

1 DEPARTMENT OF LABOR AND INDUSTRIES

2 STATE OF WASHINGTON

3
4 _____
5
6 ELECTRICAL BOARD MEETING

7
8 TRANSCRIPT OF PROCEEDINGS

9
10 Thursday, January 26, 2017
11 _____
12

13 BE IT REMEMBERED, that an Electrical Board meeting
14 was held at 9:00 a.m. on Thursday, January 26, 2017, at
15 the Tacoma Rhodes Center, Orcas Room, 949 Market Street,
16 Tacoma, Washington, before CHAIRPERSON TRACY PREZEAU,
17 BOARD MEMBERS JASON JENKINS, JANET LEWIS, RANDY SCOTT,
18 DAVID CORNWALL, MIKE NORD, DYLAN CUNNINGHAM, DON BAKER,
19 DAVID WARD, RYAN LAMAR, BOBBY GRAY, KEVIN SCHMIDT, DOMINIC
20 BURKE and SECRETARY/CHIEF ELECTRICAL INSPECTOR STEPHEN
21 THORNTON. Also present was ASSISTANT ATTORNEY GENERAL PAM
22 REULAND representing the Board.

23 WHEREUPON, the following proceedings were held, to
24 wit:

25
26 Reported by:
27 H. Milton Vance, CCR, CSR
28 (License #2219)

29 EXCEL COURT REPORTING
30 16022-17th Avenue Court East
31 Tacoma, WA 98445-3310
32 (253) 536-5824

Thursday, January 26, 2017
Tacoma, Washington

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Tacoma, Washington

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PROCEEDINGS

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CHAIRPERSON PREZEAU: So good morning, everybody.
It's 9:02, and I would like to bring the January 26, 2017,
meeting of the Washington State Electrical Board to order.

Item 1. Approve Transcripts from October 27, 2016,
Electrical Board Meeting

CHAIRPERSON PREZEAU: So the first order of business
is to approve the transcripts from October 27, 2016. And
before the Chair would entertain a motion, I actually have
an edit.

On page 205, the correction is in line 5. The quote
actually starts on line 2, and it's my -- it's me talking,
and it's about the matter of the Thomas and Staudenmaier
appeals, and I say, "And what is equally -- what is also
challenging is if you take (away) somebody's -- you take
(away) a journeyman certificate ... or ... take (away)" --
"or ... take a trainee's certificate away, you know, it
renders them" -- the way the text says, "it's lawful for
them to continue to make electrical installations."
That's incorrect. It is unlawful for them to continue to
make electrical installations.

So the Chair would entertain a motion to approve the

1 transcripts with that one change.

2

3 Motion

4

5 BOARD MEMBER NORD: Motion.

6 CHAIRPERSON PREZEAU: Is there a second?

7 BOARD MEMBER: Second.

8 CHAIRPERSON PREZEAU: Discussion on the motion?

9 Seeing none, all those in favor, signify by saying "aye."

10 THE BOARD: Aye.

11 CHAIRPERSON PREZEAU: Opposed? Motion carried.

12

13 Motion Carried

14

15 Item 2. Departmental/Legislative Update

16

17 CHAIRPERSON PREZEAU: So Steve, are you doing --
18 you're doing the Departmental/Legislative Update?

19 SECRETARY THORNTON: Yes, I am.

20 CHAIRPERSON PREZEAU: Jose' is not planning to join
21 us today?

22 SECRETARY THORNTON: No, he's not. No.

23 Good morning.

24 CHAIRPERSON PREZEAU: Good morning.

25 SECRETARY THORNTON: I think we'll do the legislative

1 part first.

2 We have two bills that are out there. We have House
3 Bill 1430 and the companion bill, the Senate Bill 5304.
4 This requires the Department to adopt rules through a
5 process in which the Washington cities have an equal vote
6 along with the TAC committee and the Department. So it's
7 a three-way process to adopt rules.

8 Senate Bill 5211 moves the ability of the Electrical
9 Board to hear appeals and OAH decisions. The ALJ's would
10 be the final decision-makers on that. That's 5211.

11 And those are the only two that are out there right
12 now.

13 CHAIRPERSON PREZEAU: So questions for Steve on these
14 pieces of legislation?

15 I have some.

16 So Steve, do you -- House Bill 1430 and its companion
17 Senate Bill 5304, I actually read that. So it appears to
18 me that it creates a situation where it hamstringing the
19 Department's rule-making process -- well, it prescribes to
20 the Department under the electrical program our
21 rule-making process. And it identifies -- it would
22 identify in statute the Technical Advisory Committee which
23 is really -- it's not an entity that is recognized in
24 statute, but it is a committee that was created through
25 policy in the Department; is that correct?

1 SECRETARY THORNTON: That's correct.

2 CHAIRPERSON PREZEAU: And then would it also -- we
3 don't always engage in full-blown rule-making like we have
4 this year where we open the entire scope because we're
5 going to adopt the National Electrical Code and convene
6 the Technical Advisory Committee. There are times where
7 we like do a fee increase. We still have -- that's a
8 rule-making process.

9 So this -- these -- one or the other of these bills
10 passes, if this becomes law, it would require the
11 Department to go through a full-blown rule-making process
12 even if all we were -- and convene the TAC and get the
13 cities' input, to the Department even if we're doing a fee
14 increase or a minor change to the rule. Is that your
15 interpretation?

16 SECRETARY THORNTON: That's the way I see it, yes.

17 CHAIRPERSON PREZEAU: So it actually adds cost to the
18 process when we are outside the full blown, open the
19 entire scope.

20 SECRETARY THORNTON: Yeah.

21 CHAIRPERSON PREZEAU: Of if we were doing emergency
22 rule.

23 SECRETARY THORNTON: Cost and time.

24 CHAIRPERSON PREZEAU: Okay.

25 And then Senate Bill 5211, I've looked at that, and

1 really it indicates from my -- you know, I'm not an
2 attorney; I'm an electrician. But it basically I think
3 requires administrative law judges in the Office of
4 Administrative Hearings to render final decisions.

5 So is it the Department's bill analysis that when a
6 individual receives a citation from the Department or an
7 entity receives a citation from the Department, they
8 appeal that to -- and it gets assigned to the Office of
9 Administrative Hearings, the ALJ renders a final decision,
10 and unlike what we have done in the past is -- if either
11 party appeals the decision of the ALJ, it would come here.

12 So what you're saying is -- what I'm understanding
13 you to say is in those situations when the appeal was
14 assigned to the Office of Administrative Hearings, it
15 would bypass the Electrical Board and go directly to
16 superior court.

17 SECRETARY THORNTON: To superior court, yep.

18 CHAIRPERSON PREZEAU: But in the event of original
19 hearings such as suspension/revocation hearings, those
20 would -- this bill would not have an impact on this body's
21 ability to review those suspension/revocation cases?

22 SECRETARY THORNTON: The way it's written, I don't
23 think it would. But I don't know that anybody thought
24 about that aspect of it when they drew up that bill. But
25 I don't think it would affect it now.

1 CHAIRPERSON PREZEAU: It's not very wise to not think
2 about all the aspects.

3 So -- and I think that that does a disservice not
4 only -- to be honest with you, it does a disservice not
5 only in the case of appeals from OAH and/or original
6 appeals in that, you know, I've agreed with ALJ's and some
7 of the decisions that they've made in the past, as has
8 this body, and we have not -- we've disagreed with some or
9 part or all.

10 I think it is a unique situation where stakeholders
11 can receive citations and one of the adjudicative points
12 is a jury of your true peers, stakeholder -- industry
13 stakeholder peers.

14 And we have -- as a separate entity from the
15 Department, we have also not concurred with the
16 Department, we have not concurred with ALJ's. We act as
17 an independent body, informed by our experience in the
18 industry. And I think it's a disservice to the industry
19 and the stakeholders to take away our ability to hear
20 those appeals, original or otherwise.

21 Any other thoughts from the Board?

22 BOARD MEMBER: Concur.

23 BOARD MEMBER: Concur.

24 BOARD MEMBER: Agreed.

25 CHAIRPERSON PREZEAU: So it's -- we could -- I don't

1 know -- obviously, previous legislative sessions, this
2 Board has taken, you know, formal action and written
3 letters, and we can -- and unlike last year when we were
4 at this meeting in January, and our April meeting -- it
5 was a short session last year, and I think most pundits
6 believe that regardless of the regular schedule duration
7 of the legislative session, given some of the subjects
8 that they are mandated to solve, I think they will still
9 be in session in April. So I think that we don't have to
10 -- I'm not --

11 BOARD MEMBER SCOTT: Do I hear June?

12 CHAIRPERSON PREZEAU: June 30th maybe.

13 So I guess what I'm trying to say is I don't -- I
14 would -- I don't know -- I think we can keep our powder
15 dry regarding these two matters at this moment.

16 Is that -- the Department will continue to monitor
17 them and, you know, -- and obviously nothing stops you
18 from monitoring the bills yourself too. But I don't think
19 we need to take any formal action unless you think
20 otherwise. Okay?

21 SECRETARY THORNTON: Okay.

22 CHAIRPERSON PREZEAU: Thank you.

23 Is that your --

24 SECRETARY THORNTON: Yeah.

25 From a Department point of view, our mobile

1 inspection project is rolling out to the field. We've got
2 a group of 23 people made up of inspectors, supervisors
3 and front counter staff looking at it now and finding
4 bugs; we're fixing those.

5 Then we'll go to testing in the field. And we'll
6 have what we'll call super users, the guys that are in on
7 the first round of testing, will be scattered around the
8 state so that they're there to help and answer questions
9 when it starts rolling out to the rest of the inspectors.

10 We're slated to start the roll-out in March and have
11 it all done by April and all switched over to the new
12 program by the end of June.

13 Everything that we've seen so far on it has been
14 positive. It's still slated to come in under budget. So
15 that's a good thing. And so far it's been very positive.
16 It's got some flaws. I mean, it's not perfect. But we've
17 got a list going of changes to make when we get the first
18 chance to go in and update it.

19 One of the better aspects of it is contractors will
20 get e-mail notification when we upload at the end of the
21 day of what happened on their job sites. So they won't
22 have to go in and look anymore as long as they've given us
23 an e-mail address; it will automatically go to them.

24 BOARD MEMBER BAKER: Stephen, those 20 tests that
25 you're going to kick out on roll-out, will those

1 inspections be in real-time? Will contractors be able to
2 see?

3 SECRETARY THORNTON: Yeah, yeah.

4 BOARD MEMBER BAKER: How will a contractor customer
5 know that -- maybe they need to know. How would they know
6 that they're a part of that mobile inspection system?

7 SECRETARY THORNTON: And right now I don't know that
8 it's the -- the customer will be automatically notified if
9 we've got their e-mail address.

10 In the testing stage -- and I said you'd get
11 notified. But maybe in the testing stage you wouldn't
12 just for the fact that it's testing.

13 BOARD MEMBER BAKER: Yeah, that was my question.

14 SECRETARY THORNTON: Because during the testing
15 stage, we'll find some -- probably some issues. Right now
16 we've tested it hooked to the network and in the office.
17 When we start testing it out in the field, you start
18 dropping in and out of coverage and some of those things.
19 We could have some issues with data. But right now it
20 doesn't look like that's going to be the case. But we'll
21 find out when we start testing it.

22 BOARD MEMBER BAKER: Good.

23 CHAIRPERSON PREZEAU: Steve, when you do this beta
24 test, are they going to be testing it in different
25 regions? Or are you going to center it in like the Puget

1 Sound region or --

2 SECRETARY THORNTON: No. In order to test it and see
3 what the issues are, we'll have to test it statewide and
4 see how it works in Okanogan versus the Puget Sound versus
5 Kennewick. So we'll be testing it a lot of different
6 places.

7 CHAIRPERSON PREZEAU: Perfect.

8 SECRETARY THORNTON: Other things that are going on
9 right now, we're in the process of updating our hiring-
10 and-training plan to try and compensate for some of our
11 hiring and retention. We're taking all of our non-
12 permanent advertisements and changing them to permanent in
13 training so that if that's something that's deterred
14 people from taking these jobs because they're a non-
15 permanent, they'll now be a permanent job with an in-
16 training program. And that is based off of our SBI
17 projects and the in-training plan that we developed for
18 that. And now we've expanded it out from eight weeks to
19 two years.

20 CHAIRPERSON PREZEAU: And SBI is succession planning
21 inspectors?

22 SECRETARY THORNTON: Succession planning inspectors,
23 yeah.

24 And so we're hoping that that's going to help our
25 recruitment a little bit at least.

1 CHAIRPERSON PREZEAU: Because the philosophy -- I'm
2 assuming your philosophy is people will be more attracted
3 to apply for a job position that they believe could -- is
4 going to be permanent rather than --

5 SECRETARY THORNTON: Right.

6 And then the in-training plan will be what determines
7 who stays and who goes, where in the past we've done it
8 with the aspect that it's non-permanent, so you could go
9 tomorrow.

10 Hopefully it helps. It won't cure the problem, but
11 maybe it will make it a little better.

12 And the other thing that we're getting started with,
13 we've got a pretty good in-training process for the
14 inspectors. Next thing I'm going to have them do is go
15 around the state and collect best practices from a
16 supervisory point of view, the supervisors around the
17 state, who's doing what, how, what works best, what
18 doesn't. And then we'll put together the same type of
19 training plan for leads and supervisors.

20 So we'll have a lot better process or training plan
21 to kind of develop our own people, in theory.

22 And that's it.

23 BOARD MEMBER BAKER: Stephen, do you have a code-
24 update schedule for your inspectors?

25 SECRETARY THORNTON: Yes. We have code update I

1 believe it's the 6th of March and the 8th of March. We're
2 going to do it east side or -- yeah, west side on the 6th,
3 east side on the 8th. And as best we can, divide some
4 guys up so that we're not all out of the field on one side
5 or the other. I'll let some guys go Moses Lake and get
6 their training from the west side so that they can be
7 around on the 6th to do some inspections.

8 CHAIRPERSON PREZEAU: Any other questions for Steve?
9 Yes, Bobby.

10 BOARD MEMBER GRAY: Steve, I see there's some
11 stakeholder meetings scheduled in March I think.

12 SECRETARY THORNTON: Actually, yeah, we've done two.
13 We've done two last night and the night before, and we've
14 got 15 more to go before the middle of April.

15 BOARD MEMBER GRAY: I guess I was looking just east
16 side.

17 But would there be some advantage having Board
18 members attend those stakeholders at all?

19 SECRETARY THORNTON: I don't know that there's an
20 advantage other than you knowing what goes on at one of
21 our stakeholder meetings. It's certainly not something
22 that I would suggest you don't go to.

23 We get a lot of people there other than contractors
24 and electricians. You hear a lot of comments about, you
25 know, the good and the bad things we do. And we take

1 those comments and try and learn from them.

2 CHAIRPERSON PREZEAU: So I can put a little more meat
3 on that skeleton because I went to the one last night in
4 Tumwater just because I thought it was important -- well,
5 it's one of the only ones that my schedule allows me to
6 attend. And I thought it was important, especially while
7 we're in the middle of this rule-making process.

8 It wasn't as well attended as I thought it was going
9 to be to be honest with you. According to my notes, there
10 was -- although Paul Easter (phonetic), the regional
11 administrator was there. It was nice to see him again.
12 You know, Trent Harris was there. There was like 20
13 people from L & I program staff in the room. There were
14 eight contractors in the room. There were three people
15 from city jurisdictions including Centralia City Light; is
16 that right?

17 SECRETARY THORNTON: Correct, yep.

18 CHAIRPERSON PREZEAU: And then four folks from the
19 electrical workers union.

20 And it was amazing actually when Steve asked the
21 question to the contractors specifically, "Hey, how do you
22 guys feel about what's happening?"

23 This was after we kind of went through an update and
24 a lot of the same things he just spoke about, including --
25 but then an exhaustive review of the rule-making.

1 And the only comment that was unsolicited is a
2 contractor says, "I agree with everything the program's
3 doing."

4 SECRETARY THORNTON: Then I told him, "Ah, the world
5 can't be that good."

6 CHAIRPERSON PREZEAU: And there was a really good
7 exchange around -- what do you call those new folks?
8 The ...

9 SECRETARY THORNTON: Oh. The program specialists.

10 CHAIRPERSON PREZEAU: The program specialists.

11 SECRETARY THORNTON: Yeah, we had three of those
12 there.

13 CHAIRPERSON PREZEAU: Yeah, so Teddy was there and --

14 SECRETARY THORNTON: Beth and Beth over here.

15 CHAIRPERSON PREZEAU: -- Beth was there and -- Manny?

16 SECRETARY THORNTON: Manny, yeah, he's the office
17 manager.

18 CHAIRPERSON PREZEAU: Manny was there.

19 So those were the folks we talked about in here that
20 there was basically additional administrative staff that
21 have been hired to help do some of the less technical
22 things that inspectors need to do to get out the door.

23 Get a oh, I don't have a good phone number on this
24 permit like I'm going to do this inspection today. Or --
25 but -- so not only was it really valuable for inspectors

1 -- and I'm understanding that you got some feedback at the
2 Aberdeen stakeholder meeting to that effect, that the
3 inspectors find them valuable.

4 But there was a representative -- two representatives
5 from Graham Electric, and one of whom was raving about
6 having access to these program specialists. And
7 particularly as a contractor if you want to edit your
8 existing permit, you can't do that on-line, right? And so
9 those program specialists are invaluable in helping that
10 customer service aspect, and it frees up inspectors to,
11 you know, be in the field.

12 So it was a bit of a love-fest last night, except
13 Dan.

14 SECRETARY THORNTON: Yeah. But Dan's just Dan.

15 But I like to promote everybody knowing how the
16 system and the processes work. So everybody that was at
17 the stakeholder meeting last night, I suggested they
18 should come to a Board meeting. Because we just don't
19 make this stuff up. You know, it's a process. And went
20 over what the TAC committee is like.

21 And as you can see from the people in the audience, I
22 encouraged people to come. And today we have our newest
23 group of inspectors here.

24 You guys want to stand up?

25 So I've encouraged them to come so that they

1 understand what the process is like when they see new
2 rules or issue citations and what the process is. So the
3 more you know about the program, the better off we're all
4 going to be.

5 CHAIRPERSON PREZEAU: Any other questions for Steve
6 under Departmental/Legislative update? Obviously we still
7 have the Secretary's Report that comes later.

8 SECRETARY THORNTON: Right, yeah.

9 CHAIRPERSON PREZEAU: Everybody's good?

10 Before we get into today's appeals, one update. And
11 that is -- remember the case that we heard in Spokane
12 regarding Jeff Yarnell. And following the conclusion of
13 that appeal hearing, the Department -- the parties in that
14 case, the Department and Jeff Yarnell and the Department
15 through their Assistant Attorney General, Ms. Zurlini,
16 the Department actually withdraw their citation. So
17 Ms. Zurlini has written a letter to the Department, and
18 they've basically -- the parties have come to the
19 conclusion that the citation -- the Department has
20 withdrawn the citation, so the appeal is basically --
21 there is no final order. The appeal has been withdrawn.

22 Does that make sense?

23 For some of you that didn't -- I know every Board
24 member that's here today that wasn't at the October
25 meeting -- I know that you diligently read the

1 transcripts, so you understood what that case was about.
2 And it was I think -- I'm glad the Department took the
3 action that they did.

4 And then as you can see -- so that wasn't on the
5 agenda, but I just wanted to give you guys that update
6 because normally we would be having to deal with signing
7 of the final order. But since that was withdrawn, we
8 don't -- we're not going to do that, or we don't need to
9 do that.

10

11 Item 3. Appeals

12

13 Item 3.C. American Family Real Estate NW LLC

14 Appeal of Default Order

15

16 CHAIRPERSON PREZEAU: The American Family -- agenda
17 item 3.c., American Family Real Estate Northwest LLC, this
18 -- we're not going to hear this today because basically it
19 has been remanded back to OAH. There is -- one of the
20 parties didn't show for the initial hearing at OAH, which
21 creates this default order. But it's been -- the parties
22 have agreed the case should be heard. And so it's going
23 back to OAH to be heard in May. It's going through that
24 process. So we don't -- it's not on our calendar today.

25 And then you'll see agenda item 3.e. and f. have been

1 continued to the April 27th meeting.

2 So originally, we had thought that this Board meeting
3 might last longer than a day. And if that appeal would
4 have been here, that would probably have an impact on
5 that.

6 ASSISTANT ATTORNEY GENERAL REULAND: One thing we do
7 need to talk about with the Board members is the issue of
8 whether the Board should hire an ALJ for that upcoming
9 hearing or not. And I don't know if this is the time or
10 whether you --

11 CHAIRPERSON PREZEAU: I would say -- we can talk
12 about that. But what I would -- I see that the parties
13 are in the room for the appeals. And so instead of making
14 folks wait longer, let's deal with the substantive issues,
15 and then we can talk about our administrative pieces
16 later. Make sense? I just wanted to give you that
17 update.

18

19 Item 3.A. Mark Thomas Appeal of Intent to Suspend
20 Journey Level Certificate

21

22 Item 3.B. Matthew Staudenmaier Appeal of Intent to
23 Suspend Electrical Trainee Certificate

24

25 CHAIRPERSON PREZEAU: So let's take them in order

1 because Ms. Kellogg is here. I don't know if -- so we
2 have back on the agenda the appeal of intent to suspend
3 journey level certificate for Mr. Mark Thomas, which is
4 continued from the October 27, 2016, Board meeting. Also,
5 the appeal of intent to suspend the electrical trainee
6 certificate of Mr. Matthew Staudenmaier, continued from
7 the October 27, 2016, Board meeting.

8 And as you recall, the Board members were here, those
9 cases were consolidated, and they were consolidated
10 through a motion made by Ms. Kellogg that we affirmed/
11 agreed in real time at that hearing.

12 And before we -- should we do this now for the Board
13 members that weren't here?

14 ASSISTANT ATTORNEY GENERAL REULAND: Yes.

15 CHAIRPERSON PREZEAU: So before we get to the
16 substantive matter of the case, there's -- there were
17 three Board members that are here today that may
18 participate in the -- any rendering of any decision
19 regarding these intent to suspend. But we need to make a
20 good record. So they weren't there in October, but
21 they're here today and they may participate in the
22 decision.

23 And what I need to do is I need to confirm that Ryan
24 Lamar and Don Baker and Dave Ward who were not here at the
25 October 27, 2016, hearing of this original hearing of the

1 matter of Mr. Mark Thomas and Mr. Matthew Staudenmaier, I
2 need to confirm that you have read the transcript so that
3 you can participate in the rendering of the decision.

4 So Ryan, have you read the transcript?

5 BOARD MEMBER LAMAR: Confirmed.

6 CHAIRPERSON PREZEAU: David?

7 BOARD MEMBER WARD: Confirmed.

8 BOARD MEMBER BAKER: Yes.

9 CHAIRPERSON PREZEAU: Okay. Very good. So let the
10 record reflect that all three Board members who were not
11 here in October have read the transcript and may
12 participate in any decision regarding Mr. Thomas and
13 Mr. Staudenmaier.

14 Okay. So Ms. Kellogg.

15 ASSISTANT ATTORNEY GENERAL REULAND: If I could
16 interject, Madam Chair.

17 CHAIRPERSON PREZEAU: Please.

18 ASSISTANT ATTORNEY GENERAL REULAND: My understanding
19 is, if you recall, the Board members continued the matter
20 simply for the Board to consider the additional matters
21 that would be described in the record. The parties then
22 were each given 20 days after receipt of the transcript in
23 that matter if they wanted to file additional argument or
24 briefing. And my understanding is that neither side chose
25 to do that, so there is no additional argument for the

1 Board to consider.

2 So the purposes for today's hearing is simply for the
3 Board to complete its deliberation based on its review of
4 the transcripts and render a decision.

5 It would not be appropriate unless there was a motion
6 made to the Board to reopen it for argument or evidence.

7 CHAIRPERSON PREZEAU: Thank you, Pam.

8 So -- great. So Board members, like all of you in
9 this room, I also reviewed the transcript and found the
10 record to be very helpful.

11 I think that the Department did a -- did -- well
12 defined what a serious and non-conforming installation is,
13 called our attention to both the rule and statute.

14 It's in the record on page 161 that the suspension
15 duration meets with the Lean standard and the Department's
16 policy.

17 On page -- I mean, we can -- I can read all of this
18 stuff. But I found in the record on page 166 that they
19 made the case that their position was reasonable and
20 consistent with actions taken in the past.

21 And I know it's a very -- it's a difficult decision,
22 but I would certainly open it up to hear from other Board
23 members your thoughts about potentially rendering a
24 decision in one or both of these matters.

25 Janet.

1 BOARD MEMBER LEWIS: I know you mentioned and we did
2 hear testimony that the recommendation for suspension may
3 have been consistent with past practice. But the new
4 guidelines going forward are less stringent than the prior
5 ones if I understood correctly.

6 So I just think -- you know, I'm asking the Board to
7 possibly look at this case and, you know, how the
8 Department would possibly apply the new guidelines.

9 And maybe, Steve, could you say what those new
10 guidelines are again for the Board?

11 SECRETARY THORNTON: I'm not sure what you're talking
12 about, Janet.

13 CHAIRPERSON PREZEAU: So Janet, I want to -- I would
14 like to call your attention to page 166 because I think
15 that the answer's in here.

16 And you actually are asking Ms. Jeffreys a question.
17 You said, "... you mentioned earlier that you chose the
18 one year as a standard. Did you reference a standard for
19 the suspension or is that just past practice? I may have
20 missed what you said, why you chose one year."

21 And then Ms. Jeffreys responds, "For many years in
22 the Chief's office, we had a standard procedure for
23 suspensions. And it -- it originally started as a two-
24 year suspension for non-conformings, and more at fifth
25 offense or greater citations.

1 "And that was changed when Rod Mutch was chief. He
2 moved it down from two year to one-year suspension for
3 non-conformings and fifth offenses. And then last April
4 -- no -- last July we presented -- I presented to the
5 Electrical Board the revised suspension procedure that's
6 currently now in effect. However, these suspensions are
7 under the older standard work of one year.

8 "The new standard work has a suspension that's -- for
9 first offense that's one day or greater. So the Chief had
10 some flexibility. And in this case he -- I recommended
11 the one year, and he accepted it."

12 So I hear what you're saying, Janet, about applying a
13 different -- possibly applying a different suspension
14 term, but I don't -- I think that answers -- does that
15 answer your question?

16 BOARD MEMBER LEWIS: Yeah. Thank you for that.

17 Madam Chair?

18 CHAIRPERSON PREZEAU: Yes.

19 BOARD MEMBER LEWIS: I guess my point is that there
20 can be discretion between the one day and the one year. I
21 just bring that to the attention of the Board in this
22 case.

23 CHAIRPERSON PREZEAU: So remind me, Pam. We've
24 had --

25 Thank you, Janet.

1 Remind me, Pam. We had some conversation about this
2 at the January meeting regarding options that the Board
3 has with respect to these two appeals of intent to
4 suspend.

5 ASSISTANT ATTORNEY GENERAL REULAND: So my
6 recollection of the advice that I gave the Board at that
7 point in time was that the Department is charged with
8 determining whether a violation has occurred and also
9 determining initially what the penalty or consequence is
10 for that.

11 They don't have any specific rules, so we don't have
12 a WAC to guide us. And there's no specific policy other
13 than an informal policy that's been articulated.

14 So based on that, it was my recommendation to the
15 Board that the Board does have the authority to change
16 that recommendation if it finds that that recommendation
17 made by the Department is not based upon the record or is
18 somehow inconsistent with past practices or is not
19 supported by the facts in this case. The Department has
20 articulated what they rely upon to determine if it should
21 be a day or should be a year.

22 Does that make sense?

23 CHAIRPERSON PREZEAU: Yeah. And so I'm going back
24 and we actually -- if you look on -- it's this same
25 conversation really happens right after this in the

1 transcript.

2 And Ms. Kellogg is on the record as saying -- this is
3 on page 168, line 24. "I believe that if the Department
4 has a rational reasonable basis for the amount that they
5 have chosen, that the Board must defer to the Department.

6 "The Board I do not believe just makes up a number
7 out of the air and substitutes it for the Department's
8 position.

9 "... I just want to be on the record for that."

10 But as Pam said, she goes on and says if the Board
11 finds that the Department's position is not based upon the
12 criteria -- appropriate criteria the Department is
13 responsible for applying. Then that would be -- we would
14 have that option if we can substantiate that.

15 BOARD MEMBER BAKER: Madam Chair?

16 CHAIRPERSON PREZEAU: Yeah.

17 BOARD MEMBER BAKER: So I wasn't at the hearing in
18 Spokane.

19 I struggle with the suspension for an apprentice, a
20 trainee who's working under a journeyman's direct
21 supervision. I'll just throw that out there.

22 CHAIRPERSON PREZEAU: Yeah, here's the -- are you
23 referring to Mr. Staudenmaier who --

24 BOARD MEMBER BAKER: And then we have laws in place
25 that say we have a one-to-one ratio for a reason, you

1 know. That's trainee, right or wrong or indifferent, was
2 under that journeyman's direct supervision.

3 CHAIRPERSON PREZEAU: Yeah, and there's -- I
4 understand your position -- or your reluctance. I also
5 understand that Mr. Staudenmaier's a journeyman
6 residential electrician and some of the work that was
7 installed at that hospital included open-air splices. I
8 would imagine a journeyman residential electrician
9 wouldn't do that in somebody's house.

10 BOARD MEMBER BAKER: I understand.

11

12 Motion

13

14 BOARD MEMBER JENKINS: Madam Chair, I don't know how
15 to phrase this correctly, but maybe I'd like to make a
16 motion to keep it as it stands. I make a motion to move
17 forward with what the Department has decided.

18 CHAIRPERSON PREZEAU: So to clarify, we're going to
19 want to do individual mo -- like make individual decisions
20 for each of these appeals of intent to suspend.

21 So are you -- is your motion to uphold the intent to
22 suspend the journey level certificate of Mr. Mark Thomas?

23 BOARD MEMBER JENKINS: That's correct.

24 CHAIRPERSON PREZEAU: Is there a second?

25 BOARD MEMBER GRAY: Second.

1 BOARD MEMBER NORD: Second.

2 CHAIRPERSON PREZEAU: Okay, it's been moved and
3 seconded, and we're going to have discussion on the motion
4 to uphold the intent to suspend the journey level
5 certificate of Mr. Mark Thomas.

6 Discussion on the motion?

7 BOARD MEMBER WARD: Madam Chair?

8 CHAIRPERSON PREZEAU: Yeah.

9 BOARD MEMBER WARD: I have to admit I had the same
10 reaction. I wasn't there either. Just reading through
11 there, obviously you don't get the same -- (inaudible) --
12 as when you're actually present. But being in the public
13 utility side of it, I like it when we have an apprentice
14 there who actually has responsibility. I just
15 fundamentally have a little bit of a -- I'm having a hard
16 time with this. I agree with Don.

17 It might be the right thing to do. And I understand
18 the individual's background. It just seems harsh.

19 CHAIRPERSON PREZEAU: So just -- thanks, Dave.

20 Mr. Thomas is the EL01 journey level worker, not the
21 -- Mr. Staudenmaier's, we haven't taken that. This is
22 only for Mr. Thomas.

23 And it is my understanding, and I'm looking to
24 Ms. Kellogg to substantiate this, but just to be clear,
25 the suspension duration for Mr. Thomas is one year; is

1 that correct?

2 MS. KELLOGG: Yes.

3 CHAIRPERSON PREZEAU: Okay. Any other discussion on
4 the motion?

5 Bobby.

6 BOARD MEMBER GRAY: Thank you, Madam Chair.

7 And I appreciate that Janet brought that to our
8 attention.

9 My concern is the integrity of the process. If we're
10 going to deviate what has been past practice and
11 precedent, we should have a pretty good reason. And at
12 the meeting, it was clear to me that the individuals were
13 truly sorry, that they had a lot of pride in their career,
14 and that was a mistake that -- unlike some people that we
15 see come before this Board, they weren't here to argue
16 with us. They were here to ask mercy for a mistake they
17 made and they readily admitted they made a mistake.

