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ELECTRICAL BOARD MEETING

TRANSCRIPT OF PROCEEDINGS

October 27, 2022



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DEPARTMENT OF LABOR AND INDUSTRIES
STATE OF WASHINGTON

ELECTRICAL BOARD MEETING
TRANSCRIPT OF PROCEEDINGS
October 27, 2022
9:00 a.m.

Clark College, Penguin Union Building, Room 258A-C
1933 Fort Vancouver Way
Vancouver, Washington

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**CERTIFIED
TRANSCRIPT**

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1 Dominique Burke?

2 BOARD MEMBER BURKE: Present.

3 CHAIRMAN JENKINS: Kerry Cox?

4 BOARD MEMBER COX: Here.

5 CHAIRMAN JENKINS: Bobby Gray?

6 BOARD MEMBER GRAY: Here.

7 CHAIRMAN JENKINS: Dylan Cunningham?

8 BOARD MEMBER CUNNINGHAM: Here.

9 CHAIRMAN JENKINS: Mike Nord?

10 BOARD MEMBER NORD: Here.

11 CHAIRMAN JENKINS: Alice Philips?

12 BOARD MEMBER PHILIPS: Here.

13 CHAIRMAN JENKINS: Ivan Isaacson?

14 BOARD MEMBER ISAACSON: Here.

15 CHAIRMAN JENKINS: And Jack Knottingham?

16 BOARD MEMBER KNOTTINGHAM: Here.

17 CHAIRMAN JENKINS: All right. And Jason Jenkins
18 is here. And we do have -- for the record, we do have a
19 quorum.

20 So I forgot to ask earlier, the safety message, does
21 the State have someone to talk about a safety message? I
22 always rely on you for that. Is there anybody here?

23 SECRETARY MOLESWORTH: Well, I can give a safety
24 message. I'm not sure if we did.

25 So we're headed back into fall, right? One of the



1 things that we're going to start seeing is a lot of leaves
2 on the streets, rain on the streets over here, snow on the
3 streets where I come from. So the streets are going to be a
4 little bit more slippery. And people tend to forget that
5 leaves on the roads are a little bit slippery. And so
6 especially around school zones, stop signs, anyplace you're
7 going to have to attempt to make a stop, you want to give
8 yourself plenty of room and make sure that when applying the
9 brakes, you apply them lightly. Sudden application of
10 brakes on leaves will allow you to skid -- or will make you
11 skid, actually.

12 And also, be conscious of other vehicles beside you.
13 This is still motorcycle-riding weather for us that ride
14 motorcycles. And so by going through a bunch of leaves on
15 the ground and blowing them up at you can distract a
16 motorcycle rider and actually cause an accident. So a
17 simple thing is that it just takes a little bit more caution
18 to be aware and to take that little bit of extra caution to
19 make sure that we're safe on the road.

20 So that is our safety topic for today.

21 CHAIRMAN JENKINS: Thank you very much. I
22 appreciate it. It's always good to start off with that this
23 morning.

24 Moving on to item number 2 of our agenda here is going
25 to be the approval of the transcripts. Entertain a motion



1 to approve the Washington State Electrical Board minutes of
2 July 28, 2022.

3 UNIDENTIFIED SPEAKER: So motion.

4 CHAIRMAN JENKINS: We have a motion.

5 BOARD MEMBER CUNNINGHAM: Second.

6 CHAIRMAN JENKINS: We have a second -- motion and
7 second. Any discussion?

8 Hearing none, all in favor say aye. (Chorus of ayes.)

9 Any opposed?

10 Motion passes.

11 Moving on to our item number 3 were the appeals. For
12 sake of time, I was going to jump over to our item number
13 (c), for Leonard Tobin. Is Leonard Tobin present?

14 Do we have counsel for Leonard Tobin, an AG for
15 Leonard Tobin?

16 MS. GREER: Yes. Good morning. I am
17 Lucretia Greer. I'm covering for Assistant Attorney General
18 Nancy Kellogg. I do have the proposed order that was sent
19 to Mr. Tobin. And he has not signed in, and I do not
20 believe he answered the roll call.

21 Refresh my memory, please: Who do I need to hand this
22 order to for entry?

23 CHAIRMAN JENKINS: Okay. The first matter today
24 is presenting the order for Leonard Tobin versus Department
25 of Labor & Industries, Docket No. 10-2020-LI012534, a



1 citation and notices, ECHBO00970, ECHBO00971, and
2 ECHBO00972, ECHBO00973, and ECHBO00974. I got them all
3 correct.

4 As you're up here for speaking, is there anything that
5 you would like to say before we move forward, anything you'd
6 like to mention?

7 MS. GREER: Other than the fact that the proposed
8 order was sent out to Mr. Tobin, and he was aware of the
9 presentation today.

10 CHAIRMAN JENKINS: Okay. Given that, thank you
11 very much. After reviewing the documents that were sent to
12 us, I believe they would best reflect the Board's decision
13 back on July 28th, and I'll be signing those proposals.

14 Bring it up here, would you, please.

15 All right. Thank you for your time. I appreciate
16 that.

17 So, moving on to our appeals, (a), Patelco,
18 Jeff Lampman and Bret Montgomery. Do we have someone here
19 representing Patelco and Jeff Lampman?

20 MR. BUTLER: Yes.

21 CHAIRMAN JENKINS: Can you take a seat up here.

22 And do we have someone representing the Department?

23 MS. GREER: Yes. Lucretia Greer, Assistant
24 Attorney General on behalf of the Department.

25 CHAIRMAN JENKINS: Thank you very much.



1 Can I have you two please identify yourself for the
2 record, and please speak and spell your name for the record.

3 MR. BUTLER: My name is Chris Butler, C-H-R-I-S
4 B-U-T-L-E-R. I am general counsel for Patelco,
5 Incorporated.

6 MR. LAMPMAN: I am Jeff Lampman, J-E-F-F,
7 L-A-M-P-M-A-N. And I am the defendant.

8 MR. BUTLER: He's the electrical administrator
9 for --

10 MR. LAMPMAN: Electrical administrator for
11 Patelco.

12 CHAIRMAN JENKINS: Thank you very much. And
13 counsel for the Department.

14 MS. GREER: Lucretia Greer, Assistant Attorney
15 General.

16 CHAIRMAN JENKINS: Thank you very much.

17 So, good morning. My name is Jason Jenkins. I am the
18 chair of the Electrical Board. The matter brought before us
19 today is an appeal of the matter of Patelco, Incorporated,
20 Jeff Lampman and Bret Montgomery. The Department of Labor &
21 Industries' Docket Nos. 07-2021-LI-01677, 07-2021-LI-01678,
22 and 07-2021-LI-01679. This hearing is being held pursuant
23 to due and proper notice of all parties in Vancouver,
24 Washington on October 27th, 2022, at approximately 9:11 a.m.

25 This is an appeal from a proposed decision and order



1 issued by the Office of Administrative Hearings on May 17th,
2 2022. It is my understanding that the decision was affirmed
3 with modifications to some penalties -- penalty amounts,
4 citation notices EZINS01437, EZINS01438, and EZINS01439,
5 issued by the Department of Labor & Industries on
6 February 12th, 2021. It is further my understanding the
7 appellant has timely appealed the decision to the Electrical
8 Board.

9 You're all present.

10 The Electrical Board is a legal body authorized to
11 -- authorized by the legislature to advise the Department of
12 the Electrical Program but also to hear appeals when the
13 Department issues citations and takes some adverse actions
14 regarding electrical license certification and compliance.

15 The Electrical Board is a complete separate entity from
16 the Department. As such, it will independently review the
17 actions taken by the Department. When the Department issues
18 penalties, the hearing is assigned to the Office of
19 Administration Hearings to conduct a hearing pursuant to the
20 Administrative Procedures Act. The ALJ, who conducts the
21 hearing, then issues a proposed decision and order.

22 If any of these parties appeal, that decision is
23 subject to review by the Electrical Board. Please keep in
24 mind that while our review is de novo, for example, we sit
25 on the same position as the administrative law judge and



1 review the entire record, regardless of whether a certain
2 piece of evidence is referenced by the ALJ. We are also
3 bound by the evidence in the record, and no new evidence can
4 be submitted in this hearing.

5 Each party is given approximately 15 minutes today to
6 argue the merits of their case. Any Board Member may ask
7 questions, and the time may be set at the discretion of the
8 Board. At the conclusion of the hearing, the Board will
9 determine if the findings and conclusions reached by the ALJ
10 are supported by the findings of facts pertaining to
11 electrical installations.

12 Are there any questions before we begin?

13 MR. BUTLER: No.

14 MR. LAMPMAN: No.

15 MS. GREER: None from the Department. Thank you.

16 CHAIRMAN JENKINS: Counsel for Mr. Lampman and
17 Mr. Montgomery, as the appealing party, you have the burden
18 of proof to establish the proposed decision is incorrect,
19 and therefore we will hear from you first.

20 MR. BUTLER: Okay. Thank you, ladies and
21 gentlemen. Patelco's position is that the ALJ erred in
22 interpreting the law, the finding of Conclusion of Law 5.6.
23 Essentially, the judge has created a situation or created an
24 interpretation where the jurisdiction on -- for the EL01
25 electricians would begin below the -- would begin below the



1 power zone and the electrical safety zone exclusively. And
2 that's a misinterpretation of the law.

3 So under WAC 296-46B-92518, there are exemptions for
4 electrical utility and electrical utility contractors. The
5 electrical utility exemptions in RCWs 19.28.010(1) and
6 19.28.091(1) are applicable to the work that Patelco was
7 performing. Neither -- and what that says is neither the
8 serving electrical utility or a contractor or subcontractor
9 employed by a serving electrical utility is required to have
10 an electrical contractor's license for work on the utility
11 system or on the service connections or on meters or other
12 apparatus used to measure consumption of electricity. And
13 there's more language about exemption from inspection.

14 So you go to what is it -- how does the WAC define an
15 electrical utility system? A utility system means an
16 electrical system - and this is 296-46B-100 - a "'Utility
17 System' means electrical equipment owned by or under the
18 control of a serving electrical utility that is used for the
19 transmission or distribution of electricity from the source
20 of supply to the point of contact and is defined in section
21 90.2(b)(5) of the NEC, 1981 edition."

22 So you go to section 90.2(b)(5) of the NEC, which in
23 turn says - and this is not the definitional system, but it
24 defines the exemptions - installations under exclusive
25 control of the electric utility where such installations are



1 on property owned or leased by the electric utility for the
2 purpose of communications, metering, generation, control,
3 transformation, transmission, or distribution of electric
4 energy.

5 In this situation, what we have is a service wire
6 coming from the power zone to a switch that goes back up
7 into the power zone, which is exclusive jurisdiction of the
8 lineman. That switch is part of a service connection. It
9 is a service connection because it goes from one point of
10 the -- you know, from the transformer to the final
11 customer's connection point. The demarcation point is the
12 connection at the 5G antenna. It's not at the switch.
13 Unlike a service disconnect, after which the jurisdiction
14 would switch to exclusively an EL01 situation, this goes
15 back up into the power zone, exclusively the mark for the
16 line trades.

17 So we believe that the judge misinterpreted the law,
18 and that there is concurrent jurisdiction on the lower part
19 of the pole between both trades, all sides of the house, so
20 to speak. That's our argument with respect to the
21 misapplication of law.

22 With respect to the fines that were levied, it's our
23 belief that the number of fines -- the amount of fines were
24 excessive and opportunistic. The fact of the matter is the
25 remedies, so to speak -- assuming the Department's



1 interpretation that there was exclusive jurisdiction for
2 that particular part of the work that was performed, the
3 remedy was simply to go out and obtain an EL01 training
4 card, which took -- Jeff, what?

5 MR. LAMPMAN: It was just an online application
6 and, like, \$35. It took a couple minutes.

7 MR. BUTLER: Which is in the record. And the
8 work was performed at the time under the supervision of a
9 foreman, who also carried an EL01 card.

10 So this was not a situation where there was unsafe
11 behavior. This is not a situation where there was wildcat
12 behavior on behalf of Patelco. This is work that
13 traditionally has been performed by linemen, and, as we
14 interpret the code -- or the code and the statutes and the
15 WAC, is work that we're entitled to perform on behalf of our
16 customer, the utility.

17 So we'd like to suggest that the fines and the number
18 of citations were, again, opportunistic and somewhat
19 inappropriate given the fact that the "crime," so to speak,
20 was very, very -- what word am I looking for? It was not
21 -- it's not grave.

22 So, any questions?

23 CHAIRMAN JENKINS: Thank you very much.
24 Department?

25 MS. GREER: Good morning, Chairman and Members of



1 the Electrical Board, Chief Inspector Molesworth. I am
2 Lucretia Greer. I'm an assistant attorney general, and I
3 represent the Department of Labor & Industries. I'm aware
4 that all of you have reviewed the materials and reviewed the
5 briefing, so I'm going to make my points brief.

6 Potelco was not operating under the utility exemption
7 when it was working on the 5G Verizon installations on these
8 shared use utility poles. The utility system, as you all
9 know better than I do as an attorney not in your field,
10 involves the transmission of electricity. It is very
11 specifically done, defined in the regulations. And I
12 reference that on page 10 of the Department's brief.

13 Potelco is arguing for an exemption that swallows the
14 rule. They are arguing that they had traditionally
15 performed this work and they can continue to perform this
16 work in the face of an amendment to the very statute that
17 has the exemption, RCW 19.28.010, which was amended
18 effective July 28, 2019 by the legislature.

19 I've attached to my brief snippets of the hearings from
20 that legislative session that explain the reason for the
21 amendment. And as you read through the testimony, you learn
22 that this was an amendment supported by the electrical union
23 representative, it was supported by a public utility
24 district, and it was supported by contractor's linemen.

