



## ELECTRICAL BOARD

BOARD MEMBERS:

JIM HOLDER-CHAIRMAN  
ROBERT M. FORISTER II – SECRETARY  
STEVE GLENN- MEMBER  
DAVID H. LEINEN – MEMBER  
MOUSA FINO – MEMBER

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## ELECTRICAL BOARD APPEALS August 8<sup>th</sup>, 2008

**Call to Order:** The meeting of the Wyoming State Electrical Board (the "Board") was called to order by Chairman, James Holder, at 9:10 a.m. on Friday, August 8<sup>th</sup>, 2008 at the City Hall-City Council Chambers, 200 North David Street, in Casper, Wyoming.

**Roll Call/Members**

**Present:** Roll call was taken by Stephanie Wagoner. James Holder – Chair; Rob Forister – Secretary, Steve Glenn - member; Dave Leinen – member; Mousa Fino - members were all present.

**Approval of Minutes:**

**Rob Forister moved that the minutes of the April 24, 2008 meeting be approved. Steve Glenn seconded the motion. Motion carried.** Reading of the minutes was dispensed with.

**Present employees of  
The Department of Fire  
Prevention &  
Electrical Safety:**

Lanny Applegate – State Fire Marshal; Mike Carlson – Assistant State Fire Marshal; Rick Michon – Electrical Inspector; Bruce Trembath – Electrical Inspector; Borgia Noel – Electrical Inspector; Megan McWilliams – Electrical and Fire Prevention Administrative Secretary; Stephanie Wagoner, Minute Taker were present.

**Others Present:**

Others present at the meeting were Steven Tatarek - Citizen; Cori Gerlitz -ABC; Mark Latimer - ABC; Karen Swindells – U.S. Department of Labor; Steve and Jill Leinen – Primary Electric; Don Pallotto-Citizen; Harvey Humphrey – IBEW #415; Chris Jepson - Electrical Contractors; Paula Gordinier - LSO; Rocky Anderson - JATC; Josh Carnahan – ABC of Wyoming; Tom Reeder – Anchor Electric; Patrick Carlson - NECA; Charles Frantz – Silvertip Electric; Bruce

Johnson – IBEW #322; Charlie Dockham – IBEW #322; Paula Eastin – CLP Resources; Brian Hanify; and Aaron Atwell – CLP Resources.

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Appeal – Steve and Jill Leinen – Primary Electric:

James Holder says, “It is 9:15 so I’ll open the hearing- This hearing has been requested by the petitioner Mr. Leinen and Mrs. Leinen. The State Electrical Board will conduct this hearing. The board will hear both petitioner and the respondent and witnesses as requested by both parties. In a few minutes I will swear in, as a group, any people who plan to provide witness testimony, answers to any questions or have any dialogue concerning the appeal. When all testimony has been heard and the Board has asked questions as they see fit, I will close the hearing. The board at that time will enter into deliberation to make their decisions. We must remember that after I officially close the hearing their can be no additional questions or answers, only deliberations of the Board. First I would like to make introductions, the board-myself Jim Holder, Rob Forister, Mousa Fino, Steve Glenn, and Dave Leinen which excused himself. The petitioner Steve Leinen and Jill Leinen. The respondents, Wyoming State Department of Fire Prevention and Electrical Safety, Lanny Applegate-State Fire Marshal, Mike Carlson-Assistant State Fire Marshal, Mic Finn-Senior Assistant Attorney General for State of Wyoming, Bill Russell also with the State of Wyoming Attorney General, Kevin Booker-Chief Electrical Inspector and Stephanie Wagoner-Recorder of proceedings, HR Manager, Executive Assistant to the Fire Marshal. Will those in the audience please introduce yourselves and state who you are representing if you want to say anything in this hearing procedure. Please step up.”

Jill Leinen says, “I’m Jill Leinen co-owner of Primary Electric.”

Steve Leinen says, “I’m the other owner. I’d like to thank the board for letting us talk, first of all. Given a chance to speak a few words.”

James Holder asked if there was anybody else who wanted to say anything-

Steve asked if there was anybody else that had something to say about the courses rejected by the state Cori Gerlitz says, “I’m Cori Gerlitz from Associated Builders and Contractors Rocky Mountain Chapter in Colorado.”

Mark says, “Mark Latimer President of the Rocky Mountain Chapter of Associated Builders and Contractors.”

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Borgia says, "Borgia Noel State Electrical Inspector, Fire Marshal's Office."

James Holder says, "We've got one more."

Charlie says, "Charlie Dockham business manager for Local #322 International Brotherhood of Electrical Workers."

James Holder says, "Anybody Else?"

Rocky Anderson says, "Mr. Chairman I don't think the mics are on or anything in particular when their backs are to us, we can't hear anything, we have a hard time hearing you guys, let alone hearing half of it."

James Holder says, "Can we check that out?"

James says, "Jill could you test the mic?"

Jill says, "Testing, testing. I can talk loud."

James Holder says, "You want to try something else Mike?"