18 However, what concerns me is if we don't treat
19 everybody unless we have a very compelling technical
20 reason for not following the same guidelines for everyone,
21 I just think that brings into question the integrity of
22 the process.

23 And I appreciate the fact that we give the Chief a
24 lot of latitude now, one day to one year, to make some
25 discretionary decisions based on particular conditions.

1 But I think we need to make sure that the Chief uses that
2 discretion with a lot of thought to make sure that that
3 doesn't come into question for a good reason.

4 So that would be my comments. Thank you, Madam
5 Chair.

6 CHAIRPERSON PREZEAU: Thanks, Bobby.

7 BOARD MEMBER NORD: Madam Chair, if I may.

8 Mr. Thomas made a point to bring before the Board
9 that he'd been in the trade since the '80s, and he'd been
10 successfully involved in the trade since the '80s and had
11 never had any issues before.

12 My concern is -- I listened to his testimony and as I
13 reread the transcripts and I mulled this over for the last
14 several months since the previous Board meeting, is a man
15 who's been in the trade for thirty-some years roughly
16 would perform such poor quality work in a health care
17 facility that -- and we heard testimony from the
18 inspectors involved created a very life-threatening
19 situation if we had any sort of electrical problem there
20 with the grounding. And we were dealing with a health
21 care facility, a large hospital where you have explosive
22 gases in use in the operating rooms, the emergency care
23 areas, the intensive care areas, and if there had been
24 some sort of a mishap, it could have been very
25 catastrophic. And taking into account, once again,

1 Mr. Thomas' alleged on his part long-term involvement in
2 the electrical trade, for someone who allegedly has that
3 much experience, to perform such poor quality work
4 creating such a hazardous condition in a hospital I think
5 has to be taken into consideration.

6 CHAIRPERSON PREZEAU: Thanks, Mike.

7 So I thought that technical specialist Rod Mutch did
8 a particularly moving and compelling job of really
9 capturing what the serious non-conforming installation
10 that both Mr. Thomas and Mr. Staudenmaier admitted
11 performing. It was -- and for those -- for Don and Dave
12 and Ryan who were not at the hearing, I can tell -- share
13 with you that it completely changed the demeanor of the
14 appellants.

15 And I just think that, Rod, when you start looking
16 at what the potential was for not only -- well,
17 particularly the workers that are working in that
18 hospital remodel, the danger that this installation posed
19 to them, the fact that neither of them really understood
20 the level of that threat and danger and really -- I don't
21 know that they really fully understood it until Mr. Mutch
22 actually testified and explained that to them.

23 Which it's interesting is, you know, Mike, you
24 started asking questions very early on when the State --
25 when the Department inspectors were talking about the

1 installation, you immediately recognized -- and probably
2 some of you -- like when you read that pamphlet and saw
3 the pictures and the MC cable and no anti-shorts, no
4 connectors in direct contact, no grounds, no splices, no
5 open-air splices with no equipment ground, and that -- a
6 jacket of that MC cable in direct contact with building
7 steel, you immediately understood what that was.

8 It is not clear to me that either -- and since we're
9 under -- the motion in front of us is to suspend Mr. Mark
10 Thomas' journey level certificate, it is not clear to me
11 that he understands that now.

12 BOARD MEMBER NORD: And I agree with that statement.

13 CHAIRPERSON PREZEAU: Is it -- I am hopeful that
14 there will be a day where Mr. Thomas or I can answer that
15 question differently.

16 Any further discussion on the motion? Seeing none --
17 I'll remind the Board, the motion in front of you is to
18 uphold the intent to suspend the journey level certificate
19 of Mr. Mark Thomas for one year.

20 I want to see a show of hands on this one.

21 And before we vote, I want the record to reflect that
22 neither -- that Mr. Thomas is not signed in. It is now
23 9:47 a.m., and Mr. Thomas is not here.

24 So all those in favor of the motion, please signify
25 by raising your hand.

1 (Board Members Burke, Gray, Lamar, Ward, Baker,
2 Cunningham, Nord, Cornwall, Scott, Lewis, Jenkins raising
3 hands). So 11 yeas.

4 If you are against the motion, raise your hand.

5 (No one raised hands.)

6 All right. Motion carried unanimously to suspend the
7 journey level certificate of Mr. Mark Thomas.

8

9 Motion Carried

10

11 CHAIRPERSON PREZEAU: And the matter of Mr. Matthew
12 Staudenmaier, intent -- the appeal of intent to suspend
13 his electrical trainee certificate.

14 And just to remind Board members, it is my
15 understanding that this duration of suspension is six
16 months. Is that right, Ms. Kellogg?

17 MS. KELLOGG: Yes.

18

19 Motion

20

21 MR. JENKINS: Madam Chair, I'd like to make a motion
22 to uphold the Department's decision on the suspending his
23 license for six months also.

24 CHAIRPERSON PREZEAU: Okay. So it has been moved.

25 Is there a second to uphold the intent to suspend the

1 trainee certificate of Mr. Matthew Staudenmaier for six
2 months?

3 BOARD MEMBER NORD: Second.

4 CHAIRPERSON PREZEAU: It's moved and seconded.
5 Discussion?

6 BOARD MEMBER JENKINS: I still believe what Bobby was
7 saying that if we were to deviate from any type of past
8 history, we'd make some type of precedent for all
9 situations, not just for one that he does seem to be sorry
10 for his actions. So I don't think we should stray from
11 that because it would change possible future situations
12 where people didn't -- knew their intent -- intention and
13 didn't care.

14 CHAIRPERSON PREZEAU: Any other discussion on the
15 motion?

16 BOARD MEMBER NORD: Madam Chair, I share Don's
17 concerns and David's concerns. But my concern once I
18 reread through the transcript -- and I mulled this over
19 since our previous meeting -- is we have an individual
20 who yes, is a trainee, but he also is a card-carrying 02
21 electrician. In order to receive an 02 electrical
22 certificate in this state, you have to undergo sufficient
23 training and experience to pass the rest and receive that
24 documentation. Once you possess that documentation, you
25 just can't go stupid.

1 So I don't think he can hide behind a trainee
2 certificate and expect that he's going to get leniency
3 when he's already completed a previous apprenticeship,
4 he's completed a previous journeyman level certification,
5 which should give him sufficient safety training and
6 experience in the electrical trade to understand a safe
7 and unsafe installation, even should it be a temporary
8 installation.

9 So for that, I think that I have to agree with Jason.
10 We have to follow what Jason and Bobby have already
11 established, that we have quality standards in this state
12 that the Department has set for public safety and for the
13 tradesman safety, and we have to uphold those standards
14 and we can't really deviate from them.

15 And perhaps Mr. Staudenmaier is remorseful for what
16 he's done, but the problem is he still has put the public
17 at risk and his fellow workers on the project at risk.
18 And he has demonstrated by receiving an 02 electrical
19 certificate in this state that he did have sufficient
20 training and sufficient knowledge to know better.

21 BOARD MEMBER BAKER: Madam Chair?

22 CHAIRPERSON PREZEAU: Yes.

23 BOARD MEMBER BAKER: I'll be voting no. I don't
24 believe he should be suspended. Old school. He's under a
25 journeyman's direct supervision. He does have an 02

1 license. I went through that process. I received an 02
2 license.

3 They're not licensed to install MC cable. They're
4 licensed to do -- not that he shouldn't know better. I'm
5 sure he did know better. But I can't get past the fact
6 that he's working under a journeyman's direct supervision.
7 That journeyman's responsible for what that individual's
8 doing on that job site. From installation to safety,
9 he's responsible. I hold my men responsible in the same
10 way.

11 So I don't deny the fact that that apprentice
12 probably should know better. Probably did. But -- I
13 don't know what all the circumstances were on that job
14 site. Ultimately that journeyman is the one that's
15 responsible for that installation. That's why we have a
16 one-to-one ratio out there. So I'll be voting no.

17 CHAIRPERSON PREZEAU: Thanks, Don.

18 Any other comments?

19 BOARD MEMBER WARD: Madam Chair, I'm also going to be
20 voting no for the very same reasons.

21 It's just -- being in the utility industry for a long
22 time, the same type of thing, the same rule and standard
23 for the crew leader on the site, they have responsibility
24 for what goes on on the job site. And I totally agree. I
25 mean, he obviously had the knowledge. But he --

1 (inaudible).

2 CHAIRPERSON PREZEAU: And the only comment that I
3 will just want to call your attention to is the
4 transcript, page 181, line 18, beginning line 18. And
5 this is the appellant, Mr. Staudenmaier, and he says,
6 "Yeah, kind of like what Mark was saying, this place, it
7 had been hacked on a lot by maintenance buys or whoever.
8 And we went in there and tried to do the best we could.
9 And obviously, you know, from the pictures and everything,
10 it wasn't very tidy of us, not up to code, pretty
11 dangerous.

12 "I accept full responsibility for this, and I'll
13 accept any, you know, suspension or whatever you guys give
14 us. I just want to learn from this and get better.

15 "That's all I have."

16 Any other comments? Seeing none, then I would like
17 -- again, let's do the same thing. I want to see a show
18 of hands so we have a clear count. All of those in favor
19 of upholding the intend to suspend the electrical trainee
20 certificate of Mr. Matthew Staudenmaier and -- sorry --
21 the -- Mr. Staudenmaier is not here, did not ask -- is not
22 signed in, and it is now 9:54.

23 So all those in favor of upholding the intent to
24 suspend the electrical trainee certificate of Mr. Matthew
25 Staudenmaier, please raise your hand.

1 (Board Members Jenkins, Lewis, Scott, Nord, Lamar,
2 Gray raising hands) One, two, three, four, five, six.

3 All those opposed, please raise your hand.

4 (Board Members Burke, Schmidt, Ward, Baker,
5 Cunningham, Cornwall raising hands) One, two, three, four,
6 five, six.

7 Okay. So -- well, I think this comes to the point
8 where as the Chair, I can cast the deciding vote. Is that
9 correct, Pam?

10 ASSISTANT ATTORNEY GENERAL REULAND: As I understand
11 it.

12 CHAIRPERSON PREZEAU: I vote to suspend. So with a
13 vote count of seven to six, the electrical trainee
14 certificate of Mr. Matthew Staudenmaier has been suspended
15 for six months.

16

17 Motion Carried

18

19 MS. KELLOGG: Madam Chair, I have an order.

20 CHAIRPERSON PREZEAU: Thank you.

21 (Addressing court reporter) Milton, do you want to
22 take a quick break? Take a five-minute break?

23 THE COURT REPORTER: If you want, sure.

24 CHAIRPERSON PREZEAU: Yeah, so let's take a quick
25 break. So come back in five minutes and we'll come back

1 on the record.

2

3

(Recess taken.)

4

5 CHAIRPERSON PREZEAU: Okay, so I would like to call
6 the January 26, 2017, Electrical Board meeting back to
7 order.

8 And I wanted to -- just wanted to take a quick break
9 because it was important to sign the final orders in the
10 Thomas and Staudenmaier matters, get the paperwork taken
11 care of. They need to get sent off in an official
12 capacity, so we wanted to make sure we got that taken care
13 of.

14 I appreciate the Board members diligence in those two
15 matters. It's never an easy decision.

16

17 Item 3.D. DS Electric Company and Darshan Jourha

18

19 CHAIRPERSON PREZEAU: So we are now under agenda item
20 3.d., which is DS Electric Company and Darshan Jourha.
21 And I see that Mr. William Henry is here representing the
22 Department. And I saw that Mr. -- am I saying your last
23 name correctly, sir? Mr. Jourha?

24 MR. JOURHA: Yeah.

25 CHAIRPERSON PREZEAU: Okay.

1 So good morning. My name is Tracy Prezeau, and I am
2 the Chair of the Electrical Board. The matter before us
3 today is an appeal in the matter of DS Electric and
4 Darshan Jourha versus the Department of L & I, which is
5 docket number 01-2016-LI-00009.

6 This hearing is being held pursuant to due and proper
7 notice to all -- excuse me -- yeah, this hearing is being
8 held pursuant to due and proper notice to all interested
9 parties in Tacoma, Washington on January 26th at
10 approximately 10:06.

11 This is an appeal from a proposed decision and order
12 issued by the Office of Administrative Hearings on August
13 29, 2016. It is my understanding that the decision upheld
14 citations and notice numbers ESIMZ00265 and EWHA000271
15 issued by the Department of Labor and Industries on August
16 25, 2015 and September 28, 2015, respectively.

17 It is further my understanding that the appellant has
18 timely appealed that decision to the Electrical Board.
19 And at this time Mr. Jourha is present and representing
20 himself. Is that correct, Mr. Jourha?

21 MR. JOURHA: Yes.

22 CHAIRPERSON PREZEAU: And the Department is present
23 and is represented by Assistant Attorney General William
24 Henry.

25 ASSISTANT ATTORNEY GENERAL HENRY: Yes.

1 CHAIRPERSON PREZEAU: The Electrical Board is the
2 legal body authorized by the legislature to not only
3 advise the Department regarding the electric program, but
4 to hear appeals when the Department issues citations or
5 takes some other adverse action regarding an electrical
6 license or certification or installations. The Electrical
7 Board is a completely separate entity from the Department,
8 and as such will independently review the action taken by
9 the Department.

10 When the Department issues penalties that are
11 appealed, the hearing is assigned to the Office of
12 Administrative Hearings to conduct the hearing pursuant to
13 the Administrative Procedures Act.

14 The ALJ who conducts that hearing then issues a
15 proposed decision and order. If either party appeals that
16 decision -- if either party appeals, that decision is
17 subject to review by the Electrical Board.

18 Please keep in mind that while a review is de novo,
19 we sit in the same position as the administrative law
20 judge and will review the entire record regardless of
21 whether a certain piece of evidence is referenced by the
22 ALJ. We are bound by the evidence in the record and no
23 new evidence can be submitted at this hearing.

24 Each party will be given approximately 15 minutes
25 today to argue the merits of your case. Any Board member

1 may ask questions, and the time may be extended at the
2 discretion of the Board.

3 At the conclusion of the hearing, the Board will
4 determine if the findings and conclusions reached by the
5 ALJ are supported by the facts and the rules pertaining to
6 licensing, supervision and certification.

7 Are there any questions before we begin?

8 MR. JOURHA: No

9 CHAIRPERSON PREZEAU: And Mr. Jourha, as the
10 appealing party, you have the burden of proof to establish
11 that the proposed decision is incorrect. So we will give
12 you the opportunity to speak first.

13 And if you would be kind enough to before you present
14 your case, if you would state and spell your name for our
15 court reporter please.

16 MR. JOURHA: My name is Darshan Singh Jourha.
17 D-A-R-S-H-A-N, and J-O-U-R-H-A.

18 CHAIRPERSON PREZEAU: Thank you.

19 So this is your time, Mr. Jourha, that you explain in
20 greater detail anything that's contained within this
21 Electrical Board packet.

22 So the Board members have read the transcript from
23 your hearing at the Office of Administrative Hearings.
24 They are read -- they have seen their packet -- they have
25 seen all of the exhibits that the Department through their

1 Assistant Attorney General William Henry presented to the
2 ALJ at hearing. So they have those as well. They have
3 the proposed order from the administrative law judge,
4 which you have appealed to this body for review.

5 Does that make sense?

6 MR. JOURHA: Yep.

7 CHAIRPERSON PREZEAU: So this would be your
8 opportunity to elaborate or clarify what's in the record.
9 We can't hear any new information, but we're bound by the
10 information that's contained within the record at hand.

11 Does that make sense?

12 MR. JOURHA: Yep.

13 So you want me to kind of start?

14 CHAIRPERSON PREZEAU: Sure.

15 So if you wanted to like, you know, I understand and
16 have read the packet, Mr. Jourha, and in addition to the
17 letters you wrote to the Department appealing the initial
18 decision -- or the initial citations, excuse me. Also
19 read your letters which are part of the record appealing
20 the decision of the administrative law judge to the
21 Electrical Board.

22 So if you wanted to -- now would be your opportunity
23 to explain maybe in a little bit greater detail why you
24 believe that the ALJ's decision is incorrect.

25 MR. JOURHA: Yeah. I have two letter I submitted.

1 So you have that letter?

2 CHAIRPERSON PREZEAU: Yes, sir. We have both
3 letters, yes.

4 MR. JOURHA: Okay. So one of the jobs was in Kent.
5 So that job I did not post a permit. I didn't submit the
6 application for the permit. It was submitted by Furnace
7 Doctors. And I wrote in that letter in detail. I can
8 again like emphasize that I have no knowledge, I didn't
9 have any knowledge at who pulled the permit.

10 And after that, I discuss with the Furnace Doctors,
11 "Did you pull the permit under my name?"

12 He said, "No."

13 Then he told me it might be "Sia" (phonetic) who may
14 have a different electrician who might use the name and
15 pull the permit.

16 ASSISTANT ATTORNEY GENERAL HENRY: I'd like to object
17 at this point. I believe this is information that's being
18 provided that is not in this record and was not evidence
19 at hearing.

20 CHAIRPERSON PREZEAU: And Mr. --

21 MR. JOURHA: I wrote in the letter.

22 CHAIRPERSON PREZEAU: So just a minute, Mr. Jourha.

23 I think if we look at the Department's exhibit, and I
24 believe it's Exhibit 7, that this is -- it's difficult for
25 me to read to be honest with you.

1 MR. JOURHA: I can share with you. I can share with
2 you.

3 CHAIRPERSON PREZEAU: Yeah. So there's a -- so it's
4 my understanding that -- in reading the transcript that
5 there's -- the record contains Mr. Jourha holding more
6 than one position on this permit for the work that was
7 done in Kent.

8 ASSISTANT ATTORNEY GENERAL HENRY: I would agree with
9 that.

10 MR. JOURHA: What that mean? Holding one -- more
11 than one position?

12 ASSISTANT ATTORNEY GENERAL REULAND: So could I
13 interject, Madam Chair?

14 Counsel for the Department, you made an objection
15 that Mr. Jourha was advising -- providing information that
16 was outside of the record.

17 ASSISTANT ATTORNEY GENERAL HENRY: That's correct.

18 ASSISTANT ATTORNEY GENERAL REULAND: And I think that
19 I wanted to clarify that for the Board members that the
20 objection is is that it's not within the evidence that's
21 in the record.

22 So Mr. Jourha must be cautioned to just -- the
23 caution is is that your decision needs to be based upon
24 the evidence that's in the record, not if he says anything
25 that's different or new or which would be construed as

1 additional -- his letter of appeal is not evidence.

2 CHAIRPERSON PREZEAU: Okay. So I just need to
3 make --

4 Mr. Jourha, I need to make sure you understand this
5 process. Do you remember the hearing that was conducted
6 in Seattle with --

7 MR. JOURHA: Yeah, I remember that.

8 CHAIRPERSON PREZEAU: Okay. So this body has the --
9 is going to -- has the ability to make a decision about
10 the ALJ's proposed order. And we are bound by the
11 information that is contained within -- in our -- we are
12 bound by the information that's contained within the
13 record, which that means you can't bring new testimony to
14 -- new information that you didn't bring to the hearing in
15 Seattle to this body.

16 So if you recall -- so the reason -- so Mr. Henry
17 objected to you presenting new information to this body
18 that's outside of the record created by the ALJ, by that
19 hearing that you were at with Mr. Henry and Mr. Simmons
20 and Mr. White. And so I am going to ask that you keep
21 your comments to information that is contained within that
22 transcript.

23 MR. JOURHA: Most likely I am not creating a new
24 record.

25 CHAIRPERSON PREZEAU: Okay.

1 MR. JOURHA: When I went to Seattle, they told me the
2 letter I submitted, that's the evidence. But now you look
3 like you're saying that's not considered evidence.

4 CHAIRPERSON PREZEAU: So in reading the transcript, I
5 believe that the ALJ admitted as exhibits the two letters
6 that you wrote appealing the initial citations. So those
7 were offered as exhibits.

8 But what our attorney that advises the Electrical
9 Board, (addressing Ms. Reuland) you're saying that the
10 letters that appealed the ALJ's decisions are not --

11 ASSISTANT ATTORNEY GENERAL REULAND: Evidence.

12 CHAIRPERSON PREZEAU: They're not evidence.

13 ASSISTANT ATTORNEY GENERAL REULAND: Right.

14 If they were -- you can consider what are admitted as
15 exhibits, but if there's some new information in the
16 letter of appeal that hasn't been properly admitted into
17 the record, that should be excluded.

18 MR. JOURHA: Well, I will not -- if that's the law, I
19 will not -- why to agree with that. That's fine with me.

20 So what's your -- what should we do? I just want to
21 based on the facts that I provided before.

22 CHAIRPERSON PREZEAU: Okay. So if -- just want to
23 continue. You know, anything that's within the --

24 MR. JOURHA: Yeah, there's not new evidence that I'm
25 saying.

1 CHAIRPERSON PREZEAU: Okay.

2 MR. JOURHA: I'm not saying --

3 CHAIRPERSON PREZEAU: Then please continue.

4 MR. JOURHA: Yeah.

5 So that's what it's all about. I did not pull the
6 permit under my name. I didn't authorize anybody. I went
7 to L & I to get me the hard copy of the document. So who
8 submitted application to obtain the permit. But they will
9 not give to me. So that will determine that who pulled
10 the permit, who signed my name. So somebody signed my
11 name. It's already like -- it's in my exhibits.

12 So based on that fact that I did not do anything to
13 obtain the permit, I should have no reason to pay the
14 citation.

15 CHAIRPERSON PREZEAU: Okay. Do you want to speak on
16 the other citation as well? Or do you -- like the one
17 that happened in Centralia?

18 MR. JOURHA: Yeah, Centralia.

19 I mentioned before that -- let me finish the first
20 one, a couple more things.

21 CHAIRPERSON PREZEAU: About the one in Kent?

22 MR. JOURHA: Yeah.

23 CHAIRPERSON PREZEAU: Okay.

24 MR. JOURHA: I try to get the hard copy of the
25 application to apply for department. I couldn't get a

1 copy. Then I try to find out who may have pulled the
2 permit. I applied for a refund.

3 So then supervisor Tom Miller may have instructed or
4 I am told why to look into this matter. So they are
5 saying why I apply for a refund. That's what I --
6 (inaudible).

7 So like I applied for refund at the time I did not
8 get the hard copy from Department of Labor and Industry
9 who obtained the permit so that way I can figure out how
10 the permit was apply, who applied, and I also don't have
11 an accurate date I applied for the permit. That's the
12 only way I could get it is if I could -- (indiscernible)
13 -- the permit was applied.

14 So that's the reason based on investigation why I
15 applied for refund.

16 So -- but Anthony White also -- I also met Anthony
17 White on a different job and explain him -- he told me, "I
18 will try to get the citation removed." But then I call
19 him back. He said -- (inaudible). So then we can see
20 what we can do for that -- on that job, on the Kent job.

21 So if you want to, we can continue on the second job
22 and --

23 CHAIRPERSON PREZEAU: Sure.

24 Bobby, did you want to ask -- sure, go ahead.

25 BOARD MEMBER GRAY: Through the Chair, could we ask

1 him to pull the microphone a little closer to him. I'm
2 having trouble ...

3 CHAIRPERSON PREZEAU: Oh, certainly.

4 Mr. Jourha, that little black object on the table is
5 a microphone. Would you pull that closer to you please.
6 Some of the Board members are having difficulty hearing
7 you.

8 Thank you.

9 So please continue to talk about the project that
10 happened in Centralia.

11 MR. JOURHA: Centralia job, I was hired by Furnace
12 Doctor to do electrical work. So I pulled the permit, and
13 I did the job. And then I called for inspection.

14 Inspector Brian got there. He wrote additional
15 correction like -- (indiscernible) -- outlet outside. I
16 did not do that job. I wrote -- I did the job to install
17 30-amp breaker for air conditioner and wire thermostat.
18 But he wrote additional correction that I didn't do.

19 So then I try to tell him that I didn't do that job.
20 You should not write so many correction when I did not do
21 the job.

22 But then he kindly advise me let's put everything
23 behind because they want reinspection fees. I was
24 objecting to pay the fee. But then he keep pushing me
25 let's put everything behind, let's put everything behind,

1 let's -- (inaudible). Then I pay the fees. I got some
2 advice. And I told him maybe it's better that you go to
3 the job site because there was another inspection by Jim
4 -- Jim Simmons.

5 Jim Simmons different -- he wrote a different
6 correction than Brian. But then Brian went there again.
7 So he approve the job.

8 Then after that, Jim may have start --
9 (indiscernible) -- regarding the permit and he may stop
10 the homeowner. That's what he wrote me citation that it
11 was the job done by -- not by me; it was done by somebody
12 else.

13 And other thing I want to say, I wrote in like the
14 two -- (indiscernible). They are electrical inspectors,
15 and they're not -- (indiscernible). On the phone, they
16 cannot interrogate somebody. All they have to inform that
17 this is going to be -- (inaudible), and it -- they are not
18 prosecutors -- (indiscernible) -- they can find evidence
19 against me what I said. That's what I'm --
20 (indiscernible).

21 Like policeman, if you tell me how much speed you
22 drive today, if you -- if I say, "I drove 80 miles per
23 hour," he can say, "I will give you a ticket right now."

24 That's what the inspectors did. They called us, who
25 did the job. And then they write down against us that he

1 told me -- then they write the story, he told me this, he
2 told me that. That -- (indiscernible) -- on the phone,
3 interrogate somebody on the phone.

4 CHAIRPERSON PREZEAU: Do you have anything else?

5 MR. JOURHA: Let me think. Yeah.

6 Other than these inspectors, then they write bunch of
7 corrections. Homeowner only want that their inspection
8 signed -- (indiscernible). They can -- (indiscernible).
9 Because these are inspectors, they have more --
10 (indiscernible) -- than us. So that's why the homeowner,
11 they ask the homeowner to write something against me. So
12 these are evidence they use against me.

13 CHAIRPERSON PREZEAU: And we know that, Mr. Jourha.
14 Because we actually -- and as I said before, in our
15 packets, we have -- not only do we have Ms. Headen? Is
16 that -- did I -- Ms. Headen?

17 MR. JOURHA: Yeah, yeah, yeah.

18 CHAIRPERSON PREZEAU: -- Ms. Headen's statement, but
19 we also read Ms. Headen's testimony at the hearing in
20 Seattle.

21 MR. JOURHA: Yeah, yeah.

22 CHAIRPERSON PREZEAU: Which did not seem -- from my
23 perspective did not seem to be coerced at all in any way.

24 MR. JOURHA: Then other than that, I -- inspector
25 want to find something wrong that this is a unlicensed

1 person. She had to -- (indiscernible) -- that job. She
2 had to -- (indiscernible) -- to find somebody. Something
3 doing wrong. He had to catch the person at the job site
4 himself, not based on testimony. He cannot go there to
5 ask somebody. He had to --

6 Suppose I'm doing something wrong, he had to come to
7 the job site with what I do wrong to catch me at the job
8 site. Like a -- (indiscernible). That's what I do --
9 (indiscernible) -- Jack is for. Jack is for did the
10 investigation on one of the unlicensed -- (indiscernible).
11 He went to the job site to catch when he returned. Then
12 he gave them a citation. That's -- I will say that.

13 CHAIRPERSON PREZEAU: Thank you, Mr. Jourha.

14 Mr. Henry?

15 ASSISTANT ATTORNEY GENERAL HENRY: Just a few brief
16 comments, Madam Chair.

17 So Judge T.J. Martin's proposed decision in this case
18 was correct. The judge properly found that Darshan
19 Jourha, the owner of DS Electric, had on two occasions
20 obtained electrical permit for an unlicensed contractor.
21 That was Furnace Doctors, Inc.

22 Mr. Jourha and Jonathan Day who is the owner of
23 Furnace Doctors, Inc., had worked together since 2010.
24 The record shows the Department had frequent interactions
25 with these two individuals working together.

1 There were several inspections where the Department
2 had found Mr. Day's company performing work under permits
3 that had been either purchased directly by Jourha or using
4 his contractor license number.

5 So to both of the cases here today, a permit was
6 purchased using DS Electric's license number. In both
7 cases it was Furnace Doctors that actually performed the
8 work under that permit. And in both cases that work
9 exceeded the scope of Furnace Doctors' license.

10 So Mr. Jourha's now claiming, as he did at hearing,
11 that Furnace Doctor obtained -- and I believe it was the
12 Kent permit without his approval. He's also claiming that
13 he actually did the initial work in Centralia.

14 Judge Martin had an opportunity to observe these
15 witnesses firsthand at hearing. And he had the
16 opportunity to directly assess their credibility. And he
17 made a specific determination in his proposed decision
18 that Mr. Jourha was not a credible witness in this case.
19 And it was because Mr. Jourha's -- and we've seen a little
20 bit of evidence of that here today as well. His story
21 changed depending on who he was talking to and when he was
22 having the conversation.

23 He originally told the Department's inspector that he
24 hadn't performed any of the work at the Centralia work
25 site, and then he changed his story a little bit to say

1 that he had supervised that work. Eventually he would
2 come around to saying he had done all the work himself.

3 I would just turn the Board's attention to the
4 testimony of Inspector Simmons. On page 35 of Mr.
5 Simmons' testimony, there's an initial conversation about
6 two-thirds of the way down the page. He asked Mr. Jourha
7 did Furnace Doctors do the original wiring.

8 He said, "Yes, they did, but I was responsible and I
9 fixed the problems, referring to the corrections that were
10 written. He said I was supposed to do the job, but
11 Furnace Doctors did it."

12 This is in regard to the Centralia site, which Mr.
13 Jourha is now claiming today that he did all the initial
14 work.

15 Mr. Jourha's story changed as Mr. Simmons'
16 investigation went on. On page 38 of Mr. Simmons'
17 testimony, we had a second conversation with Mr. Jourha.

18 At the top of the page, "I told him that the citation
19 will be for buying a permit for Furnace Doctors to do the
20 work ... he replied I did the work ... I told him I know
21 you fixed the corrections, but you told me ... you
22 supervised the original installation, and he said -- then
23 he said I did not buy the permit."

24 So depending on the facts that Mr. Jourha was being
25 confronted with, what he thought he was in trouble for,

1 his story would change.

2 So these inconsistencies, they appear throughout the
3 transcript. And also I think both inspectors encountered
4 this in their investigations of Mr. Jourha.

5 One thing I would point out, so Furnace Doctors was
6 actually cited in both the Centralia job and for the Kent
7 job.

8 MR. JOURHA: No, no.

9 ASSISTANT ATTORNEY GENERAL HENRY: Furnace Doctors
10 was cited for both the Centralia --

11 MR. JOURHA: I don't --

12 ASSISTANT ATTORNEY GENERAL HENRY: Excuse me, sir.
13 This is my time.

14 CHAIRPERSON PREZEAU: Yeah. Mr. Jourha, I'll give
15 you an opportunity to respond. But this is just like --
16 Mr. Henry didn't -- he made an objection; it was a legal
17 motion. But I'll give you an opportunity to respond.

18 ASSISTANT ATTORNEY GENERAL HENRY: So the Department
19 cited Furnace Doctors for working outside the scope of its
20 license on the Centralia job, which is consistent, of
21 course, with the Department's citation against Mr. Jourha.
22 It did not appeal those citations. So for Mr. Jourha to
23 now say that Furnace Doctors, that he was doing the work
24 and that Furnace Doctors -- there's really no explanation
25 for why Furnace Doctors would not have appealed that

1 citation if it was actually Mr. Jourha's company that had
2 done the work.

3 The homeowner testified, as the Chair alluded to,
4 that she'd never seen Mr. Jourha when the original
5 electrical installation occurred.

6 CHAIRPERSON PREZEAU: That's on page 58 of the
7 transcript, beginning with line 6.

8 ASSISTANT ATTORNEY GENERAL HENRY: And Mr. Jourha's
9 excuse was that he simply had stayed out of sight the
10 whole time. Judge Martin did not find that explanation to
11 be credible.

