attorney
3 general that represents the Department in this matter.

4 Good morning, Chairperson Jenkins and members of
5 the Board. This is the Department's appeal to specific
6 findings of fact and conclusions of law in the initial
7 order granting summary judgment in favor the
8 appellants.

9 To lay the groundwork, when a party moves for
10 summary judgment, the party has to establish the
11 material facts are not in dispute and that they are
12 entitled to judgment as a matter of law. This appeal
13 comes to you after the appellant moved for summary
14 judgment at the Office of Administrative Hearings,
15 arguing as a matter of law they were exempted from the
16 licensing and certification requirements found in
17 RCW 19.28.

18 In support, they offered three exemptions out of
19 the electrical laws. The ALJ, the administrative law
20 judge, determined two of those exemptions did not
21 apply. The appellants did not appeal that
22 determination. Therefore, those two exemptions are not
23 before you today.

24 The administrative law judge did agree with the
25 appellants that the third exemption identified in

1 WAC 296-46B-925(10) applied to the appellants and, upon
2 that ground, granted summary judgment in favor of the
3 appellants.

4 The Department appears before you today to ask the
5 Board to reverse the ALJ's decision regarding the
6 applicability of WAC 296-46B-925(10) and with it
7 reverse the initial order with respect to that
8 regulatory exemption only.

9 The apex -- or at the apex of the Department's
10 appeal is whether as a matter of law
11 WAC 296-46B-925(10) exempts the appellant from the
12 licensing and certification requirements in RCW 19.28.
13 Today that is the only question before you. And from
14 that decision all the remaining issues on appeal will
15 fall.

16 The Department makes this request for the
17 following reasons: Starting with the law, the scope of
18 the exemption in 925(10) includes in pertinent part,
19 the utilization equipment must be a single manufactured
20 unit, including the plug and cord, that does not
21 require any electrical field assembly except for the
22 installation of the plug and cord and is allowed to be
23 plug and cord connected by the NEC. The plug and cord
24 must be a single listed unit of a molded plug and cord
25 not exceeding 250 volts, 60-ampere single phase.

1 Forward -- first, the pallet-wrapping machine is
2 not utilization equipment. Utilization equipment is
3 defined in RCW 19.28.095(2), which says in pertinent
4 part, utilization equipment is self-contained on a
5 single skid or frame.

6 In this case, the control cabinet and the
7 pallet-wrapping machine for this Lachenmeier equipment
8 are two separate units that are not self-contained on a
9 single skid or frame but instead require electrical
10 field assembly. For that reason the Lachenmeier is not
11 a piece of utilization equipment. For that reason
12 alone the exemption does not apply to the appellants;
13 therefore, the appellants are not entitled to judgment
14 as a matter of law.

15 Second, the Lachenmeier is not a single
16 manufactured unit. The Lachenmeier pallet-wrapping
17 machine was assembled at a factory in Denmark,
18 disassembled prior to shipping for reassembling of its
19 individual components at the PAC [sic] facility.

20 The Lachenmeier is not a single manufactured unit
21 because instead --

22 Excuse me. Strike that.

23 The Lachenmeier is not a single manufactured unit
24 but instead consists of two separate units, the control
25 cabinet and the pallet-wrapping machine, that require

1 electrical assembly in the field to make it whole. The
2 fact that the two units are dependent on each other to
3 operate does not make them a single manufactured unit.

4 For illustrative purposes only and with respect
5 and not in an attempt to be flip or sarcastic, the
6 pallet-wrapping machine and the control panel are also
7 dependent on the building power, as well as the Grand
8 Coulee Dam, to operate. One object being dependent on
9 another object does not make a single object -- doesn't
10 make it a single object.

11 In attempting to define a, quote, single
12 manufactured unit, the appellants relied upon
13 WAC 296-46B-903(5)(e), and they did so in error.
14 903(5)(e) does not provide a definition for "single
15 manufactured unit," nor does it provide a definition
16 for "utilization equipment."

17 Instead 903(5)(e) defines "industrial utilization
18 equipment" for the stated purpose of that section only.
19 (5) explicitly lays that out. To that end,
20 296-46B-903(5)(e) is not relevant to the question
21 before you and has no bearing on the outcome of this
22 case. For that reason alone, the exemptions found in
23 925(10) does not apply to the appellants. Therefore,
24 they are not entitled to judgment as a matter of law.

25 Third, the plug and cord used to connect the

1 control cabinet to the pallet-wrapping machine is not
2 singular in nature as required in order to make 925(10)
3 apply. As depicted in the photographs and discussed in
4 the appellants' declarations, the control cabinet is
5 connected to the pallet-wrapping machine using plugs
6 and cords, not one. What you see on Electrical Board
7 appeal packet page 280 is a pile of cords. The
8 appellants admit in their declarations to using the
9 field connections between the -- the appellants' admit
10 they used to make the field connections between the two
11 individual units.

12 Subsection -- or excuse me.

13 925(10) requires the plug and cord to be a single
14 listed unit consisting of a molded plug and cord. By
15 their own admission they performed the field assembly
16 using multiple plugs and cords to make that connection
17 between the control cabinet and the pallet-wrapping
18 machine. Again, on that ground alone the exemption in
19 925(10) does not apply to the appellants. Therefore,
20 they are not entitled to judgment as a matter of law.

21 Finally, the Lachenmeier pallet-wrapping machine
22 does require electrical field assembly, as just
23 discussed, making 925(10) unusable by the appellants.
24 Individually and together, those reasons render the
25 exemption in WAC 296-46B-925(10) unusable by the

1 appellants, and we ask that you find the same.

2 Moving to the other prong of the summary-judgment
3 analysis, we'll move to the material facts. And on
4 that issue the parties dispute what facts are material.
5 As an example, the appellants believe the voltage,
6 labeling, color and length, type of plug, and molded
7 connections are material. The Department believes
8 those to be immaterial.

9 As another example, the Department believes the
10 appellants' use of multiple plugs and cords versus a
11 single plug and cord is material. The appellants
12 clearly believe that fact is immaterial.

13 The appellants say the facility was not energized.
14 The Department says the facility was energized at the
15 time of inspection.

16 A material fact is one upon which the litigation
17 depends. Summary judgment is not appropriate when
18 there is a dispute regarding what facts are material to
19 the litigation, which is where we're at today.

20 Moving to mounting the E-stop button on the
21 pallet-wrapping machine's metal frame, the appellants,
22 and specifically Tracy Coyne, admitted to mounting the
23 E-stop button to the metal frame with screws, which is
24 electrical work.

25 Pursuant to WAC 296-46B-100, the electrical

1 emergency stop button is electrical equipment, also
2 noted in RCW 19.28.006(9).

3 Also, low-voltage digital signaling wire is not
4 excluded from the definition of "equipment."

5 Bolting the E-stop button to the machine's metal
6 frame is not covered under the exemption 925(10).
7 Therefore, is not exempt from the license and
8 certification requirements of RCW 19.2N -- 28. To that
9 end they, the appellants, admitted to performing
10 electrical work. For those reasons, the Department
11 asks the Board to conclude the exemption in
12 WAC 296-46B-925(10) does not apply; therefore, the
13 appellants are not entitled to judgment as a matter of
14 law.

15 The Department argues an evidentiary hearing is
16 warranted and asks the Board to remand the case back to
17 the Office of Administrative Hearings for a hearing
18 regarding the applicability of WAC 296-46B-925(10) so
19 the judge can hear all the facts. To do so, the
20 Department asks you to affirm the findings of fact and
21 conclusions of law in the initial order that were not
22 appealed by either party, therefore are not before you,
23 and reverse the summary judgment on the one issue of
24 the applicability of WAC 296-46B-925(10).

25 The Department thanks you for your time and your

1 consideration in considering the Department's position
2 and its argument.

3 Chairperson Jenkins, the Department would ask that
4 whatever remaining time that I have that I might be
5 able to follow up or respond to Mr. Ehlke's argument at
6 the completion.

7 Thank you.

8 CHAIRMAN JENKINS: All right. Thank you very
9 much.

10 So, Mr. Douglas Ehlke, please speak and spell your
11 name for the court reporter, and then you may continue.

12 MR. EHLKE: Thank you. My name is Douglas
13 Ehlke. And my last named is spelled E-h-l-k-e. And I
14 represent Signode Industrial Group, LLC, which is a
15 custom design company. As the declarations in this
16 case fully admit -- or describe, a designer of
17 integrated machines that require integrated functions
18 to be single manufactured units.

19 And we'll look at the manager of -- the northwest
20 manager of service, Mr. Alex Sneddon's testimony where
21 he describes that exact process here with the
22 Multi FlexL custom robotic wrapping machine,
23 pallet-wrapping machine. The -- Alex Sneddon has 17
24 years in the business of electrical machine work,
25 including the ten as a journeyman electrician.

1 You'll also hear from -- the work that was
2 actually done was plug-and-play. That's what this case
3 is about. And the Department admitted they have no
4 personal knowledge or facts to counter the four
5 elements of exemption that exist here that Judge
6 T.J. Martin found.

7 For example, engineer Norris Salazar, who I
8 represent, and Tracy Coyne --

9 Mr. Salazar is a graduate electrical -- electrical
10 engineer from the University of California. He has 14
11 years with Signode in all parts of the country on these
12 machines and around the world. And he will describe
13 the plug-and-play, low-voltage, modular systems of the
14 molded plugs and cords that were the only aspect of
15 their work, his work in the entire inspection time.

16 And the -- Tracy Coyne is a senior technician,
17 specially trained factory technician, along with Norris
18 Salazar, by the manufacturer, for doing this exact kind
19 of work.

20 The -- they've never been cited for this kind of
21 thing in any -- for their work doing plug-and-play
22 reconnections.

23 And the -- after extensive work on the -- actually
24 extensive discovery here -- and it was extensive by
25 both parties -- it turns out that the inspector and the

1 most knowledgeable person designated in the Department
2 by the Department for -- that is, Mr. Phil Jordan,
3 you'll see that they have no personal knowledge of the
4 cords or the -- whether the plugs were molded plug and
5 cords. They have no knowledge about the machinery, the
6 single purpose of the -- function of the machines. So
7 the -- they don't have the knowledge to bring the --
8 any admissible evidence to -- against what Judge Martin
9 found.

10 And when you look at it, Section
11 WAC 296-46-925(10) of the applicable exemption here,
12 there's four things. And you know them as well as we
13 do. It's the plug and -- they have to be -- have a
14 molded plug and cord.

15 And the -- they have to have a low amperage, under
16 250 volts.

17 And the -- they have to have a single unit of the
18 plug and cord, which these were.

19 The machine has to be a single manufactured unit,
20 which this was because it has one function. And the
21 dependency of the control panel and the machine are one
22 machine, and they're certified as one by the UL and the
23 CE. It's -- it's a certified, integrated, single
24 manufactured unit. And the -- when the --

25 And fourthly, you have to have -- they have to be

1 doing easy, hand plug-and-play, just put in the plug
2 and cord. And that's the only thing that, as Norris
3 Salazar describes and the other two employees as well
4 as for Signode, with all this experience that they were
5 doing.

6 The E-stop was a total preassembled,
7 nonvoltage-carrying piece of equipment, which just
8 needed the mounting, not the E-stop. The E-stop was
9 fully assembled, fully done back -- by the manufacturer
10 back in Denmark, not here in Richland.

11 And the only two things that -- the only thing
12 that Mr. Coyne did was put in two screws of the
13 mounting onto the fence. That's it. The -- that's an
14 incidental and -- just as the judge found.

15 But I think it's important to show that -- what
16 did the Department bring to this? It's pretty
17 incredible when you look at the -- what the Department
18 admitted, and then to come here and argue here that
19 there was power onto the machine.

20 I would ask the Electrical Board members to look
21 at Request for Admission No. 13, which says, "Admit
22 that there was no electrical power energized to the
23 Lachenmeier Multi FlexL pallet-wrapping machine at the
24 time of this inspection." Admit. They admitted that.
25 There was no power.

1 Mr. Rand Jones, the inspector, admitted there was
2 no power to this machine, no plant power, and that the
3 machine hadn't been prior energized. He admitted all
4 those things.

5 The -- well, what is -- and so neither -- neither
6 Mr. Jordan, the most -- who was designated as the most
7 knowledgeable person by the Department of this citation
8 and what -- and the standards in this inspection and
9 Mr. -- by Your Honor Wayne Molesworth.

10 Now, he -- Mr. Jordan admitted that there are no
11 official directives on how to apply the RCWs or the
12 19.20 -- or the 925 WAC exemptions and that there is a
13 list -- there would be a huge list of plug-and-play
14 qualifying machinery. But he just wasn't able to be
15 able to confine that -- or find it.

16 There are no training materials on this, on WAC
17 296-46B-925, he admitted. There's no compliance manual
18 on how the standards are to be applied of this
19 exemption. There's no checklist for inspectors, he
20 said, for enforcing RCW 19.28.041 in the citation.
21 There are no documents, he said, for recommending
22 citations of the exemption or how to apply them.

23 And he also admitted that he -- he's not aware of
24 any interpretations given by the Department to
25 manufacturers of the exemption. He has no personal

1 knowledge -- and this is important. He has no personal
2 knowledge of the equipment being worked on by the
3 worker or doing the work that was being done by the
4 workers. He's never been to this job site. And the
5 equipment would be exempt from RCW 19.28, he said, when
6 it has -- when it's plug-in equipment.

7 And he said that the -- he admitted that the
8 section 19.25 of Section 10, just as it states, exempts
9 from licensing and also from certification.

10 So the -- it was followed up by Mr. -- the
11 inspector, Mr. Rand Jones, and here's what he admitted:
12 He had no formal trainings on these standards. He
13 wasn't able to tell the exemption four aspects, the
14 elements.

15 He admits that this machine had never been
16 energized previously.

17 And these are in the materials.

18 And the -- he does not know what factory the cords
19 and plugs were made at or if there were -- and it's
20 unknown to him whether there was any preconnection
21 work. He didn't look in the cabinet to see what was --
22 how the work was being done with any plug-and-play. He
23 didn't know what the cords looked like. He didn't --
24 didn't know -- the plugs.

25 He did not check out -- he admits not ever

1 checking out the first two elements of the exemption,
2 molded plugs and cords, and the voltage or amperage.
3 Didn't check them out, either one. He has no evidence.
4 And he's the only one that went out there for the
5 Department on one short, fleeting daytime.