Mike Carlson says, "I don't have a license to do this."

James Holder asked, "If everyone signed in on the attendance sheet, just making sure. Okay, now all those who put their name in for speaking of this appeal, I need to have you raise your right hand and take an oath. Lanny Applegate says, "Mr. Chairman, may I just make a clarification if I may, Borgia Noel is not here to represent the Department of Fire Prevention and Electrical Safety when he has to speak he was only in communication with questions as a previous member of the electrical board. Because of the denial, at that time he was on the board."

James says, "Everybody raise your right hand. I swear to tell the whole truth, I got it written down here somewhere, I can't find it, tell the whole truth, nothing but the truth, so help me God. Okay, is that alright? I screwed that one up, didn't I? Bill Russell-" "That's good enough." It's here somewhere. It's written down I swear, I found it. Okay. Alright. This is very important for the Board to understand exactly what it is the petitioner is appealing to the Board, so I would ask the petitioner to make your statement. This statement will be used by the Board at the end of the hearing to make a motion as to rule in favor of the petitioner or to uphold the original decision of the department. All questions and

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comments will be directed through the Chair. Okay, Jill, if you would make your opening statement.” Jill says, “And honestly, I wasn’t really expecting a decision on my particular program today because I’m feeling my rejection on my program that I understand that the Board is still discussing how they are going to do the program it is my understanding, but I’m just speaking to um Primary Electric’s application for their apprentice program to be continued, basically. I am the paper pusher, secretary person for Primary Electric so I don’t really speak to the electrician part of it which is why Steve is speaking after me, but I am the one who does all the paperwork, sends in the application, looks at the correspondence courses or electrical training programs, administers and proctors exams to our apprentices, so that’s where I am coming from. So, I’m trying not to make this too confusing, but in all, it was very confusing to me how this all occurred actually when our apprenticeship after nine years was denied this year, when we’re doing the exact same thing we have done for nine years. Um, I got my usual application, which I am sure you are all very familiar with; I have a copy of my application here sent to me by the State. It lists a lot of definitions on the first page; one of them is an established approved program, which since I have had an established approved program for nine years, I assumed I fell under this category. Established approved program and goes on to clarify, a program developed by an independent training organization that has received prior approval from the Board for their curriculum. A list of established approved programs is attached with the application. The list that we all received, that says, here’s the programs you can use. So, it goes on to say all of the programs are considered developed in house and an entire application must be completed. My understanding of that was, if I use an approved program off the list that says at the top that these are approved programs, that I was not developing an in house program. The definition here seems to imply that an in house program is something that I was ambitious and smart enough to go develop my whole own program and curriculum and then take it to you guys and you would approve it, that’s my understanding of what an in house program is, and that’s certainly what your Rules and Regs imply, also. So, as usual, went to the list, picked out the first program on the list, which I’ve done for nine years, and for no particular reason, except for it was at the top of the list, um it’s the Associated Builders and Contractors ABC Contren Wheels of Learning Program, that’s the one that I have always used. Um, not just a curriculum but a program, I also have here the schedule of this program, that lists the hours that this program gives. It’s more than 144 hours of equivalent time, not classroom time, but correspondence time, but it is

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over 144 hours for every year and it meets all the requirements of the code curriculum that are stated in the application you sent me. So, sent out my application, the choices when filling out the form are, list the format in which the training program is offered, my choices were; educational institution, in house, which I've already clarified I didn't think I had, or correspondence, those are the choices I was given. So I picked correspondence, because that's what kind of program I have. Uh, the next line does say, list the months, years, days the classes are held. I didn't fill that in because on the line before, I had already indicated it was a correspondence course. Correspondence by definition is not an in house education classroom time, classroom program. I mean if its correspondence, it's not in classroom, if it's in classroom, by definition it's not a correspondence course. Those two things are kind of mutually exclusive of each other. Um, so I picked the same one, sent in my curriculum, sent in my application as I always do. Sent it in, in February way ahead of schedule so I wouldn't have any problem with my apprentices when Summer came. Didn't hear anything back until June 9<sup>th</sup>, when I got a vague letter from the Department that states, we regret to inform you the State Electrical Board has denied the in house apprentice training program, which I didn't even think I had an in house program, I thought I had an approved program off of the list, but I've been denied for my in house, even though I didn't think I had an in house program, so that came to me in June about the same week I got my renewals for my apprentices. Well, I couldn't renew any apprentices because now I don't have an apprenticeship training program apparently, but didn't know this even though I sent my application in February you told me this in June, when you start reregistering apprentices. And that's all the letter said, it didn't give me any direction, you know why your program is suddenly denied after nine years, what you need to do different, there was really no direction to tell me where to go with this, so same week, actually three days later, didn't get any direction from the Board why it has been denied, did get a letter from ABC though, kind of trying to clarify what their interpretation of why they think the Board is no longer accepting their program. So, first thought was I'm going to educate myself, went online, tried to find some meeting minutes, which I think the public Board outta have some minutes available so that we all know what your discussing and making decisions on. No meeting minutes are available, apparently. Called Kevin, he was a God send, honestly, he's so hopeful. He said he didn't have these minutes either. No one knows where the minutes are which, I find a little questionable that four months after a meeting you can't put out some minutes so the public knows what you're doing. Um, so since I couldn't get any minutes, I decided I