12 In the Kent case, Mr. Jourha originally stated that
13 he'd been hired by Furnace Doctors to do the electrical
14 work. A signed witness statement to that effect. He also
15 indicated to the inspector in that case that he had been
16 the person who had -- that he had purchased the permit in
17 that case.

18 When he learned that Mr. Day had actually been the
19 person to purchase the permit with his own credit card,
20 Mr. Jourha then changed his story to say that he had no
21 knowledge of that job whatsoever.

22 So Judge Martin, as I indicated before, had a chance
23 to see these witnesses at hearing, assess their
24 credibility, and he looked at these changing stories and
25 he found that Mr. Jourha was not a credible witness.

1 Judge Martin noted that Mr. Jourha's claims that
2 Furnace Doctor had improper used his license and credit
3 card number, but that he had never filed any type of fraud
4 complaint or informed the Department that there was some
5 sort of improper use of his license.

6 Mr. Jourha's stories don't add up. These cases are
7 just two examples of multiple instances where the
8 Department has found these two entities, DS Electric and
9 Furnace Doctors, working together.

10 I included one additional example of inspector's
11 report as well as the permit for that report. It led to
12 that investigation. I believe it's Exhibit 18 and 19.

13 For all of those reasons, the Board should affirm
14 Judge Martin's well-reasoned proposed decision.

15 CHAIRPERSON PREZEAU: Thank you, Mr. Henry.

16 Mr. Jourha, I told you I'd give you an opportunity to
17 respond. So ...

18 MR. JOURHA: On the Centralia job, Furnace Doctor
19 didn't get -- (indiscernible).

20 CHAIRPERSON PREZEAU: I'm sorry, could you say that
21 again?

22 MR. JOURHA: Furnace Doctors did not get a citation
23 on Centralia job.

24 CHAIRPERSON PREZEAU: Whether or not Furnace Doctor
25 got a citation on any of these projects has no real

1 bearing I don't think on the matter before us.

2 MR. JOURHA: But he said that, that they got the
3 citation.

4 CHAIRPERSON PREZEAU: So any questions, Board
5 members?

6 I know that everybody's read the packet, but I would
7 -- there's a couple of things that stand out to me. One
8 is that on page 61 -- and this is Mr. Jourha's cross-
9 examination of Department's witness Ms. Headen, and she
10 indicates that -- on line 14 when asked about the letter
11 that she wrote that you all -- the handwritten letter
12 about what happened at her house in Centralia, her
13 response is that, "No, he did not force me to write. I
14 was talking here about all the mistakes that were made,
15 and I said, you know, I wish there was something I could
16 do about this because I don't want it to happen to another
17 widow or another woman, or even somebody who couldn't
18 afford to have these done, which I can't, to have it done
19 over and over."

20 So she also, as we've already indicated on page 58 of
21 the transcript, she indicates -- this is Ms. Headen again
22 -- that Mr. Jourha was not present at the time of the
23 initial installation.

24 And to Mr. Henry's point, when reading the testimony
25 of Department's witness Mr. White --

1 MR. JOURHA: Not Mr. White.

2 CHAIRPERSON PREZEAU: No, it's Mr. Anthony White.

3 I'm reading from the transcript, page 76. On page -- this
4 is -- so this is Mr. Henry I think examining Mr. Anthony
5 White. And you ask him, "Did you eventually talk to Mr.
6 Jourha about DS Electric's involvement in this project?"
7 And this is the project in Kent.

8 "And what did you" --

9 And Mr. White's response was, "I did."

10 "And what did you learn from him?"

11 "He told me that he had never done the work, but he
12 also told me that he had purchased the permit."

13 And then it goes on to read, "Okay. So he told you
14 that he had purchased the permit for this particular job?"

15 "That's correct."

16 "Okay. And did you obtain a written statement from
17 Mr. Jourha regarding that issue?"

18 "I did."

19 "Okay. And if you could turn to Exhibit 7. Is that
20 a copy of Mr. Jourha's witness statement?"

21 "It is."

22 "Okay. ... in the section stating what type of
23 electrical work was done -- and I'm going to read along
24 here, and please let me know if you are reading this
25 differently."

1 "Okay."

2 Question: "Did Mr. Jourha indicate that, 'Furnace
3 Doctors hired me to do electrical work at 24703 117th
4 Place, Kent. I bought (the) permit number' -- and then
5 the number of the permit is listed -- 'and they never
6 contacted me to do the work.'

7 "Was that Mr. Jourha's statement to you?"

8 Answer: "That is Mr. Jourha's statement."

9 Question: "Did you later learn that Mr. Jourha (did)
10 not, in fact, (purchase) the permit for this particular
11 worksite?"

12 Answer: "I did."

13 Question: "And how did you learn that?"

14 Answer: "I did a check in the interdepartmental
15 system we have at Labor and Industries and discovered that
16 Mr. Jourha did not purchase the permit, that it was
17 purchased by Jonathan Day."

18 Which I want to -- I believe it is -- it's confusing
19 in the record. At least it was for me initially. When we
20 -- it's Department's -- it's really from what I
21 understand, and I want to ask Mr. Henry, if you can show
22 me in the -- I want you to point out for the Board and for
23 me particularly in the record where it indicates that the
24 permit at the Kent address -- because I think it actually
25 straddles two different exhibits -- where in the record

1 you can conclude that the electrical work permit that was
2 purchased for the work at the project in Kent has attached
3 to it both DS Electric Company's name and Mr. -- and where
4 it indicates Mr. Jonathan Day actually purchased that
5 permit. Can you show that to me in the record please.

6 ASSISTANT ATTORNEY GENERAL HENRY: I can try.

7 CHAIRPERSON PREZEAU: Because I believe that on page
8 162 of the Electrical Board packet, which is Exhibit --
9 Department's Exhibit 5 is the actual job site copy of the
10 electrical work permit number EP2414941, which indicates
11 that the contractor's name on this work permit is DS
12 Electric. And then I believe that is Department's Exhibit
13 19 on page 193 of the Board packet, that ...

14 ASSISTANT ATTORNEY GENERAL HENRY: I believe that
15 might be incorrect.

16 CHAIRPERSON PREZEAU: I believe -- excuse me. It's
17 Exhibit 6.

18 ASSISTANT ATTORNEY GENERAL HENRY: Yes, that's
19 correct.

20 CHAIRPERSON PREZEAU: Exhibit 6 on page 163, which is
21 a printout of the interdepartmental record, and I believe
22 what this is telling me -- I'm looking for you to affirm
23 that -- what this is telling me is that the purchaser of
24 the same permit number, EP2414941 is, in fact, Jonathan
25 Day. But it is on the actual permit says DS Electric.

1 ASSISTANT ATTORNEY GENERAL HENRY: That is correct.

2 CHAIRPERSON PREZEAU: Okay.

3 ASSISTANT ATTORNEY GENERAL HENRY: I would just note
4 that that's also reflected in Mr. White's testimony --
5 Inspector White's testimony.

6 CHAIRPERSON PREZEAU: And it's also reflected I
7 believe in the judge's proposed final order.

8 Questions or comments from Board members?

9 BOARD MEMBER NORD: I have one question, Madam Chair,
10 for Mr. Henry.

11 On page 163 of our packet which is your Exhibit 6,
12 page 1 of 1, it says method of payment was debit. Does
13 that indicate it was done by a debit card?

14 ASSISTANT ATTORNEY GENERAL HENRY: Yes, that's
15 correct.

16 BOARD MEMBER NORD: So the debit card would have to
17 be Jonathan Day's debit card then, correct?

18 ASSISTANT ATTORNEY GENERAL HENRY: That is correct.
19 In that particular instance, yes.

20 BOARD MEMBER NORD: Thank you.

21 CHAIRPERSON PREZEAU: Any other questions?

22 BOARD MEMBER BAKER: Maybe a comment. I'm trying to
23 figure out how to formulate. But what we're trying to sit
24 in judgment here is did one contractor use his license to
25 purchase a permit for another contractor to work under,

1 and I'm not sure in my mind that Jon -- Jonathan Day
2 paying for a permit is a violation of a law unless the
3 intent was to, you know, do the work and he was using the
4 01 license because he can't get an 01 permit.

5 Do you understand what I'm saying?

6 CHAIRPERSON PREZEAU: Yeah. No, I understand what
7 you're saying.

8 BOARD MEMBER BAKER: Yeah.

9 So what we're trying to determine here was, was there
10 some mischievous underlying, you know, motive to use an
11 01 license so that a 06 contractor can do work outside his
12 license scope.

13 CHAIRPERSON PREZEAU: Yeah, I think that's the crux.

14 BOARD MEMBER BAKER: Right. So who paid for and how
15 it was purchased isn't a silver bullet, it's an indicator.

16 CHAIRPERSON PREZEAU: Any other comments?

17 BOARD MEMBER JENKINS: Madam Chair, Exhibit Number 7,
18 I am looking at it going, this is the initial statement he
19 made to the inspector, signed this is the situation that
20 happened. Page 164. And that says that yes, I did -- was
21 assigned to do the work, appointed to do the work, I was
22 affected buying the permit, whether Jon day or whatever
23 his name is actually bought it or not. But then he later
24 on says, "I didn't do the work, I didn't have anything to
25 do with it." And I believe somewhere I read that he

1 actually asked for the permit fee back.

2 CHAIRPERSON PREZEAU: I'm sorry, where --

3 BOARD MEMBER JENKINS: Somewhere -- I forget where
4 it's at. But somewhere he asked for the permit fee back
5 because he apparently didn't buy it. But yet he says here
6 he did attempt to do the work, he was assigned to do the
7 work. And so then he's backtracking to get out of the
8 situation.

9 CHAIRPERSON PREZEAU: Yeah, I -- I -- reading through
10 this record, I think the situation in Centralia is fairly
11 clear.

12 And then I -- I got confused for a little while about
13 this -- the permit at the Kent address and who paid for
14 it. I got confused to be completely honest with you as I
15 read and reread it.

16 And then I reread Mr. Henry's cross-examination of
17 Mr. Jourha. The transcript seems -- certainly wasn't
18 there -- the transcript seems to indicate that Mr. Jourha
19 was not a cooperative witness and indicated that he was
20 very uncomfortable with some of the line of questioning
21 about his relationship with Furnace Doctors and Mr. Jon
22 Day.

23 And then I reread Mr. Henry's closing argument. And
24 -- which starts on page 106 of the transcript. So
25 Electrical Board packet page 126. And I found his

1 comments to be -- I found his closing arguments to be very
2 compelling about the totality of the record.

3 And the fact that the Department brought credible
4 witnesses to the hearing, and that Mr. Jourha's answers
5 are inconsistent, and in some cases, whether in writing or
6 orally, directly contradict what was either said or
7 written previously.

8 So -- I actually -- and then I read the proposed
9 final order and -- with potential -- that was authored by
10 Administrative Law Judge T.J. Martin with one -- you know,
11 I don't know -- the conclusions that he draws are --
12 findings of fact 4.22 and 4.34 I find to actually
13 accurately describe my reaction to this record in its
14 entirety. Right? Because the ALJ -- and I'm reading from
15 4.22 -- finding of fact 4.22. "... the undersigned
16 administrative law judge does not find Mr. Jourha's
17 testimony credible for several reasons: First" -- and
18 this is Electrical Board packet page 10 -- "Mr. Jourha
19 provided an 'Electrical Inspection Witness Statement' to
20 the Department, at the time of Mr. White's investigation.
21 In his Statement, Mr. Jourha stated he had been hired by
22 the Furnace Doctors for the Kent residence electrical
23 work, (Exhibit) 7. However, at the hearing, Mr. Jourha
24 then recanted his prior statement, saying he had not done
25 anything at the property. Testimony of (Mr.) Jourha.

1 Second, at the hearing, Mr. Jourha alleged that the
2 Furnace Doctors, Inc., had fraudulently used his
3 contractor license number without his knowledge or
4 permission, yet never reported such alleged fraud or
5 identify theft activity to the Department of Labor &
6 Industries or to local law enforcement. Finally, the
7 Department established that Mr. Jourha and the Furnace
8 Doctors, Inc., have both been previously cited for working
9 together and not acquiring the proper electrical permits
10 in 2015. (Exhibit) 18. For these reasons, the
11 undersigned administrative law judge finds the testimony
12 corroborated by the Department witnesses more credible
13 than the testimony provided by Mr. Jourha at the
14 evidentiary hearing."

15 And that's the finding of fact 4.22 in the
16 non-compliance citation that is associated with the work
17 performed in Kent.

18 BOARD MEMBER BAKER: I appreciate you reading that.
19 Because when I read that, that kind of put it all
20 together.

21 There's enough evidence through all these documents
22 that you can clearly see there's a relationship there.

23 And had it just been one case, you know, maybe you
24 could excuse it. But there's two. So obviously there's a
25 relationship there.

1 I agree 100 percent. 4.22 sums it up nicely.

2 CHAIRPERSON PREZEAU: As well as 4.34 in that finding
3 of fact in the matter in the citation that was written for
4 the work performed in Centralia.

5 So as I said, I've reviewed the ALJ's proposed final
6 order. Unless -- there's only one really technical from
7 my perspective -- I don't know, Pam, if this needs to be
8 clarified. But the ALJ refers to the installation of new
9 240 volt panels. It's not panels that got installed; it
10 is 240 circuits. I don't know if that, you know, needs to
11 be edited or not.

12 ASSISTANT ATTORNEY GENERAL REULAND: If you want to
13 edit it, you may. All you have to do is make a motion to
14 edit that. I don't know if it makes a difference in terms
15 of potential superior court review or not.

16 CHAIRPERSON PREZEAU: Any more discussion, questions,
17 comments from Board members?

18 BOARD MEMBER CORNWALL: Just one. I came to the same
19 conclusions after careful review and going back and forth.

20 I did see a statement somewhere in here that someone
21 had said, "No one but the electrical contractor can take
22 out a permit under the electrical contractor's number."

23 So my question is in this case, how was Mr. Day --

24 CHAIRPERSON PREZEAU: You can't ask --

25 BOARD MEMBER CORNWALL: How is it possible?

1 CHAIRPERSON PREZEAU: You can't ask him that
2 question. Because that answer is outside of the record.
3 Right?

4 BOARD MEMBER CORNWALL: Okay.

5 ASSISTANT ATTORNEY GENERAL REULAND: Unless it's just
6 a statutory interpretation, in which he can ask counsel
7 and Mr. Jourha in terms of how they interpret the statute.

8 BOARD MEMBER CORNWALL: Withdrawn.

9 BOARD MEMBER BAKER: Madam Chair, along with your 240
10 volt panel versus circuit, I agree with you that it kind
11 of throws you off at first when you start reading it.

12 On page 6 of the Board packet, in several places
13 under "Issues" and "Order Summary," they refer to an
14 electrical permit being purchased for an unlicensed
15 contractor. I would like to see that cleaned up by saying
16 either a licensed contractor or an 06 licensed contractor.
17 Because the Furnace Doctor was a licensed 06 contractor.

18 CHAIRPERSON PREZEAU: An 06A contractor.

19 BOARD MEMBER BAKER: Thank you.

20 CHAIRPERSON PREZEAU: Yeah. And I think I -- I
21 believe this matter was addressed in testimony in front of
22 the ALJ.

23 Mr. Henry, can you point us to that?

24 Because I think I understand what you're saying,
25 which is -- because I think the ALJ asked this question.

1 And then the Department clarified the answer by saying
2 something to the effect of -- while Mr. Henry looks for it
3 -- while Furnace Doctor is a licensed electrical
4 contractor, their license does not allow them to perform
5 this scope of work; therefore, they were not considered
6 licensed to do this work I believe was the answer.

7 ASSISTANT ATTORNEY GENERAL HENRY: And that is
8 correct.

9 I can't find the specific point in the testimony
10 right now.

11 CHAIRPERSON PREZEAU: So let's do this differently.
12 Mr. Henry, when you read the ALJ's statement about the
13 issues in front of him, when you read 1.3, do you have any
14 concerns about the language that's in Mr. -- Judge -- the
15 judge's final order 1.3?

16 ASSISTANT ATTORNEY GENERAL HENRY: I do not. I think
17 it was adequately addressed through the testimony of the
18 inspector why that particular language was used.

19 BOARD MEMBER BAKER: I understand that too.

20 CHAIRPERSON PREZEAU: So does anybody want to make a
21 motion?

22 From the sense I'm getting is that with the exception
23 of potentially -- with the exception of potentially
24 editing Judge Martin's findings of fact 4.3, editing --
25 installing new 240 volt panel to read 240 volt circuit.

1 ASSISTANT ATTORNEY GENERAL REULAND: You need to ...

2 CHAIRPERSON PREZEAU: 4.13. What did I say?

3 BOARD MEMBER JENKINS: Madam Judge, it also appears
4 at 5.10.

5 BOARD MEMBER SCHMIDT: 5.5 is -- I think on 5.5 is
6 where you were looking for the 6A reference as well.

7 CHAIRPERSON PREZEAU: So -- oh, okay. So in 5.5,
8 we're going to change 240 volt panel to circuit.

9 And Jason, you said that -- here we go -- in 5.10,
10 we're going to change that to circuit so it's not panel.

11 So the Chair would entertain a motion to uphold the
12 proposed final order with the edits in 4.13 "panel"
13 becoming "circuit," 4 point -- excuse me -- 5.5 "panel"
14 becoming "circuit," and 5.10 "panel" becoming "circuit."
15 The Chair would entertain that motion.

16

17 Motion

18

19 BOARD MEMBER NORD: Motion.

20 CHAIRPERSON PREZEAU: So it has been moved. Is there
21 a second?

22 BOARD MEMBER JENKINS: Second.

23 CHAIRPERSON PREZEAU: It's been moved and seconded to
24 uphold the proposed final order in the matter of DS
25 Electric Company and Darshan Jourha with the

1 aforementioned edits.

2 Discussion on the motion? Seeing none, all those
3 please signify by saying "aye."

4 THE BOARD: Aye.

5 CHAIRPERSON PREZEAU: Opposed? Motion carried.

6

7 Motion Carried

8

9 CHAIRPERSON PREZEAU: Thank you.

10 So the Board has made a decision.

11 And Mr. Henry as the prevailing party, have you
12 prepared an order?

13 ASSISTANT ATTORNEY GENERAL HENRY: So I will prepare
14 an order with the Board's adopted language and provide
15 that -- I am actually going to see Mr. Jourha in the next
16 couple of weeks, so I'll have an opportunity to have him
17 review that order and provide it to the Board prior to the
18 next meeting.

19 CHAIRPERSON PREZEAU: Okay.

20 So Mr. Jourha, do you understand what happened?

21 MR. JOURHA: (Shaking negatively.)

22 CHAIRPERSON PREZEAU: So I just want to make sure
23 that -- on the record. So the Electrical Board's decision
24 today was to uphold the proposed final order from the
25 administrative law judge.

1 So what's going to happen is Mr. Henry is going to
2 write the final order about what happened today because we
3 edited a very small portion of the language. The ALJ
4 didn't -- erroneously used "panel" where he should have
5 used "circuit." And then he is going to -- Mr. Henry is
6 going to consult with you about the language that is
7 contained in that proposed -- in that final order.

8 And you have the ability -- if you don't agree with
9 the language in the final order, then you and Mr. Henry
10 would be placed on the agenda for our meeting in April,
11 and what we would discuss is -- we would not reopen the
12 merits of the citations in the case. What we would only
13 discuss is whether or not that proposed final order
14 accurately captures the action that the Board took this
15 morning.

16 Does that make sense?

17 MR. JOURHA: (Nodding affirmatively.)

18 CHAIRPERSON PREZEAU: So if you are not able to reach
19 agreement, as I said, we'll place it on the April docket
20 and we'll discuss it there. But --

21 ASSISTANT ATTORNEY GENERAL REULAND: Just to clarify,
22 that it is on the April docket unless an agreed order is
23 entered prior to that time. So unless an agreed order is
24 entered and signed, the expectation is that the
25 presentation will be at the April meeting. Right?

1 CHAIRPERSON PREZEAU: So do we want to -- Pam, do you
2 want to talk about the Unity Electric appeal and some of
3 the choices that we have to think about?

4 ASSISTANT ATTORNEY GENERAL REULAND: Sure.

5 As the Board members may or may not be aware, the
6 Unity and the Warner appeals, they've been continued to
7 the April meeting.

8 We have been advised by the parties in terms of an
9 estimated number of witnesses -- the parties are at this
10 point in time estimating quite a number of witnesses, and
11 that the hearing will take several days, that they expect
12 there to be objections, both sides are represented by one
13 or more counsel, that there will be discovery that will
14 happen in the cases, and there may be discovery motions.

15 In light of that, there is a provision as you know in
16 our rules and regulations that provides that the
17 Electrical Board, while you are the body that has to hear
18 that because it's an original hearing before the Board,
19 there is a provision that you can hire an administrative
20 law judge from the Office of Administrative Hearings to
21 actually help preside at that meeting.

22 So I contacted OAH to find out what that means and
23 what that looks like. And they have done this.
24 Apparently they do -- they are familiar with the process
25 of having the ALJ just preside. So you would sit -- you

1 still have the opportunity to ask questions. You make all
2 of the decisions. But the administrative law judge would
3 rule on technical things like the admission of evidence,
4 some discovery disputes, a lot of the -- just in managing
5 of the hearing, making sure that it goes the way it's
6 supposed to be going. Apparently -- and they know how to
7 do all this.

8 The OAH -- we would have to -- the Board would have
9 to enter into a memorandum of understanding with OAH for
10 the fee. And they told me that the hourly rate is set by
11 the Office of Admin -- OFM actually to be \$134.34 per hour
12 that they would charge.

13 And then it's my understanding that you -- if the
14 Board chooses to go that route, then you could also ask
15 the ALJ to draft the proposed findings of fact,
16 conclusions of law once the Board makes its decision. You
17 don't have -- I'm just saying that there's additional ways
18 of using the ALJ that I probably haven't thought about.

19 Anyway, in light of that, I recommend that the Board
20 make a decision. You could vote yea or nay, whatever you
21 decide, whether you would like to have me pursue that
22 further for purposes of the Unity and Warner cases.

23 I think it would be a good assist for the Board just
24 because we have an attorney and you wouldn't lose any of
25 the decision-making power on how to do that. So that's --

1 it's an option. It my might help facilitate the process.
2 Because, as you know, we sometimes get bogged down with
3 what is hearsay, what's admissible, what can you consider,
4 that sort of thing.

5 BOARD MEMBER NORD: Would this also create a more
6 legally bound document in case of future appeals as far as
7 making sure there was no technical mishaps?

8 ASSISTANT ATTORNEY GENERAL REULAND: I think that it
9 would. Not that you guys aren't good at what you do. But
10 you're good at the substance, the questions.

11 This -- my understanding is that this -- let's assume
12 this is going to be a hotly contested case. It is very
13 important that you make a really good clean and clear
14 record for when -- if that matter gets appealed to
15 superior court. You guys already know sometimes how
16 confusing these records are and how hard it is sometimes
17 for the Board to craft findings and make all those
18 rulings.

19 I also think it would cut down on time.

20 BOARD MEMBER BURKE: It would streamline it.

21 ASSISTANT ATTORNEY GENERAL REULAND: It would
22 streamline it. We're already looking at a lot of time.
23 But in terms of Tracy as the presiding officer making
24 rulings, you know, at the public hearing and doing all
25 that, that just takes time.

1 BOARD MEMBER LEWIS: A question.

2 CHAIRPERSON PREZEAU: Go ahead, Janet.

3 BOARD MEMBER LEWIS: If we do that and the OAH judge
4 -- the findings of facts would be subject to this Board
5 for review. I mean, those are draft findings of facts
6 that we would -- we would approve whatever findings --

7 ASSISTANT ATTORNEY GENERAL REULAND: Correct. What I
8 think the option is, as I understand it, is the Board
9 would hear the case, and you'd do the same thing you've
10 done today. You would have a discussion, you'd make
11 motions, and you make a decision. And you make the verbal
12 decision. And all of that would be on the record.

13 Then you could ask the ALJ then to take that and
14 craft into a written proposed decision that then would be
15 circulated to the Board members to make sure that you
16 agreed with that.

17 And then you -- obviously the written decision
18 controls. So you would have opportunity to change that.

19 CHAIRPERSON PREZEAU: So Pam and I -- Pam brought
20 this to me a week and a half ago. And I think that we --
21 my suggestion to the Board is that we should pursue this
22 option just to help with procedural matters.

23 And, you know, I could have as the presiding officer
24 in the interim said, "Yes, Pam, go do this." But we were
25 about a week and a half away from this meeting and wanted

1 to have this feel that it was -- we were up against a
2 deadline, so I wanted to bring this for the full Board's
3 consideration. It seemed more reasonable.

4 You know, we have -- this Board has now presided over
5 technically I think four original hearings. One, the
6 appellant didn't show up. And the others have yet to be
7 represented. They were all pro se. That is a completely
8 different situation. And I think it -- in order to make a
9 good record and in order to do so in a time frame that is
10 reasonable and respectful, I would strongly encourage the
11 Board to consider using the ALJ for as much of the
12 procedural pieces as possible.

13 Randy.

14 BOARD MEMBER SCOTT: Did I hear you correctly? This
15 is going to be a multi-day gig?

16 CHAIRPERSON PREZEAU: If it -- so let's make sure --
17 so if this comes before us -- because as you all know,
18 just because it's put -- it's been continued once for
19 timelines. It's possible that it doesn't ever arrive.
20 Right? As we've had appeals drop off the -- drop off the
21 docket. But if it does arrive here, then -- when we had
22 -- Pam and I have engaged the parties in like a prehearing
23 teleconference twice. The most recent one was Tuesday of
24 this week. And the Department indicated that they plan to
25 have 11 witnesses that encompass approximately 16 and a

1 half hours of testimony, and that depending on how they
2 format their exhibits, it will either be 307 pages in a
3 matrix form that's produced in 11x14, or 792 pages if it's
4 stipulated to be in a different format.

5 And so it is -- and that was one -- it was also one
6 of our concerns is we explained this to the parties is the
7 members of this Board are voluntary, and so having a --
8 which is another reason for hey, if we can have an ALJ not
9 -- if we can have the ALJ engage in some of the procedural
10 pieces about admissibility of exhibits, and if there's a
11 way to relieve and have a balance between the fact that
12 this Board is a volunteer Board and not relinquishing our
13 statutory responsibilities to render decisions in these
14 original appeals and also providing a good record and
15 opportunity for the parties to present their case, we're
16 trying to balance all of those things.

17 BOARD MEMBER JENKINS: I like the idea of doing this
18 personally. I mean, it's a great idea to bring them.

19 But you mentioned the financial burden on this. I'm
20 kind of curious, is it coming out of -- is it going to
21 cause any problems with that financially or is it --

22 CHAIRPERSON PREZEAU: So \$133.34 an hour?

23 BOARD MEMBER JENKINS: That's why -- I'm curious.
24 That's why I brought it up. Is it something that we have
25 to worry about? Do we have a fund that we have to worry

1 about or ...

2 ASSISTANT ATTORNEY GENERAL REULAND: I believe that
3 that would be paid by the Department. However -- it's
4 just like your expenses are paid.

5 And so I brought that up simply to make the
6 Department aware of what the cost would be. You know,
7 they're well aware of the hours. And if there was a
8 problem in terms of a budget or paying for that, I would
9 expect an objection could be raised.

10 BOARD MEMBER JENKINS: That's why I'm asking.

11 BOARD MEMBER GRAY: Is that less than Tracy's rate?

12 CHAIRPERSON PREZEAU: It's way more than my rate.
13 It's a lot more than my rate.

14 ASSISTANT ATTORNEY GENERAL REULAND: Hey, I don't get
15 paid that.

16 BOARD MEMBER NORD: So Madam Chair, are we
17 potentially looking at two or three days or four days?

18 CHAIRPERSON PREZEAU: That is possible.

19 ASSISTANT ATTORNEY GENERAL REULAND: So the way that
20 we have advised the parties so far is to hold the two days
21 in the April meeting. So hold that Thursday and that
22 Friday open. And what I've told the parties is because
23 they have asked to have a special setting, that we
24 basically said that's very difficult for the Board
25 members, you know, to schedule. And that what I would

1 anticipate is that if the hearing needed to go beyond
2 those two days, that at the conclusion of those two days,
3 the Board members would in the open public meeting and at
4 the hearing determine what the next hearing date would be.
5 That's what I would --

6 BOARD MEMBER NORD: So we'd issue a continuance.

7 ASSISTANT ATTORNEY GENERAL REULAND: Correct.

8 The alternative is, you could set a special hearing
9 -- a special setting, but -- that is an option open to
10 you.

11 CHAIRPERSON PREZEAU: The rules around this that are
12 contained in 296-46B-995 provide some guidance. But it's
13 not really clear. But it does -- so 296-46B-995,
14 subsection (7) talks -- I mean, there's pieces in here
15 about, you know, how this operates. And then -- well,
16 subsection (8) is interesting is, you know, a majority of
17 the Board constitutes a quorum for purposes of rendering
18 any decision. And it goes on to read, "If a majority does
19 not attend a hearing or board review on an appeal, the
20 board may either continue the hearing or board review to a
21 date certain or may hear the testimony and arguments."

22 So there's -- potentially there's some -- depending
23 a) if the case arrives, right? it gets scheduled and
24 executed, then it is possible as Pam indicated we'll hear
25 it as much as we can, and then maybe schedule additional

1 hearing dates depending on, you know, calendars and
2 schedules and the parties in front of us.

3 ASSISTANT ATTORNEY GENERAL REULAND: I will let the
4 Board members know that from my experience -- and I do a
5 lot of cases in front of different forums, that when you
6 are estimating witnesses and time initially, I always
7 over-estimate. I think most attorneys do because you have
8 to. You overcompensate, and then often -- it doesn't
9 always work this way, but often as you get closer, the
10 parties are better able to reach agreements, to not
11 duplicate witnesses. That may or may not be the case, but
12 it often does happen that way.

13 So we asked them to estimate sort of worst-case
14 scenario.

15 CHAIRPERSON PREZEAU: Longest-case scenario.

16 ASSISTANT ATTORNEY GENERAL REULAND: Longest-case
17 scenario.

18 CHAIRPERSON PREZEAU: Dominic.

19

20 Motion

21

22 BOARD MEMBER BURKE: I make a motion to bring this
23 person on board.

24 BOARD MEMBER JENKINS: Second it.

25 BOARD MEMBER: Second.

1 CHAIRPERSON PREZEAU: Okay. So the motion as I
2 understand it is to seek -- to have Pam continue to
3 explore options to use the services of an ALJ in the
4 matter of the original hearings basically.

5 ASSISTANT ATTORNEY GENERAL REULAND: For the record,
6 I will let you know that they -- I indicated in terms of
7 the level, the complexity and that we want an experienced
8 ALJ. They have already reserved a judge so we know that
9 we can -- on the off chance that you would agree, I had
10 them reserve those dates for us so we are assured of being
11 able to have somebody on those two dates. And they did do
12 that.

13 BOARD MEMBER NORD: I have one question for Pam.

14 CHAIRPERSON PREZEAU: Okay.

15 BOARD MEMBER NORD: Understanding the mechanics of
16 this process, say this doesn't get on our docket for next
17 meeting but it goes to the July meeting, and we have a
18 continuance and our next meeting would be on the other
19 side of the mountains in Spokane. Does that create any
20 logistical problems for the OAH or would they just say,
21 "Okay, we're sending him over there and that's part of the
22 process."

23 ASSISTANT ATTORNEY GENERAL REULAND: That would be
24 part -- I believe that would be part of the memorandum of
25 understanding. There's probably going to be like early --

1 or late cancellation charges. You know, they reserved
2 somebody for a whole two days and there's -- you know, the
3 case settles the morning of. But they would also have
4 provisions in there for transportation, you know, per
5 diem. And so that would be the case --

6 BOARD MEMBER NORD: And so there would be no
7 statutory issues for anybody involved if the venue changed
8 from the western to eastern side of the mountain.