6 And the -- he -- he indicated that --

7 And when you think about it, he's not familiar
8 with the machine, he says. And checking out the
9 machine or incidental to start-up could include
10 checking the components and cables and -- but he
11 doesn't have -- he says the Department doesn't have a
12 definition for incidental to the start-up under one of
13 the other exemptions.

14 And he admits that the -- this is the part. He
15 admits that he doesn't know what the cords look like or
16 what they were or how they function. He didn't check
17 to see if the cords were tagged, labeled, fit, color
18 coordinated, numbered as they were, all of those
19 things, and doesn't know that they only fit one way in
20 for plug-and-play. And he doesn't know the amperage of
21 the cords. And he doesn't know if the E-stop button
22 was fully assembled when it arrived.

23 What's interesting is -- I couldn't believe
24 this -- I read the declaration in -- at page 6 of
25 Mr. Jones -- and you can't change deposition testimony.

1 But he added to his fact that they didn't check -- he
2 didn't check into what the type of plugs were. He said
3 he doesn't need to even check the type of plugs and
4 cords, see if they're molded, or the amperage.

5 How do you do that and apply this exemption?

6 He doesn't have to check if they're terminated.
7 He doesn't have to check the label on them.

8 It is phenomenal when you think about it, that it
9 shows the deficiency of the inspection and why they
10 don't have admissible evidence to contradict these four
11 elements, 'cause they don't have any knowledge about
12 the plugs, the cords, how the -- they were put in,
13 what -- and how they fit, or that it was plug-and-play
14 and single unit.

15 He did admit that these engineers and tech --
16 factory trained technicians would know more about the
17 plug-and-play and -- on this machine and being -- and
18 how it would be applied, you know, that it would be
19 their type of plug-and-play for this machine, than
20 electricians would or that he would.

21 And that's interesting because when you look at
22 Alex Sneddon's declaration, who himself was an
23 electrician for ten years, he -- on page 247 of your
24 materials and 248 of the appeal record, he describes
25 how no plug or cord wiring connections or terminations

1 were made. These were all preassembled, modular,
2 fused, molded plugs. They were 24 volts. They were
3 way below the exemptions amount needed and, therefore,
4 qualified. And he describes what plug-and-play is on
5 this machine. And in -- when he says the --

6 CHAIRMAN JENKINS: Mr. Ehlke, I don't mean to
7 interrupt too much. But we're getting close to your
8 15-minute mark here.

9 MR. EHLKE: You bet.

10 There were no electrical connections. And he says
11 that there's no terminations.

12 And I would ask the members to look at
13 Mr. Sneddon's declaration and also Mr. Norris Salazar,
14 the engineer, where he describes this same kind of work
15 has been utilized in the United States by -- and him,
16 this plug-and-play entirely. It was a -- molded plugs.
17 They were qualifying low amperage and volts. They
18 were --

19 And nothing could happen electrically 'cause there
20 was no power whatsoever. All -- and Mr. Sneddon and
21 all of them said that all high -- or power to the
22 machine was hooked up by Garrett Electrical [sic].
23 That's important because the inspectors forgot them.
24 The electric -- that was the certified electricians
25 hired specifically by PCA Company to -- the purchaser

1 to work with Signode and do the -- Garrett do all the
2 connections, all of them.

3 The -- that was what was done. And Norris Salazar
4 and Tracy Coyne and Alex Sneddon all confirm it, and
5 the Department has no facts to counter that.

6 And clearly -- so they have an -- they have to
7 present facts in a summary judgment, admissible facts,
8 personal knowledge facts, which -- they have none -- to
9 counter the fact of the existence of these four
10 elements, which -- they don't have knowledge of the
11 machines, the cords, the voltage, or how these were put
12 into the control panel, which was not hooked up with
13 anything.

14 When you look at that, members of the Board, it's
15 clear that the -- Judge Martin, a well-known judge in
16 the electrical standards, applied the standards right,
17 went down through every factor of the four factors,
18 found no dispute for the plug-and-play and the fact
19 that these qualified on all four accounts.

20 We would -- in summary judgment, when there's an
21 absence of admissible evidence and the -- when elements
22 of an exemption or application of a standard exist, the
23 other side has to come forward with admissible
24 evidence. And they haven't done that. They have no --
25 quote, no personal knowledge of --

1 CHAIRMAN JENKINS: Mr. Ehlke, we're at our
2 point here, so --

3 MR. EHLKE: Thank you very much.

4 CHAIRMAN JENKINS: Thank you very much.

5 And, Ms. Zurlini, you asked to take a couple of
6 your minutes you didn't use to rebuttal this. Are you
7 still interested in doing that?

8 AAG ANGELA ZURLINI: I am.

9 CHAIRMAN JENKINS: Go right ahead.

10 AAG ANGELA ZURLINI: Thank you.

11 So to begin with, the term "plug and play"
12 diminishes the safety issue presented by field assembly
13 of electrical components. So that term, I think,
14 diminishes what it is that we're talking about here
15 today.

16 Mr. Ehlke has indicated to you that, yes, Judge
17 Martin did work through the elements. And now the
18 Department asks you to work through those elements as
19 experts in your trade.

20 Mr. Ehlke argues that the Department doesn't have
21 admissible facts. Of course, we have admissible facts.
22 It's just that the facts that we believe are material,
23 the appellants do not believe are material.

24 As I noted in my argument, the voltage, the molded
25 cord connections, the color, the length, the type, the

1 labels, the Department does not believe is material.
2 It's immaterial.

3 What is material is the fact that those two
4 independent units were connected by multiple plugs and
5 cords, not a single plug and cord, multiple plugs and
6 cords, and that connection was made in the field, which
7 is an electrical field assembly.

8 So on that ground alone, of course we have
9 admissible evidence. And that's why we ask that we
10 have the opportunity to go back to OAH to present all
11 the facts.

12 Mr. Ehlke speaks about Mr. Jordan and Mr. Jones,
13 their experience and the fact that they didn't have
14 personal knowledge. Neither needed personal knowledge
15 to see that there are two individual units being
16 connected by multiple cords, as I keep repeating. They
17 did not need to have personal knowledge of the
18 machine's purpose and the components inside because
19 what was before them was sufficient enough to establish
20 this exemption in 925(10) does not apply to the
21 Lachenmeier machine.

22 With regards to the E-stop button, the button in
23 itself might have been preassembled, which -- fine.
24 But it was actually mounted on the metal frame of one
25 of the two components. That is electrical work. So

1 the fact it was preassembled before it got to the
2 facility is immaterial.

3 Let's see here.

4 Oh, the -- Mr. Ehlke talks about the directives,
5 the compliance manuals, the definitions, the
6 interpretations. Those types of -- none of that is
7 applicable here in this situation. It doesn't matter
8 what interpretations, directives, or what compliance
9 manuals or definitions exist. What does matter is that
10 subsection -- 925(10) lays out the criteria for that
11 exemption to apply. So that is the only definition
12 that this Board needs to consider.

13 For those reasons and those stated previously, the
14 Department respectfully requests that you grant our
15 request.

16 Thank you.

17 CHAIRMAN JENKINS: Thank you very much.

18 MR. EHLKE: Can I have just one minute, Your
19 Honor?

20 CHAIRMAN JENKINS: Actually, no. At this
21 point here we're going to move on to the actual board
22 members' discussion.

23 So where we at? One second.

24 So this appeal from the OHA [sic] order granting
25 the summary judgment, the Board's task here is to

1 determine whether or not the summary judgment was
2 appropriate. If it was, then the order should be
3 affirmed. If it's not, the Board can reverse the OHA's
4 orders and remand it back to the OHA for full hearing
5 on its merits.

6 So our job here as Board members is, more or less,
7 to agree with what the administrative law judge has
8 done, or we send it back to the administrative law
9 judge to consider more testimony to make this -- if we
10 feel it's appropriate.

11 I'm going to take just a little bit of time, and
12 we're going to open this to the Electrical Board. And
13 I want to start off real quick, if everyone wants to
14 grab their Electrical Board packet.

15 And this -- my opinion, I think this all boils
16 down to the definition of a "single manufactured unit."
17 And if I can have your attention jumped all the way
18 back to page 265 of your Electrical Board packet.

19 Give you a second.

20 They have -- on the upper page on 265 is part of
21 their -- this is all part of the overview of the actual
22 equipment. And it shows they have a control stand
23 placed at your choice. So they actually have showing
24 this is not a package deal where it all shows up, they
25 drop it in the ground, they make the connections to the

1 power, and they're done. They're actually taking
2 components, mounting them at separate locations
3 throughout this space, and making electrical
4 connections.

5 I think there's a little bit of back-and-forth
6 when you read the information. They keep talking about
7 the control panel, which is the multiplug,
8 multiconnection point. And then they refer back to
9 this other -- some people have referred to it as a
10 control panel, but I think what they're really talking
11 about is this operating panel, where it's actually in a
12 separate location away from the control panel.

13 And so I had a little confusion there when I was
14 reading it, and I finally found out what they were
15 talking about, that, yes, the control panel carries all
16 the main gear, but there's also a piece that sits off
17 to the side.

18 So I'm kind of in the Department's side of looking
19 at this as a -- not a single unit. And that is where I
20 stand.

21 Any discussion from the board members?

22 BOARD MEMBER COX: Chair Jenkins, Board
23 Member Cox.

24 CHAIRMAN JENKINS: Yes. Go ahead.

25 BOARD MEMBER COX: I'm not really seeing a

1 photograph. It maybe didn't copy well. But I see that
2 it says, "the intuitive control stand placed at your
3 choice."

4 It looks to me like it -- that is the HMI touch
5 panel for easy and intuitive operation of the machine
6 related to the graphical display.

7 Is that actually just the graphical display it's
8 talking about in the intuitive control, or is that
9 actually the electronics control panel that it's
10 speaking about? 'Cause I can't really see a photograph
11 there.

12 CHAIRMAN JENKINS: In my experience -- what I
13 was reading of this is actually -- it's like a station
14 where someone would stand, do some operation.

15 But if you go back to the page previous to this,
16 once again that photograph on the carbon copy's not
17 very great. But I believe that's the one that they're
18 picturing on --

19 Hold a second. I'll go back to the pictures.

20 There's some photographs given by -- there we go.
21 On page 313 of your booklets -- actually, it's 312, I
22 believe it is. Sorry -- where it looks like they
23 have -- between those two pictures they have a control
24 panel in the background, which is actually all of the
25 contactors, relays, and that sort of thing. I think

1 they -- the way I understand it is the intuitive
2 control stand is even outside of those pictures, and it
3 might even be the bottom, left-hand side picture,
4 page 313. That might be the control stand itself.

5 But regardless, I'm looking at that stand being a
6 separate piece. It's actually being put wherever they
7 want to, and it gets plugged into the control panel
8 someplace. So to me that alone would say this is not a
9 single unit. That's why I kind of -- kind of set my
10 position.

11 BOARD MEMBER COX: Board Member Cox again.

12 I'm seeing on the page previous, on 264, the
13 actual control cabinet, which is different than the
14 intuitive control stand. So the control stand, yes, I
15 agree, it's a -- it looks like it's maybe moveable so
16 that if the operator of the machine is wanting to stand
17 at a different angle to watch what's happening, they
18 can -- you know, they can move that around, you know, a
19 modular-type, you know, graphical display. And I'm
20 assuming there's some kind of a network cable that goes
21 from the -- you know, from this intuitive control touch
22 panel, you know, back to the control cabinet that's
23 shown on page 264. So I think that would be integral
24 to the operation of that system.

25 CHAIRMAN JENKINS: Yes, I believe it is

1 integral. But I also think that it's a separate piece.

2 But I'd like to add your opinion or any other
3 board member's opinion on this.

4 BOARD MEMBER ISAACSON: Chair Jenkins, this
5 is Board Member Ivan Isaacson, I-s-a-a-c-s-o-n.

6 CHAIRMAN JENKINS: Yes, thank you.

7 BOARD MEMBER ISAACSON: Is it your opinion
8 that if that control panel was a part of -- was
9 attached to the frame of the pallet wrapper, that that
10 wouldn't be an issue? But because it's a separate
11 device, it's an issue?

12 CHAIRMAN JENKINS: No. I still think it's --
13 I was trying to define -- inside of 296-46B-925(10)
14 they distinctly call out a single manufactured unit.
15 And so I'm arguing it's not a single manufactured unit
16 based upon that.

17 But then when you go on the next level and talk
18 about plug-and-play, yeah, it has to be a single plug.
19 And the -- I'm seeing the control panel has multiple
20 plugs going to it, which kind of defeats that purpose,
21 also.

22 But I think -- just off that one definition, I
23 think we need to -- personally I think we need to
24 remand it back to the OAH to relook at this in more
25 detail. But that's, once again, my opinion.

1 AAG BEN BLOHOWIAK: And Chairperson Jenkins,
2 excuse me. Board members, this is Ben Blohowiak.

3 I just want to remind the Board that we're not
4 looking necessarily at all of the substantive issues
5 here. We're -- the Board's task today is it to
6 determine if there's a genuine issue of material fact
7 that requires the presentation of more evidence,
8 further testimony, so that a more complete case can be
9 put together.

10 So I just want to caution the Board not to get too
11 into the weeds but to determine whether or not it's
12 appropriate to send this back to OAH for further
13 evidence.

14 CHAIRMAN JENKINS: Thank you, Ben Blohowiak.

15 AAG BEN BLOHOWIAK: Thank you.

16 CHAIRMAN JENKINS: Thank you.

17 BOARD MEMBER NORD: Chairman Jenkins, this is
18 Board Member Nord. I do have one question, if I may.

19 CHAIRMAN JENKINS: Yes, you may. Go right
20 ahead.

21 BOARD MEMBER NORD: Page 47 of the appeal
22 packet, under the initial order granting the
23 appellants' motion for summary judgment, under 4.21 it
24 states, "The cord connections were all engineered,
25 preassembled (numbered and designated) and made at

1 Lachenmeier's factory in Denmark, then shipped in a
2 single container, on a single skid, to Richland,
3 Washington, where Signode employees reconnected the
4 marked connections between the pallet-wrapping machine
5 and the electrical control panel."

6 That would indicate to me two different pieces of
7 equipment that are interconnected by cables.

8 But is the manufacturer, because they shipped it
9 in one container and on a single skid, determining that
10 it's a single machine?