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would just individually address all the Board members, send you all letters, so I went online also again, this is a technology age were in here, um to get all of the Board members. Got off this list, last updated in 2006, which some of these peoples commissions have already expired. Um, so that wasn't really all that useful, once again Kevin extremely helpful, gave me a list of who the current Board members really are. Um, didn't send out letters to all the Board members, um to those who responded thank you very much, uh, actually two out five people did respond to my complaint or my concerns about my program, uh had some concerns once again about how I was responded to. Um, one of the Board members, I'm not going to say who, actually told me if you want all your problems to be over, just go JATC, join the Union. I understand the Board is made up of independent and Union contractors, electricians; it should be an equal mix. The state of Wyoming has the Union contractors, they have independent apprentices. I think it's great and perfect the Board is made up of both. What I have a problem with is, I think it is a little ethically and legally questionable when someone calls me or my husband and says I'm representing the Board and tries to recruit me for the Union. I find that a little questionable. Um, I think people need to be able to separate their duties. I'm a Board member, I'm a Union recruiter. I'm not going to do both at the same time. I think that is a little questionable. So I had some concerns with that. But you know in honesty, I'm sure he's trying to be helpful and I do realize my problems would be over if I signed up and did the JATC classes, that would obviously solve my problems, easily. Um, maybe not an option for me, maybe not something I want to do today, um but it's an option. Another Board member did send me a letter that was extremely helpful, eliminated and cleared up a lot of my confusion with BAT approval programs vs. BAT approved curriculums vs. BAT shops, that was very helpful to me, cleared up a lot of thing for me, one of the things that I found a little questionable though was some statistics that he passed on to me. Uh, over, here's the statistics that he told me the Board had privy to last Board meeting apparently, and this was part of what helped them make their decision was some statistics about pass rates for journeyman in the State of Wyoming. The statistics quoted, "the overall pass rate for first attempts in a journeyman's examination is less than 20 percent for all test takers." Um, except the first time pass rate for apprentices that come out of a JATC program is over 90 percent. Think about those two numbers critically here, it's not mathematically or statistically possible, unless 18 percent or less of all people taking the test are JATC apprentices.

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Those numbers are not even mathematically possible. If only 20 percent of everybody taking the test is passing yet 90 percent of JATC is passing, that would be now 100 electricians, if roughly  $\frac{1}{4}$  of them in the state are JATC, which I have been told is a percentage, 25 percent, that would mean that 22 out of the 25 passed the test, but your telling me only 20 of the 100 could pass the test. That's not statistically possible given the numbers of JATC vs. other programs. So, if the Board is acting on these statistics, there's something a little questionable there, because there not mathematically possible. So, I had some concerns with that as well. So, those are kind of the administrative things that have confused me and prompted me to come here and talk to you all today. Um, I understand that you guys are doing your jobs the best you can, I know you're all interested in making sure apprentices are trained, you want to make sure we have an adequate supply of good electricians in Wyoming, I appreciate that, I applaud that. We want that to. We want all of our apprentices trained and safe also. I'm just not sure if saying, you know, classroom time is the only way to do this, that correspondence course have to be thrown out. Um, it's really an appropriate stamp to take for educating people and the criteria for whether you can have an apprentice program or not, so Steve then can kind of address our concerns, is that an appropriate way to say yea or nay on apprentice programs."

James Holder says, "Right know Jill I need to know what your appeal is about so we can vote on it and then we can get the petitioner in here, let them do their side of the story and then will go into the whole discussion of the appeal." Jill says "Okay."

Mic says, "Mr. Chairman, may I speak? I have a suggestion. Uh, it appears to me the history of this is clouded and confused and I think what I am hearing the petitioner say is they want the Board to in pull an open meeting to consider their application of their program, do you have you material here to present why your program is adequate or not? Why you think it is adequate?"

Jill says, "Yes I can do that, I have the curriculum and the hours and the fact that this correspondence program is an accepted program by the BAT."

Mic says, "okay, if your prepared, I mean, the Board as I understand it has the power to approve these programs and I'm not sure that that that's been adequately addressed in the past and maybe this is the opportunity

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they can present the evidence and present their case and you guys can make a decision on whether their program is acceptable or not.”

Steve Leinen says, “Well I would kinda like these programs to be accepted across the board, it doesn’t just concern me as a contractor, it concerns a lot of people in the state.”

Jill Leinen says, “You know our concern is that it is a bigger issue, it’s not going to be the golden rule now that everybody has to have classroom time, or isn’t that going to be the golden rule and if the BAT is going to accept correspondence but the state is going to have this requirement above and beyond what the Federal Bureau of Training wants, then it doesn’t do me any good to be BAT approved and have a correspondence course if it’s not good enough for you guys and I can’t have apprentices in Wyoming. So it’s kind of a particular issue, not just getting my program approved, it’s what are the guidelines here from year to year so I don’t do this every year.”