9 ASSISTANT ATTORNEY GENERAL REULAND: I don't think
10 any statutory issues. I do think that the Board -- you
11 have to publish the locations of the meeting in advance.
12 And so you --

13 BOARD MEMBER NORD: Which we've done.

14 ASSISTANT ATTORNEY GENERAL REULAND: Which you've
15 done. But I think -- I haven't researched it, but if you
16 want to change the location of the meeting, I'd have to
17 research whether you can do that and how long in advance
18 of that.

19 BOARD MEMBER NORD: So neither party could come back
20 to the Board and say that it's an unreasonable burden on
21 them to change from the western side to the eastern side?

22 ASSISTANT ATTORNEY GENERAL REULAND: Neither party --
23 correct, as it stands right now because those meetings
24 have already been set and published, and we advised them
25 of that.

1 CHAIRPERSON PREZEAU: It's actually -- it's somewhat
2 -- just to your point, Mike, is like -- and Bethany, I
3 believe my -- the parties asked this question when we were
4 on the phone on Tuesday, and I confirmed; although, it's
5 not in front of me that the April meeting is in Tacoma,
6 the July meeting is in Tumwater, and the October meeting
7 is in Spokane. So the parties are aware of that.

8 BOARD MEMBER NORD: Yeah. Because it is difficult as
9 Beth has told us in the past to try to schedule these
10 meetings and find a place to schedule. So we're locked
11 into a schedule, so the parties have to understand --

12 CHAIRPERSON PREZEAU: And the parties -- we advised
13 the parties of that schedule and those locations
14 telephonically on Tuesday.

15 ASSISTANT ATTORNEY GENERAL REULAND: They wanted the
16 hearing to be in Seattle.

17 BOARD MEMBER NORD: It wouldn't happen.

18 ASSISTANT ATTORNEY GENERAL REULAND: It would be
19 nice.

20 The Board meets here. There's no right to a change
21 of venue is what you're essentially asking.

22 BOARD MEMBER NORD: Yes.

23 ASSISTANT ATTORNEY GENERAL REULAND: Is that the
24 Board meetings are set and the parties no matter where
25 they are located in the state of Washington are required

1 to go to the Board meeting where the Board meeting has
2 been set. They do not have a right to have it in their
3 own county.

4 BOARD MEMBER NORD: Good. Thank you.

5 CHAIRPERSON PREZEAU: Okay. So the motion before us
6 with a second, right? is to have Pam continue to explore
7 options like enter into an agreement with the ALJ to
8 assist us with the matters of Unity Electric and Gary
9 Warner which has been continued until April.

10 Any other questions?

11 All those in favor, please signify by saying "aye."

12 THE BOARD: Aye.

13 CHAIRPERSON PREZEAU: Opposed? Motion carried.

14

15 Motion Carried

16

17 BOARD MEMBER BAKER: Just a comment that it sounds
18 like there's going to be a lot people, just the logistics,
19 you know. I don't know if Milton is going to need some
20 support. I don't know if we need to consider when we take
21 breaks where we're going to be sequestered, for lack of a
22 better word, so we're not interfacing with all these
23 people, get trapped in the bathroom and somebody's, you
24 know, barking in your ear.

25 BOARD MEMBER BURKE: It's a little different

1 ballgame.

2 ASSISTANT ATTORNEY GENERAL REULAND: And you know, it
3 may be that the Board will like using the ALJ or not like
4 the ALJ. They may be something that you'll want to
5 consider for other complicated cases or -- who knows.

6 But you're right. We'll have to have a very candid
7 discussion about the Open Public Meetings Act, all of
8 those.

9

10 Item 4. Review of WAC 296-46B Revisions And
11 Board Recommendations

12

13 CHAIRPERSON PREZEAU: Okay. So agenda item 4, review
14 of WAC 296-46B. I think --

15 MR. MUTCH: Tracy, I've got to set up the computer
16 and the table. Perhaps a break to do that?

17 CHAIRPERSON PREZEAU: So we have to make some
18 installations? Is that what you're saying, before we can
19 do this?

20 MR. MUTCH: Correct.

21 CHAIRPERSON PREZEAU: All right. So let's take a
22 ten-minute break. Just come back at 11:30.

23

24 (Recess taken.)

25 ///

1 CHAIRPERSON PREZEAU: All right. So it is 11:32.
2 Let's come back on the record.

3 And we are under agenda item 4, which is the WAC
4 296-46B Revisions and Board Recommendations. Joining us
5 now is Mr. Rod Mutch.

6 MR. MUTCH: Good morning. Just -- I should probably
7 just review quickly the rule-making process.

8 Back in July, I believe it was, is when we first
9 notified the stakeholders through the newsletter that we
10 were considering amending the rules to adopt the 2017
11 National Electrical Code. That was published by the NFPA
12 in August. Also in August we sent out a special edition
13 newsletter which detailed the process. It provided a form
14 that stakeholders could use to submit proposals to the
15 Department. It opened up the month of October for
16 submittal of the proposals.

17 So the Department accepted proposals throughout the
18 month of October. I think we received 44 outside
19 stakeholder proposals.

20 We also received applications to serve on the
21 Technical Advisory Committee, which I believe there were
22 55-ish, somewhere, applications to serve on the TAC
23 committee. And the committee was detailed in the special
24 edition newsletter how that was made up. It was a cross
25 section of electricians and contractors based on the

1 number of licensed -- of the different types of licenses
2 of contractors and electricians. So I believe there were
3 32 voting members on the TAC committee.

4 And so the committee met in December. December 14th
5 I think.

6 CHAIRPERSON PREZEAU: 11th.

7 MR. MUTCH: 11th? And considered all the proposals.
8 We went through and read all of the stakeholder proposals.

9 The Department also submitted a document with
10 Department proposals. So from the last time we changed
11 the rules until now, we've noticed things like, oh,
12 editorial changes that needed to be made. Maybe some of
13 the rules conflicted with other requirements in other
14 places in the rule or statute. And so the Department
15 compiled a list of those and submitted promotions as
16 well.

17 So the TAC heard all of the proposals. They voted
18 on each proposal. So we actually read the proposals,
19 stopped and asked for comments, and then voted on each
20 proposal.

21 And so the document that I'm going to review first
22 is the stakeholder proposals. And so you'll see the box
23 on the screen right here "For L & I Use Only." So in this
24 box is where I wrote what the TAC -- the results of the
25 TAC were.

1 Sometimes the votes were unanimous; everyone agreed
2 with it. And so I would just put "TAC recommends." Other
3 times it was split, so I would put -- you know, if there
4 were two folks that agreed with the proposal, and the rest
5 of the TAC didn't, I put "TAC does not recommend to
6 support." So that's where I kept track of that. And I'll
7 talk about that under each proposal what the results of
8 the TAC were.

9 So --

10 CHAIRPERSON PREZEAU: And real quick, Rod, before you
11 get going, as you guys remember, at the last Board meeting
12 we talked about who was going to represent the Board in
13 the two non-voting positions. And at the time, Dominic
14 was going to be one of the representatives, and Kevin as
15 an alternate. And Kevin ended -- and I ended up
16 participating in the TAC process. So just -- we can
17 certainly provide some additional commentary if requested
18 about the process and whether it has to do with any
19 specific proposal. But ...

20 MR. MUTCH: So the TAC committee, the Department
21 would really like to thank all the members of the TAC
22 committee. This was 32 folks that volunteered their time
23 to come and sit for a day and give the Department advice
24 on the rules. So it was a valuable asset. We've used
25 that for years, the Technical Advisory Committee. And we

1 appreciate their participation.

2 So the next step --

3 BOARD MEMBER LEWIS: A question.

4 MR. MUTCH: -- is the statute --

5 CHAIRPERSON PREZEAU: Rod, hang on a second.

6 BOARD MEMBER LEWIS: Did I hear you say, Rod, that
7 you're going to go through all the proposals, not the ones
8 that were accepted?

9 MR. MUTCH: I'm going to go through all of the
10 stakeholder proposals including the ones that were not
11 accepted.

12 BOARD MEMBER LEWIS: Is that on the agenda?

13 ASSISTANT ATTORNEY GENERAL REULAND: Yes.

14 CHAIRPERSON PREZEAU: What would you -- would you
15 prefer him to do something differently?

16 BOARD MEMBER LEWIS: Well, it says we're going to
17 look at the WAC revisions and the Board recommendations.
18 So I'm just questioning.

19 MR. MUTCH: Typically I believe in the past we may
20 have gone through -- and what I did after the TAC meeting,
21 we discussed the results of the TAC meeting and put all of
22 the proposals into a first draft. And so I've got that,
23 and I'm going to go over that after I do the stakeholder
24 proposals.

25 I just wanted to review the stakeholder proposals

1 because the Board hasn't had an opportunity to hear those
2 and won't, even the ones that were rejected.

3 I suppose if you see value in that, I think -- I
4 guess that's up to you. They've been posted on the Web
5 site with the comments. And the Board has had an
6 opportunity to review all of those as well as the public
7 and those that submitted the proposals.

8 So I guess that's a question that I can ask. Would
9 you like me to go through the stakeholder proposals in
10 detail?

11 BOARD MEMBER LEWIS: My concern only is that the work
12 of the TAC committee was to review all of the proposals
13 and to make a decision whether to move forward or not.
14 And I was just questioning why you're bringing all of the
15 proposals, and you said it was for the benefit of the
16 Board. So ...

17 CHAIRPERSON PREZEAU: I think -- yeah. And so Janet,
18 I mean, we're not looking to -- we're not looking
19 necessarily for the Board to rework, you know, what the
20 Technical Advisory Committee has already done.

21 I think what Rod -- you know, and Rod and I talked
22 about this. In the interest of sharing information in
23 full disclosure. I mean, Kevin and I had a front-row
24 seat, but nobody else really did. And so we just thought
25 that consistent with the past, that you would want to --

1 even though you had access to these proposals before the
2 TAC and even after the TAC, we wanted to make sure the
3 Board was fully informed of what the proposals were and
4 the action that the committee took.

5 BOARD MEMBER LEWIS: No, I'm fine with it. I was
6 just curious.

7 MR. MUTCH: So the statute requires the Department to
8 consult with the Board and receive the Board's advice
9 before we adopt rules.

10 The stakeholder proposals that come in, I guess I was
11 thinking that in order for the Board to give advice to the
12 Department they would also need to give advice to the
13 Department on the proposals that we -- that the TAC did
14 not recommend. So ...

15 CHAIRPERSON PREZEAU: And perhaps even the ones they
16 did recommend.

17 MR. MUTCH: Right.

18 So does that work for you guys?

19 Okay. So for those of you that aren't code nerds,
20 this is going to be really dry material just going through
21 the proposals. I love it. I'm a code nerd I suppose. So
22 if it gets boring, I apologize.

23 So let's just go through them. And after we're done,
24 the -- what the Department needs is some kind of an action
25 from the Board to make a recommendation. As I go through

1 these, feel free to interrupt and ask questions. If you
2 come across a proposal that you want to discuss further,
3 we can either stop at that time and discuss it. But
4 ultimately we need a recommendation from the Board to
5 accept the first draft. And the Board can also recommend
6 to exclude items or add items to the first draft. So
7 that's what we're looking for here. So feel free to
8 interrupt. I'll try to make this as painless as possible.

9 CHAIRPERSON PREZEAU: It's going be awesome, Rod.
10 Positive attitude. Let's do it.

11 MR. MUTCH: All right.

12 Stakeholder Proposal Number 1 has to do with
13 peninsular countertop receptacles. The National
14 Electrical Code changed the language for peninsulas, and
15 they moved the measurement of a peninsula back to the
16 connecting wall.

17 And what that did is the receptacle that is on the
18 wall above the cabinet counts as the receptacle for the
19 peninsula space. And there's no limit in the NEC of how
20 long that peninsula has to be.

21 We had a rule before that said if the peninsula was
22 no more than six feet from the connected edge of the
23 countertop, that you did not need an additional receptacle
24 if it was on the wall and it was impractical to install
25 it.

1 The TAC committee recommended that we go with the
2 first draft language which is not in the NEC, but the
3 first draft of the NEC was similar to Washington's rule
4 before. So what the result of this is the receptacle on
5 the wall if you have peninsular counter space that is not
6 more than eight feet long, which makes it six feet from
7 the connected cabinet, would serve that peninsular counter
8 space, which basically puts it the same as the
9 Department's rule previously before the NEC changed the
10 rule.

11 So that's Proposal Number 1. And that was reworded
12 in the first draft of the Department's proposals. And
13 I'll show you the wording when we get to that point. But
14 that was recommended by the TAC.

15 Proposal Number 2, this was a proposal, and this one
16 violates RCW 19.28.400. It was a proposal to take power
17 over ethernet where you have data and power over the same
18 cable and take it out of the telecommunications scope and
19 put it solely in the limited energy 06 work scope. It
20 would take power over ethernet completely out of
21 telecommunications scope and put it into 06, which
22 violates the statute that I think was changed two sessions
23 ago which allowed the telecommunications specialty to do
24 power over ethernet if it supplies a telecommunications
25 device.

1 So this one was not considered by the TAC because it
2 violated the RCW.

3 Stakeholder Proposal 3 was not recommended. But
4 there were three that supported this.

5 It was not recommended because of the language, the
6 way it was worded. So we have ground-fault protection
7 requirements for services and feeders in the National
8 Electric Code. Recently they've added the same ground-
9 fault protection requirements for branch circuits.

10 In our WAC rules when we have ground-fault
11 protection, we detail the testing that's required and the
12 documentation that has to be submitted for the inspector's
13 review for services and feeders. This proposal adds that
14 as a WAC rule to the branch circuit section.

15 And the reason the TAC -- their comments were that
16 the proposed language talks about subsequent testing of
17 feeders, which would never happen on a branch circuit.
18 The TAC rejected the wording of this proposal.

19 The Department put that proposal into the first
20 draft, but reworded the language so that it would take out
21 all of the reference to subsequent testing of feeders
22 which you would not have on a branch circuit.

23 So we'll see that proposal later in the first draft.

24 Proposal 4 was not recommended by the TAC. And in
25 the 2017 NEC, there's a requirement to mark service

1 equipment rated 1200 amps or more with the nominal system
2 voltage, the available fault current at the service
3 overcurrent protective devices, clearing time of the
4 service overcurrent protective devices based on the
5 available fault current and the date the label was
6 applied.

7 This is a requirement in the 2017 NEC. And it really
8 has to do with a worker walking up to a piece of equipment
9 and knowing what the fault current and the clearing time
10 of the overcurrent device is to determine personal
11 protective equipment.

12 The submitter in the substantiation said that that is
13 misleading. And I kind of think it is. Because when
14 you're working on a piece of service gear, you're not only
15 working on the load side of that overcurrent protective
16 device; you're exposed to the utility as well.

17 So -- but at any rate, this is a requirement in the
18 NEC, and the TAC felt to go with the NEC language rather
19 than Washington stepping out and not adopting what's in
20 the NEC.

21 Stakeholder Proposal 5 was a split vote. You'll see
22 that the TAC recommended yes, there were 9 votes; and no,
23 there were 13 votes.

24 This was a proposal for the residential work scope to
25 -- and the wording doesn't really -- of this proposal

1 doesn't really state that. But the intent I believe was
2 to take the residential work scope and make it match the
3 National Electrical Code allowance for use of nonmetallic
4 sheathed cable in -- (inaudible).

5 So the residential work scope limits multi-family
6 dwellings to three floors. The NEC allows nonmetallic
7 sheathed cable in structures that are higher than three
8 floors and for dwellings as long as the type --
9 construction was type III, IV or V.

10 But that one was not recommended by the TAC with 9
11 supporting it and 13 voting against it.

12 BOARD MEMBER BAKER: Could you expand on maybe what
13 the conversations were around the yeas and nays?

14 MR. MUTCH: The yeas were to allow this because the
15 National Electrical Code allows Romex in types III, IV and
16 V construction.

17 So when the work scopes were created, the residential
18 work scope was made to match what the NEC requirement for
19 Romex was. And then the NEC changed to allow Romex in
20 higher buildings. And I think a type V construction will
21 allow up to five floors with sprinklers in it. So it
22 would be expanding the residential work scope up to --
23 three stories up to five stories if the structure was type
24 V construction and had sprinklers in it.

25 The nays were -- you know, you have mixed-use

1 buildings. You have an expansion of a specialty. So you
2 would have specialty electricians being allowed to do work
3 that is limited to 01 electricians now.

4 So that was kind of the discussion that I remember.

5 CHAIRPERSON PREZEAU: Janet.

6 BOARD MEMBER LEWIS: It actually looks like it's
7 twofold not only wiring method, but just right there
8 saying the residential electricians -- there's no, you
9 know, no limitation to how many floors they can work on.

10 MR. MUTCH: Right.

11 BOARD MEMBER LEWIS: And, you know, I think -- I
12 wasn't there, but that would have been probably an
13 objection. They're trying to change the RCW as well.

14 MR. MUTCH: Right.

15 There's lots of pages of substantiation that I ...
16 let me get to number 6 here.

17 Okay. Stakeholder Proposal 6A and 6B are pretty much
18 the same. They were not recommended by the TAC. There
19 were two folks that supported the proposals. And this
20 would create a new specialty, an 07G electric power
21 production systems - generator or UPS systems, transfer
22 equipment specialty.

23 So the TAC recommended that we not create a new
24 specialty.

25 Proposal 6B creates the same specialty but it's

1 worded a little bit differently. Power generation and it
2 specifies some other items in there. But the TAC
3 recommended not creating another specialty.

4 Stakeholder Proposal 7 was not recommended. There
5 were four folks that recommended support for this out of
6 the TAC.

7 And what it did was it would have -- so currently
8 training schools, we evaluate the subjects that they
9 teach, and we give credit for the electrical content of
10 the training schools. The training schools are allowed to
11 teach other than electrical content, but it's limited to
12 10 percent of the total curriculum. And this would have
13 expanded it to 20 percent which the TAC felt, you know --
14 if a training school is approved for electrical
15 certification, if we're going to give certification and
16 qualify them to take the exam, that the majority -- the
17 major majority of the training should be electrical in
18 nature and not other type of things.

19 And this was -- the TAC felt that this was expanding
20 the non-electrical portion of the training. So they
21 didn't recommend that.

22 Proposal Number 8 was not recommended. And there
23 were three folks that supported this proposal. And it
24 would have eliminated a requirement for a disconnect for
25 an indoor unit of a split HVAC system.

1 So the way these systems work, there's an outdoor
2 unit and an indoor fan unit. And the National Electrical
3 Code considers the indoor fan unit to be a piece of HVAC
4 equipment that requires a disconnecting means --
5 (inaudible).

6 There is a WAC rule currently that says that for one-
7 and two-family dwellings, a disconnect is not required if
8 the outdoor unit is -- (inaudible) -- and if the
9 manufacturers don't require the disconnect to be installed
10 on the indoor unit.

11 So this proposal was rejected.

12 CHAIRPERSON PREZEAU: Isn't there -- didn't the
13 Department deal with this in an earlier set of proposals?
14 Is that -- or am I mixing the two?

15 MR. MUTCH: Similar.

16 So that proposal that I just mentioned didn't change
17 what we did in the first draft. We moved it from 424 to
18 440 where it actually belongs. But the proposal didn't
19 change. And we'll see that proposal when I go through the
20 first draft.

21 I thought I had taken all these other pages out, but
22 I guess I didn't.

23 Proposal Number 9 was the stakeholders was not
24 recommended. There were five that supported it.

25 And what this would do is there's a requirement that

1 a training certificate is required when a student begins a
2 training school program they have to have their training
3 certificate. This would give them 30 days extension to
4 get the training certificate after the school program
5 started. And the TAC recommended that we not do that.

6 One of the members on the TAC was from Perry -- J.M.
7 Perry in Yakima and asked the question if the student
8 comes to class the first day of orientation, and
9 apparently the first day they sit down with them and they
10 show them the L & I Web site. They make sure that they
11 have their training certificates right there on the first
12 day.

13 And so that's the requirement that they get that
14 thing the first day and not wait to do it. There's been
15 occasions where folks have gone through a training program
16 and partway through they've got their training certificate
17 and have already been through training without the
18 training certificate and --

19 CHAIRPERSON PREZEAU: So those hours can't count.

20 MR. MUTCH: Hours don't count.

21 CHAIRPERSON PREZEAU: Just like if you did work
22 without a training certificate.

23 MR. MUTCH: Correct. Because in a training school,
24 we not only give them credit for your classroom time; we
25 give them experience hours for attending that school as

1 well. So their classroom time also counts for work
2 experience.

3 The statute says that if you're working in the trade,
4 you have to have a training certificate. So that's --
5 that was not supported by the TAC.

6 Stakeholder Proposal 10 was recommended by the TAC.
7 I think it was unanimous. All this does was it -- the NEC
8 in reference to high voltage has gone through and changed
9 all of the 600-volt requirements and made them 1,000-volt
10 requirements. So this -- we did in the WAC as well. We
11 went through and changed all references from 600 volts up
12 to 1,000 volts to match the National Electrical Code.

13 This one was not recommended. There was one person
14 that supported this proposal. It's Stakeholder Proposal
15 11.

16 And in the NEC is a new requirement where HVAC
17 equipment, multi-motor combination-load equipment is
18 installed outdoors on a roof, an equipment grounding
19 conductor is required to be pulled to that unit. And so
20 this proposal would have rejected that requirement and
21 taken it out of the National Electrical Code and allowed
22 the raceway to serve as an equipment grounding conductor,
23 which would contradict what the code allows now. And the
24 TAC felt to go with what the National Electrical Code
25 requirements is.

1 Proposal 12 was not recommended. One supported it.
2 And this was similar -- when we have a WAC rule that says
3 when you run EMT, electrical metallic tubing outdoors in
4 wet location that you have to pull a wire-type equipment
5 grounding conductor. And this proposal would have
6 eliminated that requirement as well. And the TAC did not
7 support that.

8 Proposal 13 was a split vote. It was eight voted
9 against it, and five supported this proposal.

10 And it was to -- there's a WAC rule that says when
11 you have a service mast where the overhead service drop
12 attaches to the mast, that the mast has to be rigid metal
13 conduit -- rigid galvanized steel conduit.

14 This proposal would have expanded that to allow
15 intermediate metal conduit, IMC, to be used for a mast
16 with service drops attaching to it. And that was not
17 supported by the TAC committee.

18 BOARD MEMBER GRAY: What was the argument against it?
19 I mean, intermediate seems like it would be just as
20 structurally strong.

21 MR. MUTCH: That was the argument. There were some
22 doubts as to whether IMC was structurally as strong and as
23 rigid.

24 And the submitter presented some substantiation where
25 there was a site -- I think it's the Steel Tube --

1 CHAIRPERSON PREZEAU: Institute.

2 MR. MUTCH: -- Institute claims that IMC is equally
3 as strong and rigid. The TAC didn't buy that.

4 Stakeholder Proposal 14 was recommended, but they
5 recommended rewording the proposal. And this had to do --
6 so you'll see this proposal in the first draft of the
7 Department's proposals when I go through it. It expands
8 those that are allowed to teach continuing-education
9 classes. And it basically allows the Chief to make a
10 decision on someone who is a let's say an IAEEI instructor
11 which is not allowed currently to teach CEU's. So you'll
12 see the language when I go through the Department
13 proposals.

14 Proposal 15 was not recommended by the TAC. And this
15 would have eliminated the requirement for arc-fault
16 protection if the arc-fault circuit interrupter does not
17 hold. And it would be -- you would replace that with a
18 ground-fault circuit interruptor instead.

19 So the TAC rejected this one.

20 Arc-fault protection and ground-fault protection are
21 two different animals.

22 Proposal 16 violates RCW 19.28.061 in that this
23 would have required administrators to -- and it doesn't
24 say that in the proposal, but in the substantiation it
25 says this corrects the misconception that an out-of-state

1 administrator can delegate his responsibility. It would
2 have prevented someone from being an out-of-state
3 administrator for a contractor being out of state.

4 061 lays out the administrator duties. It says they
5 have to be available during business hours to perform the
6 duties of an administrator. And then it says additional
7 requirements cannot be --

8 CHAIRPERSON PREZEAU: Established in rule.

9 MR. MUTCH: -- cannot be established for
10 administrators. So it would violate -- by requiring
11 administrators to be in state, it would violate that
12 statute.

13 CHAIRPERSON PREZEAU: Unless we -- unless -- in rule.
14 Legislatively the statute would have to be --

15 MR. MUTCH: Correct.

16 CHAIRPERSON PREZEAU: -- modified legislatively.

17 MR. MUTCH: Right.

18 Proposal 17 was 12 no notes, and seven yes votes. So
19 it was not recommended by the TAC.

20 And this would have taken the -- so we have what we
21 call subspecialties. They are the specialties that are
22 2,000 specialties. The initial period on those
23 specialties is spent fully supervised. They can take the
24 test, and on some specialties it's a 720 hour initial
25 period. Some specialties, it's 1,000 hour initial period.

1 Then they can take the test. And after they pass the
2 test, they can work unsupervised for the remaining amount
3 of -- for the remainder of their 2,000 hours. And then
4 they become certified.

5 So proposal has to do with the 07C specialty. And it
6 would allow the hours credited to get the 07C specialty to
7 count toward the 4,000 hour 07 specialty.

8 This is similar to what we have now, and we allow
9 this for the 06A, the 06 --

10 CHAIRPERSON PREZEAU: B.

11 MR. MUTCH: -- B and the 06A.

12 It's right on the edge of violating the RCW in that
13 the RCW says that the 4,000 hour specialties have to be
14 served fully supervised.

15 The initial period for the subspecialties is
16 supervised, but then the remainder is worked unsupervised.
17 So it would basically take unsupervised experience and
18 credit it toward qualification for a specialty that
19 requires supervision.

20 So it was rejected by the TAC. And it probably
21 violates the RCW even though we allow it for the 6B's and
22 6A's.

23 Proposal 18 was not recommended by the TAC. There
24 were two that supported it.

25 This proposal would change the military experience to

1 grant credit. So currently we give 50 percent credit if
2 the military experience lines up with our requirements.
3 This would grant 1,000 hours of time of work experience
4 for each year served in the military. And it also if
5 they've gone through the military apprenticeship program,
6 they would be granted EL01 status.

7 So the comments in the TAC were -- had to do with a
8 lot of the military experience has nothing to do with the
9 National Electrical Code. So there's needs to be a period
10 of time serviced. We grant them 50 percent of their time.
11 But they also need some new construction experience that
12 involves the National Electrical Code. And I think that
13 was the main reason why this one was rejected.

14 CHAIRPERSON PREZEAU: Yeah, there was actually --
15 folks want to certainly give deference wherever possible
16 to veterans. There were several people on the TAC that
17 had served in various branches of the United States
18 military, at various different branches but also
19 assignments. And they've -- all their life experience was
20 "I wanted to be an electrician, I got out of the service,
21 and I thought I could be an electrician with the military
22 service that I had and experience, and then I realized I
23 didn't know what was going on." So they -- I think
24 everybody appreciates the effort, you know, wanted to make
25 sure -- that was kind of powerful -- you know, Kevin and I

1 -- it was powerful. 50 percent, yeah, "I did my time in
2 the military, but I -- you know, I needed a broader frame
3 of construction context."

4 BOARD MEMBER JENKINS: I'd concur with that myself
5 being an electrician in the Navy, a nuclear electric. The
6 experiences you have to do in the construction field are
7 so drastically different.

8 So I sympathize -- I wanted to, but I look back; I'm
9 glad I didn't.

10 BOARD MEMBER LAMAR: I also concur having been on the
11 Army side, the requirements was -- (inaudible). It was
12 like the Wild West.

13 MR. MUTCH: Okay. Stakeholder proposal 19 violates
14 RCW 19.28.211.

15 This proposal would say that no examination would be
16 required. And it's basically it would be a
17 grandfathering. If anyone was engaged in a bona fide
18 business or trade as a specialty electrician on July 16,
19 2000, they would be allowed to have a certificate without
20 examination.

21 211 -- RCW 19.28.211 requires an examination for the
22 issuance of a certificate. And so this one was not -- it
23 violates the RCW, so we could not adopt something like
24 this.

25 CHAIRPERSON PREZEAU: Rod, do you think that -- you

1 know, obviously there's still a grandfathering provision
2 in the statute from the original legislative action to
3 create licensing and certification laws. So that still
4 exists.

5 MR. MUTCH: Yes.

6 CHAIRPERSON PREZEAU: When we -- when the Department
7 has engaged in new certificates -- worker certificates,
8 we've invoked grandfathering provisions, or if there was
9 going to be new requirements placed on folks.

10 Like the last time we did grandfathering, I believe
11 if my memory serves me correctly, had to do with 09 and 06
12 work, and some were those overlaps which it's been my
13 experience that if we're going to ask for -- even though I
14 know this is in violation of the law, but usually when it
15 comes to grandfathering, it's a bigger stakeholder
16 process. Is that true?

17 MR. MUTCH: It would actually have to be done in
18 statute.

19 CHAIRPERSON PREZEAU: That's what I --

20 MR. MUTCH: Yeah.

21 So you mentioned the I think it's the 1973
22 grandfathering when electrical certification was created.
23 That's still in the statute.

24 So what it says is if you were an electrician in a
25 bona fide trade in the electrical construction trade in

1 1973, and it gives a date I think.

2 CHAIRPERSON PREZEAU: It does.

3 MR. MUTCH: Then the Department would give you a
4 certificate.

5 So today if someone walked in the door and could
6 establish that in 1973 before that date if they were
7 working as an electrician in the trade, the Department
8 would still have to give them the certificate.

9 What that doesn't do is it doesn't move forward.
10 That establishes that date, and if they were in the trade
11 on that date or before, it would apply. If it doesn't, it
12 doesn't forward. So if I was an electrician in 1975, I
13 wouldn't qualify. I'd have to be on that date or before.

14 So this would require a statute change to do
15 something like this.

16 Proposal 20 is I believe similar. This one violates
17 RCW 19.28.211. And this is kind of the same, only the
18 date changed to July 16, 2005.

19 CHAIRPERSON PREZEAU: So it's doing the same thing,
20 just change the date.

21 MR. MUTCH: Change the date, yeah.

22 Proposal 23 violates RCW 19.28.191. And what this
23 would do is it would create a specialty electrician
24 school. And so they would attend this school for two
25 hours of classroom training twice a week, followed by a

1 two-hour examination. And then once they completed this
2 school, upon graduation and 360 hours with an active --
3 (inaudible), each student would be qualified to take the
4 examination for restricted specialty electrician
5 certificate.

6 191 specifies the requirements for specialty
7 electricians. And it specifies the amount of work
8 experience and the amount of training that has to be done
9 to be a specialty electrician.

10 And so this would violate that RCW, and this would
11 not -- if this were a qualified training school, something
12 like this could be done. We actually have training school
13 programs for specialties. But this one would violate the
14 RCW.

15 Proposal 24 violates RCW 19.28.211. And this would
16 say that no examination would be required if they were
17 engaged in a bona fide business on July 16, 2005. This
18 one is similar, but for some reason it's in another
19 proposal.

20 Proposal 27 was withdrawn by the submitter, so I
21 won't even talk about what it is. If you'd like to see
22 that, it's in your documents. So the submitter withdrew
23 this proposal.

24 The same with Proposal 28. It was withdrawn so that
25 the TAC did not deliberate on this one.

1 CHAIRPERSON PREZEAU: It's because these two
2 proposals are tied to the proposals that were rejected
3 previously about the generator subspecialty. So since
4 those were rejected, it didn't seem to -- the maker of
5 these withdrew them.

6 MR. MUTCH: Right.

7 Proposal 29, the TAC recommended -- did not
8 recommend it. There were five that supported this
9 proposal.

10 This would have created a new specialty, building
11 maintenance electrician, 07F specialty. And the majority
12 of the TAC members did not agree with creating a new
13 specialty.

14 Proposal 30, the TAC did not recommend this one, but
15 suggested further research into this. And it has to do
16 with auditing trainee hours.