25 And the reason for the amendment was that prior to this



1 amendment, the only legal way for work such as these 5G
2 connections to be done was that the utility pole was on the
3 ground, and the work was done on the ground, and then the
4 pole was installed by qualified people, such as Patelco,
5 which has been licensed in electrical work since 1966 and
6 specializes in line work.

7 That the other way was to de-energize the different
8 poles, which is obviously both extremely inefficient. So as
9 technology changed and as, fortunately for all of us in this
10 area, as we went into COVID and everybody started needing
11 more and more internet connectivity, the legislature and the
12 electrical community came together and said, We need to
13 amend this statute to try to clearly define who can do what
14 on a shared use utility pole, who has authority to do what,
15 and who supervises in terms of code enforcement between line
16 work and electrician work. Line workers are governed --
17 governed under WISHA or DOSH, our safety and health program,
18 which is a separate statute from the electrical program.

19 Bret Montgomery is a certified lineman. He has
20 experience and training and is probably technically
21 qualified to do the work at issue here, but he was not
22 legally qualified to do the work at issue here. When the
23 legislature amended this statute, it created two exemptions
24 where linemen could do the work at issue here. One is in
25 the supply zone, and the other is in the communication



1 worker safety zone. And you've all reviewed the transcript.

2 There was a phrase I learned in high school, "Angels
3 dancing on the head of a pin." There was a lot of angels
4 dancing on the head of the pin as to exactly where that 40
5 inches of community -- communication worker safety zone
6 started, whether it was at the neutral or it was the supply
7 line. But in the end, factually, in this case, it didn't
8 really matter because the service-to-disconnect work that
9 was at issue here on all of these 52 poles was located below
10 both the supply zone and the communication worker safety
11 zone. This amendment said line workers can work in two
12 zones in exempt. Below that, it's electrical work
13 supervised by the electrical program under 19.28 RCW.

14 Bret Montgomery performed, and admitted he performed,
15 work on 50 of the 2 -- 52 poles that were issued here. The
16 Department cited for 52 poles for the following reason:

17 When the City of Seattle realized that -- during a
18 virtual inspection, that Potelco was having line workers do
19 work that they knew had to be done by an electrician --
20 certified electrician, the inspector notified her supervisor
21 and the Department, and an inspection ensued.

22 The inspector got permits -- a list of permits from the
23 City of Seattle for 52 jobsites. The reason the citations
24 go back to August 1st is because as he reviewed the permits
25 and looked at the dates that the inspections had to occur,



1 these permits went back to August, and so they were cited
2 from August through an end date in December of 2021.

3 During the hearing, Potelco's staff admitted that they
4 had done the installations on 50 of the 52 poles. After
5 they were contacted by the Department, they did not complete
6 the work. It's important to note that this is a multi-year
7 contract that Potelco has, and that it has a very
8 experienced electrical administrator who, unfortunately,
9 has -- wears an awful lot of hats, as you can tell from the
10 record.

11 Potelco has approximately, I believe, a hundred
12 linemen, and some of them are also electricians, but they do
13 not do electrical work except under rare circumstances.
14 They are used as linemen. The gentleman that was referred
15 to as an "01 electrician" who could supervise this work, he
16 wasn't supervising this work. That's a misstatement.

17 407 of the transcript, Mr. Lampman testified that he
18 did not know whether this supervisor was on site for the
19 disconnect switch work. He says, quote, "I know he's --
20 he's been to most of the sites, probably half of them or
21 more, but I wasn't there, and he hasn't told me he was, so I
22 couldn't verify that," end quote.

23 So Potelco had the opportunity to prove that they had a
24 supervisor out on these jobsites, and they didn't. And it
25 would make no sense that they would have had a supervisor



1 out there. They had certified 01 electricians who could
2 have been out on this crew with the linemen to complete the
3 work.

4 Potelco made a business decision to use line crew to do
5 this work, and the work passed inspection. The Department
6 doesn't argue that. What we're saying is electrical laws
7 are written as they're written, and it may feel technical,
8 and it may feel unfair, but that's the law. And this was a
9 law and amendment that was created by a consensus of the
10 people that are involved in this actual work.

11 So the Department is asking that the citations be
12 affirmed against Potelco for hiring and allowing a lineman
13 to do work that he was not legally certified to do, against
14 Jeff Lampman as the electrical administrator for not
15 ensuring that a properly certified electrician did the work
16 that was legally required to be done, and against
17 Bret Montgomery, who did electrical work under a lineman's
18 certificate and not under an EL01 electrician certificate.

19 In terms of the penalties, the Department points out
20 that a first offense under these -- all three of these
21 citations is \$250. It could escalate every citation beyond
22 that -- every location beyond that to a second and higher
23 penalty, which would be \$500. So instead of facing 52 times
24 250, Potelco could have -- and Mr. Lampman and Montgomery
25 could have faced a penalty of 51 times 500, which is a lot



1 more money than the Department assessed.

2 The Department also could have assessed for every day
3 that this work was being done, and chose to only cite for
4 the jobsites that it discerned under the permits Potelco
5 took out.

6 The Department also could have made the decision to
7 issue 52 citations to each of these three entities. Those
8 52 citations would show in their public licensing history as
9 52 separate citations.

10 As a consumer in this state, when I go looking for a
11 contractor or an electrician, having been well-schooled by
12 the people in this room and the contracting group, I look to
13 see if there's citations. If I pull up a company with 52
14 citations, I go to the next company. I'm not going to hire
15 them.

16 By choosing to assess three citations only under a
17 matrix formula, only one citation shows up on the public
18 record immediately, instead of 52, and the matrix formula
19 made it possible for the Department to assess a lower
20 penalty than it could have. This was not excessive. It is
21 appropriate.

22 Potelco is experienced. This is not a small company.
23 It's not a startup. It's experienced, with an experienced
24 electrical administrator. They should have known the law.
25 It started -- the chain was in -- is in 2019. These



1 citations were over a year later -- two years later almost.
2 They knew what they were doing, they chose to do it, and now
3 they face the consequences. And the Department respectfully
4 asks that the ALJ's decision be affirmed in both counts. We
5 agree that only 50 of the site installations were done by
6 Potelco. The other two were done by somebody else. So
7 we're asking that the modifications be affirmed as well.

8 If anyone has any questions, I will do my best to
9 answer them.

10 CHAIRMAN JENKINS: Thank you very much.

11 Board Members, questions or comments?

12 BOARD MEMBER KNOTTINGHAM: For Potelco, I have a
13 question. Why were permits purchased?

14 MR. LAMPMAN: It was more of kind of the customer
15 wanted it. But prior to us doing this work, Verizon was
16 hiring a turf vendor directly to connect the disconnect
17 switches, and we did everything on top. They wanted to hand
18 it all over to us. So we just did it as a favor to Seattle
19 to show good faith. We knew they probably would want the
20 revenue for those tickets -- or the permits, excuse me.
21 That's why we purchased them.

22 BOARD MEMBER KNOTTINGHAM: The work done under
23 the utility exemption, I think they're excluded from
24 permits, aren't they?

25 MR. LAMPMAN: Yes.



1 CHAIRMAN JENKINS: Other questions from the Board
2 Members?

3 BOARD MEMBER NORD: An observation, Mr. Chair.

4 This type of work, there's two sets of regulations that
5 are involved. For the linemen, you've got the National
6 Electrical Safety Code, which applies to work at a supply
7 space; and below the communication cables, you have the NEC,
8 which requires an 01 and a permit. So if you're working up
9 above in the supply space, and you have secure linemen who
10 can do the work. If you're below the communication cables,
11 in the 01 space, it falls under the National Electrical
12 Code, then you need to have an 01. You need to take out a
13 permit and you need to have an inspection and pass it.

14 CHAIRMAN JENKINS: Thank you very much.

15 Any other comments from the Board Members?

16 BOARD MEMBER PHILIPS: Just to make sure I
17 understand how to address the question of permits.

18 Your statement was that Seattle City Light required the
19 permits to do this work?

20 MR. LAMPMAN: Only for 01 electricians. We -- we
21 didn't feel like we needed them because we were working
22 under the utility exemption. But we do a lot of work in
23 Seattle, and we've had this contract for years. So for
24 several years prior to us taking on the disconnect work,
25 Verizon had a contractor that they hired directly to make



1 the connection there, and it was just an inefficient
2 process, and they wanted to get out of it, so they asked us
3 to take that on, and we took it on. We just pulled the
4 permits as a gesture, I guess I would say it is.

5 BOARD MEMBER PHILIPS: But you said that Seattle
6 City Light wanted the revenue or something?

7 MR. LAMPMAN: No. That's my assumption. That
8 was the good faith effort, that we'd keep pulling the
9 permits. I mean we weren't trying to hide anything. We had
10 inspectors coming out there, and everything was going fine
11 until it wasn't.

12 BOARD MEMBER PHILIPS: Thank you.

13 BOARD MEMBER NORD: Mr. Chairman?

14 CHAIRMAN JENKINS: Yes.

15 BOARD MEMBER NORD: So if I hear you correctly,
16 it appears that prior to you doing this work, Verizon was
17 doing it properly. You did the work in the supply space.
18 They hired an 01 electrician to do the NEC 01 work in their
19 space under the NEC rules?

20 MR. LAMPMAN: Correct.

21 BOARD MEMBER NORD: And then someone made a
22 decision this was inefficient, so we're going to change how
23 we do it to save money? Saving money violates the law.

24 MR. LAMPMAN: Well, the difference is that the
25 electrician that was doing it prior to us was not working



1 for the utility. They were working for a private company.

2 BOARD MEMBER NORD: Correct.

3 MR. LAMPMAN: They would have to pull the permit.

4 BOARD MEMBER NORD: And Verizon was doing it
5 correctly, then. They had an 01 electrician working under
6 the NEC rules below the communication cable, in the NEC
7 space, which requires a permit and an 01 electrician. So
8 they were doing it properly.

9 MR. BUTLER: They were not working for the
10 utility.

11 BOARD MEMBER NORD: They were working for
12 Verizon. It's Verizon equipment.

13 MR. BUTLER: We're working for the utility on a
14 service --

15 BOARD MEMBER NORD: Who owns the equipment?

16 MR. BUTLER: It's a service connection owned by
17 the utility. The connection point is not the switch.
18 Because if it were, that would mean that the NEC rules would
19 apply down the stream of that switch, which goes back up
20 into the power space. The connection point and the
21 demarcation line is at the 5G antenna. It's one -- it's the
22 circuit. Yes, it goes down below the communications, but
23 that's --

24 BOARD MEMBER NORD: You still have two
25 jurisdictions and two sets of rules.



1 MR. BUTLER: It's still the utility.

2 BOARD MEMBER NORD: You still have two sets of
3 rules.

4 MR. BUTLER: But --

5 CHAIRMAN JENKINS: Let's not argue.

6 MR. BUTLER: I'm making the point that the
7 amendment to the 19.28.010 did not remove the utility
8 exemption. All it did was clarify that 01 -- EL01
9 electricians are permitted to work on the pole in that space
10 for that purpose. That's all it did. It clarified, but it
11 never removed the utility exemption. And that's where the
12 ALJ got it wrong. It's not exclusive jurisdiction. It's
13 concurrent jurisdiction. Both entities, the linemen and the
14 electricians, they work in that space, the electricians
15 under EL01 and the NEC rules, linemen under the utility
16 exemption. Concurrent jurisdiction.

17 BOARD MEMBER KNOTTINGHAM: Mr. Chairman?

18 CHAIRMAN JENKINS: Yes.

19 BOARD MEMBER KNOTTINGHAM: You keep referring to
20 the "utility exemption." I don't see how the utility
21 exemption fits. It's not a service connection for a meter
22 or other apparatus used to measure the consumption of
23 electricity. It's not for generating electricity. It's for
24 a cell site or a radio. So how does that fall under the
25 utility exemption? It's not the utility that's supplying



1 the equipment, is it? Isn't it Verizon?

2 MR. BUTLER: It's a service connection from the
3 transformer to the antenna. It's no different than a
4 service drop from the transformer to the top of the meter at
5 a house.

6 BOARD MEMBER KNOTTINGHAM: Thank you.

7 CHAIRMAN JENKINS: Yes.

8 SECRETARY MOLESWORTH: So I have a question for
9 clarification. You keep using the words "service
10 connection." So the disconnect -- what purpose does that
11 disconnect actually serve on that pole?

12 MR. LAMPMAN: It's to shut the power off at the
13 antenna.

14 SECRETARY MOLESWORTH: It's a service. It's an
15 electrical service created to serve that antenna; correct?

16 MR. LAMPMAN: That's correct, yes.

17 SECRETARY MOLESWORTH: Yes. So that's your
18 delineation point. You can't come in and you can't do work
19 on the service disconnect. The service disconnect is there.
20 An EL01's work, that falls under NEC requirements and 19.28
21 requirements.

22 So when you use the term "service disconnect" or
23 "service point" - you just answered it - that's the service
24 disconnect for that antenna. You can't touch that
25 disconnect.



1 clarification on another point of this is that -- just to
2 talk a little bit about it, why did -- at what point did you
3 have someone get a trainee card?

4 MR. LAMPMAN: It was after we -- we had -- we
5 were contacted by Mr. Zinakov, the -- I forget what his
6 title is. He's, like, the inspector that goes around and
7 checks for licensed individuals.

8 MS. GREER: E CORE.

9 MR. LAMPMAN: E CORE, yeah. Thank you.

10 We called him and talked to him about it, and invited
11 him to come out to the site so we could all talk about it
12 together and figure out what was going on. And he made the
13 suggestion -- well, he told us, "I'm not looking backwards.
14 We're just going to go forward." So one of the paths
15 forward was to -- he suggested that we get our guys a
16 -- sign them up with electrical trainee cards. And we had
17 an EL01 on that project, but he works more in a project
18 management role -- project manager role, that they could do
19 the work with the trainee card as long as they were
20 supervised by the EL01 on at least 7- -- I think 75 percent
21 of the time.