Jim Holder says, “Okay, Okay, so there is an appeal, I need to know what you want us to change or, now I think I’m, I don’t know, Bill I mean what were looking at is classroom time.”

Jill says, “Well I guess if I have to narrow it down, I guess I want my program approved sure.”

Bill says, “Well if I may Mr. Chairman?”

Jim Holder says, “I’m trying to do it in order and I’m not getting,”

Bill says, “I, I believe the question you originally asked is what is this appeal about, is the question that needs to be answered now and it should be consistent with what has already been filed. If there are bigger issues, it may be something the Board wants to address but it should not be addressed in this preceding.”

James Holder says, “Okay.”

Jill Leinen says, “Okay, then my appeal is to have my apprenticeship approved with the current curriculum as it’s been for the last eight years, so I guess my appeal that the using a correspondence curriculum proctored exams, a licensed instructor, should be enough to meet the requirement of a apprenticeship training program.”

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James Holder says, "Okay, thanks Jill, now if I could get the respondent, Kevin."

Jill says, "Well Steve has some things he wants to add."

Mic Finn says, "I'd like to ask,"

James Holder says, "And then we can ask questions."

Mic Finn says, "If your want to talk address Kevin, I want to speak for him and the Department, this, this is a peculiar proceeding, because, the Department's named as the respondent, however the Department really is not, this isn't based on a decision that the Department made and, and, and, it's the Boards, your, your power and area to approve these programs and that's why I suggested, you know we, we make this an application program process rather, rather than an appeal because I, legally I don't, I don't see it as technically an appeal because it's not based on actions that the Department took. It's, it's the Board itself, the Board has, has the authority over these programs, approval of these programs and, and so, the, the Department's really kind of neutral on this, on this particular issue, uh I think this is identified for us some, some suggested changes in a procedure we would like to see in the future, that's ultimately up to the Board but I mean were not here to address that today what were going to do in the future, I think what I see is the live legal issue, is, is for application for, for their apprentice program and maybe we can, maybe you can get it resolved today."

James Holder say, "Bill."

James Holder says, "And Jill we will, I got to get their side of the story to and how were going to get, and then well have a discussion."

Jill says, "Okay."

Bill says, "Well, Mr. Chairman, uh if I understand this correctly and I, I, I note that at least in front of me and I'm not sure in front of the Board whether or not there are any exhibits that have already been presented but I understand that what is being appealed is a letter that was sent to the petitioner on June 9."

Jill Leinen says, "Correct."

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Bill says, "And I suppose one of the key questions might be, what person or what agency signed that letter and that, that letter I believe is what is being appealed today."

Jill Leinen says, "Do you want the letter?"

James Holder says, "That would be the evidence."

Bill says, "Is this your only copy?"

Jill Leinen says, "It is my only copy."

Bill says, "And would you want to take a copy back with you today?"

Jill says, "Yes I would."

Bill says, "So we can probably arrange for that."

James Holder says, "Okay."

Mike Carlson says, "Mr. Chair, I'll see if I could get some copies made."

James Holder says, "So the Department would be the respondent."

Mic Finn says, "It depends on what Mr. Booker has to say, because I've got some questions of him."

Kevin Booker says, "The letter was sent out by the Department, more or less on behalf of the Electrical Board based on what they notified our department of, we sent out two letters, we sent out one letter saying they were approved by the Board, we sent out one saying they were denied by the Board and I do agree with Jill that we should have entailed more information with the reason for the denial on,"

Mic Finn says, "So are you saying those letters you sent them, and you signed them, but they were sent on behalf of the Board?"

Kevin Booker says, "That is correct."

Mic Finn says, "And you felt that you were authorized by the Board to send, to send those."

Kevin Booker says, "Correct."

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Mic Finn says, "Okay, how, why did you feel you were authorized by the Board, what happened, that?"

Kevin Booker says, "Right, because the, the way they are handling these is rather than to put people off for four months,"

Mic Finn says, "Till the next Board meeting."

Kevin Booker says, "till the next Board meeting, because technically under our rules they can't employ any apprentices without an approved program, rather than make people wait four months our Department has been sending them out to the Board, individual basis, each member of the Board responds back to our Department and once I get a response back from each Board member,"

Mic Finn says, "Okay, so you, you poll the Board."

Kevin Booker says, "I poll the Board and then I keep track of who approved it and who denied a program and once I get majority Board, whether it's three approvals or three denials, then our department generates a letter after that polling process."

Mic Finn says, "This has been the practice of your Department and the Board for a long time?"

Kevin Booker says, "Yes."

Mic Finn says, "So anyway, in light of what he said, I still don't think this is with the Departments action and, and rather than argue about whether the procedure was proper or not I suggest we, the Board discuss it chase, and you can consider her program and approve it or not."

James Holder says, "That's fine with me, uh Rob."

Rob says, "Yes."

James Holder says, "Steve."