11 CHAIRMAN JENKINS: That is a valid question.
12 Thank you very much.

13 I wouldn't know the definitive answer to that.

14 BOARD MEMBER NORD: Well, and the second part
15 of my question on that, if I understood the assistant
16 attorney general in her initial presentation, it seemed
17 that she indicated that the actual shipment was two
18 different pallets on two different containers instead
19 of one pallet and one container.

20 Did I hear that correctly, or am I incorrect?

21 CHAIRMAN JENKINS: AAG Angela Zurlini, would
22 you like to answer that question?

23 AAG ANGELA ZURLINI: Certainly.

24 That is incorrect. I did not speak to how it was
25 shipped with regards to pallets or containers. I just

1 indicated that it was fully manufactured in Denmark, it
2 was disassembled, and then sent to the PAC facility for
3 it to be resembled.

4 So I'm sorry if I did not make that clear.

5 BOARD MEMBER NORD: Thank you.

6 CHAIRMAN JENKINS: Thank you.

7 BOARD MEMBER BAKER: Board Member Jenkins,
8 this is Board Member Baker. I'd like to make a
9 comment. But before I do, I want to go back to our
10 AAG. Ben, I am not even going to try and pronounce
11 your last name.

12 But what I think I just heard you say was for us
13 board members not to get in the weeds with this, and
14 that if we were going to send this back to the -- if
15 we're going to send this back as an appeal, we would be
16 looking for new evidence to have been presented today.

17 Did I -- is that what I heard you say?

18 AAG BEN BLOHOWIAK: So the Board needs to
19 decide whether or not there is a dispute over a
20 material fact that warrants the presentation of more
21 evidence. There's -- and I can't advise the Board on
22 how to rule, simply provide guidance.

23 So if you believe that there's a question that
24 needs more information, further evidence, then it may
25 be appropriate to send this back to OAH.

1 BOARD MEMBER BAKER: Okay. All right. So --
2 all right. So based on that, I -- I remember this case
3 from when we heard it the first time. And I struggle
4 with calling this two separate pieces of equipment. I
5 understand that you've got two different components,
6 but in my mind it one piece of equipment. I understand
7 that's semantics, but that's how I see it.

8 I struggle with calling the installation of a box
9 by installing two screws an electrical installation. I
10 get it. We can make that stretch if we want to. But I
11 struggle with that.

12 I'm having a hard time justifying sending this
13 back for further review. I've heard everything you all
14 have had to say, and I agree with some of it. But I --
15 I'm struggling with continuing what seems like kicking
16 a dead horse here to me.

17 They hired an electrical contractor and had the --
18 had that inspected and installed by that licensed
19 contractor. I'm having a hard time seeing where there
20 was some harm and some foul done here.

21 BOARD MEMBER NORD: This is Board Member
22 Nord. I concur with Board Member Baker. I'm having a
23 hard time with it, also.

24 CHAIRMAN JENKINS: So maybe this will help.
25 I think I get your point, Board Member Don Baker and

1 Board Member Mike Nord.

2 I -- the only thing I would be concerned with is
3 that if anybody feels that there is further information
4 to be looked at, if something doesn't seem right --

5 And I'm -- I struggled when I first read this,
6 thinking, well, it's just a plug and cord.

7 But the principle behind the idea was that, yes,
8 it's minimal amount of connections, but it's still a
9 different connection. It doesn't fall under the -- in
10 my opinion, does not fall under the exemption allowed.
11 And therefore, just because the principle of the
12 idea -- and I -- I had to think that this -- we don't
13 want to have this door open that, well, sometimes it's
14 allowed, and sometimes it not allowed. That's kind of
15 where I started looking at this.

16 Do we have any other board members' opinions?

17 BOARD MEMBER CUNNINGHAM: Chairman Jenkins,
18 this is Board Member Cunningham.

19 It's clear to me that this is not a unitary piece
20 of equipment. To me that's an appliance, a computer, a
21 device, a single thing connected to its power source
22 and the communications. This is an industrial
23 apparatus.

24 And how does -- is there a WAC rule that defines
25 or specifically addresses the field reassembly of

1 industrial apparatus? I'm thinking of a paper mill
2 rolling machine that's 200 feet long. There's no way
3 to ship it from wherever it's made to its destination.
4 And when it is delivered, which WAC rule or RCW statute
5 addresses how that equipment is to be reassembled? And
6 is -- and where that -- where the line is drawn between
7 electrical work and equipment-manufacturer reassembly?

8 Another good example of this would be medical-
9 imaging equipment. You have power-distribution
10 equipment. You have, like, an MRI head assembly. You
11 have interconnecting cables, many of them, sometimes
12 power and communications cables.

13 This is an industrial apparatus. And I think that
14 if there isn't a WAC rule, an RCW rule that speaks
15 directly to it, then there's -- there's a gap in the
16 law.

17 CHAIRMAN JENKINS: And Chair Jason Jenkins.

18 I would agree with that. And that's one of the
19 reasons why I was of the idea let's send it back to the
20 OAH and let them look a little deeper into it and see
21 if they can find the common ground that says yay or nay
22 to this. I don't think that us digging into it really
23 deep is going to get us anywhere. We're going to -- if
24 there's any question, which I think there is, I think
25 it should be sent back.

1 BOARD MEMBER CUNNINGHAM: I agree with that.

2 BOARD MEMBER NORD: This is Board Member Nord
3 I absolutely agree with that. I think that there is a
4 deep, dark hole somewhere that needs to be looked at.

5 BOARD MEMBER COX: Chairman Jenkins, Board
6 Member Cox.

7 Going with the Board's counsel's statement about
8 whether or not summary judgment was the right way to
9 go, whether or not there was enough facts presented, I
10 believe that there is a plethora of facts that were
11 collected that everyone could look at, both sides, and
12 the administrative law judge had all of those facts.
13 None of the facts were disputed.

14 So I agree that this is really a matter of whether
15 or not a summary judgment was in order or not. And I
16 believe there were undisputed facts of the case
17 presented from both sides.

18 AAG BEN BLOHOWIAK: And I just want to be
19 clear. This is Ben Blohowiak again.

20 It's not whether or not there are facts. It's
21 whether or not there's material facts in dispute. And
22 AAG Zurlini laid out the facts that she believes are in
23 dispute. The Board needs to find -- to decide if there
24 is a genuine issue of material fact, and if there is,
25 was the administrative law judge's order correct.

1 So those are the two things the Board needs to be
2 looking at, not simply whether or not there were facts
3 presented, but whether or not there is a dispute over
4 those facts that warrant sending it back for further
5 testimony.

6 CHAIRMAN JENKINS: Thank you.

7 So I -- I'm hearing that there -- the way I see it
8 and the way I'm hearing back and forth is -- I would
9 argue that the single manufactured unit is in dispute,
10 that we don't have that -- not a fact. It's an
11 unknown.

12 And the Board would entertain a motion to reverse
13 the administrative law judge's decision and remand this
14 back to the OAH.

15 Board members would like to step in?

16 BOARD MEMBER KNOTTINGHAM: This is board
17 Member Knottingham. I'm new here. And I'm still
18 trying to catch up, to be honest with you.

19 I don't believe this is a single unit. I think it
20 needs to go back to the ALJ. So I will -- I can't
21 rephrase your motion Jason, Board Member Jenkins, but I
22 would concur with that. I think it needs to go back to
23 the ALJ.

24 CHAIRMAN JENKINS: So we have a motion to
25 reverse the ALJ's decision and remand this back to the

1 OAH.

2 Do I have a second?

3 BOARD MEMBER NORD: Board Member Nord, I'll
4 second.

5 CHAIRMAN JENKINS: We have a motion. We have
6 a second.

7 Any discussion?

8 Hearing none, I am going to ask for a vote. But
9 I'll do it by roll call.

10 So the motion to remand this back to OAH is in
11 question.

12 Could I have a decision from Ivan Isaacson,
13 please?

14 BOARD MEMBER ISAACSON: Nay.

15 CHAIRMAN JENKINS: Board Member Kerry Cox.

16 BOARD MEMBER COX: Nay.

17 CHAIRMAN JENKINS: Board Member Mike Nord.

18 BOARD MEMBER NORD: Nay.

19 CHAIRMAN JENKINS: Board Member Dylan
20 Cunningham.

21 BOARD MEMBER CUNNINGHAM: To be clear,
22 approving of the motion is to send it back to the ALJ,
23 in which case yes, I approve of that motion.

24 CHAIRMAN JENKINS: Yes, that's what I'm
25 asking for.

1 BOARD MEMBER CUNNINGHAM: Yes.

2 CHAIRMAN JENKINS: Was this completely clear
3 with Ivan Isaacson?

4 BOARD MEMBER ISAACSON: It was.

5 CHAIRMAN JENKINS: And Mike Nord?

6 BOARD MEMBER NORD: It was.

7 CHAIRMAN JENKINS: And Kerry Cox?

8 BOARD MEMBER COX: Yes, it was clear.

9 CHAIRMAN JENKINS: Okay. And Don Baker.

10 BOARD MEMBER BAKER: Nay.

11 CHAIRMAN JENKINS: And Dominic Burke.

12 BOARD MEMBER BURKE: Nay.

13 CHAIRMAN JENKINS: And Jack Knottingham.

14 BOARD MEMBER KNOTTINGHAM: Approve.

15 CHAIRMAN JENKINS: And Ryan LaMar.

16 BOARD MEMBER LAMAR: I approve.

17 But I do want to state that we need to relook --
18 as a committee we need to look at our WACs and RCW
19 because, the way technology's evolving, I really think
20 this should have never gone to the ALJ if we had modern
21 updates to our codes.

22 But yes, I do approve.

23 CHAIRMAN JENKINS: Thank you very much.

24 And we have a three to two, three, four, five
25 vote, so the motion fails.

1 Do I have a separate motion?

2 BOARD MEMBER COX: Chair Jenkins, Board
3 Member Cox.

4 In the matter of Signode Industrial Group, LLC,
5 Tracy B. Coyne, and Norris Salazar versus the
6 Department of Labor and Industries, I would move that
7 the initial order granting the appellants' motion for
8 summary judgment be upheld.

9 CHAIRMAN JENKINS: So I have a motion to
10 uphold the ALJ's summary judgment.

11 Do I have a second?

12 BOARD MEMBER BAKER: Thank you for that
13 motion, Board Member Cox. I will second that motion.
14 Board Member Baker.

15 CHAIRMAN JENKINS: Okay. We have a motion
16 and a second.

17 Any discussion?

18 Hearing none, we'll go back to the list and make
19 our decision.

20 So Ivan Isaacson.

21 BOARD MEMBER ISAACSON: Aye.

22 CHAIRMAN JENKINS: Board Member Kerry Cox.

23 BOARD MEMBER COX: Aye.

24 CHAIRMAN JENKINS: Board Member Mike Nord.

25 BOARD MEMBER NORD: Aye.

1 CHAIRMAN JENKINS: Board Member Dylan
2 Cunningham.
3 BOARD MEMBER CUNNINGHAM: Nay.
4 CHAIRMAN JENKINS: Board Member Don Baker.
5 BOARD MEMBER BAKER: Aye.
6 CHAIRMAN JENKINS: Board Member Dominic
7 Burke.
8 BOARD MEMBER BURKE: Aye.
9 CHAIRMAN JENKINS: Board Member Jack
10 Knottingham.
11 BOARD MEMBER KNOTTINGHAM: Nay.
12 CHAIRMAN JENKINS: And Board Member Ryan
13 LaMar.
14 BOARD MEMBER LAMAR: Nay.
15 CHAIRMAN JENKINS: With a tally of five to
16 three, the motion passes.
17 Okay. Thank you. The Board has made its
18 decision.
19 Mr. Douglas Ehlke, you have -- have you prepared
20 an order?
21 MR. EHLKE: I have not -- I have, Your Honor.
22 But I can't show it to you right now. But I --
23 Can I send it to you?
24 CHAIRMAN JENKINS: What I'm going to ask you
25 to do is please confirm with the other party, Angela

1 Zurlini, to see if the terms --

2 MR. EHLKE: I will.

3 CHAIRMAN JENKINS: -- of the order can be
4 agreed upon. Please let us know if you'll need
5 additional time to reach an agreement.

6 Please be advised, if you do not reach an
7 agreement today, the matter will be automatically set
8 for presentment on the next regularly scheduled board
9 meeting.

10 If an agreed order has not been received by that
11 date, the parties will be expected to file the proposed
12 orders and appear before -- appear and advise why their
13 proposed order best reflects the Board's decision.
14 Hopefully this won't be necessary.

15 If you're able to reach an agreement as to the
16 form of the order before the next meeting, please
17 forward it to the secretary of the Board office, and
18 they will ensure to get it signed and provide copies to
19 both parties.

20 Are there any questions?

21 MR. EHLKE: No, Your Honor. Thank you.

22 CHAIRMAN JENKINS: Any questions, Ms. AAG
23 Angela Zurlini?

24 AAG ANGELA ZURLINI: No questions. I
25 appreciate the Board's time today.

1 CHAIRMAN JENKINS: Thank you very much.

2 MR. EHLKE: I agree.

3 CHAIRMAN JENKINS: So I'm looking for the
4 court reporter, Sue Garcia. How are we doing?

5 THE REPORTER: I'm good, sir. We can keep
6 going.

7 CHAIRMAN JENKINS: Okay. So I'm going back
8 there to our letter d for Ahren Minsch.

9 Ben, did we get a solution for this situation?

10 You're currently muted.

11 AAG BEN BLOHOWIAK: Thank you. I apologize.

12 Yes, I believe I have an answer for the Board,
13 Chairperson Jenkins.

14 Pursuant to WAC 296-46B-995(22) entitled
15 "Appearance and Practice Before the Board," the
16 individuals allowed to practice and to present argument
17 before the Board are attorneys and/or an owner,
18 officer, partner, or full-time employee of a firm,
19 association, organization, partnership, corporation, or
20 other entity who appears for the firm.

21 So I would ask the chairperson to please inquire
22 what the individual appearing for Mr. Minsch today --
23 what exactly their relationship is with the
24 organization that was cited and if they fall within the
25 category of owner, officer, partner, or full-time

1 employee.