17 And basically it talks about for those trainees not
18 having permitting or log books, but maintaining proper
19 certification and supervision, the number of required
20 hours for a specialty electrician's examination and
21 certificate of competency would be twice the values
22 indicated in Table 945.

23 Well, the Department has to have documentation to be
24 able to review that there was supervision and electrical
25 work actually took place. So without the permitting and

1 the log books, even giving twice -- requiring twice the
2 amount of hours, we're still -- we still don't have a
3 basis that electrical work took place and it was
4 supervised.

5 So the TAC rejected this proposal.

6 Stakeholder Proposal 31 was withdrawn as well.

7 Proposal 32 was withdrawn by the submitter.

8 Proposal 33, the TAC did not recommend this one.

9 And this had to do with -- there's a WAC rule that
10 says electrical conduit is an electrical installation, and
11 it's required to be done by licensed and certified
12 individuals. Electrical fittings -- listed electrical
13 fittings.

14 So this would have exempted electrical PVC conduit
15 fittings and allowed them to be used for other things like
16 gas piping, water lines. And I think the point of this
17 was for geothermal heat pumps where they have a ground
18 source heat pump and they run their lines through the
19 ground. They wanted to use electrical conduit because the
20 electrical conduit has the large sweeps that are
21 available. And apparently the -- they make those for
22 non-electrical pipe, but it's harder to get, so they
23 wanted to be able to use electrical conduit.

24 The TAC did not recommend that.

25 Proposal 34 was not supported by the TAC. And this

1 would expand the specialty, the 06A specialty, the HVAC
2 specialty to allow them to install the wire from the
3 indoor unit to the outdoor unit of a ductless split system
4 in residential units and apartments when conduit is not
5 required.

6 So that's currently not within the 06A or B work
7 scope because it is branch circuit conductors. And the
8 work scope prohibits the line voltage installation for the
9 HVAC specialties.

10 And Proposal 35 violates RCW 19.28.191. And what
11 this would do is allow 6A and 07 trainees to work on their
12 own after one year of supervised training. So the
13 training requirements for qualifying for examination are
14 specified in the RCW, and this would violate that.

15 Proposal 36 violates RCW 19.28.191 as well. And it
16 just says that a trainee that has an HVAC certificate from
17 another state with one-year supervised training and has
18 completed his CEU's are allowed to take the 6A test no
19 matter what. And the specifications for qualifying for
20 the exam are in statute, and we can't violate that.

21 37 was -- there were a lot of abstentions on this
22 one. Five voted no, and three voted yes for this one.

23 It was -- it had to do with the rooftop adjustment
24 for conduit on a roof in sunlight. The previous codes had
25 a table in there based on how far above the roof the

1 conduit was. You had to add a temperature adder to the
2 ampacity of the wire and -- (inaudible) -- the wire.

3 The 2017 code took that out of there and said that
4 the bottom of the raceway had to be at least 7/8ths of an
5 inch above the rooftop. If it was less than 7/8ths of an
6 inch above the rooftop, which is odd to me because there's
7 a requirement that it be at least 7/8ths of an inch. But
8 if it is less than 7/8ths of an inch, then you have to
9 add the temperature adder.

10 I'm not thrilled about the language in that NEC
11 requirement, but the TAC chose to go with what is in the
12 NEC.

13 CHAIRPERSON PREZEAU: There was kind of a bit of a
14 mood about that, right?

15 MR. MUTCH: What's that?

16 CHAIRPERSON PREZEAU: There was a bit of a mood about
17 that, about trying to be consistent with the National
18 Electrical Code.

19 MR. MUTCH: Yeah.

20 And I noticed the last time we adopted the 2014, I
21 believe the TAC was kind of in favor of if it's in the
22 National Electrical Code, let's go with what the national
23 consensus standard is. And I think that was kind of the
24 same thing we saw with this TAC committee too.

25 CHAIRPERSON PREZEAU: Bobby.

1 BOARD MEMBER GRAY: I might add because I'm on Code
2 Making Panel 5 that --

3 MR. MUTCH: You are?

4 BOARD MEMBER GRAY: But I'm not taking credit for the
5 last one.

6 But the discussion actually revolved around -- when
7 it got changed was the fact that that rule got put in
8 originally without a valid technical substantiation to
9 begin with.

10 And so, you know, taking it out, I think the
11 submitter's argument was there wasn't a technical reason
12 for removing it. But yet there wasn't a technical reason
13 for putting it in in the first place.

14 MR. MUTCH: Putting it in in the first place, right.

15 I just think that the requirement that they be 7/8ths
16 of an inch above the roof, and then to say if it's less
17 than 7/8ths of an inch --

18 CHAIRPERSON PREZEAU: They're not English teachers;
19 they're engineers.

20 MR. MUTCH: Oh, okay.

21 Okay, Proposal 38 was not recommended by the TAC.

22 This was just simply an editorial change that the
23 submitter is changing some wording in the NEC. And while
24 it does have merit, to take and put a special WAC rule in
25 so that we can change the word "small" -- or "less than"

1 to "smaller than," the TAC didn't feel that we should do
2 that.

3 The TAC did recommend Stakeholder Proposal 39. And
4 this one had to do with -- okay, this is another editorial
5 change.

6 CHAIRPERSON PREZEAU: Yeah, grammatical.

7 MR. MUTCH: Yeah, they're just grammatical changes
8 that the TAC thought that we'd just go with the wording in
9 the NEC.

10 CHAIRPERSON PREZEAU: It's smaller versus less.

11 MR. MUTCH: Smaller versus less than, yeah.

12 Stakeholder Proposal 40 was recommended by the TAC.

13 And this one -- so there's -- in the NEC, it's kind
14 of a -- I think it's a typo in the NEC. It says the
15 wiring to a pool motor shall comply with (A)(1) unless
16 modified by (A)(2), (A)(3), (A)(4) or (A)(5). (A)(4) and
17 (A)(5) don't exist.

18 So rather than -- the TAC recommended this. The
19 Department did not put this proposal into the first draft.
20 We felt that this is self-explanatory. If the code
21 requirement says that it has to comply with (A)(2),
22 (A)(3), (A)(4) and (A)(5), you go and look for that, and
23 if (A)(4) and (A)(5) aren't there, you can't comply with
24 them. So we -- rather than put this into our rules, we
25 felt that, you know --

1 CHAIRPERSON PREZEAU: Well, and additionally an
2 addendum will come out that won't include (A)(4) and
3 (A)(5), and so at some point -- right?

4 MR. MUTCH: That's a good discussion too. And I
5 think -- I'm going to put that in the newsletter. When
6 the NEC is published, it comes out, and then errata are
7 published after that. So when you get your NEC book, you
8 also want to go to the NFP Web site and look at the errata
9 and also the tentative interim amendments. So the printed
10 NEC book may have changes in it that aren't shown in it.

11 There's actually a code requirement that went in with
12 a TIA that's not printed in the NEC. So just because you
13 have a printed NEC copy, you also have to go to the NFP
14 Web site and make sure that you've got all the updates as
15 well. That one's for free.

16 All right, Proposal 41 was not recommended.

17 This one, a new requirement went into the NEC that
18 had to do with corrosive atmospheres and specifying the
19 wiring methods for -- in the pool section for corrosive
20 atmospheres.

21 And so again, the TAC decided that we should go with
22 what the NEC requires.

23 As a result of this, we had a WAC rule that specified
24 wiring methods for pool feeders. And because this
25 language went into the NEC, you'll see in the first draft

1 that we've eliminated that language from the WAC rule
2 because it's now in the NEC.

3 CHAIRPERSON PREZEAU: Because one of the things you
4 were striving for, at least as the Chief reported last
5 night in the rule-making process is removal from our rule
6 any language that duplicates existing language in the
7 National Electrical Code just to make things simpler.

8 MR. MUTCH: Yes.

9 And Proposal 42 was not supported by the TAC. This
10 was a proposal that would have allowed basic trainee
11 classes to be by distance or e-learning. And so this was
12 the subject of considerable controversy at the last
13 rule-making, or one of the previous rule-makings.

14 Currently basic trainee -- or trainee classes have to
15 be in the classroom; put their butts in the seats. And
16 this would have allowed distance for e-learning to be
17 substituted for that. The TAC did not support that
18 concept.

19 CHAIRPERSON PREZEAU: And Rod, my notes indicate that
20 this maybe is a violation of 19.28.205. Is that erroneous
21 or is that ...

22 MR. MUTCH: That could be.

23 So 205 talks about in-classroom training I think. So
24 I'm not sure that -- it's in-class education requirements.
25 So an applicant must show 24 hours of in-class education.

1 So in-class education, that's -- if you were to interpret
2 that as meaning in a classroom with other students or in a
3 virtual classroom. So that's a challenge with the
4 interpretation.

5 43 was recommended by the TAC, but we were asked to
6 verify the technical language per the newsletter. This
7 was taking a newsletter article requirement and putting it
8 into the WAC rules. And it has to do with physical
9 protection of grounding electrode conductors.

10 And it's vague in the NEC what physical protection
11 means. So in the newsletter it's clarified that physical
12 protection is achieved by burying the grounding electrode
13 conductor at least 12 inches deep, if it's inside the
14 building footprint protected by -- you know, all of these
15 things that we've been enforcing through policy, we've now
16 put into the WAC rule.

17 And that concludes all the stakeholder proposals.

18 CHAIRPERSON PREZEAU: And the other thing I wanted
19 just to mention is -- and I think I'm going to get his
20 name right -- Tim McClintock was --

21 MR. MUTCH: Yes.

22 CHAIRPERSON PREZEAU: -- attended the Technical
23 Advisory Committee process from NFPA.

24 I think it was very valuable in some of the more
25 technical conversations and talking about the different

1 code panels and some of the background. So I think if we
2 have in the future have that ability, I think that was
3 good practice.

4 MR. MUTCH: Yes.

5 CHAIRPERSON PREZEAU: The other thing I --
6 Go ahead, Bobby.

7 BOARD MEMBER GRAY: No, I'll wait.

8 CHAIRPERSON PREZEAU: I was just going to say, just
9 procedurally it's -- I told Milton that at 11:30 when we
10 were coming back on the record that maybe lunch would
11 happen about 12:30.

12 We don't have to make it through all of Rod's -- what
13 we're going to do now I'm assuming is review the first --
14 the draft that you are going to be asking the Board to
15 take action on, either affirm, you know, adopt or
16 recommend adoption in its entirety or make suggestions or
17 -- this is where you have a pretty good -- the Board, you
18 know, it's an advisory recommendation to the Department.
19 Although, historically the Department pays pretty close
20 attention to what the Board has to say.

21 Which is another reason why I wanted to go through
22 all those proposals is to make sure we do -- the
23 Department does do diligence in exposing the Board members
24 to all those pieces.

25 But, you know, Bobby, I'll give you an opportunity to

1 ask -- but I just like want to be mindful of lunch. And
2 if you're sitting next to Pam, her stomach is grumbling;
3 I'm just saying.

4 So Bobby.

5 BOARD MEMBER GRAY: I'll make it short. Just a quick
6 question for Rod.

7 The proposal that allowed the Chief to make a
8 decision on instructor certification, I know this has to
9 be acted on and go through the whole process. But does
10 the Chief have the ability or the authority to make a
11 decision pending on that being accepted currently or do we
12 have to wait all the way through July before that will be
13 able to take effect? Does he have some discretion in
14 making that call now?

15 MR. MUTCH: The RCW says that the Chief Electrical
16 Inspector is subject to review. The Director is
17 responsible for interpretation of the RCW and WAC rules.

18 And I think there is some latitude in there. The WAC
19 rules are adopted and they specify the requirements for
20 instructors. And I'm not sure; I think -- I think --
21 there's no provision in there that would allow any person
22 other than what's specified to teach until we put
23 something in there like that. So --

24 BOARD MEMBER GRAY: All right. And I'll --

25 MR. MUTCH: I think that would be an --

1 BOARD MEMBER GRAY: The way that's read right now, it
2 appears to me to be a little fuzzy anyway.

3 MR. MUTCH: Right.

4 BOARD MEMBER GRAY: And so someone submits an
5 application. In there it clarifies what the intent is.
6 But the way it was worded originally wasn't -- to me it
7 wasn't all that clear. This makes it very specifically
8 clear and gives that latitude. So at least from my
9 opinion, it looked like it would have had the ability
10 previously to be able to do that. Now it's crystal clear.
11 So I'll just --

12 MR. MUTCH: And that's the thing in this first draft.
13 When we get to that language, I'll ...

14 BOARD MEMBER GRAY: Okay.

15 CHAIRPERSON PREZEAU: Okay. So thank you.

16 So --

17 BOARD MEMBER CUNNINGHAM: I have one question.

18 CHAIRPERSON PREZEAU: Okay.

19 BOARD MEMBER CUNNINGHAM: Early on in this proposal
20 number 5, that was the one that had to do with allowing
21 the use of non-metallic sheathed cable in taller
22 buildings. And the determination was that that was
23 rejected. And I think with objection language, there was
24 an open-endedness about how many floors. Was there a
25 reason why that wasn't considered, that language to be

1 reconstructed so that it was more in line with allowing
2 building types that are Type III, IV and V construction?

3 MR. MUTCH: There was -- as I recall, there wasn't
4 proposed language to change it. It was just the TAC
5 didn't recommend that language. I don't remember any
6 discussion.

7 BOARD MEMBER CUNNINGHAM: Is there room there for
8 that to be considered? I guess I'm wondering what the
9 rationale is for restricting the use of that material in
10 the building types.

11 MR. MUTCH: Well, it's not restricting the material.
12 It's restricting who can install it. So it's a licensing
13 issue.

14 BOARD MEMBER CUNNINGHAM: Okay.

15 MR. MUTCH: So it's whether or not an 02 residential
16 electrician can install Romex in a multi-family building
17 that's higher than --

18 BOARD MEMBER CUNNINGHAM: Right. It's a four-story
19 building or five-story building.

20 MR. MUTCH: Currently the WAC limits them to three
21 floors.

22 If that was changed, you'd have to go with the Type
23 III, IV or V construction. And I believe the highest Type
24 V construction would be five floors if it's sprinkled. So
25 it would go from three floors to five floors, but it would

1 still be in multi-family buildings only.

2 There just wasn't a proposal to amend that language
3 from either side.

4 BOARD MEMBER CUNNINGHAM: Okay.

5 CHAIRPERSON PREZEAU: Okay. Any other questions
6 about the stakeholder proposals?

7 Then how about we take a break for lunch. And can we
8 try to limit our lunch to an hour? Is that adequate?

9 So for folks that are familiar or not familiar with
10 this area and didn't bring their own lunch, this building
11 has a deli in it. Right?

12 Larry, do you know where that deli is?

13 MR. VANCE: Straight down from the elevators.

14 CHAIRPERSON PREZEAU: So if you go out here and get
15 on the elevator and go down, the deli is called Pastrami
16 or something?

17 MR. VANCE: Something, yeah.

18 CHAIRPERSON PREZEAU: So you can get a sandwich or a
19 salad, which would probably be the quickest thing to do.
20 There's also just knowing -- everybody's got a Google
21 machine in their hand. If they choose to, there's other
22 places to grab a bite within walking distance. So I think
23 it's reasonable to limit our lunch break to an hour. So
24 that would bring us back on the record at approximately
25 1:35.

1 opportunity to consider any proposed amendments or repeals
2 and had an opportunity to make recommendations to the
3 director relative thereto."

4 Pardon me?

5 ASSISTANT ATTORNEY GENERAL REULAND: Just on the
6 rules.

7 CHAIRPERSON PREZEAU: Just on the rules, yeah.

8 And additionally, there's still a public comment
9 sheet over there outside of the appeals sign-in sheet.
10 And Al Philips -- there's two people that have signed in:
11 Al Philips and Tim O'Donnell. And unless I might be
12 interpreting their -- because it also -- the sign-in sheet
13 says your name and who you represent and what issue you
14 want to speak on. I am interpreting -- and this is giving
15 an opportunity for Mr. Philips and Mr. O'Donnell to refute
16 this, but I am interpreting their sign-in subject matter
17 that, you know, Mr. Philips wants to speak about changes
18 to the RCW, and Mr. O'Donnell wants to make public
19 comment.

20 If -- historically what we've done if we've had folks
21 sign in under public comment when we were doing exhaustive
22 rule-making, they said they wanted to comment on pending
23 rule discussion, we wouldn't make those folks wait till
24 the public comment period and allow them to comment on the
25 rules in real-time.

1 So I just wanted to announce that unless I'm
2 interpreting the actions of the sign-in -- the language on
3 the sign-in sheet for Mr. Philips and Mr. O'Donnell, I'm
4 interpreting this to mean that there's nobody here that's
5 wanting to sign in to talk about the rule-making process;
6 is that correct?

7 UNIDENTIFIED: Not me.

8 UNIDENTIFIED: You can put me at the end.

9 CHAIRPERSON PREZEAU: Okay. Very good.

10 I just wanted to make sure we had an appropriate
11 level of access to the public comment.

12 So Rod, if you would like to continue, that would be
13 great.

14 MR. MUTCH: Okay. So this is what we're calling the
15 first draft. And it incorporates the stakeholder
16 proposals that the Department is moving forward as well as
17 the Department proposals, and they're kind of intermixed,
18 and I'll kind of point those out.

19 So this first section -- and this is the short
20 version. So it only contains the changes, and it only
21 contains the substantial changes. It doesn't contain
22 every typo and every, you know, they wanted to change 600
23 to 1,000 volts and everything like that.

24 So there are sections of the current WAC that are
25 missing from this document. But you also have the full

1 document that I believe Bethany sent you guys. And it's
2 also posted on the rule-making page our Web site. So what
3 we'll review here is just the short document.

4 When I say WAC 010, what I mean by that is WAC
5 296-46B-010, or WAC 210. So I'll just shorten that up.

6 So WAC 010 is where we adopt our standards. These
7 are the standards that the Department uses to inspect to.
8 And we're proposing to adopt the 2017 National Electrical
9 Code. So when we do that, we adopt it here.

10 And the rest of the first section of the WAC rules
11 deals with NEC requirements, and it contains any changes
12 to Washington state's rules that deviate from the NEC. So
13 that's -- that would be WAC 100 which is definitions
14 through WAC 800 which is communication systems. And those
15 numbering -- that numbering system corresponds with the
16 sections in the NEC where those requirements are changed.

17 So in looking -- in adopting the NEC, installation
18 rules in the state of Washington in general are going to
19 change based on what's contained in the NEC. So I did a
20 summary -- if I could find my pointer -- I did a summary
21 of some of the changes -- the more extensive changes that
22 are in the NEC.

23 And I'll go through those real quickly. Because when
24 we adopt the 2017 NEC, these changes come along with it.
25 So I think it's important that we know what's -- some of

1 the things that are in the NEC that aren't necessarily
2 going to be covered in the WAC.

3 So the first one is the -- we talked about it in the
4 stakeholder proposals. 110.16(B) is additional
5 requirements for greater than 1200 amp services to have
6 calculations made and marking placed on the equipment for
7 arc-flash warning.

8 GFCI requirements are expanding a little bit. And
9 they're being pulled back a little bit. So I think it's
10 kind of a wash.

11 We had a policy, for example, that GFCI protection
12 was required under a kitchen sink because it's within six
13 feet of the sink. The 2017 NEC changed the measurement
14 procedure so that if it passes through a cabinet door, it
15 doesn't count as far as the six feet. So what that does
16 is it allows receptacles to be placed under the sink that
17 -- (inaudible) -- GFCI protection.

18 Additional GFCI protection is going to be required in
19 non-dwelling crawl spaces and unfinished basements and
20 lighting outlets in crawl spaces. That didn't exist
21 before. You didn't have a requirement to do that.

22 Apparently a plumber was electrocuted under a house
23 when he busted the light bulb and the incandescent
24 filament, he contacted that and was electrocuted. This
25 would prevent that by putting GFCI protection.

1 And it expanded to three-phase receptacles as well.
2 That was never in the requirements for GFCI protection.

3 A new requirement to require a dedicated 20-amp
4 circuit in residential garages. There was never a
5 requirement for a circuit for receptacles in garages
6 before. And I think this probably has something to do
7 with electric vehicles or use of electric vehicle
8 chargers. And the placement of the receptacles has to be
9 within -- one receptacle in each vehicle bay. So that has
10 changed.

11 Jason.

12 BOARD MEMBER JENKINS: The requirement for electric
13 vehicles haven't changed, it's not supposed to be for
14 that. We had our 417 upgrade, and this is not -- has
15 nothing to do with the electric vehicles.

16 MR. MUTCH: Okay.

17 There's a new requirement in 210.71 for meeting room
18 receptacles, and it only applies to meeting rooms of less
19 than 1,000 square feet.

20 So right now this right room, there's no NEC
21 requirements for receptacles in a room like this. There
22 to for dwelling units, but not in commercial buildings.

23 And this change will require meeting rooms less than
24 1,000 square feet are going to have to have receptacles
25 placed around the perimeter and in the floor if there are

1 partitions in the room.

2 210.15, oh, this -- okay. So what this does, if you
3 have a feeder that goes from one panelboard to another
4 panelboard with an overcurrent device in it, you have to
5 size that feeder based on the temperature rating of the
6 terminals that the conductors connect to, right? So if
7 you got a breaker that's got 75-degree terminals on it on
8 one end and 75-degree terminals on the other end, you have
9 to calculate the wire size based on the 75-degree
10 ampacity.

11 What this allows is you can take a feeder and you can
12 put another enclosure above it with separate pressure
13 connectors and another enclosure about the other end with
14 separate pressure connectors, and if they're rated for 90
15 degrees "c," the conductors between those two enclosures
16 can be rated -- can be based on the 90-degree column which
17 allows smaller conductors between the enclosures in that
18 feeder. That will significantly reduce cost in some
19 instances for additional work to put the connectors in
20 there, but the reduction in the feeder size will reduce
21 cost.

22 So all of these proposals, some of them increase
23 cost; some of them reduce cost. And so I think it's
24 important that we point out that when we adopt this,
25 there's going to be some trade-offs in the cost.

1 310.15(B)(3) eliminated the temperature adder for
2 raceways and cables exposed to sunlight on rooftops. And
3 we already talked about that. And doesn't do a reduced
4 cost to the customers.

5 310.15(B)(7) is an allowance -- the residential
6 feeder and service allowance where you can use a smaller
7 feeder size if it carries the entire load of a dwelling
8 unit. Would expand it to allow a 208-volt system --
9 three-phase 208-volt system if you're using two ungrounded
10 conductors and the neutral of a 208 system, you can take
11 that reduction as well where you couldn't do that before.

12 Let's see. 338.10(B)(4). Okay. The SE cable
13 requirement, when you're running SE cable in thermal
14 insulation has changed just about every code cycle.

15 And what they're doing now is in the current code, if
16 the SE cable is run in insulation, you have to use the
17 60-degree ampacity column.

18 What the 2017 does is it limits that to smaller
19 sizes. 10 AWB and less.

20 So when the 2017 is adopted, you will be able to use
21 SE cable that's larger than number 10. Even if it's in
22 thermal insulation, and you'll be able to use the rating
23 on the cable. Like if it's 75-degree cable, you can use
24 the 75-degree column to figure ampacity. So that's a cost
25 savings which will allow smaller SE cable to be used for

1 feeders.

2 408.3(A)(2) is a requirement for barriers for
3 energized service busbar or terminals. It was expanded to
4 panelboards.

5 So if you pull a panelboard cover off, you have --
6 you're exposed to the energized service connectors, right?
7 in general. This requirement -- and I think Canadian CSA
8 has a requirement that when you take that cover off,
9 there's a barrier that the energized service conductors
10 and terminals are not exposed. That's going into UL 67
11 and also to the NEC so that panelboards are going to have
12 to have a barrier so that when you pull the panel cover
13 off and you're going to work on the load side of the
14 panelboard on the branch circuits, you won't be exposed to
15 the energized service conductors.

16 That would be kind of cost neutral because the
17 manufacturers are going to have to do that in accordance
18 with the new UL standard.

19 430.99 is going to require the arc-fault available
20 fault current to be labeled on motor control centers.
21 Currently it's only required on service equipment in
22 non-dwellings, and this will expand it to motor control
23 centers. Just an additional calculation that's going to
24 have to be made and a label placed on the motor control
25 center.

1 55.24 is going to require the electrical installers
2 doing work at a marina to place a warning sign of
3 potential shock hazard in the water. So if you're doing
4 electrical work at a marina, you're going to have to put a
5 warning sign up there warning folks not to swim near the
6 dock because there's an electrical hazard there. So
7 that's a somewhat of an additional cost.

8 BOARD MEMBER BAKER: Do they define a marina?

9 MR. MUTCH: It's in Article 555. So anything that
10 applies in Article 555 for marinas would apply.

11 700.3(F) is kind of a big deal. If you have an
12 emergency system with a generator, and the generator does
13 not have a back-up generator. So a lot of hospitals have
14 multiple generators, and they have regenerative backups.
15 If you have a facility that has an emergency generator
16 that is by itself, you have to provide a temporary source
17 for maintenance. So like when you're performing a load
18 bank test, if you only have one generator, you're going to
19 have to have a means to connect an alternate power source
20 to that facility. And it has to be -- it has to be in a
21 separate enclosure so that it's not -- you're not required
22 to remove the permanent emergency conductors from the
23 system and connect the load bank and then reconnect the
24 emergency conductor. So that's going in 700.3(F).

25 It will be an additional cost, but it will keep

1 facilities from being exposed to their emergency system
2 completely, you know, --

3 CHAIRPERSON PREZEAU: Off-line.

4 MR. MUTCH: -- during maintenance.

5 And then 700.10(D) is emergency system feeders in
6 high-rises and in places of assembly for more than 1,000
7 people are required to be installed in fire-resistant --
8 you're part of a fire-resistant enclosure. So that is
9 being expanded to health care facilities and schools. So
10 an emergency feeder in a school or a health care facility
11 is going to have to be installed so that it's protected by
12 a fire barrier. So it will be behind -- I don't know what
13 the fire barrier is. I think it's double Sheetrock
14 possibly?

15 BOARD MEMBER BAKER: Two-hour rated?

16 MR. MUTCH: Two-hour rated?

17 So that's in 700.10(D) which will add some cost, but
18 it'll keep the emergency system up and running longer in
19 the event of a fire. So it adds safety.

20 So that's kind of the -- there weren't really too
21 many costly items in the 2017 NEC. But that's kind of a
22 summary of some of the more costs -- the items that cost
23 more or less cost.

24 I think we mentioned before that we went through and
25 -- or maybe it was last night. We changed all of our

1 measurements in the WAC; had metric designations. And so
2 I don't know of anybody that would measure 2.44 meters.
3 They would normally in Washington state use 8 feet. So
4 we're standardizing all of the measurements. Because it
5 was all over the board. There was -- you know, we would
6 say E-I-G-H-T F-E-E-T. Other places we would use numeral
7 8 with a slash to say eight feet. So we're just
8 standardizing all of the measurements.

9 Okay. This proposal is in -- and I guess I should
10 mention those when I'm going this. This is in WAC 010,
11 and it has to do with the -- when we inspect a rough-in
12 inspection on a building, the framing -- the inspection
13 has to be done so that the nails -- that it's called the
14 sheeting on the outside of the building, before the
15 inspection is done, that will be done.

16 What we're finding is the sidings will come along and
17 shoot siding nails into electrical panels -- and I think I
18 can get a picture here -- and it ends up being something
19 like this. Oh, anyway, I had a picture to justify this.
20 Things like that. Inspectors discover that up there.

21 I've got another one in here of a panelboard.
22 They've shot a siding nail through the back of a
23 panelboard, and it went right into the bus work. So
24 that's on the rough-in inspection. It's not energized
25 yet. But the inspector would be able to see things like

1 that.

2 We're going to require that the -- if the siding is
3 done with nails or fasteners which penetrate into the wall
4 cavity, that's going to have to be done before we can do
5 the rough-in inspection.

6 Okay. So this is in 010 (15), and it was a
7 requirement having to do with tamper resistant
8 receptacles. Some of the language changed in the NEC that
9 took care of some of these requirements. And so we
10 eliminated some of the requirements, but we moved that
11 whole section to WAC 406R which is the receptacle section.
12 So if you're looking for whether or not receptacles have
13 to be tamper resistant, you'd find that in the WAC having
14 to do with receptacles, not in 010. So hard to find
15 before. So later on you'll see where we put that, what
16 the language is.

17 Throughout the WAC we changed the voltage limit for
18 high voltage from 600 to 1,000 volts to match the NEC.

19 So WAC 210, this is the proposal that the TAC
20 committee did not recommend based on the wording of that
21 proposal. And so we reworded it. And what it requires is
22 when ground-fault protection is required on a branch
23 circuit, it has to be tested prior to being placed into
24 service, and the record of the test has to be available to
25 the inspector.

1 We took the language out that didn't apply to branch
2 circuits. So this language works for branch circuits, and
3 we're just requiring that test the same as we would for a
4 feeder or a service.

5 Here's the one for peninsular countertop spaces. WAC
6 (sic) 210.52. And it -- well, I'll just read it here.

7 "A receptacle in a wall countertop space shall be
8 permitted to service as the receptacle for a peninsular
9 countertop space where the spaces are contiguous and the
10 receptacle is located within 8 feet of the outside edge of
11 the peninsular countertop."

12 So what this does is it allows -- and we had a WAC
13 rule before that allowed a six-foot peninsula if there was
14 a receptacle on the wall adjacent to it for that
15 receptacle to serve the peninsula. And this is in line
16 with the first draft language in the NEC. It has what we
17 have recommended that we use for this requirement.

18 If we just went by what the NEC said, there would be
19 -- and if you had a peninsula with a receptacle on the
20 wall, there would be no limit to the length of the
21 peninsula that that could serve. So you could have a
22 15-foot peninsula with no receptacles out there. So the
23 TAC felt that the six-foot limit for that wall receptacle
24 to serve would be better than having a long peninsula
25 without any receptacle on it.

1 WAC 240 024, this is a new requirement. And it has
2 to do with overcurrent protection devices that are
3 installed outdoors. They're going to have a minimum
4 mounting height.

5 So currently if a -- this requirement is in 550 for
6 mobile homes, and I think it's in the RV article too.
7 Overcurrent devices have to be mounted at least 24 inches
8 off the ground.

9 This will extend that to any overcurrent device
10 that's outdoors will have to be not less than 24 inches
11 above grade unless it's one of those items there that's in
12 there. Enclosure that's list -- or a listed piece of
13 equipment that's approved for pad mounting or floor
14 mounting or dock or pier mounting, or if it's over
15 concrete or asphalt that extends three feet or more
16 horizontally. So you won't have a situation where there's
17 weeds growing up over it. You've got a working surface
18 that's concrete or asphalt. We're going to say that's
19 okay. And it's not going to apply to rooftop --
20 (inaudible).

21 This WAC 250 064 was a policy the Department had, and
22 it was in the newsletter article. And we just took that
23 policy and put it into WAC. This was the result of a
24 stakeholder suggestion.

25 So it defines when a grounding electrode conductor is

1 considered to not be exposed to physical damage.

2 WAC (sic) 250.94, so for some reason, the Department
3 has -- when the requirement for an intersystem bonding
4 termination went into the code, and I think it was, I
5 don't know, 2005 or 8 maybe, the Department did not adopt
6 that. And what the Department's been allowing is a
7 separate -- the contractor can run a separate piece of
8 number 6 copper and stick it out the side of the house so
9 the communications guys and, you know, the cable guys have
10 a place to bond their equipment.

11 The code requires what's called a intersystem bonding
12 terminal. It's just a little terminal block that mounts
13 on the outside of the house, and it has screw terminals
14 where those folks can attach their bonding.