22 And so we got the cards. And it was at that point we
23 just decided to hire an electrician. We didn't want to mess
24 with it any further because we -- of course we already -- we
25 just thought it was a bad idea, let's just hire the inside



1 licensed electrical contractor to do the work for us as a
2 subcontractor under us.

3 And we thought it was all solved, the way Mr. Zinakov
4 was in the conversation we had with him. We were kind of
5 shocked when the citations came in because we thought we had
6 worked it out with him. It was just like, "Wow," you know.

7 SECRETARY MOLESWORTH: So you hired the trainee
8 to come into compliance with the law, is what you did?

9 MR. LAMPMAN: No, we didn't hire trainees. We
10 got our crewmembers that were out there -- we -- that was
11 the solution that Mr. Zinakov offered: As long as we get --
12 the crews that were already out on the project, if we get
13 them electrical trainee cards and they're supervised by an
14 01 at least 75 percent of the time during the installation,
15 that we could continue to do that work.

16 And we got the cards. We ordered them. It took a week
17 or two or something to get them. But right after that, in
18 that period, we just stopped doing the installations because
19 we didn't want to make the situation worse.

20 We weren't sure if we could get the EL- -- our EL01 to
21 really be there because there's so many -- we had so many
22 work orders under this contract. Not all of them are
23 antennas. We're replacing poles all over the city. And for
24 him to be at those locations at the time they needed him, we
25 just didn't see that it was going to work. So we made a



1 decision to hire an inside contractor to do the
2 installations because he didn't need the supervision. He
3 could just float around. If we told him we needed one, he'd
4 go to the site -- he'd pull the permit, go to the site, make
5 the connection, call for the inspection, get it signed off,
6 and then he would invoice us for that work.

7 SECRETARY MOLESWORTH: So he didn't work for you,
8 he was a private contractor?

9 MR. LAMPMAN: He was a private -- he was a
10 sub- -- we subcontracted him. He's a private contractor.

11 CHAIRMAN JENKINS: Any more questions from the
12 Electrical Board?

13 BOARD MEMBER COX: Yes.

14 CHAIRMAN JENKINS: Go ahead.

15 BOARD MEMBER COX: All right. A question for
16 Potelco just to clarify what I just heard about getting the
17 trainee cards.

18 So our E CORE fellow talked to you about this. My
19 question is how many jobs in question here were performed
20 prior to getting those trainee cards?

21 MR. LAMPMAN: Fifty.

22 BOARD MEMBER COX: Was it the 50?

23 MR. LAMPMAN: Yeah.

24 BOARD MEMBER COX: Okay. The other question I
25 have is to your legal counsel.



1 You keep talking about the disconnect going back up to
2 the lineman's section. My question is why was the
3 disconnect below the communication section instead of up in
4 areas where you can normally work?

5 MR. BUTLER: That's a design decision by the
6 utility.

7 BOARD MEMBER COX: Okay. I'm not a lineman. I
8 don't know.

9 MR. BUTLER: The utility designed the pole, the
10 way it goes on the pole and where the disconnect is. That's
11 all their facility. We're not privy to --

12 BOARD MEMBER COX: You just do the work that's on
13 the plan?

14 MR. LAMPMAN: I can kind of answer that, I think.
15 They put it 14 feet above grade so they wouldn't have to
16 rely on the linemen to turn it off if they needed to. If
17 they put it any higher, if they put it in the "com" safety
18 zone, then only a lineman can go up there and shut it off.
19 But where it's at now, anybody can shut it off if they have
20 a ladder high enough to get up there, or bucket. So if
21 there's an emergency, they could send a serviceman out or --
22 I mean I don't -- they would have to be qualified to turn it
23 off.

24 BOARD MEMBER COX: Would you then say that the
25 idea of where they placed it was for safety?



1 MR. LAMPMAN: Yes, I would.

2 BOARD MEMBER COX: Thank you. That's all I have.

3 BOARD MEMBER BURKE: So the work was done for
4 SCL?

5 MR. LAMPMAN: Yes, sir.

6 BOARD MEMBER BURKE: And it's more of a
7 discussion. Where I'm struggling a little bit -- I don't
8 have my NEC books, sorry, but I believe the exception you're
9 referring to 90.2(b), exception 5. And where I'm struggling
10 a little bit is I believe that the specific language is,
11 "under the direct control of the utility," which would be
12 exclusive -- yeah, exclusive and direct control. So, you
13 know, we have a little bit of a -- I think a discussion on
14 that because, essentially, that disconnect is under the
15 direct control of the utility.

16 SECRETARY MOLESWORTH: It's a different utility,
17 though. It's a different company. It's Verizon. The work
18 was done by Potelco for Seattle City Light, I assume.

19 MR. BUTLER: (Nods head.)

20 BOARD MEMBER BURKE: But there's no delineation
21 between if I go to a job for City Light and some of the
22 work's BPA.

23 SECRETARY MOLESWORTH: It's the contract between
24 the contractor and the utility. There was no contract
25 probably between the two, City Light.



1 BOARD MEMBER BURKE: Between Verizon and City
2 Light, or them and City Light -- or, excuse me, them and
3 Verizon?

4 SECRETARY MOLESWORTH: (Nods head.)

5 BOARD MEMBER KNOTTINGHAM: Mr. Chair?

6 CHAIRMAN JENKINS: Yes.

7 BOARD MEMBER KNOTTINGHAM: I'd like to point out
8 that 90 dot -- I'm sorry, RCW 19.28.010 sets the scope, and
9 it refers to, as you said, 90.2, that it references the '92
10 code -- or '82 code, I'm sorry.

11 And I think it's important to go back and look at that
12 because that's what's referenced, and it talks about, after
13 the language, which is mostly still intact, it's the intent
14 of this section and this code covers all problems of wiring
15 and wiring under the utility-owned metering equipment. So I
16 think that clarifies that this work wasn't metering
17 equipment, it wasn't exempt under the NEC.

18 Another thing I want to point out is if you go to the
19 packet on page 621, it's where they have the plans submitted
20 for the 15 -- the market job, one of the notes -- and I know
21 these are pretty standard notes, but it says it has to
22 comply with the 2017 National Electrical Code. So I think
23 it's pretty clear that that falls under the NEC, and it's
24 under the control of the NEC, and, therefore, it's under the
25 jurisdiction of this RCW, which requires certification for



1 that portion and only that portion.

2 CHAIRMAN JENKINS: Questions and comments from
3 the Electrical Board?

4 BOARD MEMBER ISAACSON: Point of clarification.
5 Is it relevant who owns the meter today? I didn't see
6 that in the Board packet, and I'm not sure if it can be
7 presented today. Would that be relevant?

8 CHAIRMAN JENKINS: The equipment, I think, is in
9 the packet. They mentioned it was not owned by the utility.
10 It's owned by Verizon. And so from what I have in the
11 packet, it was installed by utility for ease of making this
12 quicker. They could go in and put the stuff in. And I
13 think the intent was -- if I'm not wrong, this is a question
14 or comment that maybe AAG Ms. Greer, you can expand on.

15 But that exception that was created was to allow for
16 utility and 01 electricians to work together in an area
17 where they would possibly have the lineman bring down a
18 cable. And I'm looking at - it might make more sense - I'm
19 looking at page 648 -- 649 of our packet. Actually, it
20 might be the next page. There's some pictures. Make that
21 item -- page number 652. The picture I'm looking at here is
22 the power pole looking up at the disconnect, looking at the
23 equipment, and looking at the utility where they would make
24 their connection point.

25 And, you know, from my experience -- I know this is a



1 different installation. From my experience, the electrician
2 would install a cable or a conduit, they'd put a weather
3 head on the end of it, there would be cables coming out, and
4 the utility would come by and make those connections to the
5 utility head.

6 And then, looking here, they have an antenna to
7 connect. They would bring the cables down to the antenna,
8 whether it be a conduit, whether it be a connection point,
9 and then I, as an electrician, would make those connections
10 because I would not be up in the power area. I would make
11 those connections from the line.

12 And so I guess my question to the Board is does anybody
13 believe that the work at the disconnect is in -- is not in
14 the 01 requirements? Does anybody disbelieve that that is
15 01 work that is actually done below that last line there,
16 the disconnect and the equipment shown there? And so I
17 would look for argument to that.

18 So I guess, given that -- and it kind of proves itself
19 over again because the permits were pulled. Had they not
20 been pulled and an inspector, E CORE, or someone else drove
21 by and saw a line truck out there working down below that,
22 they would pull over and say, "Where is your permit for
23 this?" and "Where is your licensing for this?"

24 And so I think the inspector, the -- was it the --

25 UNIDENTIFIED SPEAKER: Zinakov.



1 CHAIRMAN JENKINS: -- the communication inspector
2 asked the question -- he said, "Wait a second. This is 01
3 work. Where is your license at?" Kudos to him for asking
4 the question. And so, you know, they're...

5 Now, I guess, my understanding is, with some of the
6 changes in the electrical division, is they are now asking
7 that question. Before, I think it was ECORE that was only
8 asking that. So I'm glad to hear that. They are starting
9 to ask that question and start to at least look at that side
10 of the picture.

11 And whether or not you understood that, whether you
12 understood the changes in the law before to the changes now,
13 if you caught that change or amendment, I don't know,
14 whether it stayed inside the book -- whether you picked up
15 on that or didn't realize it. But I -- I personally think
16 that that work down below that line is 01 work; hence, it
17 requires a permit.

18 And there's no documents, there's no proof in here, I
19 looked through this thing pretty heavily trying to find
20 anything that said that the person during that time frame of
21 installation was a trainee that's provided by an 01
22 electrician, and it's been stated multiple times it wasn't.
23 So at the time of the installation, it was not legally
24 installed, in my opinion. And if anybody has an argument
25 against that, I'd like to hear it.



1 BOARD MEMBER PHILIPS: It's not an argument
2 against it, but I think that's why Seattle City Light asked
3 you to pull permits. I don't think it was for the revenue.

4 CHAIRMAN JENKINS: So, any Board discussion from
5 the Electrical Board?

6 BOARD MEMBER KNOTTINGHAM: Yeah. I just have a
7 comment.

8 You know, I feel for you for the amount of citations.
9 They are a lot. But I don't know that, looking at the WAC,
10 that there's really any other way to lessen the blow. I
11 wish there was. You know, you were cited the least amount
12 you could have been for each occurrence. And it's
13 unfortunate that it wasn't caught sooner so the impact could
14 have been less. That's the one thing I see out of this.
15 It's too bad that didn't happen. But, you know, it happened
16 when it did, and they assessed the penalties I think
17 correct. Just a comment.

18 CHAIRMAN JENKINS: Okay. Any other comments from
19 the Board?

20 Okay. Given that, the Board -- let's entertain a
21 motion to uphold the findings and facts and the decisions
22 created by the ALJ.

23 BOARD MEMBER ISAACSON: I make a motion.

24 BOARD MEMBER CUNNINGHAM: I'll second it.

25 CHAIRMAN JENKINS: Got a second. Any discussion?



1 BOARD MEMBER COX: Yes, Mr. Chairman.

2 There were -- does the motion include the amendments
3 that the assistant attorney general talked about for -- what
4 was it?

5 MS. GREER: The penalties. The penalty amount.

6 BOARD MEMBER COX: Right. There was an amendment
7 there to it. Is this motion --

8 CHAIRMAN JENKINS: I think I can answer that
9 because the actual -- ALJ actually only cited them -- fee'd
10 them -- they made the amendment to only 50 --

11 BOARD MEMBER COX: Okay. And that's what that
12 was, was 50 out of the 52? Is that what that amendment was
13 that you were talking about?

14 MS. GREER: The ALJ amended or modified the
15 citations, striking two of the -- two jobsites.

16 BOARD MEMBER COX: Okay.

17 MS. GREER: So it doesn't impact the citations
18 because there's only three, but it impacts the penalty level
19 against Patelco, against Mr. Montgomery, and Mr. Lampman,
20 reduces each set of penalties by \$500.

21 BOARD MEMBER COX: Okay. And is that what was
22 reflected in the ALJ's finding, or is this an amendment to
23 the ALJs finding?

24 MS. GREER: No. This is the ALJ's initial order
25 that included that modification.



1 BOARD MEMBER COX: Okay. That's all I wanted to
2 clarify. Thank you.

3 CHAIRMAN JENKINS: Any other discussion?

4 All right. All in favor of the motion, all in favor
5 say "Aye." (Chorus of ayes.)

6 Any opposed?

7 BOARD MEMBER BURKE: Aye.

8 CHAIRMAN JENKINS: The motion passes.

9 Thank you very much for your time.

10 MR. LAMPMAN: Thank you.

11 CHAIRMAN JENKINS: The Board has made a decision.

12 AAG Ms. Greer, you are the (indiscernible) party. Have
13 you prepared an order?

14 MS. GREER: I have not yet. I will prepare one
15 and route it to Potelco's counsel, and hopefully be able to
16 present it before or at the next board meeting.

17 CHAIRMAN JENKINS: Okay. I'd ask that you don't
18 leave today until you have made a list out to the initial
19 findings, short of that. Please be advised that if you do
20 not retain an agreement date, this date will be
21 automatically set to present evidence at the next regularly
22 scheduled Board meeting. If your agreed order has not been
23 received by that date, the parties will be expected to file
24 or prepare proposed orders and -- prepare it and why their
25 proposed orders best reflects the Board's decision. I hope



1 it's not necessary. If you're able to reach an agreement to
2 the form of which the order is before the next meeting,
3 please forward it to the secretary of the Board, or its
4 office, and they will ensure that the -- it is signed and
5 copies are provided to the parties.