2 So that would be the first step, Chairperson.

3 CHAIRMAN JENKINS: Thank you very much. And
4 I have not wrote down her name.

5 The person that was trying to represent Mr. Ahren
6 Minsch, are you still present?

7 MS. HENRY: Yes, I am.

8 My name is Linda Henry. I am 51-percent owner of
9 Sign-Tech Electric.

10 CHAIRMAN JENKINS: Thank you very much.

11 And, Ben, does that meet our requirement to
12 continue on this?

13 AAG BEN BLOHOWIAK: She's an owner of the
14 organization. She can present argument before the
15 Board today. That is within her rights pursuant to the
16 WAC. So the Board can proceed with hearing her
17 arguments and resolving this case.

18 CHAIRMAN JENKINS: Okay. Thank you very
19 much.

20 And do we still have current -- I'm trying to look
21 who's the --

22 AAG Wilson Sosa Padilla, are you currently here
23 today.

24 AAG WILSON SOSA PADILLA: Good morning,
25 Chairman. Yes, this is Wilson Sosa Padilla.

1 Can you hear me, first of all?

2 CHAIRMAN JENKINS: Yes, I can.

3 But I have a little thing I need to cover first.
4 And then I just wanted to make sure that you were here.

5 AAG WILSON SOSA PADILLA: Yes.

6 CHAIRMAN JENKINS: Okay. So this is the
7 appeal hearing in the matter of Mr. Ahren Minsch being
8 conducted before the Washington State Electrical Board,
9 Case No. 09-2020-LI-5122 and Citation Nos. EMETE00335,
10 EMETE00336, EMETE00377 [sic], EMETE00338, EMETE00339,
11 EMETE00340, and EMETE00341, being held pursuant due to
12 proper notice to all interested parties. It is being
13 held remotely due to COVID -- ongoing COVID-19 pandemic
14 on July 29, 2021, at approximately 10:30 a.m.

15 This case arises out of appeal from a decision
16 issued by the Office of Administrative Hearings.
17 Present before the Board is Mr. Ahren Minsch being
18 replaced with Linda Henry and AAG Mr. Wilson Sosa
19 Padilla of the Department.

20 My name is Jason Jenkins. I am the Chair of the
21 Electrical Board. And I will be presiding over this
22 matter. As the presiding officer, I will be in charge
23 of presiding over the hearing today.

24 However, it is the Board that will make the final
25 decision on this case, and any board member may ask

1 questions.

2 The Board is a quasi judicial body comprised of
3 various stakeholders appointed by the governor.
4 Although the Board oversees and provides advice to the
5 electrical section of the Department of Labor and
6 Industries, it is an independent agency. As such, the
7 Board hears appeals related to the decisions or actions
8 taken by the Department relating to electricians or --
9 and electrical violations.

10 The Board reviews the record as it was presented
11 in the hearing at the OAH and does not take any new
12 evidence.

13 Each side will be allowed 15 minutes to argue your
14 position. I may allow additional time, depending on
15 any questions the Board may have.

16 At the conclusion of the hearing, the Board will,
17 if possible, make a decision whether to affirm or
18 modify or reverse the ALJ's decision.

19 And as I see, Linda Henry, you're in for
20 Mr. Minsch. This is your appeal. You may go first.
21 Please speak and spell your name for the court
22 reporter, and then you may continue.

23 AAG WILSON SOSA PADILLA: Chairman Jenkins?

24 CHAIRMAN JENKINS: Yes, sir.

25 AAG WILSON SOSA PADILLA: Sorry to interrupt.

1 Before Ms. Mendenhall starts with her argument, I
2 would like to object to her appearing on behalf of
3 Mr. Minsch. And if you give me one minute, I would
4 like to put my objection in the record.

5 CHAIRMAN JENKINS: I'm looking at Ben to add
6 any information here.

7 AAG BEN BLOHOWIAK: Yeah. If Mr. Padilla has
8 an objection, he is entitled to put that on the record.
9 I think that would be appropriate.

10 CHAIRMAN JENKINS: Thank you very much.
11 Mr. Wilson Sosa Padilla, you may continue.

12 AAG WILSON SOSA PADILLA: Thank you.

13 If you have the big packet that you should have in
14 front of you, if you go to page 255 -- that's almost at
15 the very end of the packet -- you will see a -- midway
16 to -- on page 255 it says "Appearance and practice
17 before board." And Subsection 22 says, "No party may
18 appear as a representative" except for a -- well, yeah,
19 except for attorneys, and then subsection c says, "An
20 owner, officer, partner, or full-time employee of a
21 firm, association, organization, partnership,
22 corporation, or other entity who appears for the firm."

23 In this case Ms. -- Sign-Tech, the firm, is not a
24 party, and the only person cited is Mr. Minsch.

25 Ms. Mendenhall is 51-percent owner of Sign-Tech,

1 but she is not intending to appear on behalf of
2 Sign-Tech. She's intending to appear on behalf of
3 Minsch. And that is not what the WAC is stating here.

4 And, therefore, I am objecting to Ms. Mendenhall
5 appearing on behalf of Mr. Minsch.

6 Do you have -- unless you have any questions,
7 that's my objection.

8 CHAIRMAN JENKINS: Thank you very much.

9 And, Ben, would it be appropriate to take a short
10 break, recess to discuss this?

11 MS. HENRY: Maybe I can solve this for you.

12 This is Linda.

13 CHAIRMAN JENKINS: Okay.

14 MS. HENRY: Okay. So truly, I did not get in
15 with your meeting to represent. Ahren Minsch is not
16 able to be here. And I was told that if I just called
17 in to listen, that would be helpful, that you probably
18 wouldn't throw this out for another time. So that's
19 all I was going to do, was, you know -- if there was a
20 question that I could answer, I would. But I was just
21 going to listen to the facts that you have that Ahren
22 has sent you already and see if I could be helpful at
23 all. That's all.

24 CHAIRMAN JENKINS: So, Ms. Linda Henry,
25 are -- is your statement saying that you are not there

1 to represent --

2 MS. HENRY: Right. I was --

3 CHAIRMAN JENKINS: -- Mr. Minsch?

4 MS. HENRY: -- invited to listen. Yes.

5 CHAIRMAN JENKINS: Okay. And given that, I'm
6 going to make the assumption, unless Ben wants to step
7 in, that that would -- we're back to our original path
8 of dismissing this case.

9 Would that be correct, Ben?

10 AAG BEN BLOHOWIAK: Chairperson Jenkins, I
11 think that would be appropriate with Ms. Henry's
12 clarification on the record that she's not here
13 representing Mr. Minsch and she's simply here to
14 observe.

15 I think the chair could once again double-check to
16 make sure that Mr. Minsch has not called in, is not
17 participating. And then the Chair could entertain a
18 motion for a default and dismissal.

19 CHAIRMAN JENKINS: Okay. So I'll just read
20 this out.

21 All parties received due and proper notice of this
22 proceeding pursuant to RCW 34.05.434. This appeal was
23 also previously continued at Mr. Minsch's request.
24 Failing to appear for his hearing today is consistent
25 with RCW 34.05.440. Mr. Minsch is found in default,

1 and his appeal is dismissed.

2 And I would -- as the chair, would respectfully
3 request a motion to dismiss this appeal.

4 BOARD MEMBER BAKER: So moved.

5 BOARD MEMBER NORD: Second.

6 CHAIRMAN JENKINS: We have a motion and a
7 second to dismiss this -- Mr. Minsch's case.

8 Any discussion?

9 THE REPORTER: Mr. Jenkins, this is the court
10 reporter.

11 I did not follow who was the first to make that
12 motion.

13 BOARD MEMBER BAKER: Board Member Baker.

14 THE REPORTER: Thank you, sir.

15 BOARD MEMBER BAKER: You're welcome.

16 BOARD MEMBER NORD: Board Member Nord made
17 the second.

18 THE REPORTER: Thank you, sir.

19 CHAIRMAN JENKINS: Thank you very much.

20 BOARD MEMBER COX: Chairman Jenkins, Board
21 Member Cox.

22 CHAIRMAN JENKINS: Yes. Go right ahead.

23 BOARD MEMBER COX: While I find it highly
24 irresponsible for the appellant, knowing that he had to
25 appear, to go on vacation, I would really like to

1 afford him the opportunity to present his case. But I
2 also understand what the law and what the WAC says
3 about a default. I just simply want that to be on the
4 record, that I would -- if there was a way that the
5 Board would allow him to move this case forward. But
6 if the law and WAC is what it is, then we'll let --
7 we'll let that stay. I just wanted it on the record.
8 Thank you.

9 CHAIRMAN JENKINS: Thank you very much.
10 Any other discussion?

11 BOARD MEMBER LAMAR: Chairperson Jenkins,
12 this is Board Member Ryan LaMar.

13 So I believe we've stayed these in the past. But
14 I believe, as well, this was his second attempt at
15 this, that he requested a stay initially.

16 As far as I'm concerned, he failed. He dropped.

17 CHAIRMAN JENKINS: Thank you very much.
18 Any other discussion from the Board?

19 Okay. Hearing nothing, we have a motion to
20 dismiss the case. And I'm looking for, once again, a
21 roll call.

22 Board Member Ivan Isaacson.

23 BOARD MEMBER ISAACSON: Approved.

24 CHAIRMAN JENKINS: Board Member Kerry Cox.

25 BOARD MEMBER COX: Hearing that this is his

1 second attempt, I also approve. Thank you.

2 CHAIRMAN JENKINS: Thank you very much.

3 Board Member Mike Nord.

4 BOARD MEMBER NORD: I approve.

5 CHAIRMAN JENKINS: Thank you.

6 Board Member Dylan Cunningham.

7 BOARD MEMBER CUNNINGHAM: Approve.

8 CHAIRMAN JENKINS: Thank you.

9 Board Member Don Baker.

10 BOARD MEMBER BAKER: Approve.

11 CHAIRMAN JENKINS: Thank you.

12 Board Member Dominic Burke.

13 BOARD MEMBER BURKE: Approve.

14 CHAIRMAN JENKINS: Thank you.

15 Board Member Jack Knottingham.

16 BOARD MEMBER KNOTTINGHAM: Approve.

17 CHAIRMAN JENKINS: Thank you.

18 And Board Member Ryan LaMar.

19 BOARD MEMBER LAMAR: Approve.

20 CHAIRMAN JENKINS: Thank you very much.

21 At this point here, the motion passes. And we are

22 now dismissing the Ahren Minsch case.

23 Thank you very much for your time.

24 BOARD MEMBER LAMAR: Chairperson Jenkins, can

25 I add something?

1 It's not germane to our decision. But I just
2 wanted to commend Mr. Padilla for his write-up, if I
3 can have a minute, if that's okay.

4 CHAIRMAN JENKINS: Yes. Go right ahead.

5 BOARD MEMBER LAMAR: Okay. I have -- not
6 that I read a lot of stuff related to legalese. But I
7 thought this was quite beautiful.

8 In packet Page No. 5 and 6, he outlines three
9 things that I would love to see added to every single
10 packet, to every single appellant. He says we need to
11 read the law from a contextual point of view so the
12 code -- the codes that we help interpret as a board --
13 we need to read them in a contextual point of view,
14 rather than literal, so that they aren't construed out
15 of intent -- what the original intent was for the
16 lawmakers.

17 He also points out that, if there's any ambiguity,
18 we defer back to the Department. And that's pretty
19 key, as well, because that's the Department's role.

20 And then finally, he uses some judicial
21 jurisprudence argument in saying that the cost-benefit
22 analysis of violations needs to be taken into
23 consideration for any judgment, as well, so that we
24 don't encourage people to violate the law because it's
25 more economical.

1 I love this. And, again, Mr. Padilla, I want to
2 commend you. It was very well written. Thank you.

3 AAG WILSON SOSA PADILLA: Thank you very
4 much.

5 Thank you very much, Ryan. I appreciate that.

6 AAG BEN BLOHOWIAK: Chairperson Jenkins, this
7 is Ben Blohowiak.

8 CHAIRMAN JENKINS: Yes.

9 AAG BEN BLOHOWIAK: I just want to jump in.
10 And now may be the appropriate time to ask Mr. Padilla
11 to prepare an order.

12 CHAIRMAN JENKINS: Oh, thank you. Let me
13 finish that second half of that.

14 Moving down to that portion of it, the Board has
15 made its decision.

16 Mr. Padilla, have you prepared a proposed order?

17 AAG WILSON SOSA PADILLA: Yes, Chairperson.
18 I do have an order.

19 How would you like me to send it your way?

20 CHAIRMAN JENKINS: So what I would like you
21 to do is please confirm with Mr. Ahren Minsch, and the
22 terms of the order can be agreed upon. And please let
23 us know today if you can reach that agreement.

24 Please be advised, if you do not reach an
25 agreement today, the matter will be automatically set

1 for presentment at the next regularly scheduled board
2 meeting. If your agreed order has been -- has not been
3 received by that date, the parties will be expected to
4 file their proposed orders and appear and advise why
5 their proposed order best reflects the Board's
6 decision. Hoping this won't be necessary.

7 If you reach an agreement as to the form of the
8 order before the next meeting, please forward it to the
9 secretary of the Board's office, and they will ensure
10 it gets signed and copies to both parties.

11 Thank you very much.

12 AAG WILSON SOSA PADILLA: Okay. Will do.
13 Thank you very much.

14 CHAIRMAN JENKINS: Thank you.

15 All right. So I'll go back to our court reporter.
16 Sue Garcia, are you still -- actually, it is 10:42. I
17 think this might be an appropriate time to take a
18 break.

19 THE REPORTER: I agree.

20 CHAIRMAN JENKINS: Awesome.

21 So let's do this: Let's take break. We'll go get
22 back here -- take a decent break, get back here by
23 ten -- or by 11:00 o'clock, on the hour, if that works
24 for everyone else.

25 On that note, we will suspend the meeting 'til --

1 sorry -- 11:00 o'clock.

2 (Brief pause in proceedings.)

3

4 CHAIRMAN JENKINS: All right. So it is now
5 11:00 o'clock. I'd like to bring the 2021 July 29
6 Electrical Board meeting back to order.

7 And looks like we're down to Agenda Item No. 4.

8 Rob Mutch, are you available?

9 TECHNICAL SPECIALIST MUTCH: I am. Can you
10 hear me?

11 CHAIRMAN JENKINS: Yes, we can.

12 So we're at the Departmental/Legislative update.
13 So the floor is yours.

14 MR. MUTCH: All right. So good morning,
15 Chair Jenkins, members of the Board. I have three
16 short items to update the Board on.

17 First of all, the exam questions have all been
18 updated in PSI's, our exam contractor's system to the
19 2020 NEC and the current WAC and RCW versions. And so
20 their instructions on their website have been updated,
21 as well, to let folks know to bring their 2020 NEC into
22 the open-book exam with them.