Steve says, "Yes."

James Holder says, "Mike, I believe I denied the uh, request, we have a request uh that has a bunch of questions, instructors, classroom training, the approved course, everything that we need to have so we can audit the apprenticeship program, uh, the course that was, I think it's ABC's, is

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not uh denied, I mean it never has, it's not even an issue, what we had an issue, I had an issue with was there was no classroom time, and there was no apprentice or, or instructor if I remember right. Now, uh we have a statute 35-9-127 that says it has to be BAT approved and a bunch of other criteria, we have no problem with that, but we, as a Board in 1994 made a change to where we have 144 hours of classroom education and that's what we're going with is, is our little Bible here and uh we can't really deviate from that because I think we'd be held accountable."

Jill Leinen says, "Well you have deviated for the last nine years. My program has not changed and you have approved it for nine years."

James Holder says, "And I understand that, but uh, we have a new Board, we, uh it was just three guys, uh I was one of them and then now we went to five and a lot of the guys were down there for a long time, they past the torch over to the uh Department and pretty much to make it, to expedite these apprenticeship programs, but we feel that this is what little we have as far as uh the things we can do."

Steve Leinen says, "Well I guess it is, is the classroom time."

James Holder says, "Excuse me, let me continue; and uh now I'm all messed up, anyway we as a Board feel that it is necessary for us to do and that's what we did. I know it's not, were not expediting like we should or we want to, uh we're still working it out, uh I think I'm the longest Board member, five and half years and then Steve and brand new and Rob maybe, what six a year."

Rob says, "A year, yea."

James Says, "so it's a learning process but we wish you could bare with us on and I we wish we could be faster and God if we knew the answers I would do it, but uh, that's where I sit on it, I mean, it's, I've got the State Statutes, I don't know what they did really twenty years ago or 1994, but this is what I got to go with now and that's what we feel is uh necessary, were trying to do our best to fight it, because we don't want to get in trouble either."

Jill Leinen says, "Okay, I also would like to point out that there are numerous like ambiguous statements that contradict each other in your Rules and Regulations and that is part of the problem with 144 hours and that's more of what Steve was going to address, was these issues in the Rules and Regulations, why we don't agree with your disapproval on that 144 hours."

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Steve Leinen says, "Because you, as a first year apprentice it says 144 hours of related training, it doesn't say anything about classroom time, on the second year it says related training, on the third year apprentice it says related training, were on page 5-9."

James Holder says, "5-9."

Steve Leinen says, "5-9."

James Holder says, "B."

Steve Leinen says, "For first year apprentice, you say related training, an agency has a related training program that constitutes to 185 hours the first year and 165 hours the second year and that's in this curriculum, it doesn't say classroom time."

James Holder says, "Uh, we have to go down to the bottom, 5-9 B, after March 1, 1994, the training program must provide at least 144 hours per year, uh, wait a minute, it is B right? Electrical Contractor supplying apprentice apprenticeships to electricians in the State of Wyoming must have an electrical apprenticeship training program to provide classroom instruction for all apprentice electricians in their employment. Employment requirements for apprenticeship training program shall be as follows, that's, that's where the classroom."

Steve Leinen says, "Well, I didn't hear classroom out of that, but."

Jill Leinen says, "But there is classroom."

Steve Leinen says, "There is classroom defined, but you say related training, that says training program must provide at least 144 hours per year, it doesn't say classroom, it says related training."

Rob says, "Mr. Chairman."

Jill Leinen says, "That contradicts the classroom."

James Holder says, "Yes Rob."

Rob says, "It, It does say in, on 5-8, and it's very clear. Apprentice electricians will not be advanced to the next year of apprenticeship training until proof of one year, 2000 hours of on the job electrical work experience and 144 hours of successfully completed electrically related

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classroom instruction, and the other, the other notes that you are mentioning are just referring back to.”

Steve Leinen says, “Well you can make this any way you want.”

Rob says, “No, no I can’t, I can read it right there. There’s no, there’s no other.”