6 Thank you very much.

7 MS. GREER: Thank you.

8 MR. BUTLER: Thank you.

9 MR. LAMPMAN: Thank you.

10 CHAIRMAN JENKINS: All right. So going back to
11 our agenda. Just for the record, those are the two items
12 that we will be discussing today under appeals. All of the
13 other appeals, which is B, D, E, F and G, are all continued
14 to the January meeting.

15 The item number H, PNW Electrical, we are still waiting
16 on correspondence to deal with that denial of variance.

17 And so we are moving on to item number 4 of our list:
18 Department/Legislative update with Mr. Lorin Lathrop. Are
19 you here today?

20 SECRETARY MOLESWORTH: I think Mr. Vance is going
21 to do that portion, the legislative update.

22 CHAIRMAN JENKINS: So, Mr. Larry Vance.
23 Technical specialist Larry Vance, could you please come
24 forward, if you can, and give us updates on the legislative
25 updates.



1 Members of the Board, my name is Larry Vance. I'm a
2 technical specialist with the Department of Labor &
3 Industries. And -- I'm going to turn the master down a
4 little bit on this. It's really grainy.

5 UNIDENTIFIED SPEAKER: It is.

6 TECHNICAL SPECIALIST VANCE: What I'd like to
7 address today is a rulemaking that we've had underway
8 regarding WAC 296-46B-945. -945 addresses qualifying for
9 examinations. It's the rules that apply to RCW 19.28.191,
10 which is the electrical law that applies to qualifying for
11 examination.

12 The rulemaking is necessary to implement good cause
13 provisions that were enacted as a result of the passage of
14 Substitute Senate Bill 6126 in 2018. That bill implemented
15 requirements for anyone qualifying for the 01 general
16 journal-level electrician examination after July 21, 2023,
17 that they must complete an apprenticeship program to do
18 that.

19 These good cause provisions are temporary. They are
20 for two years. They are in effect from July 1, 2023 until
21 July 1, 2025. And what that is is that is a period of time
22 to allow the industry to adjust to the laws that were
23 enacted in 2018, meaning apprenticeship required for anyone
24 qualifying for the journey-level examination.

25 There was also a lot of housekeeping involved in this.



1 The Office of the Code Reviser, their style guide now,
2 instead of using -- spelling a word out, you now use the
3 alphanumeric version of that. So it's going to be numbers
4 instead of letters. So you'll see a lot of red ink on that.

5 What you'll see, if we go to the version just for ease,
6 if we go to the version that starts with (2) at the top,
7 subsection (2) at the top, that's the -- that's the current
8 version that's posted on the web. Again, the only thing is
9 that there's -- the only difference between the two of these
10 is that there is clarifications as far as reference
11 revisions, nothing at all significant.

12 So if everybody is on that, you can see that under
13 subsection (4), what -- what is done is that everything
14 that's current -- currently in place is struck out. And
15 that's done because this rule takes effect July 1, 2023. So
16 this version of the rule, without any corrections on it or
17 anything, is what's currently in place and will be in place
18 until July 1, 2023. So we strike out that which is the
19 current requirements, the current allowances.

20 And then we get down subsection (4) quite a ways, and
21 then we insert, "except as provided under subsection (5) of
22 this section." And what that does is that now introduces
23 the new section, subsection (5), which are the good cause
24 provisions.

25 Once we get to the good cause provisions under



1 subsection (5), it sets a date that it is effective until.
2 So it's until 2025. And it's under temporary authority
3 provided by RCW 19.28.195, which is, essentially, a
4 one-sentence -- or two-sentence provision in the electrical
5 laws.

6 Once you get to -- and what (a) states -- (5)(a) states
7 is that, essentially, under these conditions, you're going
8 to be able to qualify for exam without completing an
9 apprenticeship, which is actually what the law requires.
10 Unless you've got good cause under -195, you would be
11 completing an apprenticeship program. But if we start with
12 subsection (5)(a)(i), little "i", you will see that that is
13 the first provision to qualify without completing an
14 apprenticeship program.

15 This addresses the limbo situation that the law
16 creates. The law requires completion of an apprenticeship
17 program in order to qualify for the exam. And when somebody
18 completes an apprenticeship program, they no longer meet the
19 requirements of RCW 19.28.161(2)(a)(i), which requires
20 anyone who is not a journey-level electrician to be a
21 registered -- a registered apprentice. So they are in
22 limbo. The law creates a limbo period.

23 This corrects that, makes an allowance here, that all
24 somebody has to do is -- they don't have to complete the
25 program. What they have to do is complete the education and



1 work experience requirements of the program. So they are
2 not officially completed as an apprentice. They are still
3 an apprentice while they're taking the exam. So they're not
4 in limbo. So that's -- that's what that section unwraps.

5 The next section, (2) there -- here --

6 BOARD MEMBER COX: Mr. Vance, can I interject
7 something?

8 TECHNICAL SPECIALIST VANCE: Yes.

9 BOARD MEMBER COX: I just noticed in that
10 subsection (i), or subsection (1), so (5)(a)(i) --

11 TECHNICAL SPECIALIST VANCE: Yes.

12 BOARD MEMBER COX: -- you have written out, "four
13 thousand" rather than the numeric amount. Is that intended?

14 TECHNICAL SPECIALIST VANCE: Let's see. If it's
15 the beginning of a sentence, then it would --

16 BOARD MEMBER COX: Then it would be?

17 TECHNICAL SPECIALIST VANCE: Then it would be,
18 yeah.

19 BOARD MEMBER COX: Very good. Okay. Thank you.

20 TECHNICAL SPECIALIST VANCE: Yes. They have a
21 lot of rules over there in the code revisor's office.

22 BOARD MEMBER COX: Very good. Thank you for the
23 clarification.

24 TECHNICAL SPECIALIST VANCE: (2) is -- allows
25 folks from licensing states that are purely licensed by that



1 state -- meaning that they got their experience in the
2 state. They didn't bring some experience from some other
3 state or various states. They essentially -- there
4 are about half the states in the United States that license
5 electricians.

6 And during the interim here, while the capacity in
7 apprenticeship is -- you know, it's got to find its
8 equilibrium. So this allowance allows those folks from out
9 of state that have experience, 8,000 hours' worth of
10 experience in a state that licenses electricians by
11 examination, to qualify for the exam. And that's only a
12 two-year allowance at this point.

13 BOARD MEMBER GRAY: Are you taking questions on
14 these now or do you want to wait until you've finished?

15 TECHNICAL SPECIALIST VANCE: We can do that as we
16 go. It's --

17 CHAIRMAN JENKINS: I'm okay with either
18 direction. Do you want to go through all of the
19 questions --

20 TECHNICAL SPECIALIST VANCE: It may work just to
21 do one, and then see if there's any questions, and then go
22 on from there.

23 CHAIRMAN JENKINS: All right.

24 BOARD MEMBER GRAY: And I have a question.

25 TECHNICAL SPECIALIST VANCE: Sure.



1 BOARD MEMBER GRAY: On the next page, in (ii),
2 subsection (ii), it says, "All experience applied toward
3 qualifying for examination must be experience gained in the
4 state that issued the certificate or military service or
5 both. Documentation of experience shall be the same as
6 required in subsection (10)."

7 So my question is, suppose a person whose residence is
8 Washington joins the military and is stationed in a state
9 that has a licensing requirement. Let's just say Georgia,
10 for example. And I don't know if Georgia has a license
11 requirement or not. Using that for an example.

12 While they are in Georgia -- stationed in Georgia as
13 their permanent base, they are deployed to the Middle East
14 for however long it takes, but they are there as an
15 electrician and are gaining hours that would qualify for
16 what we would have as an 01 certification. They obtain and
17 test in the state of Georgia for a license and gain that
18 license, and then when they get out of the military, they
19 move back to Washington and now want to sit for our exam.

20 Is this saying that all of the hours they gained in the
21 Middle East would not apply to the certification here in
22 Washington because they were not earned in the state of
23 Georgia?

24 TECHNICAL SPECIALIST VANCE: They could be
25 entered in the state of Georgia or through military service.



1 And that military service is wherever in the armed forces of
2 the United States.

3 BOARD MEMBER GRAY: But that's not what this
4 says, at least the way I'm reading it, right? It says that
5 their hours gained have to be in the state, and it
6 specifically says, "or a military service."

7 TECHNICAL SPECIALIST VANCE: "Or."

8 BOARD MEMBER GRAY: And so is that what that
9 means, then?

10 TECHNICAL SPECIALIST VANCE: Yeah.

11 BOARD MEMBER GRAY: So it's not the hours in
12 military service, it's the hours gained in that state or
13 hours gained in military service?

14 TECHNICAL SPECIALIST VANCE: Or both.

15 BOARD MEMBER GRAY: Gotcha.

16 TECHNICAL SPECIALIST VANCE: Yeah.

17 BOARD MEMBER BURKE: You're trying to stop them
18 from getting a reciprocal license and then using that
19 reciprocity to come back --

20 TECHNICAL SPECIALIST VANCE: It's just we didn't
21 want to disqualify military service, is the thing. And we
22 know that military service isn't going to be necessarily
23 gained in the state where you end up becoming a certified
24 electrician.

25 BOARD MEMBER BURKE: I'm talking more of the



1 hours, right?

2 TECHNICAL SPECIALIST VANCE: Yeah.

3 BOARD MEMBER BURKE: Someone who is in a state
4 that does not require those hours gets reciprocity with
5 another state, gets a license, and then now they can't sit
6 for our exam --

7 TECHNICAL SPECIALIST VANCE: Right.

8 BOARD MEMBER BURKE: -- which is -- I understand
9 the intent.

10 TECHNICAL SPECIALIST VANCE: I completely --
11 yeah, I -- there are states that issue licenses that -- that
12 closely track where hours are -- where they come from.
13 There are states that maybe don't do that as well as
14 Washington does. The intent is that -- and there are other
15 states that accept hours that are submitted to them. Once
16 they are submitted to the state, they -- they catalogue them
17 for you.

18 So all this is -- all this has is it has some
19 sideboards that just require the hours to be gained within
20 the state where they were certified, so that that's not the
21 case where people are bringing a proof of experience that
22 may be questionable, we'll just say that. Because,
23 generally, licensing states have -- they are not exactly
24 like Washington, but they do have -- they do scrutinize, and
25 they do -- you know, they do examinations. They do the same



1 thing that we do. So there is that level of scrutiny.

2 So we go on to (3). And this is the military allowance
3 to allow somebody to directly -- directly qualify for the
4 examination through military service. There's not a lot of
5 these folks. But what 61- -- what Senate Bill -- Substitute
6 Senate Bill 6126 did was it closed that door, meaning that
7 these folks, in order to qualify for exam, would have had to
8 have completed an RCW 49.04 apprenticeship or equivalent to
9 qualify for the exam. That's the only allowance that, after
10 July 1, 2023, is present without these good cause
11 provisions. So this is just pretty simple, cut and dry. We
12 wanted to not exclude the military, and this is the
13 provision that does that.

14 BOARD MEMBER KNOTTINGHAM: Larry?

15 TECHNICAL SPECIALIST VANCE: Yes.

16 BOARD MEMBER KNOTTINGHAM: So this expires in two
17 years -- well, in '25. What are you going to do about
18 military service accepting that moving forward past 2025?

19 TECHNICAL SPECIALIST VANCE: Our rulemaking
20 ends -- our authority ends in two years, July 1, 2025, and I
21 don't know if the original -- you know, the proponents of
22 the bill are going to approach the legislature and make --
23 you know, amend this. I don't know what's going to happen.
24 I don't know of any plans that the Department has regarding
25 that. You know, it's -- it's a law that's been enacted, and



1 it's our role to enforce that law. So we're doing
2 our -- we're doing our duty here with these good cause
3 provisions, and when these good cause provisions expire, we
4 enforce the law that's in place, so...

5 CHAIRMAN JENKINS: I think, in getting at it,
6 there's a law, we call it -- there was a law trying to get
7 passed fairly recently that was trying to correct these
8 little discrepancies in the system, and it failed somewhere
9 in the process. And so we're kind of kicking the can down
10 the road. And so now we hope there will be another push to
11 correct some of these discrepancies in the next year or so
12 to fix those. I think that's what he's trying to get to.

13 TECHNICAL SPECIALIST VANCE: You are absolutely
14 correct. It was Senate Bill 5599. And if you're familiar
15 with that bill, you'll see that a lot of these provisions
16 were in that bill.

17 BOARD MEMBER KNOTTINGHAM: So SB 5599 failed.
18 This basically takes that up at least for a two-year period;
19 is that correct?

20 TECHNICAL SPECIALIST VANCE: Correct.

21 BOARD MEMBER KNOTTINGHAM: So there wouldn't have
22 to be legislation at least for the next two years to keep
23 things right of ship, you know, get these people who kind of
24 fall in the gap?

25 TECHNICAL SPECIALIST VANCE: That's correct. It



1 would -- it would protect the economy of the state of
2 Washington as far as the supply of electricians and -- for
3 two years, so...

4 BOARD MEMBER BURKE: But if something needs to be
5 done in '25, we start now, I mean, to your point.

6 SECRETARY MOLESWORTH: And, Jack, I think in the
7 next two years, there will be enough, I don't want to call
8 it evidence, but there will be enough problems identified in
9 it that there will be another bill that comes about that
10 probably will be more successful, I would think, so...

11 BOARD MEMBER KNOTTINGHAM: Hopefully, next year.

12 BOARD MEMBER BURKE: Yeah. Before we get to the
13 end.

14 TECHNICAL SPECIALIST VANCE: And I tracked -- as
15 part of my role with the Department, I tracked 5599, and was
16 involved in it, and really what the opposition to that bill
17 was is that there's opposition to the original Substitute
18 Senate Bill 6126. I mean it's just -- that's the
19 opposition.

20 There's -- there are folks in Washington interest
21 that -- that are not in agreement that that's the way to go,
22 and so they oppose the fix to it to oppose the bill itself
23 so that we come back to square one. And we're doing what we
24 can under good cause here, but, you know, as everyone
25 understands, good cause goes away in two years, so...