23 It was quite a project. Of course, when we update
24 to a new -- when we adopt a new code, probably about a
25 year later is when we get the exam questions updated.

1 There are about 1700 questions in the NEC, so you can
2 imagine going through the book, comparing the original
3 question with any changes that may have occurred.

4 Of course, most changes were minor, just wording
5 changes. And so if a person was to bring their -- for
6 example, their 2020 codebook into the 2017 exam, it's
7 likely that there wouldn't be much conflict with it.

8 There were some questions that we deleted based on
9 changes in the 2020 code. But most of the changes were
10 minor. It was just a very tedious, time-consuming
11 process to go through and compare, you know, the
12 original questions with the new code. So --

13 But those -- those have all been done now. And as
14 of July 1st all exam candidates will be taking the
15 new test based on the new codes.

16 The next one is the update of WAC 296-46B-995.
17 And where we're at on that is the Department and the
18 Department's assistant attorney general, Nancy Kellogg,
19 we've been going through the language in pretty good
20 detail because we want to get this right. This is the
21 section in the WAC rules that deals with the Electrical
22 Board and the appeal rights and hearings that the
23 Board -- that governs Board appeals and instructions to
24 folks who would like to appeal a matter before the
25 Board.

1 So that is pretty much finalized right now. In
2 fact, this week we just met, had our finally meeting
3 with our assistant attorney general to finalize the
4 language.

5 The schedule is looking like, with the rule-making
6 process, we are shooting for having this adopted around
7 March of next year. It's quite a process to change
8 rules. And so it goes through the public-hearing
9 process. And the language will be pretty much -- it is
10 pretty much finalized. And we'll start the process for
11 the ten -- CR 102 coming up is the next step in that
12 process.

13 And then the last item is the -- the only
14 legislative change this year was the Substitute Senate
15 Bill 5267, which is a new law governing work that is
16 done -- electrical work that's done in association with
17 flipping a property.

18 So property owners, as you know, are allowed to do
19 work on their own property without being -- excuse
20 me -- without being licensed contractors or certified
21 electricians. And that currently -- well, the law
22 previously allowed any property owner that owned an
23 existing property to perform electrical work without
24 being licensed and certified, even if they were going
25 to sell it quickly.

1 So you had a situation where a person would
2 purchase a property, upgrade it, and then sell it
3 quickly. They were allowed to do the electrical work
4 on that without being qualified.

5 This new law requires those -- those electrical
6 activities associated with flipping property to be done
7 by licensed electrical contractors and certified
8 electricians if the property is offered for sale less
9 than 12 months after it's acquired.

10 And so that went into effect this last Sunday,
11 July 25th. And so now that -- that -- it's a measure
12 that provides just a little bit of consumer protection
13 for folks that purchase flipped properties. Lots of
14 stories from inspectors and property owners about
15 purchasing flipped property and discovering after the
16 fact that there were electrical issues with it.

17 So the Department believes this is a good
18 legislative proposal --

19 BOARD MEMBER BAKER: Rod, could I --

20 TECHNICAL SPECIALIST MUTCH: -- and it's
21 effective.

22 BOARD MEMBER BAKER: Could I interrupt you
23 real quick on that, Rod?

24 TECHNICAL SPECIALIST MUTCH: You bet.

25 BOARD MEMBER BAKER: A point of

1 clarification, you're saying "property owner." And
2 when you say that, I think residential property owner.

3 Could you clarify? Is that residential and
4 commercial or just residential?

5 MR. MUTCH: This law applies to residential
6 and commercial property.

7 So if a person purchases a property and offers it
8 for sale within one year of acquiring it, they -- the
9 work -- the electrical work has to be done by a
10 licensed electrical contractor. So . . .

11 BOARD MEMBER BAKER: Thank you.

12 TECHNICAL SPECIALIST MUTCH: We're trying to
13 get the word out on this. We've put out news releases.
14 And we're going to pursue some social-media updates on
15 this to target folks that are in the business just so
16 that folks know that this is a new requirement in the
17 law. So --

18 And that's -- that's all I had.

19 CHAIRMAN JENKINS: Rod Mutch, this is Jason
20 Jenkins, Chair.

21 Just out of curiosity, what would this -- probably
22 early in the system, and maybe this is a question more
23 for Wayne.

24 But if we do have somebody that does that, they
25 buy a piece of property, they do some electrical work

1 on it, they get signed off, and then six months later
2 they go and sell it, do we have anything going to be
3 put in place, or is there something that's -- I don't
4 know. What would this look like as far as future
5 violations?

6 MR. MUTCH: You're talking about someone who
7 purchases a property intending to live there and then
8 for whatever reason decides to sell it within that
9 one-year time frame? Is that what -- is that your
10 question?

11 CHAIRMAN JENKINS: Effectively, yeah, or
12 anything of that nature.

13 MR. MUTCH: So, you know, the way the law is
14 worded literally is, if you offer -- if the property is
15 offered for sale within that one-year time frame, then
16 you are in violation of the law.

17 Of course, the intent of this is to allow
18 legitimate property owners that are intending to use
19 the property and live there to do their own electrical
20 work, as -- as it always has been.

21 And the focus of the new law is folks that want to
22 purchase the property and get out of it quickly, sell
23 it for a profit, and their main motivation is not to
24 do, you know -- I would say their main motivation is to
25 do it as quickly, as cost effectively as possible and

1 make a profit. And that sometimes conflicts with
2 performing safe electrical work. So . . .

3 CHAIRMAN JENKINS: I totally understand that
4 portion of it.

5 I was more concerned or more curious about if we
6 have any type of engine put in place that would be able
7 to see that house was worked on and then the less-than-
8 12-month violation happened.

9 Or maybe I'm digging too deeply into this for now
10 'cause it's too early.

11 MR. MUTCH: Well, you're kind of getting into
12 what happens when you're going 56 miles an hour in a
13 55. And, you know, our inspectors, of course, are
14 going to be out in the field. They're going to be
15 familiar with what's going on. And they are going
16 to -- they and their supervisors, along with the
17 standard work that we will develop, are going to be
18 making decisions about that.

19 So, I mean, is there going to be leniency? I
20 don't know. The law requires, if there's a violation
21 discovered, that a penalty has to be issued. But
22 that's a -- that's kind of a hypothetical question, I
23 guess.

24 CHAIRMAN JENKINS: Okay. Yeah.

25 MR. MUTCH: I can't give you a clear answer

1 on that. Sorry.

2 CHAIRMAN JENKINS: You kind of defined that.
3 I was just curious. Thank you.

4 BOARD MEMBER BAKER: Board Member Baker here
5 again.

6 So, Rod, just curious, what's the Department's
7 approach to enforcement or compliance with that? How
8 do you -- how do you anticipate enforcing that or
9 complying with that?

10 MR. MUTCH: Well, what -- in this process --
11 the reason we kind of started down this road was all of
12 the reports from inspectors of dealing with property
13 flippers, and a lot of these reports came from the
14 customers. They purchased the property, and they
15 discovered -- they knew it was flipped. They
16 discovered wiring problems after the fact and called us
17 to see what -- "what do I do about this?"

18 And so we're -- we're going to discover these
19 problems. And then once we find out that the work was
20 done by a flipper and they sold it within a year, if
21 it's -- if it's under the jurisdiction of this law,
22 then -- then we would pursue compliance action.

23 But it's -- it's going to be probably discovered
24 by the subsequent owner of the property that purchases
25 it, one of those flipped homes.

1 BOARD MEMBER BAKER: I guess the reason I'm
2 asking is I'm wondering if there's some -- when
3 properties are sold in the state of Washington, that's
4 reported in the state of Washington. Is there some
5 link or network between the Department and the State of
6 Washington to where you're going to get a notification
7 when a property's sold, and it would throw up a red
8 flag or a trigger if there was a permit within a year?

9 I don't know if the departments all work together
10 like that or not.

11 TECHNICAL SPECIALIST MUTCH: Yeah. In our
12 experience there -- most of these did not have permits.
13 So . . .

14 BOARD MEMBER BAKER: Yeah.

15 TECHNICAL SPECIALIST MUTCH: You know, if --
16 what you're probably suggesting is if we were to
17 research all of the property sales. I'm not sure
18 that's possible.

19 You know, when we surveyed the inspectors, we
20 asked them, "How many times have you dealt with a
21 property flipper in the past year?" And then we gave
22 them, you know, a range, one to three, four to six.
23 The most responses we got was more than ten times per
24 inspector. So, I mean, this happens a lot. And they
25 discover it in a multitude of ways. And so I think

1 we're going to probably continue with that process.

2 I don't know -- I mean, it -- we're certainly open
3 to suggestions on other ways to find out, you know,
4 what's going on. But I -- I can't off the top of my
5 head think of a good way to discover that.

6 BOARD MEMBER BAKER: Yeah.

7 What's the WAC section that's associated with?

8 MR. MUTCH: That's in the RCW. It's
9 RCW 19.28.261.

10 BOARD MEMBER BAKER: Thank you.

11 SECRETARY MOLESWORTH: One of things -- if I
12 could add on to Rod's comments there, they are hard to
13 discover. This law gives us the ability to actually
14 prosecute a little bit more easily and be more
15 successful at deterring those home flippers.

16 Home flipping is probably one of the biggest
17 underground economy bases that we have right now, when
18 you look at who's doing the work, 'cause they're not --
19 the owners are not doing it. They're hiring the
20 underground economy to come in and do the work for
21 them, and then they're claiming that they did it.

22 So hopefully we'll continue, like we do, working
23 on what are those preemptive ways we can discover this
24 compliance before the property gets resold to another
25 homeowner, because then it's very hard on the other

1 homeowner. You've got to virtually sue that person to
2 get those things corrected. And so, you know,
3 homeowner still loses out even though we can prosecute
4 people.

5 So that -- that's an ongoing task that I think we
6 use in a lot of different areas.

7 But we're always willing -- I like that idea, Don,
8 about, you know, who can we talk to that shows when
9 those are flipped? And in their database would they
10 have a way to show how often that property is sold and
11 on what dates, right? We may be able to find something
12 like that. We'd just have to ask the questions. I
13 don't think we've asked that question yet. So I think
14 that's a good -- a good comment. I appreciate that.

15 BOARD MEMBER LAMAR: Wayne, this is Board
16 Member LaMar. I have a question about increasing
17 fines. Is there going to be --

18 Is there a schedule of increased fines for
19 multiple violations for this?

20 CHIEF MOLESWORTH: For this and for
21 everything we have a first, second, third offense, you
22 know --

23 BOARD MEMBER LAMAR: Okay.

24 SECRETARY MOLESWORTH: -- as means, you know.

25 And then for home flippers, you know, what we --

1 what we have to consider with our penalties -- and I'm
2 in favor of raising our penalties. And I'll tell you,
3 for home flippers, this is a cost of doing business.
4 Even -- even when we get to the multiple penalties,
5 where it's thousands of dollars, they go, "You caught
6 me once in five years. Look at all the money I made,
7 and I did all this stuff myself, and all the money I
8 saved."

9 BOARD MEMBER LAMAR: Bingo.

10 CHIEF MOLESWORTH: And so we get our
11 penalties out of the era of cost of doing business. We
12 have to be more thorough in our documentation of these
13 things so that we get more -- you know, I call them
14 convictions, but approved penalties, you know, from
15 these issues, because when we don't, it just encourages
16 them. Right? And then that word spreads. And then we
17 wind up, you know, having a real problem, which we have
18 right now.

19 But yeah. I -- I'm -- I'm looking at, you know,
20 getting some advice from the Board and talking with you
21 at a later date about what should that penalty
22 structure look like and would the Board support higher
23 level penalties.

24 I used to work in the Division of Occupational
25 Safety and Health. And it was funny that you got fined

1 \$500,000 for taking a steelhead trout out of some river
2 that they were restricted. But if somebody died on
3 your job site, you got a \$5,000 fine. Right?

4 So we need to put some importance on where and
5 what the penalties are, depending on the violations
6 and, you know, where they occur and who is -- you know,
7 how they're occurring.

8 I can go on forever talking about that, so I'll
9 just stop.

10 CHAIRMAN JENKINS: All right. Thank you,
11 Wayne.

12 And once again, thank you, Rod.

13 Any other questions for Rod Mutch?

14 Hearing none, I guess we move on to Item No. 5,
15 Temporary allowances for basic training classes.

16 Wayne, back on. You got the floor.

17 SECRETARY MOLESWORTH: So as everybody
18 probably knows, and for those of you that don't, a
19 little bit of history behind these trainee classes.
20 The trainees are required to have classes in order to
21 renew their certificates. And during COVID we gave
22 them virtually a 90-day pass, where if you weren't able
23 to get your classes before your renewal date, we gave
24 you an extra 90 days to where they can work without
25 being renewed to get the classes and have them in

1 place.

2 So our current data shows that most trainees are
3 actually being able to get their classes in a timely
4 fashion and get what they need without using the
5 extension.

6 And so what I'm asking you today is a little
7 advice on -- and your opinions on whether we pull that
8 back now because there are a lot of classes being held
9 in person and very few people that aren't doing it. My
10 concern is that when we do allow this to happen, that
11 the guys that are using the 90 days are just putting it
12 off. Right? They have the ability; they're just
13 putting it off. And the classes are out there and
14 available.

15 So I worry about our industry and those
16 individuals that won't put that effort forth in order
17 to get that training. So I'm looking for your opinion.
18 That's my opinion.

19 But you guys have any advice for us on that, what
20 you would think about pulling that back now that we're
21 at this point?

22 CHAIRMAN JENKINS: Chair Jason Jenkins.

23 My thought on that is maybe it's something that we
24 slowly pull back on. So 90 days is current today.
25 Maybe next month it goes into 60 days, and the month

1 after that it drops to 30 days. And that way we can
2 watch not only this trend and see if it becomes a
3 problem, but also to give them, you know, kind of a
4 heads-up, it's going to start dying off slowly and to
5 the point where it goes back to. Or, if this pandemic
6 grabs ahold again and it creates another -- you know,
7 we go the opposite direction again, and that would
8 allow us to go back and forth a little bit.