15 So this cycle we're proposing to go with what's in
16 the code and not eliminate it from rule.

17 BOARD MEMBER GRAY: Rod, can you go back up to the
18 protection of the grounding receptacle?

19 So if I choose to use a non-metallic raceway, am I
20 obligated now to install it according to 300.5?

21 MR. MUTCH: So this is a grounding electrode
22 conductor.

23 BOARD MEMBER GRAY: And does it have to be schedule
24 80?

25 MR. MUTCH: No.

1 So you're talking about (d)?

2 BOARD MEMBER GRAY: Well, right now, there's nothing
3 in the code, nothing prohibits me from just scratching it
4 in the ground somehow as long as I and the inspector agree
5 that it's protected from physical damage. Now, it says
6 it's got to be 12 inches deep, or I protect it by putting
7 it inside a raceway. So if I choose (d), does that
8 raceway now have to comply with the installation rules in
9 Article 300?

10 MR. MUTCH: I don't think so. I think -- isn't there
11 something in 250 that says that grounding conductors don't
12 have to comply with the burial requirements of ...

13 BOARD MEMBER GRAY: Maybe I don't recognize that.

14 And secondly, there's a requirement that says if I'm
15 using non-metallic raceway for physical protection, it's
16 got to be a Schedule 80.

17 MR. MUTCH: Schedule 80, right.

18 So we've deviated a little bit from that requirement
19 in that we're just saying non-metallic raceways.

20 The code doesn't define it. And so a bare exposed
21 number 6 copper conductor if it's attached to the building
22 has been allowed. This goes a step further and it
23 requires that you protect that somehow from damage. Weed
24 eaters, unscrupulous individuals that come along with wire
25 cutters and like to take copper away. So ...

1 BOARD MEMBER GRAY: I'm just wondering about
2 enforcement. So if I go scratch it under the ground and
3 put PVC in there and then run my grounding electrode
4 conductor in there, is that going to be acceptable?

5 MR. MUTCH: I don't know. I don't know if those
6 burial -- 300.5 burial requirements --

7 BOARD MEMBER GRAY: I'll bring it back to the Board
8 to get it appealed when I get cited.

9 MR. MUTCH: Exactly. But you'll have to recuse
10 yourself.

11 So that's something I'll check to see if the burial
12 requirements apply to a physical protection for a
13 grounding electrode ...

14 BOARD MEMBER BAKER: Every conversation I've had with
15 NEHA over that has always circled around the intent was to
16 hide it from those unscrupulous individuals that Rod was
17 speaking of. It wasn't so much physical protection. It
18 was keeping it from getting stolen. Out of sight, out of
19 mind.

20 MR. MUTCH: Okay. So noted.

21 So this is WAC 406R. Why the "R" you ask?

22 A couple cycles ago we had a WAC 296-46B-406. And we
23 took the requirements out of that, which meant the code
24 reviser -- what's the term they use. They eliminate that
25 section from the WAC. Once that number has been

1 eliminated, you can't bring it back. So now we want to
2 put 406 back in there with receptacle requirements, but we
3 can't use 406.

4 But they said, "Well, you can use another number."

5 And I said, "Well, can we use a letter?"

6 They said, "Yeah."

7 So we're calling this one 406R.

8 But this is where we took the requirements from 010
9 for patient care facilities and psychiatric patients for
10 tamper resistant requirements and put it into 406.

11 So if a contractor is looking for a requirement for
12 receptacles, he can go to the WAC and see it in 406 rather
13 than 010. We thought that made better sense.

14 Okay. This is the requirement I was talking about
15 for the disconnect for split units. It was in WAC 424
16 before, which never made sense to me because these systems
17 are Article 440 type units; they're not fixed electric
18 space heating units. So we put the requirement in 440
19 where we think it belongs.

20 So the policy didn't change. We just simply moved it
21 from 424 to 440.

22 What it says is if it's in a one- or two-family
23 dwelling, the disconnecting means is required unless the
24 outdoor unit disconnecting means is lockable, and an
25 indoor disconnecting means is not required by the

1 manufacturer's instructions. So if the manufacturer
2 requires a disconnecting means inside of the indoor unit,
3 you have to put it there. If not, then if the outdoor
4 unit is lockable, then you don't have to put the
5 disconnecting means inside of the unit.

6 There was a little bit of confusion about that with
7 that other proposal I think.

8 This one, there's a --

9 (Whereupon, some material
10 was handed/given to
Mr. Mutch.)

11 So I have to read this and talk at the same time?

12 MR. VANCE: No, no.

13 MR. MUTCH: So there was a change in 2014 that
14 required feeders, the main power supply for a marina, to
15 have ground-fault protection. And it goes back to folks
16 that are swimming around electrical equipment in marinas
17 and being able to trip the main power source if there's a
18 problem without it energizing the water.

19 In 2017, they changed that from 100 milliamp
20 ground-fault protection to 30 milliamp ground-fault
21 protection. And that went into Article 555 for marinas.

22 They didn't do anything with Article 553, which is
23 floating buildings. And so the requirement went in in
24 2014 into 555 and 553. But the changes that they made in
25 2017 only apply to 555. So in Washington, we extended

1 those changes to 553 as well.

2 WAC 680, this is the requirement that changed in the
3 NEC about -- regarding wiring methods for feeders.

4 And we're going with the NEC requirements now because
5 it says that you can use any of the Chapter 3 wiring
6 methods for a feeder for a swimming pool as long as it's
7 not in a corrosive environment. So that eliminates the
8 need for this WAC rule.

9 All right. I just read what Larry brought.

10 So this is in Article 250 about grounding and
11 bonding. And it says, "Grounding electrode conductors and
12 grounding electrode bond conductors in contact with the
13 air shall not be required to comply with 300.5, but shall
14 be buried or otherwise protected if subject to physical
15 damage."

16 So it doesn't say that a raceway that contains a
17 grounding electrode conductor doesn't apply.

18 That was your question.

19 BOARD MEMBER GRAY: Well, what that's saying is I
20 don't have to apply the direct buried cable cover
21 requirements from Article 300. But it doesn't -- and so I
22 could just scratch it under the surface of the earth as
23 long as it was physically protected.

24 We've specified it's got to have 12 inches.

25 MR. MUTCH: Right.

1 BOARD MEMBER GRAY: Got to be 12 inches deep.

2 MR. MUTCH: And that's been a pretty common practice
3 for inspectors going out in the field. And I think the
4 thinking was that's about -- a shovel, yeah. And so if
5 you're gardening out there, and you stick a shovel in the
6 ground, you want that grounding electrode conductor to be
7 below the shovel. I think that's where the thing came
8 from on that.

9 WAC 705, this one is when you are -- when you're
10 doing, for example, a PV system, and you're doing a
11 supply-side connection, you actually take the output of
12 the PV inverter and you connect it to the supply side of
13 the service disconnect. Okay? Those conductors are not
14 protected. They're not actually service conductors. They
15 don't meet the definition of service conductors.

16 But we've been -- I think there's a Currents article
17 that says we've been treating service conductors for the
18 purpose of wiring methods and protecting them. But this
19 puts it into the WAC rule that we have -- we have
20 specified what the wiring methods are for service
21 conductors, and those will also apply to the supply-side
22 conductors for power production source.

23 Okay. Plan review. So this changed a little bit
24 from the TAC meeting. There was a proposal that we
25 discussed with the TAC to require plan review for PV

1 installations at schools and health care facilities and
2 institutions. And the TAC generally supported that.

3 After the meeting -- after the TAC meeting in
4 discussions internally with our plan review folks, we put
5 a limit on it of 9600 watts. So if you are installing a
6 PV system at a school that is less than 9600 watts, it's
7 not required to go through plan review. But if it's more
8 than 9600 watts, then it is.

9 The way we came up with the 9600 was you can take a
10 40 amp PV source and connect it to a 200-amp panel without
11 modifying the panel. So 40 amps times 240 volts is 9600
12 watts. So these are smaller systems that won't require
13 extensive modification of the panel they're connected to.

14 WAC 901, we clarified permit requirements and that
15 the address which is only valid for one specific job site
16 address includes two-family dwellings. So you can take
17 out a permit and -- we've always allowed this, but we just
18 went in and clarified it in WAC.

19 So this is -- in WAC 901, this is the Class A basic
20 electrical work list which is items that are exempt from
21 permits. So it's small maintenance type items that can be
22 done without permits. And it allowed before replacement
23 of a maximum of five luminaire ballasts. So we've just
24 clarified that they can replace drivers or power supplies
25 for single LED luminaires which are similar to a ballast

1 on the Class A list. They can do up to five of those with
2 an exact same ballast -- (inaudible).

3 We did the same thing with the Class B list. We
4 added LED drivers to the scope of replacing ballast.

5 There was a comment at the TAC meeting about this.
6 This is an exemption from permit requirements. This is
7 not an exemption from licensing and certification
8 requirements. So just because you can replace up to five
9 light switches without a permit does not mean you can do
10 that without licensing and certification. Okay?

11 The comment at the TAC was that that should be placed
12 in here. Our hesitation to do that is that this whole
13 section applies to electrical work permits and fees. And
14 so to put licensing and certification requirements which
15 are located in another place in the WAC into the permit
16 requirements section we think would be confusing. I guess
17 we're open to discussion on that. But that's the reason
18 why we left it that way.

19 This is the same WAC 901. And it clarifies that when
20 an entity has a permit for doing work, that they have to
21 request the inspection no later than three working days
22 after they're done with their scope of work on their
23 permit.

24 Before it said within three working days of
25 completion of the installation, which could be interpreted

1 to mean, well, I'm doing a portion of this work, but it's
2 -- there's more work going on my other contractors and the
3 project isn't done yet.

4 So we want the request to be made within three days
5 of when the work on that permit is ...

6 Then under (b), this would apply to temporary
7 installations such as load bank testing. There's nothing
8 really that requires a request for an inspection to be
9 made. You can take out a permit for a load bank test, go
10 do the test, and then when you're completed with the test,
11 you could request an inspection. But by the time the
12 inspector got there, the test would be done and everything
13 would be cleaned up.

14 This just requires that for a temporary installation
15 that will be energized in less than 48 hours that they
16 have to notify us ahead of time to be able to -- to give
17 us a chance to come and inspect that.

18 WAC 903, we eliminated some language that had to do
19 with Department evaluation because the Department does not
20 do evaluations anymore of industrial utilization
21 equipment. We use engineers to do that now. But this was
22 left over from the old WAC rules.

23 WAC 908, Class B permits. We clarified that the
24 Class B inspection process is only available to you if you
25 validate the label prior to doing the work.

1 So this would be a situation where you're doing Class
2 B eligible work, and you start it without a Class B label,
3 an inspector comes up and catches you doing the work and
4 says you need to get a permit, and so it's no longer
5 eligible for a Class B label at that point. It has to be
6 done with a regular permit because we want to do an
7 inspection on that.

8 So that was never clear in the rule before. So if
9 you start to work without a Class B label validated, it's
10 no longer eligible for Class B -- (inaudible).

11 This was -- so this section here, previously it said
12 immediately upon posting the Class B label, the purchaser
13 must use the Department's on-line Class B system to enter
14 the job site information. We just put "prior to" because
15 the contractor can purchase the book of labels, enter the
16 job site information, validate the label, and then go post
17 it. And that's okay. But it was not clear in the
18 language before.

19 This change to WAC 908, previously it said that the
20 Class B label is valid immediately upon the purchase or
21 completing the job site information with Department's
22 on-line Class B system.

23 And there's a requirement above that also you're
24 required to post the label or the label number. So we
25 just clarified that here that you have to validate the

1 label, and you also have to post it or the Class B number
2 on the job site before it's valid.

3 We added this to the Class B scope. So we have -- on
4 the Class B list, you can replace a HVAC unit up to 40
5 minimum circuit amps, a like-in-kind replacement with a
6 Class B label. But the flexible supply whip that connects
7 to it, you would have to have a regular permit to do that.

8 So what this does is it allows when you're replacing
9 a unit that is Class B eligible, you can also replace the
10 supply whip that feeds that unit as long as it's the same
11 circuit -- (inaudible).

12 And then right below it, we had on the Class B list
13 the replacement of not more than ten standard receptacles
14 with GFCI receptacles, and we've added AFCI receptacles to
15 that as well.

16 Then here's the same change that we made for LED
17 drivers. In the Class A list we can allow up to 20
18 luminaire ballasts or power supplies for single LED
19 luminaires to be changed on a Class B label.

20 And then (j) is something that was allowed by a
21 newsletter article. We've allowed installation or
22 replacement of a single electric sign on a Class B label,
23 but that was never formally in the WAC, so we're just
24 taking that and putting it in the WAC.

25 WAC 915 is the civil penalty schedule. And because

1 the term "serious violation" which was there before isn't
2 really defined well later in the WAC in 990 where it talks
3 about the Department can suspend or revoke a certificate
4 for serious non-compliance, it defines that term. So
5 we've put that in the penalty schedule as well because
6 that term is defined in WAC 990 where a serious violation
7 is not as well defined.

8 This little "or" right here in the penalty schedule
9 means that this penalty amount -- it's always -- it's been
10 intended this way and this is how it's been in practice.
11 So that contracting without a license to do either
12 electrical work or telecommunications work qualifies for
13 this penalty amount.

14 Section (3), this is a new penalty amount for failing
15 to visibly display a certificate.

16 So we have the requirement to display your
17 certificate while you're working, but there was never a
18 penalty amount for failing to display it. So what we did
19 is we used the same penalty amount for working without a
20 certificate.

21 So we felt that a person who is not certified
22 performing work is probably a more serious offense than a
23 person who is certified and is failing to display their
24 certificate, so we made the penalty amount less as long as
25 you have a valid certificate and you're working within

1 your certificate; you're just not displaying it.

2 And then (13), there was never -- so a serious
3 violation that creates a hazard or a fire -- a hazard of
4 fire or a danger to life safety. And that's described in
5 WAC 990, but there was never a penalty amount for that.
6 So we had to use the miscellaneous penalty amount at the
7 which was for violating any of the provisions that are not
8 identified, and the first offense for a serious violation
9 was \$250. We proposed raising that to I believe it was
10 \$500?

11 CHAIRPERSON PREZEAU: Yep.

12 MR. MUTCH: So we -- the Department proposed raising
13 it to 500, to 1,500, and 3,000.

14 During the TAC committee, the TAC committee was
15 pretty adamant that a person who creates an electrical
16 hazard that could kill somebody, it's more serious than
17 that. So they recommended a penalty amount of 1,000,
18 3,000 and 5,000.

19 Now I think if a person is cited for a serious
20 violation that creates a hazard to someone with a \$1,000
21 penalty amount, they better not do that again.

22 The second one if they were -- if they did it again
23 is \$3,000, which to me seems low. So this is things like
24 -- oh, there was one -- well, one that the Board reviewed
25 last month. It opens up a hazard where someone could get

1 killed or hurt. And if they do that, they're -- the
2 penalty amount needs to be higher. And the TAC agreed.

3 There were some changes that are common to WAC 925
4 and the certification sections later. And what this does
5 is the Department may deny application, renewal,
6 reinstatement of a certificate. And if he owes us money
7 under chapter 19.28, well, change of assignment of
8 administrator wasn't in there, and issuance of the
9 certificate wasn't in there. So we clarified this so that
10 if a person that owes the Department money applies to
11 change their administrator self to another company, for
12 example, that the Department would be able to prevent
13 that.

14 We also had a situation where we had approved a
15 person to take the test. After that, they violated --
16 they got a citation, they owed us money. And then they
17 passed the test, and we issued them a certificate because
18 there was nothing in there that said we were prohibited
19 from issuing that. It was just -- we could deny the
20 application or the renewal, but we weren't allowed to deny
21 the issuance of a certificate.

22 So these changes are common in the other sections
23 below that you'll see. So I won't spend so much time
24 on ...

25 This was change to the exemption for cord and

1 plug-connected equipment. Currently the RCW completely
2 exempts plug-in household appliances from regulation. And
3 they do it by the definition of equipment in RCW 19.28.006
4 I think. So a plug-in -- plug- and cord-connected
5 utilization equipment. So household appliance -- plug-in
6 household appliances are completely exempt.

7 This exemption says, "Firm who perform field
8 electrical servicing, maintenance, or (repair) of plug
9 (in)" -- or "plug and cord connected utilization equipment
10 other than household appliances are not included in this
11 exemption."

12 So it just takes the exempt household appliances out
13 of the mix for licensing requirements.

14 This requirement in 925 is the manufacturer's
15 exemption for working on their products.

16 And we've had some instances where a manufacturer
17 claimed they had a written warranty for a piece of
18 equipment, and it's based on whether the customer
19 continues to purchase their products, and it goes on
20 forever. So it's unlimited warranty. And they want to be
21 able to come in and replace electrical parts on that
22 equipment on an unlimited basis.

23 The reason for this was this whole exemption is to
24 allow manufacturers to do initial calibration, testing,
25 adjustments and modification incidental to the start-up

1 and replacement of components during the warranty period.
2 So we've put a limit on the warranty period not to exceed
3 one year from the date of original installation of the new
4 product to prevent companies from -- it's basically a
5 service agreement that they do, and they can continue to
6 come in and do electrical work without being licensed and
7 certified.

8 WAC 935 has the same changes that I talked about
9 before with administrator certificates.

10 And there's also a change that's pretty common in
11 other sections where we're eliminating the requirement to
12 provide evidence that the individual's completed CEU's
13 because that's done by the CEU providers, and we do that
14 on-line so the electricians don't have to provide us that
15 evidence. So we eliminated that requirement.

16 And then classes are only valid when all the
17 requirements of 970 are completed. And that is -- the
18 wording in nine -- in 935 with the same wording that is in
19 940 and 942.

20 So RCW 19.28.211 says that before a suspended
21 certificate can be activated, the holder must pass the
22 examination. That was never in the WAC before. So if we
23 suspend a certificate and we put it into this section as
24 well as the electrician certificate section, if they're
25 suspended, in order to be reinstated, they have to pass

1 the exam again. At that's required by statute, but it was
2 never in WAC.

3 WAC 940 has the same changes to the denial of a
4 certificate if they owe the Department money as we
5 discussed before.

6 And also the same changes to do with providing
7 evidence of CEU's, and it takes out the penalty for
8 providing false evidence of CEU's because that's now up to
9 the course providers to do it.

10 And then this in 940 is the same language that if the
11 certificate is suspended, they have to take the exam again
12 to get reinstated.

13 942, we just added -- so clarified that the training
14 certificate that's required for training school students
15 has to be active. So they can have a training
16 certificate, but they have to maintain it active. They
17 never clarified that before.

18 This is the same language in -- that we talked about
19 before about providing evidence of CEU's. And that's --
20 this change right here clarifies that -- the statute says
21 that if an individual owes money under chapter 19.28, then
22 we can deny the certificate.

23 This WAC rule used to say if they owed the Department
24 -- owed the Department money as a result of a final
25 judgment. And that's where the sentence ended. So there

1 was some confusion about whether if they owed industrial
2 insurance premiums, if we could revoke their -- or deny
3 their electrical certificate. The statute doesn't allow
4 us to do that.

5 Okay. This section in 942 is about the work-alone
6 card at the last six months of an apprenticeship. And the
7 statute says that in order to qualify for that work-alone
8 card, they must not have previously failed the journey
9 level exam. So we put that into the WAC. So if a trainee
10 is in the last six months of their apprenticeship, they
11 can apply for a work-alone card. We'll give that to them
12 as long as they haven't failed the exam.

13 This is a clean up of some redundant language that --
14 actually Bethany is the one that noticed this and
15 suggested it. Good job, Bethany.

16 This language here is repeated in -- well, it's not
17 highlighted, but it's down below. It's just redundant,
18 and it didn't make sense, so we just eliminated that.

19 It said -- it's "Repeat of Review process details in
20 (e)(i)(A) through (C) below." So that's where it's
21 located.

22 Okay. This is -- in 970, it's the change to allow
23 instructors that are not -- that don't otherwise meet the
24 requirements for inspectors, and the wording that we came
25 up with after the TAC meeting was that "Subject matter

1 experts approved by the chief electrical inspector who can
2 demonstrate appropriate knowledge of, and experience in
3 the electrical construction trade and working as an
4 electrical/electronic trainer."

5 So it's got to be somebody that is -- has experience
6 in teaching, and they have knowledge of the trade, that
7 they're not a engineer, they're not a certified
8 electrician, they're not one of the other items that are
9 allowed to be instructors. So it gives the Chief the
10 ability to approve additional instructors.

11 CHAIRPERSON PREZEAU: Do you like it, Bobby?

12 BOARD MEMBER GRAY: I like it.

13 SECRETARY THORNTON: He keeps looking at me.

14 MR. MUTCH: "Approved by the chief electrical
15 inspector" is the key word there.

16 So this in 971 for training schools, we eliminated
17 the requirement that the individual provide proof of
18 graduation from a training school. Oh, okay. So the
19 training schools provide the proof to the Department that
20 an individual has graduated. The students don't have to
21 do that. So we eliminated that requirement.

22 This one was at the recommendation of our AAG, and
23 it's under 980 -- WAC 980, Enforcement. And it's to
24 clarify that the Department inspectors also verify that
25 electrical work permits or labels are obtained prior to

1 beginning any electrical work.

2 So before it said that the Department's inspectors
3 and electrical -- (inaudible) -- electrical work
4 inspections. And they do electrical licensing and
5 certification inspections. But it kind of left out the
6 part where you verify that permits -- all the permits are
7 obtained before your work gets started.

8 So that was suggested that we put that in there.

9 Okay. This is WAC 990, and it's about the ability of
10 the Department to suspend or revoke for such time as it
11 determines appropriate the license or certificate.

12 And before under the definition of "serious
13 non-compliance" -- there that term that I talked about
14 before: serious non-compliance. It said failing to
15 correct a serious violation.

16 Well, you may violate by failing to correct it. You
17 certainly violated it by causing it. And that wasn't in
18 there before. So we just added "Causing or failing to
19 correct a serious violation."

20 And I think we're getting close.

21 Okay. WAC 995 is the Electrical Board and the appeal
22 sections. So I think it was two legislative cycles ago in
23 2014, House Bill 2146 reduced appeal bond amounts.

24 So before that if you had a -- if you were issued a
25 citation for \$250 and you wanted to appeal it, you had to

1 give the Department \$200 to appeal it. Well, they reduced
2 that, and the wording that they used was down here. "...
3 ten percent of the penalty amount, whichever is less" --
4 well, "... two hundred dollars or ten percent of the
5 penalty amount, whichever is less, but in no event less
6 than one hundred dollars."

7 So all of the places where it specified that the
8 appeal bond was \$200, we had to go through this section
9 and update it to clarify that the appeal bond amount was
10 changed.

11 So that's what this section is about.

12 And there was another change -- oh, this one right
13 here, before where it said that we would notify the
14 assessed party by personal service or certified mail,
15 that was changed in the statute to say "... using a method
16 by which the mailing can be tracked or the delivery can be
17 confirmed" So that rolled the statutory language
18 into our WAC rules.

19 And that's the -- okay. So this one -- if the appeal
20 is for a suspension, revocation or non-renewal, and it's
21 for the suspension of a contractor's license, the appeal
22 amount is \$200.

23 The statute doesn't have an appeal bond amount for
24 suspension of a certificate -- a person's electrician
25 certificates. So we clarified that for -- okay, "The

1 request for an appeal must be accompanied (by) ... for
2 appeals of nonrenewal due to outstanding final judgements
3 owed to the department." The appeal shall be \$200 --
4 okay, I misspoke.

5 So this change has to do with if the suspension is
6 the result of owing money, then the appeal bond amount is
7 based on ten percent of the outstanding amount. If it's
8 based on something such as serious noncompliance, there's
9 no money involved in that, so we do the \$200 appeal bond.

10 Same change here about the mailing method.

11 997 change is to just clarify that the Department --
12 engineers don't have to submit their reports to the
13 Department. They only have to submit it to the client.
14 It just has to be available to the inspector.

15 And we made the same change in WAC 999 for testing
16 labs. They don't need to submit that report to the
17 inspection office, just have to be available.

18 And that's it.

19 So questions ... for those of you that are still
20 awake?

21 CHAIRPERSON PREZEAU: Any questions for Rod?

22 BOARD MEMBER BAKER: Could you go back to the
23 displaying the 48 hours notice of the load bank temporary
24 installations? Did I get that right? It's 48 hours prior
25 to the temporary installations?

1 MR. MUTCH: It is. For installations that will be
2 energized for less than 48 hours, you have to give three
3 days notice I believe.

4 BOARD MEMBER BAKER: Three day's notice to coordinate
5 the inspection?

6 MR. MUTCH: Yes.

7 So that's in --

8 CHAIRPERSON PREZEAU: It's in 901.

9 BOARD MEMBER BAKER: I think you just passed it.

10 CHAIRPERSON PREZEAU: There.

11 MR. MUTCH: Requests for after hours, weekend
12 inspections. So what it said before, it was requests for
13 after hours or weekend inspections must be made by
14 contacting the local inspector supervisor at least three
15 working days prior to the requested date of inspection.

16 That's what was there before. So we added to that.
17 Or temporary installations that will be energized for less
18 than 48 hours. So three days -- three working days notice
19 for installations that will be energized less than 48
20 hours.

21 There's nothing in there that requires the permit to
22 be purchased until the work's done. So we couldn't, you
23 know, we couldn't put that in there. So what this will
24 probably do is make the customer purchase the permit three
25 days ahead of time and put a request in or contact the

1 local office and schedule it and then purchase the permit.

2 But, you know, there's a lot of these installations
3 that get put in, and I won't say purposely, but I think
4 purposely they purchase the permit, they know it's only
5 going to be there for, you know, a couple hours or so.
6 And they'll request the inspection, and they won't give us
7 an opportunity to do the inspection. So this is just an
8 attempt to give the inspector the opportunity to make the
9 inspection.

10 BOARD MEMBER BAKER: That's in section 900?

11 CHAIRPERSON PREZEAU: 901.

12 MR. MUTCH: It's 901.

13 CHAIRPERSON PREZEAU: Bobby.

14 BOARD MEMBER GRAY: Rod, the section in 215, I don't
15 know that that's a new requirement. You put in there less
16 the cost. Because it has to do with the temperature
17 ratings of the terminals and --

18 MR. MUTCH: Oh, in the NEC?

19 BOARD MEMBER GRAY: Right. So ...

20 MR. MUTCH: So 215 --

21 BOARD MEMBER GRAY: Number 2 right there.

22 MR. MUTCH: -- (2)(A)(1)(A) exception number 2.

23 BOARD MEMBER GRAY: Right.

24 So the listing of the terminals, the temperature
25 rating is based on a foot of conductor when they -- when

1 the standard tests it. And so you've always been allowed
2 to apply that rule to at least a foot of that conductor.
3 And then if you put rated terminals, you've always been
4 able to reduce -- well, not -- I wouldn't say "reduce" is
5 a proper term; you're able to apply the temperature rating
6 of the conductor for sizing it for that distance between
7 those two points. But that would apply to branch circuits
8 or feeders. It's probably just in the way it's being
9 enforced is the reason that they emphasized that
10 exception.

11 MR. MUTCH: So the exception says, "Where a portion
12 of the feeder is connected at both its supply and load
13 ends to separately install pressure connections as covered
14 in 110 14 C 2 it shall be permitted to have an allowable
15 ampacity not less than the sum of the continuous load plus
16 the non-continuous load. You don't have to be --
17 (inaudible) -- 125 percent for the continuous load.

18 BOARD MEMBER GRAY: Right. But that was never
19 prohibited in the first place. So ...

20 That portion of the conductor that's not connected to
21 the overcurrent device, because it's the overcurrent
22 device that drives the 125 percent.

23 So -- anyway. Just --

24 MR. MUTCH: That's not a WAC change. It's just an
25 interpretation of the NEC.

1 BOARD MEMBER GRAY: That's right, yes.

2 MR. MUTCH: It's kind of -- yeah, it may not be a
3 cost savings then.

4 CHAIRPERSON PREZEAU: This is a pretty serious
5 electrical code geek throw-down.

6 BOARD MEMBER GRAY: Yeah, we should take that
7 off-line.

8 CHAIRPERSON PREZEAU: All right. Any other questions
9 for Rod?

10 So as we said before, the Electrical Board
11 historically has always taken some type of action to
12 indicate their acceptance or lack of acceptance of the WAC
13 revisions as proposed.

14 Janet.

15

16 Motion

17

18 BOARD MEMBER LEWIS: I would like to make a motion to
19 recommend revisions to the WAC as proposed by the
20 Department.

21 BOARD MEMBER: Second.

22 CHAIRPERSON PREZEAU: So --

23 BOARD MEMBER BURKE: Is there going to be --

24 CHAIRPERSON PREZEAU: Okay, hang on. We'll get to
25 discussion.

1 So it's been moved and seconded to recommend adoption
2 of the WAC rules as proposed by the Department.

3 Discussion, Dominic?

4 BOARD MEMBER BURKE: On the 408 3 A 2 for the
5 panelboards, what about existing installations? When we
6 go do a retro, we do something, are we going to have to
7 create that barrier? Or how is L & I going to interpret
8 that as -- if I'm doing work inside, you know, like
9 updating grounding and things like that?

10 MR. MUTCH: Certainly if you install a new
11 panelboard.

12 BOARD MEMBER BURKE: Understood. But -- I could pull
13 the cover and the dead front off if I'm working in there.

14 MR. MUTCH: Right, right.

15 Typically unless you are modifying that and replacing
16 that -- so if you're replacing the panelboard with a new
17 panelboard, that would apply. But if you're doing work on
18 a branch circuit in there, I don't think we would enforce
19 the requirements for that part of the panelboard because
20 they were -- they were legal when they were installed.

21 BOARD MEMBER CUNNINGHAM: (Inaudible.)

22 CHAIRPERSON PREZEAU: Can you say that a little bit
23 louder?

24 BOARD MEMBER CUNNINGHAM: What if you ran a new
25 feeder to an existing panelboard?

1 MR. MUTCH: I think that panelboard was legal when it
2 was installed, and that's what you're doing. If you
3 replace or install that panelboard, then the new
4 requirement would kick in. But even -- I think even
5 running a new feeder if the panelboard remains in place
6 and it was legal when it was installed, we would accept
7 it.

8 Now, I saw a picture in the handbook which --
9 (inaudible). It's just somebody's opinion. There's a
10 little clip that is made, and I think the panelboard
11 manufacturers are going to sell it to retrofit. And it
12 just slips over the wire terminal and the conductor where
13 it connects. And it complied with that because it's a
14 barrier that isolates and you wouldn't be exposed to --
15 exposed to terminal.

16 BOARD MEMBER BURKE: I can just see more code geek
17 throw-down in the future if I have to replace a main
18 breaker and I have to lift those feeder conductors and put
19 a new breaker in.

20 MR. MUTCH: Right.

21 BOARD MEMBER BURKE: And it's the existing panel that
22 was legal years ago.

23 MR. MUTCH: Right.

24 BOARD MEMBER GRAY: I know I've talked to an OSHA
25 compliance officer that says unless those barriers are

1 rated for shock protection, then they don't recognize that
2 as a protection from exposed energized parts. So
3 understand it's installation rules, but just be aware if
4 you try to go use that --

5 MR. MUTCH: Right.

6 BOARD MEMBER GRAY: And OSHA comes along, they may
7 not recognize that as a -- (inaudible) -- open up
8 Pandora's box.

9 MR. MUTCH: Exactly.

10 CHAIRPERSON PREZEAU: Any other discussion?

11 So the motion in front of the Board is to recommend
12 to the Department the WAC rule revisions as proposed. All
13 those in favor, signify by saying "aye."

14 THE BOARD: Aye.

15 CHAIRPERSON PREZEAU: Opposed?

16

17 Motion Carried

18

19 CHAIRPERSON PREZEAU: Very good. Thanks, Rod.

20 ASSISTANT ATTORNEY GENERAL REULAND: Ten-minute break?

21 CHAIRPERSON PREZEAU: How are you doing, Milton?

22 THE COURT REPORTER: I'm hanging on. Let's take a --
23 yes, please.

24 CHAIRPERSON PREZEAU: You want to take a break? So
25 let's take a ten-minute break, and come back at five

1 minutes after 3:00.