1 BOARD MEMBER KNOTTINGHAM: Thank you.

2 TECHNICAL SPECIALIST VANCE: We are now at (4),
3 subsection (4) here. And this is very, very, very similar
4 to what Oregon allows and -- what Oregon allows and Idaho
5 allows. So this is the "safety net," so to speak.

6 If you come from a state that has no license -- state
7 licensing laws, city licensing laws, county licensing laws,
8 there's just no licensing in the state, or maybe if there's
9 a county that has licensing laws in the state -- like, I
10 think, Nevada, for instance. I think there's licensing in
11 one county in Nevada, and then the rest of the state is the
12 Wild West. And that's their model, and that's -- but...

13 This -- this provision allows people that have this
14 level of experience to qualify for examination because they
15 don't fit into -- they don't fit into the model we have.
16 That's not saying that they're not a skilled electrician.
17 It doesn't mean that they -- you know, that they're going to
18 make unsafe installations. There just has to be a way to
19 recognize somebody's experience when they come from a model
20 that differs greatly from a licensing state or
21 apprenticeship state model. So this does that.

22 Essentially, they have to have somebody that's a
23 reputable person to attest for the fact of their experience.
24 And then we look at that, our technical review team looks at
25 that and makes a few phone calls. And, you know, we don't



1 just -- these don't just rubber-stamp through. We do take a
2 pretty good look at these folks, but it gives them -- it
3 gives them a pass so that they're not excluded.

4 And then (5), subsection (5) here, is interesting.
5 There is a way for a current on-the-job trainee, if they
6 have 4,000 hours of commercial/industrial experience come
7 July 1, 2023, that they can then qualify for the exam
8 without becoming a registered apprentice if they continue
9 working in specialties where apprenticeship is not required.

10 So the apprenticeship law did not require an
11 apprenticeship registration for any trainees learning
12 electrical specialties. So as long as they're working at
13 4,000-hour specialties that count -- 4,000 of those hours
14 count toward qualifications the 01 examination, they -- this
15 allows them that path to get to examination without becoming
16 a registered apprentice.

17 One of the things we hear a lot about is the "urban
18 rural divide." We hear a lot about the difficulty for
19 contractors in rural areas to accrue the number of hours
20 required to qualify for the 01 journey-level exam. And that
21 4,000 commercial/industrial hours and 4,000 other hours can
22 be 4,000-hour specialty hours. They could be all 4,000 --
23 all 8,000 commercial/industrial hours. There's no --
24 there's no requirement that they be specialty hours.

25 So with this provision, if somebody is out there right



1 now -- and this bill did pass in 2018. And since 2018,
2 since early 2019, every time an electrical trainee becomes a
3 trainee, or they renew, they get a letter from us. And that
4 letter notifies them of these -- of this apprenticeship
5 requirement. I mean we've had tens of thousands of these
6 letters go out. We've papered -- we've papered jobsites
7 with thousands and thousands of those green cards that are
8 on the back table there about this requirement coming. Our
9 electrical inspectors report that when they go to hand
10 somebody one of those cards, they go, "I know. I know. I
11 know all about it."

12 The thing that is here now is that we now have people
13 that -- we now have trainees that are in the food chain, so
14 to speak, learning, doing 01 work, gaining 01 experience,
15 and they won't have 4,000 hours by July 1, 2023. They will
16 be working for someone who may or may not choose to become a
17 training agent, and -- and so that person can become a
18 registered apprentice.

19 There's a real mix of -- of -- this is where the
20 relationship between electrical laws and apprenticeship laws
21 and rules and policies gets pretty complicated. This is the
22 only lawful path to allow an on-the-job trainee to qualify
23 for the exam that's compliant with the law. There is not a
24 way to allow somebody that has 3,000 commercial/industrial
25 hours to gain their last thousand hours outside of



1 apprenticeship after July 1, 2023 because of what's required
2 in RCW 19.28.161(2)(a)(1), which states that in order to
3 work in the electrical construction trade as a trainee, you
4 have to be a registered apprentice. So this is the -- this
5 is the last allowance, and this is that allowance that can
6 be extended to trainees, so...

7 Does anybody have any questions about that?

8 And then (5)(b), which is the last provision here of
9 the good cause provisions in section (5), it simply just
10 establishes when the experience has to be submitted and the
11 application and experience to qualify under good cause. And
12 that good cause -- that date is July 1, 2025, and that is
13 also the same date that the provisions of RCW 19.28.195
14 expire. In other words, our good cause expires on July 1st,
15 2025. That's the last day that -- actually, it expires on
16 that. So they have to be received by the Department before
17 that date. And if they're received before that date, then
18 they are timely for good cause, so...

19 And then -- does anybody have any questions on that?

20 If we kind of go back to the long version of this --

21 BOARD MEMBER KNOTTINGHAM: I'm sorry --

22 TECHNICAL SPECIALIST VANCE: Go ahead.

23 BOARD MEMBER KNOTTINGHAM: -- I have a quick
24 question.

25 TECHNICAL SPECIALIST VANCE: Yes.



1 BOARD MEMBER KNOTTINGHAM: So if I submit my
2 affidavit and there's a problem with it, it gets kicked
3 back, I submit it in the middle of June, is there going to
4 be time to amend that, or it has to be in and accepted prior
5 to this expiring?

6 TECHNICAL SPECIALIST VANCE: Those are cases
7 that -- that our licensing staff currently -- they expedite
8 a turnaround on something like that. And we -- we greatly
9 revised our affidavit so that we don't have fields that
10 get -- that don't get filled out. Generally, it may be a
11 date range issue, possibly a signature issue. And what our
12 staff does is they work that. I mean it's going to
13 be -- you know, they already provide -- you know, there's a
14 certain level of grace on that. You got it to us. You
15 might have made a mistake.

16 BOARD MEMBER KNOTTINGHAM: Okay. Yeah, I would
17 hope -- hope so.

18 TECHNICAL SPECIALIST VANCE: Yeah. You know, if
19 it's fraud, it's a different thing.

20 BOARD MEMBER KNOTTINGHAM: Correct.

21 TECHNICAL SPECIALIST VANCE: Yes.

22 CHAIRMAN JENKINS: A discussion was brought up in
23 other meetings about the idea of someone turning their
24 affidavits in. Currently, it kind of says that anything
25 after July 2023 that's commercial, it won't be counted. And



1 I totally get that and understand that. You want to turn an
2 affidavit in that's after that date because they are only
3 required to turn them in on expiration dates. How does the
4 state distinguish between hours in industrial/commercial
5 work between specialty work on that affidavit?

6 TECHNICAL SPECIALIST VANCE: Well, currently, our
7 affidavit form has categories, and you -- you write the
8 number of hours under each one of the categories, 01
9 commercial/industrial, 02 residential, so on and so forth.

10 Administratively, between now and July 1, 2023, what
11 we've got to do is decide on what our path is to modify our
12 affidavit form. More than likely what we're going to do is
13 probably split our affidavit form for -- we'll have an 01
14 journey-level 01-hour affidavit. And that's all that goes
15 on that affidavit, just 01 hours and a date range. And that
16 solves the date range issue. And then we have an affidavit
17 for specialty hours. So that way we don't have this, you
18 know, confusion.

19 It's going to be a little -- you know, I mean, like any
20 change, it's going to be a change to our staff. It's going
21 to be a change to the contractor community out there, and
22 the training agent community as well. But we'll communicate
23 it, and we'll get through this.

24 SECRETARY MOLESWORTH: So, Jason, just for a
25 little clarity, they're required to do it by then, but they



1 can submit those affidavits any time. But they're required
2 to submit them at renewal for hours, but you can submit them
3 prior to that and still get that credit added to your -- to
4 your record.

5 CHAIRMAN JENKINS: My understanding is that they
6 have 120 days after their renewal date to get them
7 submitted --

8 SECRETARY MOLESWORTH: So, yeah. And so that --
9 that is a different part of the law, right? We probably
10 won't allow that 180 days past July 1, 2023 to submit those
11 hours because it's a different law that takes effect right
12 then at 2023, so...

13 CHAIRMAN JENKINS: I was hoping those two
14 coincide somehow that will make sure that it doesn't become
15 an issue where someone truly intended to get their hours in
16 and they say, "Well, I don't have to do it until January of
17 2024, and so I'll turn them all in at that time," and they
18 come back and say, "Whoa, it doesn't count" --

19 SECRETARY MOLESWORTH: We'll have to be
20 discussing that a little bit because -- because it could
21 conflict, right?

22 TECHNICAL SPECIALIST VANCE: If someone wants to
23 decide to turn their hours in after July 1, 2025, they will
24 be turning them in in a period of time where they will count
25 within the 180 days, they're just not within the good cause



1 period.

2 SECRETARY MOLESWORTH: Right.

3 TECHNICAL SPECIALIST VANCE: So --

4 CHAIRMAN JENKINS: Sorry to interrupt you. I
5 understand that 2025. I'm more thinking of the 2023 time
6 frame.

7 TECHNICAL SPECIALIST VANCE: Oh, the 2023 time?
8 You can turn your hours in any time those -- everybody
9 that's -- so we're talking about hours worked prior to July
10 1, 2023. So everybody -- there's a two-year period. So, no
11 matter what, if everybody is going to turn their hours in
12 within 180 days of their expiration period, it's all going
13 to be, you know, within that two-year period because
14 training certificates are good for two years. And so it all
15 kind of works out, so...

16 CHAIRMAN JENKINS: So we have a plan to make sure
17 it's clean and simple, or --

18 TECHNICAL SPECIALIST VANCE: It's as clean and
19 simple as we can explain to the 3,000 electrical contractors
20 and 20-some-thousand trainees. It's -- it's herding cats,
21 but we -- you know, we know what we're up against on that.

22 SECRETARY MOLESWORTH: I don't know if the record
23 reflected that, but I had a big sigh right after you said
24 that, so...

25 TECHNICAL SPECIALIST VANCE: So if we go back to



1 the version of this, the version that you were all emailed,
2 and it's the version that starts with a "1" on it, we'll
3 just take a quick peruse back through subsections (6), (7),
4 (8), (9), (10), (11), (12), and (13), just so that I can
5 give a little oversight -- or a little insight as to what
6 we're doing there.

7 So in subsection (6), all we're doing there is that
8 there's some -- there's some reference corrections in that
9 section. There's some of the alphanumeric corrections in
10 that section. That's all that's happening there, just
11 housekeeping.

12 In subsection (7), more housekeeping. We dropped the
13 term "journey level" in that section because after July 1,
14 2023, the only way to qualify for exam is through
15 apprenticeship completion. And we direct them -- just give
16 them a -- for journey-level competency examination
17 candidates, we direct them where to go find the
18 requirements. And that's going to -- it will be kind of a
19 similar theme as we keep going through this.

20 There is a -- in subsection (8), more of the
21 housekeeping. You'll see a sentence down there in
22 subsection (a), (8)(a), that adds the words, "when
23 supervision was required by the jurisdiction where the
24 training occurred." And that gets back to that state
25 licensing thing where there's a great possibility in about



1 half the states where there won't be a state-certified
2 electrician of any kind supervising somebody.

3 It's not the fact that they're -- they just don't meet
4 what our definition of "supervision" is. Not saying they're
5 not supervised. It's just the fact that, you know, we're
6 not going to -- we're not going to discriminate because
7 there wasn't a state-certified electrician supervising
8 somebody in a state that doesn't certify electricians, if
9 that makes sense.

10 (9), more housekeeping.

11 (10), again, just removing the
12 journey-level -- reference to a "journey-level electrician"
13 and providing a reference so they can get back to where the
14 requirements are. And that is when we are talking
15 about -- those are licensing states. This is the -- this is
16 the rules for licensing states, in subsection (10).

17 Next we go to subsection (11), which is rules for
18 states that do not have any licensing requirements. So,
19 again, just a reference back to subsections (4) or (5),
20 effective until July 1, 2025.

21 And the military experience, it directs you back -- it
22 directs you back to the reference where there is a path
23 straight to certification, in subsection (5)(a)(4).

24 And then "experience in another country," we just
25 clarify there that where there -- if you come with



1 experience from another country, what the rule provides for
2 is you can be granted up to 50 percent of the experience
3 that it takes to require -- that's required to qualify for
4 examination. And then it goes on to -- it goes on to
5 stipulate how to gain that other experience. And what we
6 clarify here is that we just clarify that that is going to
7 be gained in an apprenticeship program. We would just make
8 sure that they know that's how the experience needs to be
9 gained.

10 And, really, nothing -- no corrections in subsections
11 (14) or (15) of the rule.

12 And that is, essentially, the changes that are proposed
13 in this version.

14 CHAIRMAN JENKINS: Any questions?

15 At this point here, how are you doing?

16 THE COURT REPORTER: Good. Thanks.

17 CHAIRMAN JENKINS: Okay. So that was the draft
18 rule. Are there any things that need to be presented here?

19 TECHNICAL SPECIALIST VANCE: No. I just wanted
20 to say that, you know, this is the -- the first -- the first
21 look at the -- you know, the first couple drafts here.
22 There's probably a third draft of this that's imminent, with
23 a couple more minor tweaks. We're gaining -- we're
24 requiring input here, kind of an informal period of time
25 here leading up to filing of the -- of the official rule.



1 And when we file the official rule, then we'll announce
2 a public hearing, and we will then take official comment on
3 the rule at that time. That's tentatively somewhere around
4 the first couple weeks of January at this point. It's not
5 exactly nailed down. We're kind of -- as we get more input
6 on this, and as we pass paper back and forth between the
7 code reviser and ourself -- days are slipping by. So we
8 can't really announce anything solid, but that's our goal,
9 to be filing a rule around then and having the rule
10 effective somewhere in January, February. You know, that's
11 kind of the... So it's not a -- the rule is final at that
12 time, but it's not effective until July 1, 2023. So what
13 there will be is there will be a concurrent display of the
14 current rule and this revised rule posted on the website for
15 the period of time in the interim, so...