9 But I do agree with this tailing off and start
10 getting back down to our normal business.

11 Any other board members' opinions?

12 Okay. Wayne, are you looking for any type of a
13 motion, or are you just throwing it out there?

14 CHIEF MOLESWORTH: No. Jason, I was just
15 going to tell you, that's really kind of what we were
16 doing. Only we weren't going to do it in stages
17 because it would be a little hard for to us track and
18 keep track of it in licensing depending on, you know,
19 what stage people were at. It's hard enough to track
20 the 90 days 'cause they all have to look back and say,"
21 Well, is this guy outside of his 90-days restriction?"

22 So what we were going to do, have your -- what you
23 were talking about, only doing it in that 90 day, but
24 we're going to advertise it. Right? So we're going to
25 let them know, you know, "This exemption goes away in

1 90 days. This exemption goes away in 60s days. This
2 exemption goes away on November 1st." Right?

3 And so it -- the knowledge of it and the
4 advertisement of terminating it goes in that stage.
5 But it doesn't impede our licensing staff to have to
6 spend a lot of extra time deciding where they are in
7 that realm.

8 How does that strike you guys?

9 BOARD MEMBER COX: Board Member Cox.
10 Question for Wayne.

11 How hard is it to bring that back out?

12 So we are still currently under a declared state
13 of emergency. So should something happen, like
14 Chairman Jenkins said, and our governor says, "Hey, we
15 need to shut down classrooms and not have classroom" --
16 I know -- I guess just recently he said, "Hey, we need
17 to have some masks for our K-through-12 kids."

18 So how -- the question is: If we bring it -- if
19 we announce it and say, "Okay. The 90 days is going to
20 go away. Here it is," and then we do have some type of
21 a declaration that says, "Hey, we can't have meetings
22 or classrooms larger than this number," how fast can we
23 re-implement that 90-day window or an extension as we
24 have now?

25 SECRETARY MOLESWORTH: So it's virtually

1 instantaneous. It's the communication out in the
2 Currents and other communications that we do to let
3 them know that it's available that take a little time.

4 But, you know, if -- if we decide to -- say we do
5 this and we get to November and they go, "Whoops. No.
6 We can't have in-person classes anymore," all it takes
7 is just for to us say, "Okay. We're going to extend
8 this 90 days." It's instantaneous almost. So --

9 But -- but if we can avoid it, I want to try to
10 avoid it because it really does add a lot of work to
11 our licensing staff. But if we can't, then that's
12 something that we want to afford them.

13 It just seems like, the data that we've looked at,
14 even with the 90-day extension, people have not had a
15 problem getting classes and renewing on time. It's
16 very, very few people that utilize that 90 days. But
17 yet we have to look at it for everybody that renews.
18 Right?

19 So -- so it's not a hard thing to re-implement if
20 we need to.

21 CHAIRMAN JENKINS: I find that very --

22 BOARD MEMBER COX: Thanks for the
23 clarification.

24 CHAIRMAN JENKINS: Thank you.

25 I find it very good to see that we're actually not

1 getting behind 'cause that was one of our big concerns,
2 is how far we go to get behind, are we getting classes
3 out and -- 'cause that -- that was one of our big
4 concerns during this whole process. So I'm glad to
5 hear that it's not as big an issue as we thought it
6 might be.

7 SECRETARY MOLESWORTH: Yeah. Right. You
8 know, the online classes, which we don't normally
9 allow, right -- they're in-person classes. But we're
10 not taking away the online classes for the time being.
11 And we're invited to most online classes. And they
12 have been keeping up. And the people have been taking
13 advantage of them and getting them done on time.

14 You know, I'm a real big proponent of making sure
15 our industry stays strong. And we need those guys that
16 are preemptive in getting their classes done, paying
17 attention, knowing the law, knowing what's out there.
18 And I have very little patience for people that put
19 things off and put things off and put things off.

20 And that's what the exemption was for, is those
21 guys that -- you know, what we're seeing is that's what
22 it was for, was those guys that just kind of, "Oh,
23 okay. I can do it. Maybe I can't." Because the
24 majority of them are right on time. You know?

25 You know, we want our trainees to be educated on

1 time and have those classes. That's why they're in
2 place. So . . .

3 CHAIRMAN JENKINS: And I notice, James, you
4 had your hand up. Something you want to speak to.

5 BOARD MEMBER TUMELSON: Thank you for the
6 opportunity.

7 I just want to get some clarification.

8 And has the Department considered matching the
9 duration of the online training with this particular
10 90-day consideration, the extension of that? Because
11 currently if you're limiting -- I think it's -- I don't
12 know how many are limited to in -- or online training.
13 But I think it's 15.

14 And so if there is a limitation to that and that
15 is still available and kind of like an emergency rule,
16 if you will, would there -- would it make sense to
17 maybe match -- whenever that expires, to sunset this
18 expiration to coincide with that?

19 CHIEF MOLESWORTH: Well, it's something, you
20 know, I'm -- I never die with my opinions. I think
21 that we're really talking about two different things.
22 Right?

23 We're talking about an extension for people to get
24 on or that we have to have online classes. And so
25 they're really different. And as long as we have the

1 accessibility to online classes at the capacity that it
2 takes to renew timely, then there probably isn't a need
3 for the extended 90 days.

4 But if we do run into a problem where we don't
5 have enough online classes where they can handle the
6 capacity that comes in and we start seeing that people
7 are struggling to get those classes in, that's when we
8 should, you know, kind of look at both of those and
9 extend that 90 days again, in my opinion.

10 Right now we're not seeing that at all. We're
11 seeing that we still have online classes and
12 everybody's able to get registered and -- you know, the
13 majority able to get registered and attend those class
14 credits in time for them to actually renew.

15 So, you know, we watch that pretty closely. Larry
16 Vance does a lot of looking at that type of data and
17 has done a really great job of keeping informed about
18 that.

19 So does that make any difference, James?

20 BOARD MEMBER TUMELSON: It does make sense to
21 me that they are kind of two distinct items.

22 My only kind of clarifying question was kind of:
23 Okay. If we're allowing this to continue in this form
24 and fashion, would it make sense to continue that,
25 especially with the awareness that things are not --

1 you know, there's been policy just recently in local
2 jurisdictions where it's like, "Hey, we're going back
3 to all the masks," so the assumption is, soon to follow
4 could be limitation of how many people would be in an
5 individual space.

6 And so I just didn't know if it made sense to
7 match those together or not. That's how I -- just
8 asking the question.

9 SECRETARY MOLESWORTH: Right. Right. No. I
10 get it.

11 We will always consider that. Definitely.

12 You know, it's -- it's -- the online classes, of
13 course, we'd like to see them kind of disappear, as
14 well. But they really need to stay in effect right now
15 because of what you're talking about. And, then, we
16 just need to watch are there enough classes going
17 around to make sure that trainees have access to them
18 so that they can register. And if we see that not
19 happening, then -- then -- in my opinion, then it would
20 be a good time to extend.

21 But we can -- we'll have further conversations
22 between the techs and myself about, you know, how that
23 affects our business, too.

24 Our licensing staff, as you'll see in the
25 secretary's report, are really working hard. We've got

1 a lot of outside help for them because we're
2 understaffed, and things like this add to their
3 workload.

4 And so if you've heard out there that "I can't get
5 my license renewed and I talked to them, you know, six
6 weeks ago and I still get" -- "don't get a renewal,"
7 it's because of the workload. And we keep adding
8 things like this that -- individually they don't look
9 like a bad thing, but when you put them all together,
10 they add a lot of time and stuff to our limited staff
11 already.

12 So that's one of the reasons why we're looking at
13 pulling this back as well as -- you know, it's
14 available. They should be paying attention and getting
15 their classes done on time if they have access to them.

16 Just my opinion. I'm looking for your opinion.
17 And here I'm interjecting my opinion.

18 Sorry.

19 CHAIRMAN JENKINS: Any more thoughts there
20 for Wayne concerning that subject?

21 So, Wayne, I had a kind of in the same line --
22 vein of being efficient and all, part of this whole
23 online classes and classes is class approval.
24 Currently, if I understand it right, all of the people
25 that are submitting for class approval all have done

1 this paper version where they send in this big packet
2 of paper that has all their PowerPoints and stuff in
3 it.

4 Is there any possibility or any looks at maybe
5 moving into an electronic version for submittals?

6 SECRETARY MOLESWORTH: Yeah. Yeah. We
7 haven't really discussed that. That's a good point.

8 We can sure check on that. I'm not sure why we
9 would want to only have paper copies sent to us. Why
10 not have electronic copies that contain all that
11 information?

12 Is that what you're getting at?

13 CHAIRMAN JENKINS: Yeah. I guess I ran into
14 a couple people, and they made some comments about
15 that. And I always thought that it was electronically
16 sent. And they said, "Oh, no. It goes through paper,
17 and big packets get sent in."

18 And I thought, you know, just to make things more
19 efficient, let's -- you know, let's look at maybe
20 possibly going electronic on this.

21 CHIEF MOLESWORTH: As I think about this --
22 and I'll be honest with you. I'm not involved in that
23 real extensively. Larry and Rod have been taking care
24 of that. Beth does a lot of that, too.

25 But there may also be a record-retention issue

1 when they supply us with that information. It's not a
2 record we develop, but it may be a record that we have
3 to retain. I'll have to look into that.

4 And in that case, a lot of times electronic
5 records don't fall into the records-retention schedule.
6 They -- they don't allow us to maintain it
7 electronically. That's the only approved system that
8 allows us to maintain those records, and so we have to
9 be careful with that.

10 So --

11 CHAIRMAN JENKINS: Okay.

12 SECRETARY MOLESWORTH: -- that's something I
13 can look into.

14 CHAIRMAN JENKINS: So if I can just request
15 maybe by next meeting, we can maybe look into this and
16 see if it's something we can feasibly do.

17 SECRETARY MOLESWORTH: Yep.

18 CHAIRMAN JENKINS: Not to put you under
19 pressure right now. Just more of a question that came
20 up with some people I ran into. So since that's kind
21 of our history as far as the Board effectively approves
22 it through you guys, that's kind of our thing.

23 CHIEF MOLESWORTH: We'll definitely look into
24 that to see exactly, you know -- 'cause it may be more
25 efficient for us, as well.

1 CHAIRMAN JENKINS: Yeah.

2 SECRETARY MOLESWORTH: And an easier form
3 than paper, right, if we are holding a record. But
4 I'll have to talk to our records-retention division.

5 CHAIRMAN JENKINS: Okay. And considering
6 this was supposed to be about the temporary allowances
7 for trainee classes and didn't hear any more discussion
8 on that, I guess we can move on to the secretary's
9 report, then.

10 SECRETARY MOLESWORTH: Oh, okay. Well, thank
11 you guys for your advice. We'll definitely look at all
12 of those issues to make sure that we make a good
13 decision.

14 Well, I guess it's almost afternoon. But possibly
15 still morning.

16 So good morning, Chairman Jenkins and Board
17 members. My name's Wayne Molesworth, chief electrical
18 inspector and the secretary for the Board. I'm going
19 to present to you today the secretary's report.

20 First off we'll talk about the budget. This
21 budget report includes preliminary data for fiscal year
22 2021, from July 1, 2020, through June 30, 2021. Due to
23 end-of-fiscal-year accounting, June 2021 data is
24 incomplete, at least not done yet. As bills continue
25 to be processed, we expect an additional 200k to

1 400k in expenditures for June 2021 that is not
2 reflected in this report and will reduce the electrical
3 fund balance reported below by that amount. A more
4 accurate fund balance will be reported at the October
5 meeting.

6 The electrical fund balance on June 30, 2021, was
7 \$10,257,458, which is about four times the average
8 monthly operating expenditures. The average monthly
9 operating expenditures for 2021 were \$2,586,211
10 compared to \$2,552,092 for the same period last year,
11 which is an increase of about 1.3 percent. Average
12 monthly revenue for FY 2021 was \$2,633,156, compared to
13 \$2,331,356 for the same period last year, an increase
14 of about 13 percent.

15 I'm going to add a little bit to this report to
16 let you know that revenues have actually led
17 expenditures for the last three months. So we're in
18 that recovery stage. These are good numbers. But we
19 watched the budget very closely during this last year
20 and continue to. And it's very encouraging that for
21 the first time through the last four months we have
22 actually -- our expenditures have lagged behind our
23 income. So those are very good signs for the program.
24 And we think that our fee increase will do nothing but
25 help us to grow that back to a healthy cushion for the

1 program.

2 Moving on to customer service, 48,591 permits were
3 sold last quarter, 99 percent, or 48,405, were
4 processed online, which is the same from the first
5 quarter. 100,000 -- or sorry -- 100 percent of
6 contractor permits were sold online, which is
7 consistent with the previous quarter. Homeowners'
8 online sales from this quarter is 97 percent online,
9 which is a 1 percent decrease from the previous
10 quarter.

11 Online inspection requests is 82 percent, which is
12 a 1 percent decrease from last quarter. During this
13 quarter customers made 96 percent of all electrical
14 license renewals online, which is a 3 percent increase
15 from last quarter.

16 Little addition here, we continue to stress the
17 customer service across the state 'cause they push
18 people towards the website to increase that even more.
19 By doing that, they go onto our website and are less
20 apt to make mistakes and delay their license renewals
21 even more. So we're hoping to help that customer team
22 have fewer mistakes on applications and a faster
23 processing of that license by pushing them through the
24 up channels.

25 Key performance measures, percent of inspections

1 performed within 24 hours of request, goal is
2 86 percent; we had in 2020 78 percent, and in 2021 we
3 had 79 percent.

4 And No. 2 is percent of inspections performed
5 within 48 hours of request, which is actually what our
6 mandate is in RCW, is 90 percent for both 2020 and
7 2021.

8 What I want to stress with this particular number
9 is that these are a statewide number that are averaged
10 out amongst all the different regions. What we need to
11 consider is that there are at least four of the regions
12 that are meeting their goals, which is 94 percent
13 within 48 hours and 86 percent within 24 hours. And so
14 they're meeting that, but they're -- but with the
15 average and the other regions.

16 And some of the lack in inspection -- in
17 inspection time comes from a very new workforce. We've
18 had to hire a lot of people lately, and a lot of them
19 were concentrated in one or two regions. And so it
20 really inhibits their ability to get to those and
21 increases reinspects because, as we all know, we're a
22 little afraid we're going to miss something when you
23 first start doing this job. And we work with our staff
24 constantly to help them with that.