Steve Leinen says, “Okay, look at my standpoint, I’m a very small contractor, do I have 144 hours to sit in a classroom, with a kid, with one apprentice and carry him through another four years of this, or would I just rather hire someone, are we going to get any apprentices trained, is my big beef. If you’re telling a small contractor that he’s gotta sit in a classroom 144 hours because this is what the State of Wyoming wants. It’s not what the BATC says has to happen, it’s not what the correspondence courses say have to happen, this correspondence ABC was not even sent out with a teacher’s manual. It’s not designed to have an instructor in it and you guys approved it this way. This is one of your approved programs, is what I’m saying, I mean, just because I don’t sit in a classroom, doesn’t mean the kid ain’t learning, you know, and do I have time to sit in a classroom 144 hours, probably not, you know, why would I hire a first year apprentice, it, it puts an extreme burden on me to hire somebody you’ve gotta train. Other states like Colorado, has no training program at all, not that I’m for that, but I can go to Colorado, train for four years, come to Wyoming, take my test, I don’t have to prove my 144 hours. All I have to prove is the 8,000 hours. I can go to Colorado, get my license, come back in a year, I can reciprocate, I don’t have 144 hours of classroom time. I’m just saying there are other ways to teach people and this classroom thing is kind of old fashioned, I guess, I mean, we got the internet, we’ve got correspondence and all these other classes that can teach these kids and you want more electricians in the field, this doesn’t, this doesn’t do it, it hinders, it hinders the progress of the program. It hinders electricians and I know these Bylaws and one of the Board members said you need to talk legislature. Well I can take this to my legislature and he’s like what are you even talking about. They don’t make, the legislature doesn’t come up with these rules, you know, and we need to further the program so we can get more people in it. I mean electricians are hard to find, you have a hard time filling your compliance officers because you can’t find confident people, but, you know, that’s just where I’m standing. You know it’s very hard for me as a very small contractor, if I got 10 people in class, sure I could sit there and teach them, but I don’t, you know, if, if the kid comes to me with a problem or he comes to me with a question, yes we help him through it, we make sure that they got it and

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get it through and make sure that they understand it, you know I don't have a problem with that, it isn't that I don't want these people learning, I do want them to learn, they're out there representing my business, doing work that I got to stand by, that I got to insure, that I got to stand by for the rest of my life, basically. People can come back to me ten, fifteen years later and sue me. So, and they're not coming to the Board because you approved this apprenticeship program, they're not suing you because you approved this apprenticeship program, they're suing me, you know. It's not that we don't want to train these people, we do."

Jill Leinen says, "We just want it to be clear there is more than one way to train people, adult learners learn by many methods and it doesn't have to be face to face in a classroom. Many professions use online and correspondence courses. That's the way the world is going with technology today, it's not going towards classroom."

Rob says, "Mr. Chairman, your right and I agree, the definition of classroom doesn't need to be face to face and we have approved an online course."

Steve Leinen say, "Yes but your online program, if I heard right, you said, we gotta make sure this kid is sitting here for eight hours."

Rob says, "No the online program doesn't, the one we approved, yes I know. You don't, you don't have to supervise."

Jill Leinen says, "Okay wait a minute, then I have a question so now you're telling me the Board has approved an online classroom, which by definition does not meet that 144 hours of classroom time either, so how are you approving online but not correspondence?."

Rob says, "Well I just said the definition of classroom is."

Jill Leinen says, "Well that's why you're telling us our appeal was thrown out though, was because of the definition of classroom time."

Rob says, "I agree, we, we, we didn't approve your program because your, your not, your apprentices aren't being supervised in a classroom, but the program we approved is."

Jill Leinen says, "If it's online, they're not sitting in a classroom either."

Rob says, "They are, in their classroom is uh with other students on the internet."

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Steve Leinen says, “Yea I guess I have a problem with that to, if I send a guy out to do a job, a six hour job and he comes back in and is done in three hours, I’m tickled to death, he’s got it done, he’s got the questions answered, why does he have to sit there the whole eight hours or the whole six hours to get the job done. Your saying well this is classroom time, he’s gotta be on that internet connection eight hours, basically is what your saying right?”

Rob says, “I, I am not going to argue with the numbers, I just know that we.”

Jill Leinen says, “Well, I just don’t really see how online versus correspondence I guess is different, you’re kind of splitting hairs here.”

Rob says, “No, no I’m not, I’m not splitting hairs, I’m, the reason why it was approved is because it is an interaction between the instructor and the student and it’s.”

Jill Leinen says, “Well our apprentices have interactions every single day, that’s the point of having 8000 hours of supervised time before you become a journeyman, it’s a mentoring process, with journeyman and masters. Apprentices have all that training because they have a mentor, a journeyman; it’s an interactive process to, to have it. I think that you’re putting so much emphasis on this classroom time, I’m not even an electrician; I’ll bet you money, I can go read the book and take the written test. I can go memorize a book without even ever doing any electrical work, without ever setting foot in a classroom. I’ll bet I can memorize that book and pass that test, do I know how to wire a house, no, but I can pass the test. That’s crazy thinking, that’s okay.”

Steve Glenn says, “Mr. Chairman can I make a statement? My, one of my issues to, I mean the thing that I, I personally am trying to, to fix is the fact that even if, even assuming that those uh numbers you had as far as pass rates are not correct, it is still bad enough that there is an issue with poor training in the state and this is a way that I personally think that we can, one way that we can address it. I agree with you there probably are other ways to learn but to me the numbers show that that’s not happening and that’s what were trying to address.”

Steve Leinen says, “But you can take into consideration what would you rather have, do you want 20 percent of 1000 people passing it or 50 out of 100, you know, I guess I would take the 200 electricians over the 50 that took the test that year, you know.”