16 The Board will have another look at -- at this rule.
17 We're just looking at this time if the Board's got any, you
18 know, concerns or advice for the Department at this point.
19 You know, this is part of our -- our outreach as far as --
20 as far as our efforts so far.

21 CHAIRMAN JENKINS: Okay. Are you looking for a
22 motion to move forward, or are you just giving your input
23 today?

24 TECHNICAL SPECIALIST VANCE: If -- if the -- if
25 the Board wants to or wishes to, I don't think the



1 Department would be opposed to that. You know, it would be
2 up to the Board.

3 BOARD MEMBER BURKE: So moved.

4 UNIDENTIFIED SPEAKER: Second.

5 CHAIRMAN JENKINS: We have a motion and second to
6 continue on with this process from the Electrical Board.

7 Any discussion?

8 Hearing none, all in favor indicate by saying, "Aye."

9 (Chorus of ayes.)

10 Any opposed?

11 Motion passes. Thank you very much.

12 TECHNICAL SPECIALIST VANCE: Thank you.

13 CHAIRMAN JENKINS: All right. So on to item
14 number 5, the secretary's report with Wayne Molesworth.

15 Are you ready to give your report?

16 SECRETARY MOLESWORTH: Sure, Mr. Chairman. Thank
17 you. Hello, Board Members. Great to see you in person
18 again. I appreciate the opportunity to be here as well.

19 First, before I get started on the secretary's report,
20 I'd like to identify some people in our audience. We've got
21 some new inspector cadets, let's call them, but they are in
22 our in-training program.

23 Could you guys raise your hand. Dennis Straley, in the
24 back, he's our trainer.

25 And so we're making some progress, getting some people



1 hired. You know, I've got some other elements after the
2 report that I'd like to talk with you about as we go forward
3 that have to do with a little bit of that, so...

4 So the secretary's report today, I'll read that into
5 the record. Our budget. The electrical fund balance on
6 September 30th, 2022 was \$16,157,485, which is about seven
7 times the average monthly operating expenditures. The
8 average monthly operating expenditures for the first three
9 months of fiscal year 2023 were \$2,431,929, compared to
10 \$2,338,473 for the same period last year, which is an
11 increase of about 1.4 percent. Average monthly revenue for
12 the first quarter of FY 2023 was \$2,755,819, compared to
13 \$2,780,759 for the same period last year, an increase of
14 about 1 percent.

15 CHAIRMAN JENKINS: That would be a decrease of
16 1 percent; correct?

17 SECRETARY MOLESWORTH: I've got "decrease" here,
18 but -- would it be? Yes, it's an increase [sic] of
19 1 percent. Sorry.

20 Okay. October 2022, customer service information, we
21 had -- 48,839 permits were sold last quarter. 98.5 percent
22 or 48,090 were processed online, which is a .3 percent
23 decrease from last quarter.

24 99.8 percent of contractor permits were sold online,
25 which is consistent with the previous quarter.



1 Homeowners' online sales from this quarter is
2 84.8 percent, which is a 4 percent decrease from the
3 previous quarter.

4 Online inspection requests is 77.6 percent, which is a
5 1.2 percent decrease from last quarter. During this
6 quarter, customers made -- 93.2 percent of all electrical
7 license renewals were online, which is a .2 percent decrease
8 from last quarter.

9 Key performance measures. This ranges from July 1,
10 2021 to the current, September 30th, 2022. Percent of
11 inspections performed within 24 hours of request, the goal
12 is always 86 percent. Last year, in 2022 -- or 2021, sorry,
13 it was 80 percent -- or 2022. I'm sorry. Fiscal years.
14 And then fiscal year 2023, it was 75 percent.

15 Percent of inspections performed within 48 hours of
16 request in 2022 -- fiscal year 2022, 94 percent. In 2023,
17 it was 87 percent. Total inspections performed was 69,731
18 in 2022; 70,553 in 2023.

19 Virtual electrical inspections performed in 2022 was
20 4,975. And this time frame in fiscal year 2023 was 10,711.

21 Number of focused citations and warnings, contractor
22 licensing, work certification, no permit, failing to
23 supervise trainees, anticipated total number is 4,136. And
24 the field did 408 in 2022. Ecore/audit did 954, with a
25 total of 1,362. In fiscal year 2023, the field did 160,



1 ECORE and audit did 751, for a total of 911.

2 Serious electrical corrections that would result in
3 disconnection, we had 10,210 in 2022. And in 2023, we have
4 9,845.

5 Turnaround time for average plan set -- or plan set
6 reviewed, goal is 1.6 weeks. In 2022, it was three days.
7 And in 2023, it was three days. Electronic plan review is
8 working very well.

9 Plan pages reviewed in 2022, it was 1,086. In 2023, it
10 was 1,184.

11 Percentage of warnings by focused violation type,
12 licensing, 0 percent. Certification, 28 percent. Permit
13 was 63 percent. Trainee supervision was 8 percent. And all
14 focused was 11.7 percent.

15 Licensing and citations as of October 20th, 2022, there
16 are a total of 909 items waiting to be processed. The list
17 of items in backlog is dated September 20th, 2022. We
18 expect the backlog to decrease as employees are hired and
19 trained.

20 During this period of time, there were four vacancies
21 out of ten positions. We have eight licensing positions and
22 two citation positions in the program. We have interviewed
23 and are in the hiring and training process for three of the
24 licensing positions and one citations position.

25 Once the hiring and training process is complete, this



1 will bring our staff to full capacity. It takes about six
2 months for a new hire to become fully trained, and about one
3 year to become proficient in their position. Turnover is
4 caused by promotional opportunities outside of the program,
5 as positions offered at this level are considered entry
6 level with no opportunity for advancement.

7 Testing lab report. No new testing labs to report
8 today.

9 And I've got some other program updates, and I would
10 like to start with the citations group and licensing. The
11 update on that is that we've been reviewing the workload in
12 the regions for the regional customer service positions.
13 The program actually funds currently 16 positions in the
14 regions. And we're doing -- over 90 percent of all
15 licensing permit sales and inspection requests are done
16 online. And those were the things that were the primary
17 reason for funding those positions in the field.

18 We're having discussions with leadership about how do
19 we review the current workload in the field? I'd like to be
20 able to bring some of those positions back to central office
21 so that we can increase our response times on our licensing
22 applications and on our renewals to ensure that our staff
23 are able to meet the customer need. It's just as important
24 we do that. Those people want to go to work, right? So
25 that's -- that's the plan going forward for them. And I'm



1 getting good response from leadership.

2 So inspector qualifications is another bullet that we
3 wanted to talk about real quick to make you aware of the
4 path we were going with - and get your advice - path we were
5 going for to enlarge our application pools. Currently --
6 there's a lot more to the RCW, but, currently, the part of
7 the RCW that has to do with qualifications is very narrow
8 for the people we see. And that is, that you have to be in
9 possession of a Washington's journey-level certificate for
10 four years.

11 That doesn't mean you have to work in the state of
12 Washington for four years. It means you have to possess.
13 And there's a lot of our -- a lot of people that possess a
14 Washington license that don't work in this state currently.
15 And so our proposal is that we reduce that to allow four
16 years of experience to be counted outside of the state of
17 Washington in other states.

18 We feel there's a lot of good states out there that
19 have the same safety culture as we do, that have licensing,
20 track their people well, and there's some that might not.
21 But, you know, our trade is a nationwide trade, and we train
22 people across the -- across the board. Maybe not all the
23 same, but we have a good culture out there in the industry
24 overall.

25 And so the proposal is to allow them to use -- come to



1 us with 16,000 hours, write the journeyman's exam, come into
2 position of a journey-level certificate from Washington, and
3 that will make them eligible to apply for electrical
4 inspector positions.

5 We're talking about that with a lot of different groups
6 right now, doing some stakeholder-ing, but this is another
7 thing that we can do in state HR's eyes to solve our own
8 problem. And if it works, that's great. If it doesn't,
9 then that's more ground we gain with them to say, "There's
10 more to this problem. There's a money issue with this
11 problem." Right? So we have to try some things in order to
12 get to that point.

13 But that's what -- I wanted to just introduce that to
14 you guys today and see if you had any advice for us, any
15 comments about it, and go from there. So I'll hesitate at
16 this point and answer questions if you have them.

17 CHAIRMAN JENKINS: Any questions from the
18 Electrical Board concerning that? Comments?

19 BOARD MEMBER BURKE: I think it's a positive
20 move, absolutely.

21 SECRETARY MOLESWORTH: Thank you.

22 BOARD MEMBER BURKE: Yeah.

23 BOARD MEMBER KNOTTINGHAM: I'll make a comment.

24 Our concern is that you have people that haven't been
25 working under the rule, enforcing the rule. So that's



1 something we want to look at. Certainly, we need to do what
2 we can to get the people. Just something we are a little
3 concerned about, so...

4 SECRETARY MOLESWORTH: And that's a concern of
5 ours too. It's been brought up to us, and we're looking at
6 different ways to mitigate that. Maybe additional training
7 in the WACs and RCWs. Maybe some additional inspections
8 with supervisors or trainers, you know, are still things
9 that we're looking at and considering, so...

10 BOARD MEMBER ISAACSON: If you were to make that
11 move, would you -- would you name out those states by name,
12 which ones that we feel are close enough to our WAC?

13 SECRETARY MOLESWORTH: We haven't thought about
14 doing that. What I -- what I want to mention is that this
15 is just to apply. And then once they have applied, then the
16 interview process kicks in. And we evaluate them through
17 reference checks, through, you know, the interview process,
18 and we would create probably a little bit better, more
19 standard interview process since we have people coming in
20 those -- in from those areas - right? - from different
21 areas. But that --

22 BOARD MEMBER ISAACSON: (Cross-talk) -- to make
23 sure that they are up to speed on our codes and standards?

24 SECRETARY MOLESWORTH: Exactly. We could even --
25 this just popped into my head, but we could even do a little



1 pre-application, "Let's check your knowledge of what we have
2 for RCWs and WACs," right? See where they sit.

3 They have to pass a Washington journey-level exam. So
4 there is that portion of it. But that doesn't cover
5 everything. And, actually, I think the in-person training
6 with trainers, supervisors, and that type of thing might be
7 better because it's the application of the law sometimes
8 that they're missing, not the actual wording in the law,
9 right? So that's a great suggestion. Thank you. We'll
10 think about how we would maybe isolate a few, if we could.

11 BOARD MEMBER KNOTTINGHAM: Would these interviews
12 be in person? I assume they would be. They --

13 SECRETARY MOLESWORTH: Absolutely. Yep. We are
14 going back to in-person stuff here pretty quick, pretty
15 heavily. And so I think that -- that possibly -- let's --
16 for an for-example, if somebody was applying from Illinois,
17 they've been here to take -- they can take our exam
18 anywhere, right? So maybe what we would do is review their
19 application materials, offer them an in-person or an online
20 interview. If they pass that, then have them come out to
21 Washington for the second interview. And we can look at
22 that process to see what does that look like for a more
23 intense interview on the second interview, right?

24 BOARD MEMBER BURKE: In order to sit for the
25 exam, they are also going to have to follow this? So this



1 is a stopgap --

2 SECRETARY MOLESWORTH: Exactly. In 2025, this
3 will -- this will take effect, and then they will have to
4 have been through an apprenticeship.

5 I think the main concern is -- most everybody is
6 doing -- or is applying the NEC. The biggest concern, I
7 think, is that -- and it is of mine as well, is that they
8 can apply the WAC and the RCWs correctly, you know, going
9 forward. So, absolutely.

10 CHAIRMAN JENKINS: Any more comments?

11 Thank you.

12 SECRETARY MOLESWORTH: I'm taking it that this
13 is -- it looks like it can be something that we can move
14 forward with since you guys don't have any huge heartburn.
15 But we can at least continue to see what our options are.

16 CHAIRMAN JENKINS: I think we get that consensus.

17 SECRETARY MOLESWORTH: Okay. All right.

18 BOARD MEMBER BURKE: Cautiously optimistic.

19 SECRETARY MOLESWORTH: Yeah, cautiously
20 optimistic, as I always am.

21 So I think I'm going to -- this bullet, I think, might
22 be better discussed from the Chair's position, but we have
23 been discussing electrical -- electronic board packets and
24 the submission of electronic board packets. And it's
25 something that the administrative law judges are going to,



1 and most of the courts are going to electronic packets.
2 This would save our staff an enormous amount of time and
3 resources.

4 So, Jason, do you want to make some comments about
5 that?

6 CHAIRMAN JENKINS: Yeah, yeah. Jumping the gun
7 here. That was one of the things I was going to cover
8 towards the end. But that's fine.

9 SECRETARY MOLESWORTH: Okay. I'm sorry.

10 CHAIRMAN JENKINS: That's fine. I wanted to get
11 kind of a consensus across the Board itself. Does anybody
12 have any -- take any issues with getting all of our packets,
13 these novels that they sent us, electronically? If we can
14 ever -- I don't know if we can find a way of making sure we
15 don't cross any lines with an issue of how they see us
16 impacted going forward. Does anybody want to continue to
17 maintain paper?

18 BOARD MEMBER NORD: Well, as far as this stuff, I
19 prefer paper so I can sit down and read it and make notes on
20 it. I don't really want to sit in my house and copy off 600
21 pages on my printer.

22 CHAIRMAN JENKINS: Okay.

23 BOARD MEMBER NORD: I can only get 25 pages out
24 of a cartridge for 40 bucks.

25 CHAIRMAN JENKINS: So I was looking at a couple



1 options. Maybe -- the first one would be, if everyone
2 really wanted to do it electronic, that we just do it across
3 the board, literally. Our second option would be that we do
4 electronic copies with exceptions of whoever really wants to
5 bring paper in. Lastly, just maintain paper.