25 So these are statewide numbers that are averaged.

1 But there are some really great response times around
2 the state.

3 No. 3, total inspections performed: In 2020 we
4 did 245,713. In 2021 we did 272,731, about 30,000 more
5 inspections. And that says a lot with our response
6 times. Right? Our response times are the same or
7 greater, and we did more inspections.

8 Virtual electrical inspections, VEI performed in
9 2020 5,857 inspections, which is a great number. In
10 2021 they did 12,171 inspections.

11 This is a part of the program that we may want to
12 have further discussion with the Board. There's some
13 understanding. But with the type of inspections that
14 we look at for VEI, we get a quick, one-month review of
15 all inspections across the state. We found that 65
16 percent of the inspections that were requested in May
17 actually qualified for VEI inspections, the virtual
18 electrical inspections. So that's -- that's -- that's
19 an interesting number. And these guys are really doing
20 a great job getting out there.

21 I want to tell you that I'm building a house. And
22 the architect that I'm using knows I'm in the program
23 but didn't know I was chief. And he said, "Have you
24 heard of this?" He said, "My contractors are coming in
25 talking about what a great product this is." And I was

1 just amazed that I would hear it from my architect,
2 who's hearing it from general contractors.

3 So it's -- we're very happy with how this is
4 moving along.

5 Okay. No. 5, number of focused citations and
6 warnings, contractor licensing and worker
7 certification, no permits, failing to supervise
8 trainees. We're looking at, in the field in 2020, they
9 did 1,655, and in 2021, 1,731. So we're up.

10 ECORE did in 2020, 3,079, and in 2021 they did
11 4,370, so about 1300 more in 2021. Evidently COVID did
12 not slow down compliance.

13 And so the total number of citations were 4,734,
14 and in 2021, 6,101 citations.

15 Inspection stops per inspector per day, this is a
16 workload indicator only. We're looking at 11.8 in 2020
17 and 11 in 2021. I know the regions are talking with
18 staff about inspection work and how to attain more
19 inspections.

20 Serious electrical corrections that would result
21 in disconnect, we wrote 40,389 in 2020, and we wrote
22 41,436 in 2021.

23 Turnaround time for average plan set reviewed for
24 plan review, also interesting. In 2020 we had 2.4
25 weeks, and in 2021 we have 1.6 weeks. And really what

1 it's looking like is more like one week.

2 Plan review at the present time is 100 percent
3 online. We'll go completely 100 percent online after
4 we help some of the stragglers to understand the
5 benefits of online plan review. We will not be
6 available to mail, only electronically in September.

7 And the supervisor there has done a great job
8 and -- Joe Evankovich, in bringing this on and helping
9 people to understand it and work within it. So hats
10 off to Big Joe.

11 Also for VEI, that's Brian Stenerson. He's doing
12 a really bang-up job getting the outreach out there for
13 it and making sure the inspections are done very well
14 and consistently.

15 So plan pages reviewed all electronically. In
16 2020 it was 4,891. And in 2021 they did 4,972.

17 All right. So in licensing we have spent a lot of
18 time capturing performance data, and fee changes on
19 July 1st have been the focus of the past quarter. We
20 were finding that we didn't have base data to determine
21 performance, and so what we're doing is -- I hired a
22 project manager, and we're developing a project around
23 what are the tasks and how do we actually collect the
24 data that will tell us if we have performance problems
25 or if we're running into a problem so that we can

1 anticipate changes.

2 We have vacancies that should be filled with
3 permanent employees by August 16th: another customer
4 service specialist and the supervisor for licensing.
5 Staff worked 273 hours of overtime, and so this will
6 help tremendously with that.

7 Continuous improvement, the electrical-contractor
8 application form was revised and reduced from two forms
9 with 12 pages to one form with three pages. So hats
10 off to everyone that was involved in that, and there
11 was a lot of different people that were involved in
12 that. So they did a great job pulling that together.

13 Licensing backlog, with the field offices closed,
14 licensing staff continue to work on the influx of
15 mailed documents. Licensing backlog has increased this
16 past quarter from 355 documents to 751 documents, with
17 the oldest incoming data being June 28.

18 The auditors took a two-month break from
19 temporarily assisting with processing licensing
20 documents to work on their normal duties. And without
21 the auditors' help, the licensing backlog went up to
22 1,000 documents. So we've incorporated some other
23 people from different parts of the agency to help us in
24 processing documents and answering phone calls. And so
25 hopefully this will be diminished, as well, to allow

1 our auditors to do the work that they're doing.

2 Since the fee change on July 1st, the percentage
3 of incoming documents with incorrect fees was
4 51 percent. These customers are going to be contacted
5 and given 30 days to pay the correct fee. This rework
6 will temporarily add to the delay in processing the
7 backlog.

8 And in this processing this backlog, if somebody
9 has an incorrect fee, they don't go to the back of the
10 line, so to speak, when we notify them that they have
11 the incorrect fee. This would be unfair to them, to
12 make them wait until we get back around to them. So
13 when they pay the correct fee, we bring that document
14 to the forefront and process it immediately. We feel
15 that that's the best way to give customer service to
16 those individuals.

17 Fee-change times are always a struggle. What we
18 did discover is that there was no standard work for how
19 to this during a fee change. And so that project
20 manager we hired is also helping to put together this
21 temporary, and then they'll also put together standard
22 work for every time we have a fee change; what does
23 that look like and how do we process these fees. But
24 that can be a little bit more time-consuming. We had
25 to do something fairly quickly, and so this is what we

1 came up with.

2 Staff processed five -- 154 administrator
3 assignments, 466 affidavits, 408 new applications for
4 exam and certification, 95 bond cancellation and
5 reinstatements, 592 renewals, 334 new certificate
6 licenses issued, 141 address changes, 90 owner/member
7 updates, 10 contractor reinstatements, 39 reciprocal,
8 incoming with 79, and 47 verification letters to the
9 other states.

10 Phone center, licensing reworked their phone
11 greeting message to route customers to quicker answers.
12 With much staff working on improving customer service
13 by rewording letters, revising and simplifying forms,
14 rewording messaging, and easing usability of customer
15 Internet access, calls have dropped 33 percent from
16 June 2020. That's a staggering number to me.

17 And yet we continue to fall behind because one of
18 our staff, with the hiring freeze, was just recently
19 able to hire the two that we're going to hire, and
20 we're looking at a third. Need help with that.

21 June 2021 staff answered 1,561 phone calls to the
22 licensing call center, answered -- an average of two
23 minutes 39 seconds was all they were on hold.
24 June 2020 staff ascertained 3,727 phone calls through
25 the licensing call center.

1 The auditors' FY21 goal, focused warning citations
2 was 192. Focused warning citations for 2021, the
3 actual was 1,138, so true to their expectations by
4 quite a number.

5 No retesting labs to report.

6 And that brings us down to other program updates
7 and questions from the Board. Do you guys have a
8 questions about the secretary's report?

9 BOARD MEMBER BAKER: Chairman Jenkins, I've
10 got a list of questions I don't know if you want to
11 start with or not.

12 CHAIRMAN JENKINS: Go right ahead.

13 BOARD MEMBER BAKER: All right. In no
14 particular order. Thanks for the report, Wayne.

15 Let me start with the virtual inspections.
16 12,000, that's a staggering number. Holy smokes. So
17 remind me: There's three types of inspections you will
18 not perform virtually. I think it's service, finals,
19 and, I want to say, emergency systems. But I can't
20 remember what the third one was.

21 SECRETARY MOLESWORTH: So we've expanded it a
22 little bit to include small services, like temporaries.
23 And the reason we do that is because they're easy to
24 identify. We've got a licensed journeyman there on
25 site focusing the camera so we can see all the

1 different parts of it. And there's no peripheral
2 equipment installations going on, right, in the most
3 part.

4 And so we've expanded it to include some services.
5 We do HVAC, as well. And so we have a complete list of
6 about 20 different types of inspections that they can
7 actually do comfortably.

8 We tend to find that -- by doing the occasional
9 inspections, that the inspectors are able to say yes,
10 this is easy to do, or no, this isn't something they
11 could do, and they're very responsible about that. And
12 so we've been expanding it as we go.

13 BOARD MEMBER BAKER: So what I'm wondering
14 is -- and I'm kind of going back a few E Board
15 meetings. But we've had several cases come before the
16 Board where one of your inspectors saw something on
17 site that was completely unrelated to what he was
18 called out to inspect.

19 SECRETARY MOLESWORTH: Right.

20 BOARD MEMBER BAKER: And there's virtually no
21 way, no pun intended, that an inspector could catch
22 that with a virtual inspection. What I'm saying is
23 there's value to having boots on the ground. And are
24 we setting ourselves up for a potential problem, you
25 know, down the road as the virtual-inspection process

1 increases?

2 And I will add to that thought what Rod was
3 sharing earlier with the property owners being able to
4 call in their own inspections. If those are being done
5 virtually, you know, are we -- we going --

6 You're shaking your head no; those aren't going to
7 be done virtually.

8 So I guess what I want to know is, what are your
9 thoughts about -- is there a limit to what we'll do
10 virtually? And how do we keep our presence? How do we
11 keep boots on the ground? 'Cause that's really where
12 the Department gets traction.

13 SECRETARY MOLESWORTH: Absolutely. Great
14 question because I just had a discussion with Joel
15 Sacks, the director, who is very impressed with the
16 technology that we're using and how we're doing it.
17 But his expectations were very high.

18 And what I told him was that there are a lot of
19 inspections that we cannot do virtually, and we need to
20 have a relationship built between field inspectors and
21 VEI inspectors to ensure that we're giving the
22 customers the best service that we can.

23 I -- as long as I'm sitting in the chair, we'll
24 keep a handle on that. You know, the expectation he
25 had was he wanted to know my five-year plan. He says,

1 "Well, in five years will we do 50 percent of
2 inspections by VEI?" And I said no. And I explained
3 to him why, and he understood.

4 But I do see it getting bigger than it is,
5 definitely, because why would I send an inspector
6 40 miles from anything else to look at a ditch? Why
7 would I send an inspector, you know, 25 miles up into
8 the mountains in the middle of winter and subject him
9 to safety concerns as well as mileage when I can do it
10 virtually with -- you know, with a licensed journeyman
11 on site.

12 And so there's some definite advantages to it for
13 our customers and for the safety of our employees. We
14 just have to manage that we don't get a little carried
15 away with it. And this will never, in my opinion, go
16 to a situation where we have more virtual than we do
17 boots on the ground. Even though we have 65 percent of
18 inspections could have been done virtually, doesn't
19 mean they will be done virtually. Right?

20 BOARD MEMBER BAKER: Yeah. I appreciate
21 that. I --

22 SECRETARY MOLESWORTH: -- completely.

23 BOARD MEMBER BAKER: When we were first
24 talking about this program couple years ago, there was
25 some talk about contractors qualifying for virtual

1 inspections, and potentially, if there was criteria
2 that a contractor had to meet or they could be excluded
3 from virtual inspections because of poor performance,
4 that would force our inspectors onto those people's
5 jobsites and having more visibility. I don't know if
6 that's something the Department's thinking about or if
7 we need to revisit that sometime down the road.

8 But being able to qualify -- 'cause I think being
9 able to get -- as a contractor -- speaking as a
10 contractor, being able to have virtual inspections is a
11 huge benefit for us and our teams. And if we have
12 people that are poor performers in our industry, taking
13 that away from them could be an incentive to . . .

14 Anyway, something to think about.

15 I wanted to ask you -- we just heard that --
16 Did you want to respond to that.

17 SECRETARY MOLESWORTH: Yeah, I do.

18 I wanted to tell you that Brian has done a
19 wonderful job of reaching out to those companies that
20 are the performers. Right? Not the poor performers.
21 And we go on and virtually invite some of these people
22 to become VEI members because of that.

23 If they find that they're having trouble with
24 people doing VEI or if they have corrections that they
25 think are, you know -- they shouldn't be looking at,

1 they actually refer that back to the region for boots
2 on the ground. And so they tell a lot by, you know,
3 what they're actually seeing and who's doing the work.
4 And these guys are familiar with a lot of those
5 contractors.

6 But I don't foresee -- well, let me put it this
7 way: We do need to make criteria for that, but it's
8 got to be a little bit giving. I don't -- I don't want
9 to do homeowner stuff because that is where you find
10 that stuff that you'd never find if you weren't
11 standing on the ground.

12 But there's got to be some criteria for saying no
13 to somebody because you can't just say no to them
14 because that can be looked at as discriminatory: "I
15 just don't like you. So I'm not going to let you do
16 this." Right? There has to be proveable criteria in
17 order to tell somebody no. Otherwise you get into the
18 discrimination-type situation with -- since it's a
19 service that we actually offer.

20 But I did want to tell you on your other one, too,
21 where there's something there. One of the things that
22 VEI does is this: They want you to scan around. "Can
23 you give me a picture and show me everything that's
24 around you at this point 'cause I want to make sure
25 we're in the right spot and that, you know, there are

1 no other hazards there that I might ask you to get
2 into." At the same time they're looking at, you know,
3 are there things that were done that may not have been
4 permitted or that were rolled in or might be a hazard.
5 They do a little bit of that to make sure they're kind
6 of acting like they're boots on the ground, as well.

7 But you're right, you're not going to see
8 everything that somebody standing on site will be --
9 will see.

10 BOARD MEMBER BAKER: Yeah. Yeah. I was
11 thinking specifically about that inspector that saw the
12 250-volt-rated equipment on a 40-volt feeder. There's
13 no way you'd catch that virtually just really being
14 heads up.

15 Hey, on another subject, how are you doing on
16 inspector recruitment and retention and hiring? We
17 just heard Steve Hendricks retired here recently.

18 And I'll dovetail that with the compensation
19 package. You know, Seattle just took a \$15 increase
20 over the next three years. How are you dealing with
21 all that? How's -- that has been an ongoing issue
22 since I've been on this Board.

23 SECRETARY MOLESWORTH: Yeah. Well, we aren't
24 doing really well. We haven't done really well for a
25 long time with recruiting the best, right, because we

1 run into the private sectors and the municipalities
2 that are able to pay so much more. We're limited to
3 what state HR allows us to do. And the agency can only
4 put forth a certain number of class and comp packages
5 in order to get us those raises.

6 This year, FAS went ahead for field services and
7 public safety, some instructions. So we weren't
8 successful for electrical. But I plan on presenting
9 something pretty strong coming up here. And Local 46
10 helped me. Because they took the \$15 increase, I can
11 point at that. And we're going to struggle because of
12 that, because we actually have people leaving the
13 program to go back into the field for that reason.