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Steve Glenn says, "I'm afraid that there are a lot of, based on what I see in the field, there are a lot of people that pass that test, that really aren't very well trained and that's another issue, it's not, the test doesn't, I mean my point is the test doesn't weed out, uh you can eventually pass that test whether you have any training or not, I think we all know that, and so we're trying to ensure that the training is there, whether they, whether they pass the test or not. We want them to pass the test and we feel like the numbers of pass rates are one indication of the kind of training they have. We're trying to ensure that, that the apprentices are getting some kind of training and I'm afraid that based on some of these numbers they really aren't.

Jill Leinen says, "Well what kind of imperiable evidence do you have that making people sit in a classroom is going to fix the dismal pass rates, I guess?"

Steve Glenn says, "Well, uh one number that was supplied by Kevin is, and this involves ABC, is that one contractor, apparently a large contractor has classroom participation, has actual classroom times, uh has a pass rate of around 70 percent, where the overall pass rate is somewhere around 20 percent, so that, that's just one, but also the JATC which has classroom time and were not dealing with large samples, it's not uh statistically completely accurate but were dealing with what numbers we have and trying to fix a problem that we all perceive is there."

Jill Leinen says, "Yea, well our interest truly is in seeing that it's standardized across the Board and apprentices are trained better, I mean, I think the Board is so busy and has so much to do and there are not enough man hours that you are ever gonna be able to police and monitor his classroom time. I could easily say, no I could have skipped coming, I could have sent in my thing saying sure I'm doing classroom time and honestly I've talked to other contractors who said yes, those kids are going to bring their correspondence books and they're going to sit in the shop and read those books for 3 hours, how is that better than my apprentices reading them at their house for three hours, I'm not sure. You can't police it, you can't enforce it. Everybody can say they are doing classroom time, that didn't fix the problem."

Steve Glenn says, "And I agree with a lot of what you are saying, I'm just, we're just trying to make it better and that's one way that we feel like that we can possible make it better."

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Steve Leinen says, "Well basically the thing about passing the test is just being able to look it up in a code book, you may not know a thing about the subject that they're covering, as long as you can look it up in a code book, you can pass any of these tests."

James Holder says, "But we're having a problem with that number, aren't we?"

Steve Leinen says, "Yes, we are."

James Holder says, "All right uh, we got to move this on, uh, I set in on an apprenticeship class, I needed that apprenticeship class, uh, I had my questions that needed to be answered and that's why I am, who I am today. So, and."

Steve Leinen says, "In return I didn't, I didn't have a classroom setting to get me from a journeyman to a master either, I wanted my Masters license so I went out and studied a got it without any training because I wanted it and certain students are gonna want to learn, you can't force them onto this book and I know that JATC will weed through their employees and people that don't want to learn won't be there but people like me need hands they probably will end up being 3<sup>rd</sup> and 4<sup>th</sup> year and maybe that's where the thing come in, you know, why the pass rates are so dismal cause some contractors, yea he's a good hand, does he do his homework, no, but can he go out and get the job done, is he a bad electrician, no."

James Holder says, "So are you guys, do you have your uh submittal for your program, is it here?"

Jill Leinen says, "Uh the one you rejected or a new one?"

James Holder says, "Well, the, the new one, that's what were here for, that we decide we're going to do that right now for your apprenticeship."

Jill Leinen says, "Well I needed some uh, I guess some clarification from the Board of what your would accept before I put in a new program, there's no point in me putting in for this many programs when you guys are not going to take it, there's no sense in me getting BAT approval with this program if you guys aren't going to use it and accept it, so, no I'm not putting in a new application until I know what is acceptable, I guess."

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James Holder says, "Alright, we do have a program that is acceptable, we do approve ABC, the red book requires us to have 144 hours of classroom training, no ifs ands or buts, until we maybe in the future, or we talk about changing it, you know, that, then your going to get the industry involved and I mean, I'm pretty sure in 94 when they changed this they had industry support, just like we did civil penalties, we are a neutral body, we are not even to be involved in the process of statute changes just the rules, we can supplement just like the code book, we can increase or uh, we can't decrease in the statutes, so."

Steve Leinen says, "Yea, but this classroom time is above and beyond what the BATC, you know, recognizes as far as a program."

James Holder says, "As far as a Board, and I've sat on this Board for one reason and one reason only and that is safety, I think an apprentice needs the training, classroom training, yes he's going to get on the job, I don't know what you guys do as far as residential, commercial or what, but when that guy gets on an industrial site and he does 41/60, did he have that classroom education, where to put the seal offs, is it in the right place, did he discharge that 41/60 before he went and terminated that, easy termination that you can read the instructions to, easy enough, did he discharge that, I don't think so, he's going to get hurt and I'm all about the safety, I mean that's why I'm here, I got statistics, there's 411 workers killed every year from electrocutions, uh 40 percent of them is the construction field, that's the tradesman out of the whole thing, uh or 61 percent. The rest of them are the families, right and we had people come up to the Board who had poor electricians and apprentices who weren't supervised and 240's hanging out of the wall, I mean, this is the stuff I'm gonna to do my best to eliminate and right know the book that I have says I've got 144 hours of classroom training, I'm gonna give this guy additional training to, I'm going to stick with it, so I don't know how the other Board members feel about it, but this is what I have, and until the industry comes up and I'm the one that said talk to your legislatures, get you support and do what you can with it but your going to have opposition to and I'm going to be one of them, I mean, that's the way I feel, its got to be safety."