6 So it sounds like, to me, we have a mix.

7 BOARD MEMBER BURKE: As long as electronic copies
8 are bookmarked and it's not just a scan that's thrown at us
9 in 700 pages, because that's a real pain.

10 CHAIRMAN JENKINS: So pretty much like we do now,
11 with some type of markers that --

12 BOARD MEMBER BURKE: Yeah, just put bookmarks in
13 your electronic package, right?

14 CHAIRMAN JENKINS: Is that something that we can
15 do? It looks like it's a "Yes."

16 BOARD MEMBER KNOTTINGHAM: If I can do it, I'm
17 sure they can.

18 UNIDENTIFIED SPEAKER: Yeah, exactly.

19 CHAIRMAN JENKINS: So what I'll do, then, so we
20 don't put anyone on the spot right here right now, I agree
21 that some people may still want to maintain paper and some
22 people aren't even here to make that decision. I'm going to
23 send out more of a formal email to everyone, and if you
24 could respond back saying which one.

25 Actually, can I have you send -- Beth, send out an



1 email?

2 MS. RIVERA: Yeah. I can send you guys an email
3 with kind of an example of what it would look like.

4 CHAIRMAN JENKINS: And then you can make a
5 decision as to one by electronic versus paper, and we'll
6 move forward that direction. Someone who wants paper can
7 lug it around if so desired.

8 BOARD MEMBER KNOTTINGHAM: If some people still
9 want paper, I don't see an issue. You know, if you
10 eliminate 80 percent of it and do it electronically, that's
11 great.

12 CHAIRMAN JENKINS: From what I hear from the
13 staff, it also will speed things up a little bit more too.

14 SECRETARY MOLESWORTH: So there are these
15 delivery systems where we can put our documents in where we
16 can have access. When you open them, I think -- Beth, this
17 is what I'm seeing. Maybe Beth can speak to it. But where
18 you can actually highlight different parts and page-mark
19 different parts in the document, even through these delivery
20 systems, so you can kind of do the same thing you're doing
21 with paper. You know, it just takes a little bit of
22 practice sometimes. But there are those things available
23 too. And we'll look into it a little bit further.

24 MS. RIVERA: Yeah.

25 CHAIRMAN JENKINS: The next step, then, is we'll



1 get an email from Beth requesting one or the other, and
2 respond back with what you decide. And, I guess, we can
3 change any time too if something goes sideways, so... All
4 right? Sound good?

5 BOARD MEMBER BURKE: See, we just made up for
6 Larry.

7 SECRETARY MOLESWORTH: Well, you know, Larry is a
8 huge influence on me, whether that's good or bad. But,
9 yeah, this -- I agree, getting rid of some of the paper, it
10 just speeds up the process a lot - right? - especially when
11 the courts are asking for those types of things.

12 Well, the only other thing that I just wanted to touch
13 on is -- so you guys know, is that we -- with BEI, we kind
14 of -- we kind of hit the wall. We've got 11 positions. I'm
15 going to try to create a temporary position. I'm trying not
16 to take any more positions from the field. But they are
17 doing 18 inspections a day right now. And there's really no
18 capacity to jump past that, especially since we're trying to
19 do some more difficult things, and that's expanding our
20 appointment times for BEI. And so it's a little -- it's a
21 little tough.

22 So we are looking at a budget package next -- next
23 session to where we can actually fund a few positions.
24 We've got a strategy for how to go about that budget package
25 because we don't really show an increase in work, but we



1 have a lot of positions that are considered extra capacity
2 that aren't funded through our allotment. And so we're
3 going to fund those and then add some positions for BEI with
4 the understanding that we need inspectors in the field -- we
5 need inspectors in the field to promote BEI to the customers
6 that they can't get to, right? And so by diminishing the
7 number of people in the field, we'll also diminish the
8 outreach affectability in the field.

9 And so I have support from leadership, and so next
10 session we'll be looking at putting together a budget
11 package to increase that. I'm looking at six to eight
12 positions for BEI. We can implement when we need them over
13 the course of one biennium. So we're not going to implement
14 them all at once because you've got to implement, outreach,
15 implement, outreach. Otherwise, you've got people sitting
16 around doing nothing. We've got to have the inspections
17 coming in.

18 But that's about what I was going to tell you. The
19 nice thing about it --

20 BOARD MEMBER KNOTTINGHAM: I'm sorry. I have a
21 question. So you talked about funding positions throughout
22 the state, and most of the permits are done online. Is
23 there any way those positions can be converted to BEI or
24 inspector?

25 SECRETARY MOLESWORTH: We -- we can. You can



1 take -- an FTE is an FTE. The FTEs that are funded is
2 customer service, our lower-level, you know, 40-, \$50,000.
3 So it usually takes two FTEs to make up for an inspector
4 lead, and so that's the only drawback to it. And we do have
5 a definite need in licensing, you know, to have additional
6 staff. But if they went that way, I'm looking at trying to
7 convert four to six right now. I'm not having a huge amount
8 of luck, but the conversation is open and we're talking
9 about it, so...

10 BOARD MEMBER KNOTTINGHAM: Just looking at the
11 possibilities is all.

12 SECRETARY MOLESWORTH: Yeah, absolutely. And
13 great idea. But we're doing -- around 17 percent of all
14 inspections are done by BEI using 9 percent of the overall
15 staff. So it's an effective program. It works well. The
16 field is supporting it and directing people to BEI. And
17 that's really what controls the emphasis for BEI, is the
18 customer. If the customer doesn't request an inspection
19 through BEI, we won't do one, right? So if one region is
20 doing 800 inspections and another is doing 200 inspections
21 in BEI, that's because the customers in that region are
22 taking advantage of it. We don't -- we don't actually focus
23 BEI, their efforts in any one direction. We don't have that
24 ability to do that.

25 So we look at it from central office's perspective, and



1 we're working to get this going as a one Washington. We're
2 looking at the state, not a particular region, right? The
3 more inspections we can get statewide, the more effective we
4 are statewide. And that's really what our intent is.

5 So I just wanted to give you a little update on that, a
6 little background. That's all I have from the secretary's
7 report today. Thank you, Mr. Chairman.

8 CHAIRMAN JENKINS: Thank you very much. We are
9 at our two-hour mark. I think it's good for people to take
10 a short break. Let's do that. Let's take a break for, say,
11 about 12 minutes, and get back here at around 11:15. Thank
12 you.

13 (Recess taken.)

14 CHAIRMAN JENKINS: I'd like to bring the
15 Washington Electrical Board back into session.

16 Our next item on our agenda is technical specialist
17 Larry Vance is going to do our certification/CEU quarterly
18 report.

19 TECHNICAL SPECIALIST VANCE: Thank you --

20 CHAIRMAN JENKINS: Technical specialist Larry
21 Vance, it's all yours.

22 TECHNICAL SPECIALIST VANCE: Thank you,
23 Mr. Chairman. My name is Larry Vance. I'm a technical
24 specialist for the Department of Labor & Industries.

25 With the Board packet that was sent out about a month



1 ago, there was a report called "The Statistics Summary by
2 Attempts." And - let's see here - we're on -- page 4 of
3 that report is where the 01 general journey-level
4 electrician pass rates are located.

5 During the one-year period from October 1st of '21
6 through September 30th of 2022, there were 1,067 folks who
7 attempted the exam for the first time. And of those -- of
8 those candidates, about 4- -- about 48 percent passed on the
9 first attempt. And 48 is consistent with -- 48 percent pass
10 rate is consistent with previous pass rates in previous
11 years. The number of -- of candidates that attempted the
12 exam does vary. This is -- you know, it does show that
13 we've got probably a robust economy, based on the fact that
14 there's over a thousand candidates. Some year periods are
15 several hundred fewer than that, but they generally range
16 between 800 and a thousand, so...

17 Just to -- within the 01 general journey-level realm of
18 training, there is far more participation in apprenticeship
19 than in any other specialty category. The difference in
20 pass rates can be evidenced, you know, with a 48 percent
21 first-time pass rate, and compare that with, say, the
22 residential specialty. The residential specialty first-time
23 pass rate is 25 percent. So you're looking at almost a
24 double first-time pass rate, double improvement based on
25 more education and training.



1 And there are, you know, less than 3,000 residential
2 specialty electricians. There's over 18,000 01
3 journey-level electricians in the state. So what it does
4 show is that the 01s are better prepared for the exam, so...

5 Yes? Any questions on this report?

6 CHAIRMAN JENKINS: Now, is this the same thing
7 you were doing as far as going back each meeting for almost
8 two years? I noticed the same pass rates are about the
9 same. I'm really curious to see what happens after 2023,
10 2025, and compare back that many years and see what's
11 changed, if it does change.

12 TECHNICAL SPECIALIST VANCE: See if that number
13 changes, yes.

14 CHAIRMAN JENKINS: I'd expect -- my opinion would
15 be a little higher than that, but that's --

16 TECHNICAL SPECIALIST VANCE: Yeah. There's
17 always -- you know, it's the -- it's the population of
18 candidates from instate versus the population of candidates
19 that are coming from out of state. Say you have an
20 electrician that's just attempting the -- they're going to
21 attempt the exam in Oklahoma, for instance. We offer our
22 exam at any PSI testing location. They may not be prepared
23 with the Washington laws and rules and that sort of thing
24 that it would take for them to pass the exam just because
25 they may not be aware that they need -- you know, of the



1 importance of that. So it's never going to get perfect,
2 but, I agree, it could get better, for sure.

3 CHAIRMAN JENKINS: We might see some of that
4 discrepancy corrected because your other report you sent out
5 shows us each testing center. We may have to go through
6 and, you know, poll all of the testing centers in Washington
7 State. We might see some of that benefit from that also.

8 TECHNICAL SPECIALIST VANCE: Yeah. The majority
9 of the tests are administered in Washington State. And
10 we've got -- well, since the reciprocal agreement with
11 Oregon, there's -- probably the testing along the Columbia
12 River, on both sides in testing locations, it went down
13 because of -- as a result because they -- they're not
14 required to take an examination. They receive a reciprocal
15 certificate based on their application, so...

16 So fewer -- this is -- that's a great point because
17 this 1,067, that doesn't include reciprocal electricians.
18 So there's actually more certified in the state than this
19 1,067 within that year. And I'd say that that number is
20 somewhere probably around 300. So it's possible -- I'd have
21 to look at the report -- I'd have to look at our reciprocal
22 records, but in this one-year period, it wouldn't surprise
23 me at all if it was around 300.

24 So what we're looking at, we're looking at that there's
25 actually, more than likely, 1,367 electricians became



1 certified electricians in Washington. Whether or not those
2 are all working in Washington, that's the thing. You can
3 never really tell where an electrician is working. You can
4 just tell where they've got a certification hanging on the
5 wall, so... Yeah.

6 CHAIRMAN JENKINS: Since you opened that door a
7 little bit, I'm going to walk in.

8 When someone decides that they want to get a reciprocal
9 license, what is the current time frame it's taking for
10 someone, when they send in an application to the time they
11 receive some documentation, "Yes, you are now allowed to
12 work in Washington under a 01 license certification"?

13 SECRETARY MOLESWORTH: Can I answer this for you?

14 TECHNICAL SPECIALIST VANCE: Wayne is going to
15 need to answer this for me.

16 SECRETARY MOLESWORTH: So I got the question, and
17 I did some research, and the oldest request we have right
18 now for reciprocal is October 9th. That's the oldest one we
19 have. We have 20 of them in the queue right now. And so it
20 looks like it's somewhere around 30 days to get them
21 processed.

22 This is another -- this is another part of that, you
23 know, need for additional staff in central office licensing
24 so that they can process those applications as well. So
25 that's what it looks like right now. I think there was 20,



1 25 in the queue, in process, all of this being October 9th.

2 CHAIRMAN JENKINS: Awesome. Thank you very much.

3 SECRETARY MOLESWORTH: Yep.

4 TECHNICAL SPECIALIST VANCE: We have some of the
5 same challenges with vacancies in our -- across the state in
6 our customer service ranks, in our customer service level.
7 So our -- our folks that process licenses and reciprocal
8 certificates, we're -- I don't -- I can't remember a time
9 when we've been in full strength. It was before the
10 pandemic, I know, but --

11 SECRETARY MOLESWORTH: Well, full strength would
12 have been before the layoffs in '09, because we've never
13 reached that -- that level again.

14 TECHNICAL SPECIALIST VANCE: We did have -- yeah,
15 we've made a lot of changes, and we've never restored
16 completely, yeah, with inspectors or with central office
17 staff. We used to have a couple office assistants that
18 performed a lot of tasks that we don't have. And it's been
19 very frustrating to have the backlog that we've had. And I
20 know it's -- you know, this is not the only place that we
21 hear this from, "How long is it taking?" and "How long" --
22 you know, it's -- it's been a real grind.

23 And the other thing that we've had is we've had staff
24 turnover. You know, when everybody is new -- among our
25 inspector ranks, everybody is new. Here in about five



1 years, everybody is going to be really new. There's going
2 to be nobody that's been around. And so we're working on
3 that.

4 BOARD MEMBER KNOTTINGHAM: So if somebody applies
5 for reciprocity, you said it takes 30 days to process,
6 roughly?

7 SECRETARY MOLESWORTH: Approximately.

8 BOARD MEMBER KNOTTINGHAM: Are they notified
9 either electronically or -- what's the -- what's the time
10 frame, once they're approved, before they can actually go to
11 work here?

12 SECRETARY MOLESWORTH: I'd have to take a look
13 closer at that because I can't tell you right off the top of
14 my head. But I think that they are notified through mail.
15 But I would assume that once they are approved and they
16 received it, you know, they can go to work at any time.