2

3 (Recess taken. Board
4 member Cornwall did not
5 rejoin proceedings after
6 break.)

7 CHAIRPERSON PREZEAU: All right. So let's get --
8 keep trucking.

9

10 Item 5. Proposed Temporary Electrician and

11 Canadian Eligibility

12

13 CHAIRPERSON PREZEAU: So Mr. Vance, are you going to
14 talk to us about the proposed temporary electrician and
15 Canadian eligibility emergency rule?

16 MR. VANCE: Yes, Tracy.

17 CHAIRPERSON PREZEAU: And I think the Board members
18 when they arrived today, they had a supplement to their
19 Board packets which has to do with language that's about
20 these temporary electrician permits. Does this also have
21 the Canadian piece in it too?

22 MR. VANCE: Yes, it does.

23 For the record, my name is Larry Vance. I'm a
24 technical specialist with the Department of Labor and
25 Industries.

I just kind of want to take for the benefit of Board

1 members that weren't at the last meeting, I just kind of
2 want to rewind to that meeting.

3 Prior to that meeting we were contacted -- the
4 Department was contacted by several stakeholder groups
5 that were very concerned with the supply of electricians
6 in the state of Washington. There was talk of several
7 large projects were either starting now or to be started
8 in the future, and they were concerned that there would be
9 inability to man those projects.

10 So they urged the Department to implement temporary
11 electricians. And we're allowed to do that in statute.
12 It say that we may do that. And we've done it in the
13 past. So the Department pursued that.

14 At the last Board meeting in October, the Board urged
15 the Department to take that action and to also pursue any
16 reciprocal agreements or anything that could remedy that.

17 Reciprocal agreements are, of course, an agreement
18 between two states that essentially gives each state the
19 same ability to have their electricians be licensed in
20 either state. Not having the time to do that, we
21 essentially modeled our emergency rule after what that
22 could look like, meaning that if you were a -- you
23 graduated a state -- if you completed a state-regulated
24 apprenticeship program or if you had passed an examination
25 given by a state licensing authority, you were eligible

1 for examination in the state of Washington and a temporary
2 permit. That's a little higher threshold than what it
3 would take to license to be eligible to take the
4 certification exam.

5 Currently now if you graduate from a four-year
6 Federally regulated apprenticeship, meaning there's no
7 state oversight, you would be eligible to take the
8 open-book examination.

9 We wanted a little higher threshold on just handing
10 somebody a temporary permit allowing them to go to work.
11 We wanted to make sure that they've been through something
12 that was a little bit more rigorous than that.

13 So by November 21st, we had gotten the temporary
14 electrician and also the Canadian electrician language
15 pretty much perfected. It was a little rough, but an
16 emergency rule was filed.

17 Since that time -- and just to go kind of go into
18 what it allowed the Canadian electricians to do, there was
19 reportedly hundreds of electricians in Canada that were
20 available to come to the United States. We did have a
21 barrier in the WAC rules for them to take our
22 certification exam because those coming from other
23 countries outside the United States only were allowed half
24 credit toward examination. So they would only be given
25 4,000 hours of the 8,000 required.

1 Under the emergency rule, we modified that after
2 researching the Canadian requirements for Red Seal
3 endorsement.

4 Canada has a -- throughout all provinces of Canada,
5 you can work as an electrician if you're Red Seal
6 endorsed. It's really the only path to certification in
7 Canada.

8 What it is is that you complete 6,000 hours of on the
9 job and 1,200 hours of classroom training. Now, that's
10 7,200 hours. It sounds like less than our requirement of
11 8,000. But in talking with the officials in Canada, it
12 usually takes someone around seven years to become Red
13 Seal endorsed. They say that's about the average.

14 One of the things in Canada is is a lot of the work
15 is remote, and a lot of the training facilities, of
16 course, are urban. So they get people when they're
17 working, they're not able to get to school, they've got
18 some challenges in those areas.

19 So when we wrote the emergency room, just to make
20 sure that we were not opening the door for 7,200 hours, we
21 wanted to make sure that they had more work experience.
22 So we went ahead and said if you were Red Seal endorsed,
23 meaning that you had 7,200 hours, you passed the Canadian
24 examination, and worked one year, then we would look at
25 you as equal to or equivalent to what we would allow for

1 examination.

2 So to date, we've got four Canadians that have
3 applied and have been approved for the examination. Four
4 Red Seal electricians.

5 As far as the temporary electricians to date, the
6 rule's been in place since the 21st. There's been 29
7 temporary electrician applications. Of those
8 applications, we've issued 16 temporary electrician
9 permits. So 16 in two months. Not a huge rush of people
10 wanting to work, even though there's projects with large
11 -- offering large overtime and what would typically be a
12 lucrative project to travel to.

13 One of the challenges that the Department is faced
14 with the emergency rule is approval for a contractor to
15 employ temporary electricians is fully under the purview
16 of the Chief Electrical Inspector, meaning that there
17 really is no criteria. It was essentially just left up to
18 the Chief Electrical Inspector. We created a standardized
19 form where the contractor would tell us a little bit about
20 the project. We've had projects ranging from -- huge
21 projects, hundreds of electricians that have applied and
22 also just remodels in apartments, small projects,
23 six-person projects. And without any criteria, the Chief
24 Electrical Inspector's been challenged with, you know, if
25 it's good enough for them, why is it not good enough for

1 me. And it really boils down to the risk that the Chief
2 Electrical Inspector's willing to take. If you've got a
3 project with 100 certified electricians on it and you
4 mingle in five temporary electricians with that 100
5 electricians, there's some oversight there. If you have a
6 six-person job and they're remodeling apartments, you
7 don't really have oversight. Typically that person's
8 going to go about the business of remodeling some of the
9 units. Other electricians are going to be working in
10 other units. So we don't know.

11 One of the things that concerns us is that in talking
12 to these folks that are seeking temporary electrician
13 permit, a lot of them are beyond challenged with the
14 open-book examination. They don't want to take it. They
15 say, "I can't do the calculations." Well, a journey-level
16 electrician examination doesn't have intensive
17 calculations. It's got wire fill, you know, motor
18 circuits, you know. Can I take a number and multiply it
19 by 125 percent? You know, it's not terribly challenging.
20 But that's troubling when we're finding people that want
21 to come as temporary electricians and have that low of a
22 threshold of knowledge. So lowering the bar seems like it
23 would be problematic.

24 So currently the bar is just, under the emergency
25 rule, it will expire in 30 days is state-approved

1 apprenticeship -- completion of a state-approved
2 apprenticeship or proof that you have completed or that
3 you essentially completed 8,000 hours of work under
4 supervision and passed an examination administered by a
5 state-licensing authority. And another caveat to that
6 would be that to comply with RCW 19.28.205. They would
7 have to prove that they had 96 hours of in-class training,
8 which is not huge lift. I mean, that's the minimum
9 requirement here in this state, and we're just looking for
10 people that have equivalent experience.

11 So moving forward, the Department has filed a CR101
12 to move toward permanent rules as far as the temporary
13 electricians and the Canadian electricians. And what you
14 have in front of you is draft language with some
15 thresholds in it to help the Chief Electrical Inspector
16 better be perceived as fair when it comes to evaluating
17 whether to approve or not approve someone's application to
18 employ temporary electricians.

19 So there was previously no thresholds. And if you
20 look at subsection (12) of this proposed rule, and it says
21 -- this is a new section. Currently it's -- under the
22 emergency rule, it's known as WAC 296-46B-938. And I
23 don't know that under permanent rule that it will retain
24 that number. But as far as I know, I'm calling this a new
25 section for the purposes of a permanent rule.

1 So what the proposal is is that "Applicants are
2 eligible to employ temporary electricians on a ... jobsite
3 if (the) applicant" -- and we're talking about contractors
4 now -- the "Applicant is a properly licensed (01) general
5 electrical contractor; and ... All shifts where the
6 applicant is employing certified electricians and
7 temporary electricians on the same shift are sustained at
8 fifty or more hours per week; and ... Any shift where the
9 applicant employs temporary electricians has no less than
10 fifty Washington certified journey level electricians
11 employed by the applicant; and ... The ratio of certified
12 journey level electricians to temporary electricians
13 employed by the applicant on the jobsite shall not exceed
14 5 (to) 1; and ... The project is not subject to ...
15 electrical plan review requirements of WAC 296-46B-900,"
16 meaning no schools, no hospitals, no -- none of those
17 critical facilities. "And ... The project does not
18 substantially consist of work on structures having
19 dwelling units, guest rooms, guest suites, dormitories or
20 similar occupancies, and ... The applicant has received
21 written approval from the chief electrical inspector to
22 employ temporary electricians on their jobsite."

23 And the "and" there needs to be scratched.

24 So essentially that's an attempt -- that's some kind
25 of attempt to put a base level in there. Because are

1 temporary electricians needed -- should we be taking that
2 risk when there's not a need. I mean, if it's a
3 40-hour-a-week job, there's no urgency, there's no threat
4 to the economic vitality of Washington, should we be
5 taking that risk.

6 I think what we're looking at given the numbers that
7 we're looking at here with just 29 applications and 16
8 issued, I'm wondering what the Board's feeling is on the
9 effectiveness of moving forward with a permanent rule for
10 temporary electricians.

11 Canadian electricians are not hampered by our rules
12 under the emergency rule or they wouldn't be hampered by
13 those rules under the permanent rule if it were to become
14 permanent. Their largest obstacle is immigration laws,
15 the ability to come into another country and essentially
16 take a job that a citizen would be eligible for.

17 So I'm not sure -- I guess we're looking for advice
18 as to what to do moving forward. Should we pursue
19 permanent rule-making for temporary electricians? Should
20 we pursue permanent rule for the Canadian allowance for
21 Red Seal electricians -- Red Seal endorsed electricians?
22 That's really, you know, probably the point we're at
23 today.

24 The emergency rule does expire in 30 days. We can
25 extend that emergency rule if the Board were to advise us

1 to without making a permanent rule.

2 Steve, do you remember how many times we can -- we
3 can almost indefinitely extend the emergency rule?

4 SECRETARY THORNTON: Yeah, I don't think there's a
5 limit to how many times.

6 MR. VANCE: I don't think there's a limit.

7 So I think the Department's looking for advice on
8 what the Board feels is a good direction to go here with
9 this.

10 CHAIRPERSON PREZEAU: So this is to put this language
11 in practice, right?

12 We used to have this temporary permit many years ago.
13 And I believe its term was 90 days. And so you could --
14 an electrician from Oregon or Idaho could apply for a
15 temporary permit, come into the state of Washington, and
16 if they -- the project that they worked on -- you know,
17 not every electrical project lasts longer than 90 days --
18 they could do that job and they could leave and never
19 actually sit for the examination and become certified in
20 the state of Washington.

21 So -- I don't remember what year it was -- Ron Fuller
22 was still the Chief when the Electrical Board concurred
23 with the Department's recommendation to remove the use of
24 testimony permits. One of the things that was cited was
25 the fact that when we went to an on-line examination

1 process using PSI as that provider, you can -- an
2 electrician in Massachusetts can take the exam -- can
3 qualify to sit for the exam, and take the exam in
4 Massachusetts and not incur expense to come to Washington
5 state. There was a time when they used to have to come
6 actually to Washington state and physically sit for the
7 examination, which was why that temporary certificate
8 seemed to make some sense.

9 But when we updated -- you know, because of that, the
10 journeyman's exam is available to be proctored pretty much
11 anywhere in the United States, it kind of makes that a
12 moot point to some degree.

13 The reason -- and I wasn't involved in the
14 stakeholder discussions with the Department. But there
15 was -- they made a compelling case that, hey, why don't
16 you allow for electricians -- maybe if we can attract
17 electricians to come to Washington state because they
18 might be inspired or motivated to do so if they know that
19 they could come here and get a job under a temporary
20 permit, actually gain employment, and then still have a
21 small grace period to sit for the examination and do so,
22 you know.

23 And so -- you know, I'm not going to speak for the
24 Chief, but it's my understanding that his perspective was,
25 well, the Department's not going to stand in the way of

1 progress in Washington. So the thought is that this would
2 allow increased opportunity for contractors to staff large
3 projects of significance to the Washington state economy,
4 then let's try it. And they did.

5 But what Larry, I'm hearing you say is that in the
6 time period, in 60 days or longer, since November 21st,
7 you've had 29 people applied for the temporaries, and 16
8 have been approved.

9 And while I will take the Canadian Red Seal piece
10 separately, and the way my brain works is I'm not
11 convinced that the Department needs to enter into such an
12 elaborate set of rules given that in real-life experience,
13 it really only was taken advantage of by 16 people during
14 this period of time.

15 I think that even though we have no control over what
16 Canadian Red Seal electricians get a visa and which don't,
17 right? because they would need that, but I think that -- I
18 personally see no compelling case to retain in permanent
19 rule the language that has been -- that you've put
20 together regarding the use of temporary electrician
21 permits.

22 I mean, I guess one of the options in front of us, as
23 you said, is, you know, we can recommend to make this part
24 of the permanent rule. We can recommend that you continue
25 to extend the emergency rule to gain more information.

1 What I --

2 ASSISTANT ATTORNEY GENERAL REULAND: Well, I don't
3 know that you can do that. I just pulled up the statute
4 in terms of the temporary rule. So in terms of what the
5 Board can do, I'll read you what the rule provides for
6 emergency -- it's under 34.05.350. It says, "An emergency
7 rule adopted ... may not remain in effect for longer than
8 one hundred twenty days after filing. Identical or
9 substantially similar emergency rules may not be adopted
10 in sequence unless conditions have changed or the agency
11 has filed notice of its intent to adopt the rule as a
12 permanent rule, and is actively undertaking the
13 appropriate procedures to adopt the rule as a permanent
14 rule."

15 MR. VANCE: We have done so by filing the CR101.

16 ASSISTANT ATTORNEY GENERAL REULAND: Right.

17 MR. VANCE: We're in an active rule-making process to
18 make it permanent.

19 ASSISTANT ATTORNEY GENERAL REULAND: Right.

20 I was just clarifying in terms of that you can't --
21 and I do not believe that legally an option is for the
22 Board to recommend that you just keep on going with the
23 temporary rule.

24 MR. VANCE: Right.

25 CHAIRPERSON PREZEAU: Other thoughts? Janet.

1 BOARD MEMBER LEWIS: Well, I think we may be in a
2 time where the temporary would be useful, but that doesn't
3 mean three years from now it's going to be useful.

4 I was reading over this. It sounds like, you know,
5 there's no connection to the 90-day permit with requiring
6 the person to apply for the 01 examination, number one.
7 And that it almost sounds like the Chief could extend or
8 renew after the 90 days. But I don't see any language
9 that says that, you know, you can only renew once or twice
10 or -- it seems very open-ended the way this is written.
11 And I -- if the Board or the Department wants to go
12 forward with something like this, it would take a lot of,
13 you know, examination from all the stakeholders on the
14 current language. It just -- after the first reading, it
15 seemed very open-ended on how long you can have a
16 temporary permit.

17 MR. VANCE: It is specific that it be 90 days.
18 Temporary -- it's under subsection (2).

19 BOARD MEMBER LEWIS: Right. But then read the last
20 sentence. "... it will not be extended or renewed."

21 MR. VANCE: Right.

22 BOARD MEMBER LEWIS: So what does that mean? That
23 feels that it could be renewed.

24 MR. VANCE: That means 90 days.

25 BOARD MEMBER LEWIS: Can it be renewed after 90

1 days?

2 MR. VANCE: No. It says if a temporary permit
3 becomes invalid, meaning it's expired, it will not be
4 extended ore renewed.

5 BOARD MEMBER BAKER: So they can't renew it prior to
6 it expiring?

7 MR. VANCE: Right. Or even if it's expired. If it
8 becomes invalid for any reason -- it could be invalid
9 because of a number of reasons. I mean, it's invalid if
10 they're out working somewhere and they're not working on
11 an approved contractor's job site, it's invalid. They
12 would be cited for a violation of certification rules.

13 BOARD MEMBER BAKER: Yeah, Janet, when I first read
14 it, I thought that it looked like it could be renewed.
15 But it's a one-time issue with a 90-day expiration date.

16 MR. VANCE: Exactly, exactly.

17 BOARD MEMBER NORD: So Larry, a gentleman comes down
18 from Canada. He has the proper documentation. You give
19 him a blessing to work. He's in this country to work for
20 only 90 days or until the job site he's on expires?

21 MR. VANCE: Canadian electricians unless they were --
22 unless they completed a state-regulated apprenticeship or
23 had a state-issued electrician certificate from one of the
24 states in the United States would not be eligible for a
25 temporary certificate. The only allowance for Canadians

1 is is that we will look at them as equivalent. And if
2 they're Red Seal endorsed and they've held that
3 certificate for one year.

4 CHAIRPERSON PREZEAU: So change the --

5 MR. VANCE: It's --

6 CHAIRPERSON PREZEAU: Change your scenario to
7 somebody from Idaho. Don't use the Canadian example.

8 BOARD MEMBER NORD: Yeah, let's go Idaho.

9 MR. VANCE: Okay. Somebody comes in from Idaho, and
10 I don't have my licensing map in front of me, but I think
11 Idaho is a certification state.

12 BOARD MEMBER NORD: Use Nebraska. Because I know
13 right now I've got phone calls from people in Nebraska
14 wondering if there's jobs out here.

15 MR. VANCE: Okay. Let me call the situation here.

16 Let's say that somebody's coming -- and some of these
17 folks, you know, out of the 29, only 16 of them have been
18 approved, there's folks that are coming from states with
19 Federal apprenticeships, they're not regulated by the
20 state, and they're also in a state that does not issue
21 licenses. So these are untested people. I mean, they
22 came from an apprenticeship that's essentially
23 unregulated, no oversight, and they've never sat for any
24 kind of an examination. Under the laws and rules they
25 would qualify for the open-book examination. But they do

1 not qualify for the temp certificate, meaning we're not
2 willing -- the Chief Electrical Inspector's not willing to
3 take that chance on them.

4 The majority of the people -- to the question that
5 was asked whether or not, you know, do they even apply for
6 the examination, under the emergency rule they do. They
7 fill out a what's known as a combined temporary electrical
8 permit application and journey level examination approval
9 form. So you get -- it's \$124. You get a temporary -- if
10 you're successful, you get a temporary permit, good for 90
11 days. You're also approved for the examination. Because
12 we want these people to be on that path to taking the
13 open-book examination.

14 What we find with the remainder, you know, of folks,
15 about 14, 15 people there is they just ask for their money
16 back. They're not interested in taking our open-book
17 examination. It's a barrier because of -- I don't know
18 what reason. Even though they could take it right where
19 they are.

20 The folks in Canada, they're able to take their
21 examination in Canada from PSI as someone mentioned. I
22 mean, you can take a PSI examination not only in North
23 America, but there's actually other testing locations
24 throughout the world.

25 So we're not maybe attracting the most qualified

1 electricians under the temporary rule. There seems to be
2 some folks that are trying to find a place, so to speak.

3 BOARD MEMBER SCHMIDT: So my question: If they take
4 the exam and they pass, they're still bound to only 90
5 days?

6 MR. VANCE: Oh, absolutely not. They're then a
7 certified electrician, and they can work for anybody in
8 the state of Washington.

9 BOARD MEMBER SCHMIDT: In the state of Washington and
10 stay as long as --

11 MR. VANCE: Absolutely.

12 CHAIRPERSON PREZEAU: They're only bound to that
13 specific employer as long as they're operating under the
14 temporary electrician permit. So as soon as -- assuming
15 the 16 successful applicants, what it allows them to do is
16 without successfully passing the 01 examination, it allows
17 them to go work for Prezeau Electric if I've completed all
18 of the -- I meet requirements in section (12). Then it
19 gives them 90 days basically from the date of issuance of
20 the temporary electrician's permit to work in the state of
21 Washington, but I have to successfully pass the
22 journeyman's exam or at the end of that 90 days they're no
23 longer able to work here anymore.

24 BOARD MEMBER SCHMIDT: Recognizing the Federal hours
25 -- the hours in the Federal program? Is that --

1 MR. VANCE: That's what -- the rules speak to
2 nationally recognized training organizations,
3 apprenticeships. That's what the threshold is.

4 We even -- there's a lower threshold out there when
5 you come from a non -- from a state that is not a
6 licensing state, we actually -- it's practically easier to
7 come from one of those states than it is to come from
8 within our state because it's essentially documentation
9 from your employer saying that you were doing electrical
10 work, saying that you've got 8,000 hours of supervised
11 experience, 4,000 of that being commercial and industrial,
12 that actually gets you qualified for the examination under
13 the rules.

14 For temporary electricians, we didn't go down to that
15 level because those are really potentially untrained,
16 untested folks that could come in, you know, through that
17 avenue.

18 One of the other considerations is is that, you know,
19 we tried to set -- under the draft permanent rule here we
20 tried to set some thresholds, but if we don't have
21 thresholds, then you -- you take a company that has -- say
22 they're a Midwest electrical contractor and they've got
23 1,500 employees working in 20 states. They could
24 potentially come into our state, take a pretty sizable
25 project and just cycle people through that that met the

1 temporary permit requirements, never having a certified
2 electrician never working in Washington on their jobs. It
3 could pose a risk to the certification laws here in
4 Washington.

5 So where are the -- you know, if the Board were to
6 recommend going forward with a permanent rule, where would
7 the threshold be? Would it be 50? Would it be 100?
8 Would it be 10? It's -- there's a lot of different --
9 there's a lot of different risk in play here.

10 SECRETARY THORNTON: And just so you know, we've had
11 six contractors apply. We've approved three and
12 disapproved three. The ones that were disapproved, one
13 was a plan-review job at WSU, one was an apartment
14 building, and I think the other one was multi-family. And
15 one of them applied because they had one electrician that
16 they could get to come to work.

17 CHAIRPERSON PREZEAU: Bobby.

18 BOARD MEMBER GRAY: So Steve, what would be an
19 example of what we approved? When I read through this, it
20 seems --

21 BOARD MEMBER BURKE: It's data centers.

22 BOARD MEMBER GRAY: Okay.

23 BOARD MEMBER BURKE: Data center work is what it is.

24 BOARD MEMBER BAKER: Data centers, Sound Transit.

25 BOARD MEMBER BURKE: If you limit it to contractors

1 that heavily, then it becomes essentially useless because
2 -- I mean, it's just too defined.

3 I'd rather see you guys work on reciprocity. I mean,
4 that's what the future needs. That's what the state
5 needs. Right now we're completely closed off to the rest
6 of the country, and it's -- and we mentioned it in
7 October. I think we talked about it for the last two
8 years. It's not going to get any better with the numbers
9 and --

10 I mean, you see the attrition across the country
11 right now. We're talking a hundred -- I think the last
12 projection I saw, it was 110- to 120,000 electricians
13 short across the country within the next two years. We're
14 not vying for the same pool of people in doing something
15 to bring them here. We're essentially going to implode.
16 And a 90 day rule isn't going to do anything the fix it.

17 SECRETARY THORNTON: And of the ones -- you know,
18 when the people initially get their denial letter, the
19 first thing they actually want to know, why, you know.

20 In the e-mail, they sound like they're upset that
21 they got turned down. But when you call them and talk to
22 them and explain what we're trying to do and why we're
23 doing it and that we're just kind of going out on our own
24 to try this and see how it works out, they understand.

25 The two denial letters that I got the e-mails on that

1 I called and talked to them were both from Oregon.
2 Oregon's trying to do the same thing. They're having even
3 bigger hurdles because their jump from Canada is across
4 another, and they're getting more kick-back from their 01
5 electricians.

6 BOARD MEMBER BURKE: Well, another problem here, like
7 to your point, is that, you know, Joe's Electric who
8 builds a big data center sucks up the 200 guys from
9 Washington, and all of a sudden I get a job that is not a
10 data center, but it falls under these stipulations. I
11 can't get somebody, you know. I can't even get temporary
12 people because they fall under this rule. But all the
13 people from this state are already being used on the
14 project that actually exists under this rule. So -- you
15 know.

16 SECRETARY THORNTON: And one of the answers to that,
17 I mean, if I understand you right, is that by allowing
18 these temporaries to come in for the larger jobs, it keeps
19 the larger jobs from stealing men from the smaller
20 companies, which if they can't get them from outside,
21 they're going to get them from somewhere, so they're
22 naturally going to, you know, take them from those smaller
23 companies, which helps the conversation with the small
24 guys that don't apply to this. But still there's some
25 that, you know, if you can do it for one, why can't you do

1 it for all.

2 CHAIRPERSON PREZEAU: Bobby.

3 BOARD MEMBER GRAY: Yeah, I agree with Dominic on the
4 reciprocity, just to go on the record.

5 And I'm really uncomfortable with the Canadian
6 reciprocity. We can control within the U.S. the
7 qualifications of our workers, but we lose a lot of
8 control it would seem to me from the Canadians -- and I
9 appreciate the fact that you've evaluated their programs
10 and things like that. But it just seems to me that we
11 have a lot better control over what would make a qualified
12 electrician than just trusting other countries that
13 they're going to have an equal level --

14 SECRETARY THORNTON: But they're still going to test
15 and pass the test. All they're getting is the okay, sit
16 down and take the test.

17 BOARD MEMBER GRAY: I understand. But -- you know, I
18 don't have to necessarily be a good electrician to be able
19 to pass the test. I just got to be able to have a
20 photographic memory.

21 BOARD MEMBER BAKER: Well, it's the risk, right?
22 They're going to take a risk to come down and within 90
23 days sit for a test and hopefully pass it. If not,
24 they're going back home. Versus if they have a
25 reciprocity agreement, they've got a journeyman's card in

1 their hand, they can come here and go to work.

2 You know, to Dominic's point, you know, we run a
3 five-to-one ratio with these guys. You got 50 of them,
4 you know, over at the data center, you know, 50 Washington
5 state journeymen, you know, there's not very many
6 out-of-state on that job. It's -- when you start putting
7 rules and guidelines in place, well, I can't use in one
8 dwelling units or guest rooms or -- (inaudible) --
9 high-rise in Seattle's dwelling units and guest rooms.
10 So, you know, it limits you to what projects you can use
11 them on.

12 SECRETARY THORNTON: And it does. It limits how wide
13 we want to open the door and how many people that you want
14 to let in for this.

15 BOARD MEMBER BAKER: I think it would be interesting
16 to put this in front of some industry partners outside of
17 this room and get some feedback from them as well.

18 No doubt we need to do something in this state to
19 attract more ...

20 BOARD MEMBER JENKINS: I also concur with Dominic
21 about the re -- repris -- I can't say it.

22 CHAIRPERSON PREZEAU: Reciprocity.

23 BOARD MEMBER JENKINS: Yes, that.

24 I think it needs to be done personally. You know, it
25 was nice when I was going through the apprenticeship

1 program and it was there to be able to -- and people would
2 get their license both directions.

3 And as far as the Red Seal endorsement, I have a
4 little different opinion because I've talked to a lot of
5 people that have worked in Canada, and their Red Seal is a
6 pretty high standard. And so if you take that standard,
7 which is a pretty decent standard as it is, you can
8 compare to their states, then coming over here and making
9 sure they can apply it to the NEC here, I don't have a
10 problem with that at all.

11 BOARD MEMBER GRAY: The problem is we don't have any
12 input into that, right? They're --

13 BOARD MEMBER JENKINS: For the Red --

14 BOARD MEMBER GRAY: They control it. And we don't
15 have any control over it.

16 BOARD MEMBER BURKE: We can't even work in Idaho if
17 we can't ...

18 BOARD MEMBER SCOTT: Yeah, the plumbers are wrestling
19 with the same thing towards the craft people, no
20 reciprocity because these other states require apprentice.
21 They don't have trainee cards. So they're having the same
22 discussions. Just craft shortages throughout right now.

23 ASSISTANT ATTORNEY GENERAL REULAND: Actually from a
24 legal point, Washington used to not have any -- we had a
25 very different bar exam, and we didn't have any sort of

1 reciprocity or anything with other states. We had a
2 different type of exam. Anyone coming in to practice
3 could take the exam. That's changed over the years. But
4 there's different agencies that have different ...

5 BOARD MEMBER SCOTT: It's a really good argument,
6 though, for requiring apprenticeship instead of this
7 trainee system that we have here.

8 We've made the argument to the legislature, both from
9 the plumbing side and I know it happened on the electrical
10 side. But it just hasn't caught fire. So ...

11 CHAIRPERSON PREZEAU: Janet.

12 BOARD MEMBER LEWIS: Well, I think one reason that
13 the state got rid of the reciprocity is because it was
14 being abused, that it looked like, you know, the
15 equivalent from one state looked on paper like it was
16 equivalent, but in reality it was not equivalent. And --
17 I mean, you know, if the state ever goes back to that, it
18 would have to be very tightly monitored.

19 BOARD MEMBER GRAY: It should.

20 BOARD MEMBER BURKE: Yeah, absolutely.

21 BOARD MEMBER SCOTT: And I would point out even in a
22 -- you know, I know on the plumbing side, one of the
23 reasons why they suspended reciprocity with the other
24 states -- the other states suspended it with Washington
25 was because people were coming up from California sitting

1 for the Washington state exam because the Chief was
2 letting them do that, and then going to Oregon and going
3 to work without actually having skills that you passed the
4 test. So they would use Washington certification for
5 Oregon. So that's the abuses you're talking about.

6 CHAIRPERSON PREZEAU: So I understand that
7 reciprocity is a -- you know, I've sat on this Board when
8 we used to be a member of the 14-state reciprocity group.
9 And we removed ourselves from that reciprocity group at
10 the same time we removed the temporary license provision.

11 Given that it's almost 4:00, we probably don't want
12 to open that reciprocity -- have a fully vetted
13 reciprocity discussion today.

14 What I think what Larry and the Chief are looking for
15 is some type of recommendation on this language -- this
16 rule language in front of us and how we feel about both
17 the temporary -- making the temporary electrician permit
18 permanent and recognizing the Canadian Red Seal as being
19 eligible for journeyman certification.

20 So if the Board -- we can make that recommendation
21 through a motion or make a -- not to recommend that in the
22 form of a motion.

23 BOARD MEMBER SCOTT: Can I add more piece of
24 information?

25 Within the plumbing side, there is a move right now

1 to pull the chief plumbing folks in each of Montana,
2 Oregon, Idaho, Washington and Alaska together to have a
3 conversation about reciprocity.

4 So I don't if that's valuable to the electrical side
5 or not.

6 SECRETARY THORNTON: All information is valuable.

7 BOARD MEMBER SCOTT: It can't hurt, can it.

8 SECRETARY THORNTON: No, it certainly can't.

9 CHAIRPERSON PREZEAU: Janet.

10 BOARD MEMBER LEWIS: Is this permanent proposal the
11 same as the emergency rule basically, or is it more -- you
12 know, is it stricter or more detailed?

13 MR. VANCE: The premise is that it's essentially the
14 same as far as qualifying for the temporary permit for the
15 individual.

16 There are -- (inaudible) -- where it was just the
17 purview of the Chief Electrical Inspector in the emergency
18 rule in section (12) there is the essentially the fire
19 walls that you would need to, you know, satisfy in order
20 to be approved to employ temporary electricians.

21 Otherwise, it's essentially the same. Still 90 days.
22 Still state licensing or the state-regulated
23 apprenticeship to qualify. And just those -- some
24 thresholds there for contractors to qualify.

25 Previously, you know, temporary electricians was --

1 it's kind of interesting to read the way the law is
2 written and read the way the old rule was.

3 If you can imagine somebody coming from Idaho coming
4 to work in Washington, and they go into one of our
5 service locations, and they say, you know, "I'd like to
6 get an electrician certificate. I want to go to work in
7 Spokane."

8 And the person behind the counter says, "Well, you
9 know our next electrician exam is going to be in three
10 months. Come back after you've passed that."

11 BOARD MEMBER: In Seattle.

12 MR. VANCE: Yeah. "And it's in Seattle. We give it
13 twice a year."

14 You know, there was those days. Then I think the
15 state went to four times a year. Back when I took it, I
16 took it in Bellevue in a huge room with bubble sheets.