14 So any advice you guys can give us, you know, on
15 recruitment and what might be beneficial to people --

16 But I keep telling my management -- I say, you
17 know, there's three things when I went to work that I
18 looked at: How much is going on the check? How much
19 is going in the annuity? And how much overtime are
20 they working? They're the only three things I cared
21 about to support my family. And that's what
22 electricians -- when we want to hire them, that's what
23 they look for.

24 The other thing that they're looking for is life
25 balance. Right? And that's why I came to work for the

1 State, because I was working out of town so much that
2 my kids didn't know who I was when I'd come home after
3 a month of seven 12s. Right?

4 And so that we push quite hard, too. We have a
5 good package, and we put together a flyer that
6 inspectors are handing out that show the benefit
7 package and show the wage package and that type of
8 thing. But it's hard to compete, you know, very hard
9 to compete. It concerns me, greatly.

10 BOARD MEMBER BAKER: Well, if there's
11 anything this Board can do, other than just continue to
12 bring it up every time we meet, I'm definitely
13 sensitive to that.

14 I'll -- one more comment, and I'll let our Board
15 members weigh in, but -- two things actually. One,
16 we're seeing a huge -- a huge potential demand for
17 infrastructure buildout on the east side coming over
18 the next ten years. I'm sure the Department's got a
19 plan in place to prepare for that.

20 And you want to comment on that?

21 And the other thing is how are you doing with
22 COVID? And how's -- how is the Department holding up
23 under all that?

24 CHIEF MOLESWORTH: Well, to address the COVID
25 thing, we still have cases come up, you know, weekly or

1 biweekly in the agency, not necessarily in the
2 electrical program. We've had a couple of severe cases
3 in the electrical program. So we give our condolences
4 to them and pray for them.

5 It's -- it's tough because still people are
6 concerned about going into, you know, people's homes
7 and people's businesses and still have masks available
8 and all the safety equipment available for inspectors
9 to use when they're out on the sites. And as of right
10 now, staff are not coming into the office on a regular
11 basis. They're starting from home.

12 And so I think -- I think we're doing okay.
13 But --

14 Can you guys excuse me? Sorry. Excuse me for one
15 second. I have somebody on the -- at the door.

16 Come on in.

17 UNIDENTIFIED SPEAKER: Hi, puppy.

18 BOARD MEMBER BAKER: That's part of COVID
19 right there. We've all done that with Zoom meetings,
20 haven't we?

21 SECRETARY MOLESWORTH: Yeah. Sorry. I'm
22 building an apartment, and I'm living in it unfinished.
23 And they're here to measure for countertops.

24 So I apologize for that.

25 BOARD MEMBER BAKER: No worries.

1 SECRETARY MOLESWORTH: They're just -- just a
2 moment.

3 So -- so COVID is still a factor. Still look at
4 it weekly.

5 I really do apologize for that. He's very vocal.

6 And -- and so we continue to struggle a little
7 bit. Right? But our inspectors are very good at what
8 they're doing. And they are good at maintaining them.

9 So the infrastructure on the east side, could you
10 speak a little bit more to that, what you're seeing?

11 BOARD MEMBER BAKER: Well, we're seeing a lot
12 of manufacturers with potential projects coming over
13 there. And we're -- a lot of the utilities are
14 expanding their facilities to prepare for those
15 manufacturers. It's just creating a lot of residual
16 opportunities. And there's going to be a significant
17 amount of construction on the east side in the next ten
18 years.

19 SECRETARY MOLESWORTH: Right. And so, you
20 know, it's hard -- it's easy to see that. Planning for
21 it is exceptionally hard, and I'll tell you why. Joel
22 told me this when I went to him to see if we could add
23 a supplemental package to hire additional VEI
24 inspectors, since that was where he wanted to go. And
25 he told me that we couldn't hire additional VEI

1 inspectors 'cause we couldn't show an increase in
2 workload.

3 So in order to expand our staff and hire more and
4 allot more to different areas and put that package in
5 front of the legislators, we have to show that there
6 was an increase in workload. And until there is, they
7 don't see it, so they don't see the need. And that's
8 the problem with this whole system, is that you
9 can't -- can't be preemptive because they won't approve
10 it. So it's a struggle.

11 So, you know, I -- I do struggle with that.

12 Let me get you back up here. I lost you.

13 So plan-wise, especially in Region Six, where I
14 think you're going to see a lot of that construction
15 going on in the Spokane area, we have added staff to
16 this region, one or two staff. Unfortunately, what
17 happened to that staff is they're fairly new staff, and
18 so there's some gearing up and some onboarding that
19 needs to happen over the next couple of years before
20 they become really efficient at what they're doing.

21 We plan on adding a supervisor to the Spokane
22 staff. And again, we need another position to be able
23 to do that. And I've been working with the regional
24 administrator in Region Six. And he's assured me that
25 the next time that we have a vacancy, that that vacancy

1 will go towards hiring a supervisor.

2 Currently the supervisor has 14 FTEs that he
3 supervises. And in my opinion, he cannot get out and
4 do the training that needs to be done as well as all
5 the other supervisor duties and 15 direct reports,
6 especially when they are all as new as they are. I
7 think that the guy with the most experience in Region
8 Six right now is five years. That's not a lead. Leads
9 have more. But regular inspectors are short.

10 So it will be a struggle. I'm not going to kid
11 you about that.

12 BOARD MEMBER BAKER: Thanks. Thanks for your
13 report, Wayne.

14 SECRETARY MOLESWORTH: Yep.

15 CHAIRMAN JENKINS: Any other members have any
16 questions for Wayne Molesworth?

17 SECRETARY MOLESWORTH: Make them easy. Don's
18 already exhausted me, so . . .

19 CHAIRMAN JENKINS: All right. Not hearing
20 any, thank you very much, Wayne, for your report. I
21 appreciate that.

22 CHIEF MOLESWORTH: You bet. No problem.
23 Thank you, guys.

24 CHAIRMAN JENKINS: Thank you.

25 So we're up to Larry Vance and his certification

1 report.

2 How's our court reporter doing?

3 THE REPORTER: I would not mind a five-minute
4 break to get up and walk around.

5 CHAIRMAN JENKINS: Do a five-minute break.
6 Looking at maybe 12:15-ish to get back up and running.
7 How's that sound?

8 THE REPORTER: That's great.

9 (Brief pause in proceedings.)

10

11 CHAIRMAN JENKINS: We've got 12:16. I'd like
12 to bring the Washington Electrical Board July 20 -- I
13 did it again -- 29th meeting back to order.

14 So looks like we're up to Larry Vance on
15 Item No. 7. And looks like Larry's ready to go.

16 So, Larry, you ready to go there?

17 TECHNICAL SPECIALIST VANCE: I am. Thank
18 you, Chairperson Jenkins. Hello, members of the Board,
19 and welcome new members of the Board. I look forward
20 to serving you.

21 In your Board packet you'll find an exam report.
22 And for new members, we look at -- we look at the exam
23 report every board meeting just to kind of get a
24 feeling of where things are.

25 And the 01 exam pass rate is -- was right at about

1 48 percent, consistent with past pass rates, so we're
2 not seeing any issues there. Rod had reported that the
3 exam has been updated. So we'll -- we'll, of course,
4 continue to monitor that, that pass rate.

5 One thing that's kind of interesting is in this
6 last year period that's reported, there was 861
7 journey-level electricians that passed the examination.
8 So that's -- if anybody wants to know how many
9 electricians became certified to work in Washington
10 last year, 861 plus a number of reciprocal folks that
11 came from Oregon. And that number's somewhere up
12 around 400-some electricians that have passed or that
13 have -- that received certification through
14 reciprocity.

15 So that's just kind of a number that people are
16 kind of asking about, kind of interested in from the
17 standpoint of, hey, can we -- how many electricians are
18 we making every year? And that's the number that came
19 through the examination path.

20 With that, I'm available for questions or comments
21 or . . .

22 CHAIRMAN JENKINS: Okay. Thank you. This is
23 Chair Jason Jenkins.

24 Any questions from the Board members?

25 Wow, everybody must want to go to lunch.

1 There we go.

2 BOARD MEMBER ISAACSON: Chairman Jenkins,
3 this is Board member Ivan Isaacson. And I've got a
4 question for Larry and maybe for Wayne Molesworth, as
5 well.

6 You know, we talked a little bit about the exams
7 and the online training courses and that kind of stuff.
8 Have we seen a significant decrease in the pass rate --
9 in the pass-fail ratio due to the exams and the classes
10 not being in person?

11 TECHNICAL SPECIALIST VANCE: I haven't seen
12 that. I'd have to look at a one-month snapshot. The
13 thing that's so difficult when it comes to exams is we
14 don't really -- we don't have any method or means of
15 separating the herd, so to speak, who are trainees, who
16 are out-of-state applicants, who completed
17 apprenticeships and which apprenticeship. So that
18 information is difficult at best, you know.

19 And it -- then to even split the herd even
20 further, you know, who from out of state, who qualified
21 through apprenticeship, who qualified through
22 experience, who came from a state that doesn't require
23 licensing. It's just -- it's so diverse. It's a hard
24 one.

25 CHAIRMAN JENKINS: Thank you, Ivan Isaacson.

1 Any other questions we had from the board members?

2 Okay. Hearing none, thank you very much, Larry
3 Vance. I appreciate it. Thanks for the update on the
4 numbers.

5 TECHNICAL SPECIALIST VANCE: Thank you.

6 CHAIRMAN JENKINS: All right. Well, this
7 brings us to our Item No. 8, I suppose, our public
8 comment regarding items not on the agenda. So
9 traditionally what we've done at these board meetings,
10 since I don't get a list of people -- I'm kind of
11 dragging this on to anybody that needs to unmute their
12 mic to speak in here. But if anybody has any public
13 comment they would like to speak to the Board, please,
14 would you speak up now. Give me your name.

15 Once again -- we do this three times, so here's
16 our second opportunity. Anybody interested in giving
17 public comment to the Washington State Electrical
18 Board, please speak up now.

19 And lastly, third time, anybody interested in
20 giving public comment to the Electrical Board?

21 And, Larry, had your hand up. Was there something
22 you wanted to bring up?

23 TECHNICAL SPECIALIST VANCE: There is. This
24 picture behind me is of Rod Mutch. And I just wanted
25 to say what a pleasure it is that I've had of working

1 with Rod. This is -- this is going to be Rod's last
2 board meeting and -- 'cause Rod's leaving us here in
3 October. So I just wanted to -- I just wanted to say
4 what a pleasure it's been working with Rod, and I'm
5 going to really, really miss him.

6 So we do have -- we do have someone who's very
7 capable that's come onboard to replace Rod. But nobody
8 can replace Rod.

9 So I just wanted to -- wanted to put that on the
10 record.

11 CHAIRMAN JENKINS: Thank you very much. And
12 I think most of us, if not all of us, agree with that.

13 And if I remember right, we had some marching
14 orders for Wayne to look into the WAC rules, or
15 something towards that effect, about not allowing
16 someone to not retire.

17 Did you ever find anything on that one?

18 You're muted.

19 SECRETARY MOLESWORTH: Got to get my mute
20 button there.

21 I did find something.

22 CHAIRMAN JENKINS: Oh.

23 SECRETARY MOLESWORTH: Unfortunately, when I
24 brought it up to Rod, he told me that I could take that
25 and penalize him all I wanted to because our penalties

1 are less than the cost of doing business. So . . .

2 Sorry. I had to bring that up again.

3 But I have tried to convince Rod over and over and
4 over again. And I think Rod looks at me with that
5 little smile on his face, and very calm, as Rod is
6 always very calm, and said, "I don't think that's going
7 to happen."

8 So I think Rod's going to go out and enjoy
9 himself. I always -- I'm at that stage of my life, but
10 I wish I could go and enjoy it, as well. So I -- envy
11 is not a good thing, but I envy Rod for this.

12 And Loren Lathrop is the person that's going to
13 act as the technical specialist alongside Larry.
14 Notice I didn't say "replace," Rod. And he is very
15 capable. And Rod has been doing just as good a job
16 bringing Loren onboard as he did as a technical
17 specialist across the board. So, you know, we expect
18 great things from Loren, as well.

19 So unfortunately, I lied to you. I couldn't find
20 anything in RCW.

21 CHAIRMAN JENKINS: All right. Well, I think
22 I'm speaking for the entire Board in saying
23 congratulations, Rod, on your retirement. And we'll
24 miss you here. And good luck in your next endeavors.

25 Given all that, the Board would entertain a motion

1 to adjourn.

2 BOARD MEMBER BAKER: I'll make the motion.

3 But before I do, Larry, thanks for bringing that
4 up.

5 Rod, you're definitely -- I'm definitely going to
6 miss you. Your professional demeanor, stepping in,
7 taking on the role as the chief temporarily. You're
8 going to be missed. I -- I wish you all the best of
9 luck.

10 CHAIRMAN JENKINS: We have a motion.

11 Do we have a second?

12 BOARD MEMBER NORD: Board Member Nord, I'll
13 second.

14 CHAIRMAN JENKINS: We have a motion and a
15 second.

16 Any discussion?

17 BOARD MEMBER NORD: Sure going to miss Rod.

18 CHAIRMAN JENKINS: I think we're all in the
19 same boat for that. Thank you again.

20 So on this note, all in favor please signify by
21 saying "aye."

22 (Chorus of ayes.)

23 CHAIRMAN JENKINS: Any opposed?

24 All right. Board is -- the conclusion -- the
25 meeting is done. Thank you very much. Have a good

1 week. Actually, good couple months. See you then.

2 (Proceedings concluded at 1:17 p.m.)

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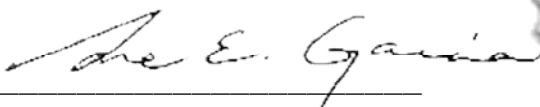
I, SUE E. GARCIA, a Certified Court Reporter in and for the State of Washington, residing at Tacoma, authorized to administer oaths and affirmations pursuant to RCW 5.28.010, do hereby certify:

That the foregoing proceedings were taken before me on the 29th of July, 2021, and thereafter transcribed by me by means of computer-aided transcription, that the transcript is a full, true, and complete transcript of said proceedings, consisting of pages 1 through 131;

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;

IN WITNESS HEREOF, I have hereunto set my hand this August 9, 2021.


SUE E. GARCIA, CCR, RMR

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