17 BOARD MEMBER KNOTTINGHAM: If you take the test
18 here, though, it posts right away, doesn't it?

19 SECRETARY MOLESWORTH: Yes.

20 BOARD MEMBER KNOTTINGHAM: Or what's the delay?
21 So if you pass --

22 TECHNICAL SPECIALIST VANCE: Well, you're going
23 to have some -- there's some moving parts. So you take your
24 examination and pass it at a PSI testing center. They are
25 going to send -- they're going to send a file to the



1 Department through a secure means, or secure file transfer.
2 The Department is going to -- it goes onto a work list, and
3 then a staff member will -- it gets back to staffing. But
4 it's how often that work list gets worked, if it is worked
5 every day or worked every couple days or whatever.

6 There's actually a human that pushes a button, checks a
7 box that actually approves the certification. Once the
8 certification is approved, then it goes to a vendor that
9 actually issues -- prints and issues the card and then mails
10 the card. Once the person -- and at the same time, the
11 Department sends out a letter.

12 That letter acts as -- as your certificate for 30 days
13 while your card is -- while your card is in transit from --
14 you know, the file goes to the vendor, and then the vendor
15 prints it, and the card gets mailed to the candidate. So
16 that process there runs -- to get the card, can run up to
17 15 days. The letter, if there's anybody that's hot to work
18 the minute -- and then the other thing that happens is that
19 the print job to the vendor only runs, I believe, once a
20 week. It's a computerized thing. It's a batch-print late
21 at night, boom.

22 So there's some moving parts. And the thing is the
23 minute the print goes, if anybody needs it, they can always
24 just contact us, and there's a letter there. And what we'll
25 do is we'll just email them a letter -- their letter that's



1 being mailed to them. That might take seven or eight days
2 to go through the mail because it takes a long time to go
3 through the mail now. I mean it's just -- it's just -- the
4 wheels of time, it just eats days.

5 CHAIRMAN JENKINS: On that same kind of vein,
6 what's the thought process of making this more electronic
7 today and no longer sending a letter, send an email?

8 SECRETARY MOLESWORTH: The problem we're running
9 into with electronic and mail is that we get a lot of return
10 mail. And we're sending these things to the address of
11 record, but mail is sent back to us as "Not deliverable."
12 And so we file it until the customer actually contacts us,
13 and then we get it to them.

14 Email is the same thing, is that they change their
15 email, so their email of record on ours is not necessarily
16 the email they are using that day - right? - in a lot of
17 cases. It's getting better out there, but there are still
18 people that we look and we don't have their correct email
19 addresses or mailing addresses or phone numbers, and so it's
20 very hard to communicate with them.

21 CHAIRMAN JENKINS: Sort of a one-off, like you
22 mentioned. I don't think that's -- I don't think it's a
23 really huge issue, I wouldn't think. But for a generic
24 application, because they have to go to PSI, I assume they
25 have to put their information in, their - probably - email



1 address, I'm sure online we have some type of updating
2 process?

3 TECHNICAL SPECIALIST VANCE: We currently have an
4 email address for virtually everybody because - in the
5 high 90 percentile range - people renew online. And when
6 they renew online, they provide us with an email address.
7 So they're providing us with a new email address every few
8 years. Great. Should be pretty accurate.

9 The thing that we don't have is we don't have
10 technology systems that are geared to use that email
11 address. And when it -- I hate to say this, you know, but
12 we're in a situation that if it's not broken, then it's not
13 going to get fixed. I mean from the standpoint of IT
14 projects, we would love to get -- we would love to get rid
15 of this stuff. I mean just get rid of paper. I'm mean
16 I'm -- that's my thing.

17 And I would -- we have systems that were dreamed of in
18 the '80s and put in place in the '90s, I mean where our
19 system automatically generates a letter that gets tri-folded
20 and put in a window envelope and mailed to the customer
21 without our staff ever seeing it. Wow, that's cool. We're
22 in a different world today, and our -- you know, we're where
23 we're at. We've got a system that works, and -- but we're
24 being compared with Amazon and other systems where you're
25 getting all these push notifications and constant contact,



1 and, gosh, it would be nice to be -- you know, have that
2 capability.

3 CHAIRMAN JENKINS: And I'm not trying to say we
4 do that right away or anything. I was just thinking of the
5 possibility, as we start moving forward through this, it
6 often presents itself --

7 SECRETARY MOLESWORTH: And we're always having
8 discussions about that stuff, right? I mean constantly
9 talking about, "How can we do this?" "How can we do that?"
10 inside the system we have now. And so what Larry is saying
11 is absolutely correct. Our IT division, even though we fund
12 positions there, don't seem to think that we have priority
13 in the 4,283.5 different projects that they've got on their
14 list, so...

15 CHAIRMAN JENKINS: Fair enough. Thank you.

16 SECRETARY MOLESWORTH: We're trying.

17 BOARD MEMBER COX: So a question for Larry.

18 You made a point about what happens when you've got
19 somebody who is hot to work --

20 TECHNICAL SPECIALIST VANCE: Yeah.

21 BOARD MEMBER COX: -- and we've got those moving
22 parts going on, but yet our law requires that the journeyman
23 on site has to have his or her badge -- a certificate on
24 their presence. When an inspector comes out and asks for
25 them and "Display that," how do we address that during the



1 moving parts period if the really -- you know, a contractor
2 hires them on, and now they're out doing a job and the
3 inspector comes by?

4 TECHNICAL SPECIALIST VANCE: There's a receipt
5 that comes when their license prints. There's a letter that
6 comes, and that letter acts as your -- it says right on it,
7 "This acts as your" -- you know, "Have it on your person."

8 BOARD MEMBER COX: Okay. Tuck that in and --

9 SECRETARY MOLESWORTH: As long as you've got it
10 on you.

11 BOARD MEMBER COX: "Got it on you." Okay.

12 TECHNICAL SPECIALIST VANCE: And if -- you know,
13 if one of our -- this is an area that we're -- I've got a
14 guy right now that -- that is hot to go to work in this
15 state, and he wants to know how long it's going to take for
16 his certificate to get to him. And I explained to him, I
17 said "Well, your address is in New Orleans." I said, "Where
18 are you right now?"

19 He said, "I'm in Oregon."

20 I said, "So your address of record is where your
21 certificate is going to go." And I said, "You have to have
22 your certificate on your person," I said, "or the letter."
23 I said, "The letter is going to go to New Orleans." And I
24 said, "Keep in touch." I said, "When your certificate
25 prints, I can -- I can email you a copy of the letter."



1 So it gets really interesting with what people are
2 trying to do and how they interact with our system. But
3 when their -- when their address is somewhere other than
4 where they're at, things get a little bit -- because of the
5 way our system works. I wish we could use email. Gosh, I
6 wish we could, but -- you know.

7 There's two things. I wish we could use email, and I
8 wish that one person at the Department could accept a
9 payment by credit card. Two things. That's -- I'm going to
10 be here about four more years, and if those two -- if one of
11 those two things were to happen, I'd feel that maybe that
12 there was some success. But we have a policy where if
13 somebody is trying to pay us money, we cannot take a credit
14 card payment. There are some things that our systems are
15 automated, where there's an automated pay portal, but then
16 there's obscure fees and maybe there is -- maybe when
17 somebody is two dollars short on a fee, it's, "Mail us a
18 check."

19 And so I know that there's a lot of -- I mean I'm not
20 a -- I'm not a risk manager or anything like that, but I
21 live in a world where I can pick the phone up and order a
22 pizza and give them my credit card number -- and this is
23 just me personally speaking, but --

24 **SECRETARY MOLESWORTH:** Not representing the
25 agency at this point?



1 TECHNICAL SPECIALIST VANCE: Not representing the
2 agency, but there's got to be a way some day that -- that we
3 can serve our customers by -- and I know that there's other
4 systems as well where -- where the human -- there's actually
5 a -- it's not a third party. You are now connected to,
6 essentially, a machine, and you just enter your credit card
7 through the keypad on your phone, and then it posts the
8 payment. The human on the other end never hears that or is
9 not engaged in that, and then it reconnects to the human.

10 So I'm just wondering -- and then there's the
11 complexity of getting that payment in the bucket that the
12 payment needs to get into. And I -- I deeply understand how
13 complex this is. I just -- I think that the human ought to
14 know what the payment is being made for, and that it's a
15 human's job to get it into the bucket. And I think that
16 that could happen because we've got everybody there to do
17 it. I just don't know that the agency has the capacity to
18 get that done in the four years that I'm going to be here.

19 BOARD MEMBER GRAY: The permit people figured it
20 out.

21 TECHNICAL SPECIALIST VANCE: The permit did --
22 they did figure it out. And it's the volume customers that
23 get that service. Unfortunately, it's the -- it's everybody
24 else that doesn't. I mean if you're not a volume -- if
25 you're five bucks short on a permit fee or something like



1 that, you can go in and pay it with a credit card. But if
2 you're five bucks short on an amusement ride permit or some
3 other obscure service that we offer, "Nope. Mail us a
4 check." So, yeah.

5 SECRETARY MOLESWORTH: Mr. Chairman, I know I'm
6 deficient in this particular area, but -- I need to keep my
7 techs more informed, but what I want to make sure Larry
8 knows now is that on Tuesday, we had a meeting with our
9 assistant director to reopen those meetings with IT about
10 taking credit cards.

11 TECHNICAL SPECIALIST VANCE: Oh, my goodness.
12 Wow.

13 SECRETARY MOLESWORTH: So you may get it in four
14 years. That doesn't mean it will happen, but they are going
15 to reopen those discussions.

16 BOARD MEMBER NORD: Larry, what are you going to
17 do if we actually go paperless and credit cards are the
18 stable?

19 TECHNICAL SPECIALIST VANCE: Then there's more to
20 deal with, right?

21 BOARD MEMBER NORD: Early retirement?

22 TECHNICAL SPECIALIST VANCE: No. There's more to
23 do.

24 BOARD MEMBER GRAY: I actually have a serious
25 question, Larry. What's the status of the new exam for the



1 2023? I notice -- I got my copy. So it's out there now.

2 TECHNICAL SPECIALIST VANCE: It's out there. The
3 2023 is out there. And I think we've got a newsletter
4 article maybe this month that's going to talk a little bit
5 about, tentatively, what our schedule looks like toward
6 adopting the 2023.

7 We're kind of -- there's a lot that happens with that.
8 We go through the rulemaking process. Then we -- at the
9 same time that we're going through the rulemaking process,
10 we are updating the inspectors' database that they use for
11 inspections. And that's -- that's looking at every one of
12 the -- about 4,000-some-odd corrections, I believe, that
13 they write, comparing the code language from 2020 to 2023,
14 going in there and amending that language. That's all done
15 by myself and my counterparts in our spare time, and then
16 there is updating the exam.

17 So if we were to adopt the code a year from now, which
18 it's more like probably a year and a half from now, the exam
19 would be updated about a year after that. So, yeah. But,
20 you know, the exam is not based on everything new in the
21 code. It's just kind of based on, you know, foundational
22 elements. We just don't want to make -- you know, one of
23 the biggest things we want to do is make sure that nobody
24 is, you know, scoring a wrong answer for something that's
25 changed. So we have to get the exam updated, and it's



1 usually about a year after we adopt just because of the
2 workload issues, so...

3 I can tell you one thing, that this rulemaking and this
4 work we're doing with good cause and the work that we've
5 done with Senate Bill 5599 and all of the things that have
6 to do with Substitute Senate Bill 6126 have kind of been
7 demanding for the last few years, and an awful lot of
8 meetings, we're doing an awful lot of work with
9 communication plans right now with both trainees,
10 contractors, apprenticeship programs, really just getting
11 ready to really make sure that no one is left out as far as
12 the communications on that. We've been doing it for years,
13 but now we are going to do it even more aggressively and
14 through different channels. So it's a bit -- it's been a
15 bit demanding, we'll put it that way, so...

16 CHAIRMAN JENKINS: I want to add something I
17 forgot to mention earlier. And I really want to say "Good
18 job" on whoever was responsible for getting the amendments
19 to the good cause. Whoever did that did a great job of
20 getting those laid out. I just -- they were well done.
21 Kudos to whoever did that. It sounds like you're on that
22 list.

23 TECHNICAL SPECIALIST VANCE: No; there's a lot of
24 people who looked at those --

25 CHAIRMAN JENKINS: Thank you.



1 TECHNICAL SPECIALIST VANCE: -- and, you know, a
2 lot of scrutiny. A lot more scrutiny. Like I said, there's
3 a third draft coming out. So there's a few minor tweaks in
4 that third draft. And at the next Board meeting, we'll be
5 looking at, hopefully, the third draft, but we might be
6 looking at the fourth draft or the fifth draft as we move
7 through this process.

8 CHAIRMAN JENKINS: Thank you.

9 TECHNICAL SPECIALIST VANCE: Thank you.

10 CHAIRMAN JENKINS: Any questions for technical
11 specialist Larry Vance?

12 All right. Thank you very much.

13 Moving on to item number 7, "Public comment regarding
14 items not on the agenda." Do we have anybody here? I
15 didn't check the list. Is anybody here to speak from the
16 public? Public comment?

17 TECHNICAL SPECIALIST VANCE: I checked with Beth
18 Rivera, and there is no one on the phone who wishes to
19 submit public comment.

20 CHAIRMAN JENKINS: All right. Thank you very
21 much.

22 Any other comments or concerns for the Board before we
23 finish up today?

24 Hearing none, the Board would entertain a motion to
25 adjourn.



1 UNIDENTIFIED SPEAKER: Motion.

2 CHAIRMAN JENKINS: A motion.

3 UNIDENTIFIED SPEAKER: Second.

4 CHAIRMAN JENKINS: And a second. Okay. Any
5 comments?

6 Hearing none, all in favor signify by saying, "Aye."

7 (Chorus of ayes.)

8 Any opposed?

9 The Board is closed.

10 (Concluded at 11:48 a.m.)

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C E R T I F I C A T E

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