17 Today, I mean, you can schedule it anywhere in the
18 United States almost, you know, any day you want it to be,
19 you know, depending on the load in the facilities. But
20 it's -- we're in a different time. We're in a different
21 time.

22 One thing I didn't add was is that we've had a pretty
23 good increase in volume of calls from out-of-state folks.
24 And once they understand the temporary and how it works
25 and that they'll be qualified for the exam, a lot of times

1 they just say, "Well, why don't I just take the exam."

2 And then it's followed up with the information,
3 "Yeah, you can take it right in your state. Here's the
4 Web site."

5 So we don't know the numbers of people that are
6 actually coming to this state that are taking the exam,
7 coming just because they hear that work is here.

8 It was interesting also in EC&M Magazine that there
9 was an article that was pretty much the verbatim of the
10 emergency rule. So our emergency was in a national
11 publication.

12 So we don't know the traffic on that.

13 Megan Eriksen who's the chief electrical inspector's
14 administrative assistant fields a lot of those calls. And
15 I sit within earshot of her and also hear folks over in
16 our licensing department talking to these folks, and a lot
17 of them are just foregoing the temporary and taking the
18 examination. It's cheaper for them, and they can work
19 anywhere in Washington. They can work on small jobs as
20 well as the big jobs.

21 SECRETARY THORNTON: The word "temporary" probably
22 spurred them to make the phone call, though. That was the
23 big thing.

24 BOARD MEMBER BURKE: So it might be working better
25 than we know.

1 MR. VANCE: Yeah.

2 BOARD MEMBER BAKER: You know, the more I think about
3 it, it is a temporary license. They're restricted to
4 certain facilities. But once they pass the journeyman
5 test, they can go work in those other facilities.

6 SECRETARY THORNTON: They can go anywhere they want.

7 BOARD MEMBER BAKER: So it's only a 90-day moratorium
8 on where they can work on.

9 SECRETARY THORNTON: At the most.

10 BOARD MEMBER BAKER: It's only a 90-day five-to-one
11 ratio. So ...

12 SECRETARY THORNTON: And you could come on the 90-day
13 thing and pass it in a week, and you're off and running.

14 BOARD MEMBER JENKINS: So one of the questions I had
15 is because of timing of the year, you know, it got started
16 you said November of last year, that's not our peak time
17 for work. So I'm kind of curious what would happen if
18 this whole thing had been put in place in say July of this
19 year when the work demand is really going to be high. So
20 I don't know if that would impact our numbers or --

21 SECRETARY THORNTON: Or not through the holidays.

22 BOARD MEMBER JENKINS: Or -- yeah, exactly.

23 The other question I had was, if this does go into a
24 permanent condition, if we wanted to remove it because it
25 went awry in a bad way, what kind of -- how problematic is

1 it to remove this?

2 SECRETARY THORNTON: Well, originally that was the
3 comment we would look at something we could turn on, turn
4 off. But we haven't really gotten to the when do we turn
5 it off stage. We're looking at how to get it opened.

6 BOARD MEMBER JENKINS: And once we do make it a -- if
7 we do make it a permanent rule, how hard is it to adjust
8 it, to feather in some of the items that maybe this is
9 kind of strict, maybe back off on some requirements.

10 ASSISTANT ATTORNEY GENERAL REULAND: You have to do
11 it through rule-making. Once the WAC is in process, you
12 have to go through exactly what we've gone through today.
13 And the Department would have to file the CR101, CR102,
14 CR103, and you go through the amendments.

15 And then remember the Board then provides
16 recommendations to the Department. Because it's the
17 Department who is in charge of the rules.

18 SECRETARY THORNTON: And this particular document
19 still has to go through rule-making. This is the
20 beginning before we go out to stakeholders. This is not
21 part of the rule-making that we went through today. This
22 is going to be a separate one.

23 BOARD MEMBER BURKE: But if we vote today or
24 whatever, we make a recommendation, is that for this exact
25 language? Or is it just saying let's make it permanent

1 and we'll figure it out?

2 ASSISTANT ATTORNEY GENERAL REULAND: My understanding
3 is that the Department is asking for the Board's approval
4 to move forward with the permanent rule-making process for
5 this rule. Because it would have to go through the
6 stakeholders and really the same process. Everybody can
7 make amendments, just what Rod already just went through.

8 I anticipate that that would have to come back --
9 that process would still --

10 SECRETARY THORNTON: And as much as anything, it's an
11 ask for the 26 people and the six contractors that have
12 signed up for it. Is it worth going through a whole
13 rule-making process on its own? Is it doing enough good
14 to go through that effort?

15 BOARD MEMBER BURKE: Until we have a metric, we can't
16 measure. So ...

17 BOARD MEMBER BAKER: I suspect there's a lot of
18 contractors that don't know this is a --

19 SECRETARY THORNTON: Oh, I'm sure there are.

20 CHAIRPERSON PREZEAU: Bobby.

21

22 Motion

23

24 BOARD MEMBER GRAY: I was going to make a motion. I
25 thought I was reading the committee, but I may be wrong.

1 CHAIRPERSON PREZEAU: Well, let's do it and see what
2 happens.

3 BOARD MEMBER GRAY: I move that the Board recommends
4 negative on both accounts.

5 CHAIRPERSON PREZEAU: Is there a second?

6 So let's -- I want to clarify that. So your -- the
7 intent of your motion is for the Board to recommend to the
8 Department not to pursue permanent rule-making with
9 respect to the temporary electrician permit and the
10 Canadian Red Seal; is that correct?

11 BOARD MEMBER GRAY: That's correct.

12 CHAIRPERSON PREZEAU: Is there a second? Okay.

13

14 Motion

15

16 BOARD MEMBER JENKINS: I'd like to make a motion that
17 we do go forward in possible permanent rule-making in both
18 the temporary permitting and the Red Seal endorsement.

19 CHAIRPERSON PREZEAU: Is there a second to that
20 motion?

21 BOARD MEMBER: Second.

22 CHAIRPERSON PREZEAU: So it's been moved and seconded
23 to recommend to the Department to go forward in the
24 exploration of adopting permanent rules regarding
25 temporary electrician permits and recognizing Canadian Red

1 Seal applicants from Canada being eligible to sit for the
2 journeyman certificate examination. Is that your motion?

3 BOARD MEMBER JENKINS: Yes.

4 CHAIRPERSON PREZEAU: Any discussion? Don.

5 BOARD MEMBER BAKER: So this is -- this temporary
6 electrician permit, this is in place now. Did I hear Pam
7 correctly to say it sunsets in about 120 --

8 CHAIRPERSON PREZEAU: Sunsets in 30 days. The
9 120-day clock started November 21, 2015.

10 BOARD MEMBER BAKER: So it sunsets in 30 days.

11 ASSISTANT ATTORNEY GENERAL REULAND: Unless -- what I
12 read through as a statute because I just wanted to
13 clarify. I think it was a little unclear that they could
14 just -- the Department could do another emergency rule.
15 They can't.

16 BOARD MEMBER BAKER: If they're in the process of --

17 ASSISTANT ATTORNEY GENERAL REULAND: They're in the
18 process. So as long as they're in the process of seeking
19 the permanent rule, they've taken the steps. And if they
20 file the CR101, and also they brought it to the Board.
21 That's one of the steps to go forward to make it a
22 permanent process.

23 So then it would continue in effect -- well, they
24 have -- I think you have to renew it --

25 SECRETARY THORNTON: I think we have to file.

1 ASSISTANT ATTORNEY GENERAL REULAND: You have to file
2 and renew it.

3 But they could continue to do that in sequence if
4 they meet the conditions of the statute I read to you.

5 BOARD MEMBER BAKER: My concern is that we have time
6 to reach out to some industry partners to get some
7 feedback and implement any, you know, concepts or anything
8 that they might share with us.

9 SECRETARY THORNTON: And I think as long as we're in
10 the process and it's proceeding down the road, they allow
11 you to keep the temporary in place. They just aren't
12 going to let you extend the temporaries forever and never
13 do anything with it. As long as you're in the process of
14 making it permanent, talking to your stakeholders and
15 people know what you're doing.

16 CHAIRPERSON PREZEAU: So just to clarify the motion,
17 it is my understanding that if you vote in the
18 affirmative, it allows the temporary -- the existing
19 emergency rule to stay in place as long as the Department
20 complies with the statute that Pam read and would allow
21 for other stakeholders to have an impact and give their
22 input on this. So what it -- an affirmative vote, what it
23 is not is saying, okay, this is what we want to be the
24 permanent rule. That's not -- what we're voting on is
25 whether or not you want to recommend to the Department to

1 pursue this avenue of increased stakeholder input around
2 temporary electrician permits and recognition of the
3 Canadian Red Seal to continue those discussions and not to
4 allow the -- which would basically as long as they
5 continue to follow the statute, then the emergency rule
6 would continue to be in place, this temporary
7 electrician's permanent, until -- if and until a permanent
8 rule is actually adopted.

9 ASSISTANT ATTORNEY GENERAL REULAND: In lay -- well,
10 in layman's terms; I shouldn't say that. An affirmative
11 vote would acknowledge and recommend to the Department to
12 pursue a permanent rule. Whatever it looks like at the
13 end, we don't know. It would go through that process.

14 CHAIRPERSON PREZEAU: Kevin.

15 BOARD MEMBER SCHMIDT: Is the temporary rule that's
16 in effect now, is that what is allowing you to accept the
17 hours from the out of state or out of country
18 electricians?

19 SECRETARY THORNTON: Yes.

20 BOARD MEMBER SCHMIDT: And then allow them to take
21 the test and ...

22 MR. VANCE: Right. That was just to issue the permit
23 and approve them for the examination if they qualify.

24 SECRETARY THORNTON: And it allows the Canadian guys
25 to take the test up there.

1 BOARD MEMBER SCHMIDT: Okay.

2 BOARD MEMBER LEWIS: A question.

3 CHAIRPERSON PREZEAU: Yes, Janet.

4 BOARD MEMBER LEWIS: Steve, you mentioned a switch --
5 an on-and-off switch. I mean, it's -- is it possible --
6 maybe it's possible to have a sunset clause on a permanent
7 rule. I'm not sure if that true or not. I mean, we're
8 all talking a permanent rule, but that doesn't mean it's
9 going to last forever, depending on how it's written.

10 SECRETARY THORNTON: If it had a sunset or a time
11 frame on it, though, then when you needed it again, you'd
12 have to recreate it.

13 ASSISTANT ATTORNEY GENERAL REULAND: You'd have to go
14 through rule-making.

15 SECRETARY THORNTON: Yeah. And I thought that if we
16 could, we were just going to just -- I don't know -- kind
17 of a --

18 BOARD MEMBER LEWIS: I mean, this may be feedback
19 from stakeholders.

20 MR. VANCE: And under the temporary rule, the Chief
21 Electrical Inspector will continue to have to evaluate
22 each application to employ temporary electricians and, you
23 know, based on scrutiny or approving some and not
24 approving others. Because the temporary rule currently
25 has no criteria. It's just that -- it's just basically

1 the approval of the Chief Electrical Inspector.

2 So in the permanent rule here, what we're trying to
3 accomplish is setting some thresholds and giving the Chief
4 Electrical Inspector some ability to evaluate the
5 criteria.

6 SECRETARY THORNTON: And for now I'll use this
7 criteria and see what the feedback is. And if everybody
8 thinks that's way too tough, then when we get to
9 stakeholders we'll have to figure that part out.

10 MR. VANCE: By some of the smaller applications that
11 we've had, though, we do sense that there's a certain risk
12 to the bottom so to speak. I mean, I'm going to hire one
13 Washington electrician and I'd like to get four
14 temporaries. That's -- we had that kind of an
15 application, so -- an out-of-state contractor, and that
16 application was turned down.

17 It's challenging because as we talk to different
18 stakeholders, they have different needs. That one has a
19 need for, you know, I'm from out of state; I don't have a
20 core group of electricians here. I -- you know, I need to
21 come in, and I successfully landed this project in
22 Washington, and I understand you've got some temporary
23 rules here, and I'd like to take advantage of them. So
24 how do we build it? That's what our challenge is.

25 BOARD MEMBER LEWIS: Call for the question. Oh,

1 sorry.

2 BOARD MEMBER GRAY: I just want to speak in
3 opposition of the motion. It just feels like we're
4 recommending putting a Band-aid on a severed artery is
5 what it seems to me.

6 I would see -- I would rather motivate them to go to
7 a more permanent solution rather than just continue on a
8 temporary solution.

9 Thank you, Madam Chair.

10 CHAIRPERSON PREZEAU: Thank you.

11 All right. The question's been called for. So the
12 matter before the Board is to recommend to the Department
13 to pursue permanent rule-making regarding temporary
14 electrician permits and recognition of Canadian Red Seal
15 applicants being eligible to sit for the general
16 journeyman's examination. All those in favor, signify by
17 saying "aye."

18 THE BOARD: Aye (the majority).

19 CHAIRPERSON PREZEAU: Opposed?

20 BOARD MEMBER GRAY: Aye.

21 CHAIRPERSON PREZEAU: Okay. Motion carries.

22

23 Motion Carried

24 ///

25 ///

1 Item 6. Secretary's Report

2

3 CHAIRPERSON PREZEAU: All right. Secretary's Report.

4 SECRETARY THORNTON: So I need to make one correction
5 to what I mentioned earlier about the code update dates.6 It's Tuesday, the 14th in Tukwila; and Thursday, the
7 16th in Moses Lake. I think I said the 8th and the 10th
8 the first time. But it's the 14th of March and the 16th
9 of March.10 As far as the Secretary's Report goes, budget-wise,
11 in December the fund balance was \$8.54 million. And
12 that's about 4.4 times what it takes us to operate each
13 month. Last year at this time the fund balance was 8.3.
14 So over the last year, we've been pretty much revenue
15 neutral. Spent just about what we brought in. But the
16 only way we've stayed that close to neutral is because of
17 our vacancy rate. Had we been fully staffed, we would
18 have been going the wrong way. So that's something to
19 keep in mind as we get to fill more positions and stuff,
20 then we'll need to have some more revenue.21 CHAIRPERSON PREZEAU: Which not to confuse things
22 further, but we also have -- the Department also has a
23 rule change regarding a 4.3 percent increase in --

24 SECRETARY THORNTON: Fees.

25 CHAIRPERSON PREZEAU: -- fees.

1 SECRETARY THORNTON: Uh-huh, yep.

2 And also have a ask for more FTE's and a pay raise.
3 So if those things all come through, then we'll have to
4 pay for them somehow.

5 Our average monthly expenditures in 2017 is
6 \$1,959,000, which that's up about \$140,000 a month
7 compared to FY16.

8 Expenditures in the rewrite of the mobile program so
9 far has totaled \$2,211,000, which is about \$505,000 less
10 than had been anticipated. And in the earlier report I
11 said that it was projected to come in at \$250,000 under.
12 So that shows that we probably have about 250 yet to pay
13 on it according to their estimates.

14 Customer service. We had 31,544 permits sold in the
15 last quarter. 28,775 were processed on-line which is
16 about 91 percent. And that's the same as last quarter.
17 95 percent of contractor permits are sold on-line, which
18 is the same as the previous quarter. The on-line stuff
19 doesn't seem to be fluctuating too much.

20 Homeowner on-line sales decreased 1 percent from the
21 last quarter. It's about 58 percent.

22 On-line inspection requests are at 81 percent, which
23 that stays pretty constant.

24 During this quarter, customers made 72 percent of all
25 electrical license renewals on-line, which is a 2 percent

1 decrease from last quarter.

2 As far as our indicators go, our 24-hour inspection
3 requests, we're at 67 percent that we get to the first 24
4 hours. We want to be at 86 percent which is about where
5 we were in 2008. So you can see we're a long ways from
6 where we want to be.

7 So the 48-hour requests, we're at 84 percent. And we
8 want to be at 94.

9 Our participated compliance numbers were 2104, and we
10 were at 1766. So we're about four hundred and -- almost
11 -- not quite 400 short. That goes right along with our
12 vacancy rates and being behind on inspections. So it just
13 all complicates and snowballs.

14 Inspectors stops per day are at 10.9.

15 Electrical corrections, 21,964.

16 Licensing process turnaround time is 100 percent on
17 the same day.

18 Plan review, we have a goal of less than two weeks.
19 We're at about 2.9 weeks right now. Most of that is due
20 to we've got all the school permits in -- or plans in now
21 for approval for this summer. So this is typically a
22 pretty busy time of the year for plan review. Everybody
23 trying to get their plans approved for summer vacations
24 and the better weather.

25 During this quarter there were 5,744 electrical

1 licenses processed. The turnaround time for processing
2 licenses is 100 percent the same day. Besides the normal
3 drop-off during the last two weeks of December, phone
4 calls have remained steady and licensing has been able to
5 maintain its hold times to a minute or less. So they're
6 getting to each phone within a minute.

7 Testing lab reports, there's no new testing labs.
8 One of the field evaluations, American Industrial Testing
9 Labs, is no longer accredited. And Sandy Mikalow III has
10 notified the Department of his retirement.

11 CHAIRPERSON PREZEAU: So I'm assuming that's the
12 reason why American Industrial Testing Labs is no longer
13 accredited?

14 SECRETARY THORNTON: Yeah.

15 CHAIRPERSON PREZEAU: How many testing labs do we
16 currently have?

17 SECRETARY THORNTON: Do we have seven?

18 MR. VANCE: Oh, no. We've got a lot. Twenty-some.

19 CHAIRPERSON PREZEAU: And then Steve, not to extend
20 things, but this asterisk that is in the electrical
21 scorecard number 3, the percent of warnings by violation
22 type?

23 SECRETARY THORNTON: Uh-huh.

24 CHAIRPERSON PREZEAU: So will you walk us through
25 that? Will you explain those percentages please.

1 SECRETARY THORNTON: So of all the licensing
2 citations we've issued, 22 percent of those are warnings.
3 Of all the certification -- yeah, they don't add up to
4 100.

5 CHAIRPERSON PREZEAU: I underst -- okay. So if you
6 were -- of all the --

7 SECRETARY THORNTON: So let's make it easy. If we
8 wrote 100 citations for licensing, 78 of them would be
9 real, 22 would be warnings.

10 CHAIRPERSON PREZEAU: So these are all just
11 respective --

12 SECRETARY THORNTON: Yeah, like a percentage of
13 warnings to real citations for each one of those
14 categories.

15 CHAIRPERSON PREZEAU: Okay. Questions for the
16 secretary? Jason.

17 BOARD MEMBER JENKINS: Concerning the test labs,
18 when's the 2017 code questions going to be in effect? And
19 how does that --

20 SECRETARY THORNTON: We're going to adopt the code on
21 July 1st. But the test questions won't be updated for
22 about a year, somewhere in --

23 BOARD MEMBER JENKINS: So we're looking at a year
24 before the 2017 code being tested then.

25 SECRETARY THORNTON: Yes.

1 Item 7. Certification/CEU Quarterly Report

2

3 CHAIRPERSON PREZEAU: Which I'm sure Mr. Vance is
4 going to talk about in his Certification/CEU Quarterly
5 Report.

6 This is when we -- like there's a lag. I think the
7 question bank for the examinations is somewhere in the
8 order of 2,500 questions. So there's even -- once the
9 2017 code is adopted, there'll be a point in time when the
10 Department is administering exams that are still under the
11 '14 code. And then we've done -- faced this previously,
12 which is a very nice segue for your report, Mr. Vance.

13 MR. VANCE: Thank you, Tracy.

14 For the record, my name is Larry Vance. I'm a
15 technical specialist for the Department of Labor and
16 Industries.

17 I've got answers. The Board's asked questions about
18 what I refer to as our frequent flyers. Why does somebody
19 show up on an exam report in their 25th attempt; how does
20 that happen?

21 And according to PSI, what happens is is that anyone
22 that starts the examination process, their count is
23 sequential. That person might have been taking the exam
24 for the last years, and this is their 25th attempt. That
25 doesn't mean that they took it 25 times in this reporting

1 period. It just means that it's their 25th attempt.

2 So they sent me data on 2016. And in 2016 there was
3 5,076 attempts at different examinations. Of those -- the
4 question was -- is there's interval requirements in the
5 rules as far as how many times that they limit people, how
6 many times they can take an examination in a given year.
7 It's five times. If they fail and then wait two weeks,
8 fail and then wait two more weeks, fail and wait three
9 months, fail and wait three months, fail and wait three
10 months -- it's actually six because if they fail and wait
11 three months, they would take it again.

12 So out of 5,076 attempts, there was 19 incidences
13 where they were -- where persons had more than six
14 attempts. Actually there was only 13. Wait a minute.
15 Now you're making me go backwards here. I'll have the
16 number for you.

17 One person took it eight times. Six people took it
18 seven times. And so that is seven people out of 5,076
19 attempts. There's certain times when they have a failure
20 in a testing facility. Maybe the computer locked up.
21 Maybe there was noise. Maybe there was power outages,
22 that sort of thing. So what they'll do is override it and
23 let them test again.

24 And so it really does show that they do have the
25 system in place that they haven't had in the past because

1 we have seen people that have taken the examination quite
2 a few times in a given year. So they do have the
3 safeguards in there.

4 Even that frequent flyer there, they reported on the
5 frequent flyer. The candidate who has 24 attempts since
6 2010, he only tested four times in 2016. So that would be
7 test, wait three months, test, wait three months, test,
8 wait three months, and test -- three months.

9 So that's the information that I have from the PSI.
10 It sounds like everything's in order. It sounds like
11 they're cleaning things up.

12 There was some anomaly with the 2008 exam. Because
13 exam approvals are good for a year. Why are there still
14 people taking the 2008 exam? Well, they did have some
15 people that started -- they were approved to test on the
16 2008 exam after the 2008 exam should have been retired.
17 They removed that examination.

18 Going forward, we may want to approach examinations
19 differently. The Department -- because there's a code
20 change doesn't mean that the examination changes
21 drastically. We may just want to flip the switch, so to
22 speak, go from the 2014 to the 2017 and never have people
23 testing on two different versions. If you just so happen
24 to be testing during that period of time, you're just
25 going to -- you're going to test on that new exam

1 platform. There's going to be a few different questions.
2 It's a random test anyway. You're always going to get
3 different questions. You never know what you're going to
4 face. So moving forward, we don't -- you know, we'll look
5 at that so that we don't have two versions of the exam and
6 all of these things to manage.

7 So the data -- we'll still have the pass rate for the
8 examination; we'll be able to monitor that. I don't see a
9 lot of risk in that. Why make our testing company -- why
10 make PSI manage two different sets of the examination. I
11 don't think it's a big burden for anyone taking it. It
12 wouldn't be a burden for me taking it.

13 It sounds like PSI certainly has their ship in order
14 here. And it took a little while because these are all --
15 a lot of it's from what I understand are programming fixes
16 within their system and for their staff. So it sounds
17 like everything's in order.

18 CHAIRPERSON PREZEAU: Great, great. Questions for
19 Larry?

20 MR. VANCE: Good deal. Thank you.

21

22 Item 8. Public Comment(s)

23

24 CHAIRPERSON PREZEAU: Okay. So we are now under
25 public comment. And I am going to make sure -- so -- and

1 I'll give these to Bethany, but the appeal sign-in
2 reflects folks that appeared before the Board previously,
3 and their matters resolved.

4 And so we have two folks that have requested to
5 address the Board under public comment. The first being
6 Mr. Al Philips.

7 MR. PHILIPS: Good afternoon. I'm Al Philips. I'll
8 be as quick as I can. It should be just one or two
9 minutes. I've been a representative of a group called the
10 2017 RCW and WAC Improvement Initiative. I've been
11 working with my state senator for about three years on
12 this. And in 2016 we got a bunch of people together and
13 to support improvements to the WAC.

14 There are approximately 400 different individuals who
15 have shown up working with our local issues and 40
16 companies were represented.

17 And the subject is about what we call specialty
18 electricians and the issues that they're confronting.
19 Some of the people in your group right now knows that the
20 01's are having difficulty manning all positions. That
21 also applies to the specialty electricians in the state of
22 Washington.

23 Specialty electricians that we address are important
24 people doing essential work at essential jobs. They're
25 not -- sometimes they feel like they're being thought of

1 as minor electricians, but they all actually are gainfully
2 employed.

3 Approximately a 16 percent loss in the last ten years
4 of 01's and 02's, and in the state of Washington we lost
5 about 23 percent.

6 So to support that, we came up with approximately
7 three proposals. We started off with 13. You saw a
8 number of them that went through the TAC. The TAC gave us
9 some good feedback in that they didn't accept any of them.
10 But as part of that process, they did make some comments
11 that would be appropriate such as one of the proposals was
12 to allow trade electricians working in trade at a certain
13 time frame to be treated exactly like the 01's were
14 treated in 1973 on July 16th, which was to be given a
15 card.

16 Listening to what Steve and other people have told
17 us, 1) it had a conflict with the RCW, so we came up with
18 some RCW modifications, and 2) those people probably ought
19 to be tested, not just be given a card.

20 So we changed our proposal to include 96 hours of
21 NC's and passing the associated specialty electrical exam.

22 So specifically we recommend taking 07C's, which are
23 a 2,000 hour person allowed only 240 volt access, that
24 period of experience to be credited towards 07. That
25 makes the 07C pipeline to be a viable job option.

1 At the moment that population is just crashing
2 because there's no real jobs for them with the way it's
3 described today. It mimics the 06B to 06 HVAC.

4 We're saying that any certification in the state of
5 Washington when a person is working within their trade,
6 that certification should not have to exceed 8,000 hours.
7 Now, if that trade is only using part of his time like a
8 boiler tech, part of his time's electrical, other time
9 he's working on boilers, he's got significant
10 qualifications across the board, he may not be getting the
11 right number of electrical experience hours in a time
12 frame, but he's getting his 8,000 hours of trade time.
13 And as such, we think that all certification should cap at
14 8,000 hours.

15 Finally, we think that just like the 01's that the
16 people working in trade have not lost their skill set,
17 that they were working in trade in 2002, that they should
18 be able to be grandfathered, and that grandfather window
19 should not close.

20 Lastly, we are recommending that military individuals
21 get more certification hours towards certification.

22 Jason, you made a comment that you were an
23 electrician's mate. Was that in the Navy?

24 BOARD MEMBER JENKINS: Yes.

25 MR. PHILLIPS: Was that surface or submarines?

1 BOARD MEMBER JENKINS: Both.

2 MR. PHILLIPS: Both?

3 So if you get a motor on a submarine, it was usually
4 a Westinghouse or a G.E., right? Three wire?

5 So electricians may coming across. What he's lacking
6 is NEC.

7 BOARD MEMBER JENKINS: Yes.

8 MR. PHILLIPS: So we took that input from our
9 meetings with L & I and at the TAC and require that the
10 gentleman that would be coming out of the military get 96
11 hours of NEC training through the CEU process.

12 I run an apprentice program. I also run a CEU
13 training program. And those programs I have noticed, none
14 of the guys coming out of being an apprentice or training
15 actually uses the NEC on his job site. They get their NEC
16 experience through the CEU's. What they do on the job
17 site, "Hey, I want you to do this. This is how we do it.
18 I want you to do that." And that's the majority of those
19 guys. A few of them obviously use the NEC. But when I
20 was trainee, I didn't use the NEC. If I had a question, I
21 talked to somebody. Unfortunately I think I -- like a lot
22 of electricians, I don't like books ... initially.

23 So my thought was to get the respect in the -- for
24 the servicemen is if they get their hours but make them do
25 the NEC and test prior to getting their certification.

1 I also work with Army Corps of Engineers and seabees
2 and those guys don't use any -- you see all the time on
3 Federal properties -- (inaudible).

4 So that's my feedback. I'm just telling you that our
5 group has gone through the process. And from what Rod has
6 informed us and so on and so forth, many of the issues
7 that we're concerned with need to be adjusted at the RCW
8 level. And that's where we're going. This is just
9 information for you because we're going to the next step.

10 I'm available if you got questions. I handed out
11 phone number. And I know that everybody wants to hit the
12 road, so important questions I'll take now. Otherwise,
13 I'm available.

14 CHAIRPERSON PREZEAU: Questions for Mr. Philips?

15 BOARD MEMBER BURKE: I want to thank you for being
16 part of the process. We need it.

17 MR. PHILIPS: Thank you.

18 CHAIRPERSON PREZEAU: Okay. And the only other
19 person that signed up for public comment is Mr. Tim
20 O'Donnell who is still here.

21 MR. O'DONNELL: Madam Chair, thank you for your time,
22 Board. I'm Tim O'Donnell. I'm the business manager for
23 IBEW Local 76 in Tacoma. We represent most all of the
24 electrical inspectors in the state along with ECORE.

25 I'm just here to go on the record supporting the

1 proposed rule changes that are partly a product of the
2 Technical Advisory Committee process, which me and one of
3 my staff members were here watching during the whole
4 process of that. The TAC process was and is fair. And
5 every proposal was voted on by the stakeholders in the
6 industry for recommendation to the Electrical Board as
7 well as the Chief Electrical Inspector and the Director of
8 L & I. So I'd just like to go on the record with that.

9 And I'd also like to go on the record thanking the
10 TAC committee and you folks for your time today because I
11 know it's been a long day for you. I came in a little
12 later than you guys started. So thank you for your time.

13 CHAIRPERSON PREZEAU: Milton, do you need him to
14 spell his last name? Are you okay?

15 THE COURT REPORTER: Go ahead and spell it, please.

16 MR. O'DONNELL: O-D-O-N-N-E-L-L.

17 THE COURT REPORTER: Thank you.

18 CHAIRPERSON PREZEAU: Okay. Randy.

19 BOARD MEMBER SCOTT: Can I just point out something
20 that kind of came across my phone here earlier today?

21 The State Building Code Council, there is a --
22 there's a bill before the legislature it looks like that
23 is going to make a few changes. And of the changes that
24 is kind of interesting is moving to a six-year code cycle.
25 And I don't know how that affects the NEC. But all the

1 other codes, the building code, the plumbing code, the
2 fire code, I just thought I'd bring up the topic so people
3 are aware. That's doesn't quite jibe with the regular
4 code cycle. So -- I'm not even really clear, to be honest
5 with you, what cycle the NEC is on.

6 BOARD MEMBER CUNNINGHAM: NEC's three years.

7 BOARD MEMBER THORNTON: Three years.

8 BOARD MEMBER GRAY: ANSI requires a minimum of five.
9 So interesting they could go to a six.

10 BOARD MEMBER SCOTT: This has come up in the last two
11 legislative terms, so I don't know where it's going to go,
12 but I just wanted to make everybody aware that that's out
13 there right now.

14 CHAIRPERSON PREZEAU: Okay. I know everybody's eager
15 to go.

16 Bethany, do you want to -- parking.

17 MS. RIVERA: Yeah. If everyone could just bring me
18 their envelopes or mail them to us, and we'll take care of
19 them.

20 CHAIRPERSON PREZEAU: So you guys, we've been through
21 this at the Rhodes Center before. Go to your car. Bring
22 your envelopes back here to Bethany, then you don't have
23 to submit a reimbursement sheet. If time is of the
24 essence and you want to utilize the reimbursement sheet,
25 then take your envelope if there is one, exit the building

1 and submit it to the Department for reimbursement.

2 Any questions about that?

3

4 Motion to Adjourn

5

6 CHAIRPERSON PREZEAU: The Chair would entertain a
7 motion to adjourn.

8 BOARD MEMBER NORD: Motion.

9 CHAIRPERSON PREZEAU: Is there a second?

10 BOARD MEMBER JENKINS: Second.

11 CHAIRPERSON PREZEAU: It's moved and seconded to
12 adjourn. All those in favor, signify by saying "aye."

13 THE BOARD: Aye.

14 CHAIRPERSON PREZEAU: Opposed?

15

16 Motion Carried

17

18 CHAIRPERSON PREZEAU: We are adjourned.

19 (Whereupon, at 4:30 p.m.,
20 proceedings adjourned.)

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