Jill Leinen says, "We feel safety first to, we don't feel the only way a person learns is sitting in a classroom."

James Holder says, "And two, we want those people out there doing a quality job so the eight year old don't go over there and touch a pump and get electrocuted."

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Jill Leinen says, "And it's our reputation and we feel that way to. Again we don't feel the only way you can learn is sitting in a classroom."

James Holder says, "And I'm sure you are. So."

Rob says, "Mr. Chairman, just as a point, uh the rules, should we close the hearing because we opened the hearing and then make a motion on whether to approve their program or not?"

James Holder says, "Should we listen to the BAT or BATC?"

Rob says, "Oh sure."

Steve and Jill Leinen say, "Thank you very much."

Mark Latimer says, "Mr. Chairman and members of the Board, if I may make just a couple brief comments, uh Mark Latimer with Associated Builders and Contractors. I think a couple of issues and I appreciate what the Board is trying to do, wrestling with the same things in the state of Colorado, we all have the same goals in mind, having a safe, well trained, well educated work force out there, especially in the field standards of electrical, I appreciate your concerns about the safety uh Chairman, being couple of issues that we have in terms of correspondence, one back in 94, yes the rules were changed but we were never notified of that through any form of correspondence so I think part of the issue we have is just been communication from the Board back to the programs operating the apprenticeship program. It's kind of like changing the speed limit to 55, not telling anybody about it, not enforcing it for nine years and then all of a sudden start giving out speeding tickets for people who are still doing 75 miles an hour, and that's kind of where we find ourselves in, we certainly want to have a quality program that's compliant with all the state rules laws and regulations but never had any correspondence, one letting us know the change and secondly, just recently we start getting rejection letters for our folks who are in a correspondence program. Also, part of that communication, is the fact that on the form itself it actually lists correspondence as one of the options, if the Board is no longer accepting correspondence, the corresponding application should be upgraded and match the current rules and regulations uh, also looking at some in congruency with in terms of the BAT or now the office of Apprenticeship, in terms of, will they or will they not accept correspondence and does the state board have a higher level, which you are correct, you can set a higher standard but can't have a lower standard than the Bureau of Apprenticeship Training uh, the second point, we're

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struggling with this in Colorado as well, and we just actually worked with the Governor's staff, wrote a letter down there and vetoed a bill in terms of requiring this type of training across the state for the very reason that your doing here, and that's the geographic difficulties you have in terms of just distance, uh in a lot of major metropolitan areas you have very traditional training, you have classroom, you have the learning lab, you have the on the job training, very traditional training, but once you get out in those outlining areas you have even bigger distances and bigger challenges here in the state of Wyoming and we were under the impression that that was why many years ago that correspondence was accepted was to let those folks who were out in those very rural, very distant areas have a way of meeting those requirements for the book learning or the classroom related instruction, uh, you know we would like to just support our members up here, uh in terms of, you know, they're trying to train apprentices, they're trying to have quality, safe, well trained apprentices but how they do that, and that's what we're looking to you all really for some guidance in terms of, maybe it's online training or in house training, whatever that is to meet those folks who may be 150 miles from the nearest town, formalized training program, so uh, just to reiterate I think the correspondence and the hours that are given for our classes would be based on if you actually sit and had to just do the learning, go through those courses and spend enough time on them to pass the test, uh that's where those hours come that you see, that 144, and I also what to clear it's not ABC's curriculum, it's actually the National Center for Construction NCCER and they are an accredited program nationally which we also use at our training facilities throughout the whole United States, uh but I just want to thank you for the opportunity to speak and I hope you'll consider their request for the correspondence."

James Holder says, "Mark I have a question, uh as far as have you actually looked at your curriculum and, and are familiar with it."

Mark Latimer says, "Yes sir."

James Holder says, "Do you feel that there is some, uh theory, uh combination stuff that's going to be on a journeyman exam which is law basic theory, do you think that there should be some classroom or instructional help with that or do you think that just reading it off the book, hope I'm right and take a test, pass the test but miss that question but it's going to be on the state exam, do you feel that if he had maybe some classroom, uh education that he would probably get that and be clear in his head to, uh, go to a testing agency and take that test and pass it with no problem."

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Mark Latimer says, “Well it varies Chairman, I think, yea I think the preference would be to have classroom training that you would have the OJT that supports that, I think the reality is, how do you have a small contractor who maybe has a first year apprentice and a third year apprentice and maybe one journeyman, they’re trying to get the work they have done and take time out to put that, you know classroom training in, uh and that’s where I would like to see the Board look at, what are the alternatives, how can you maybe supplement, how can you make that correspondence, how do you make it work for that small contractor who maybe has one or two apprentices and how do you get them to pass the exam and I think that is one of the issues that we need to look at and I’m not sure that the classroom part is necessarily the end all be all of how you get to them to pass that test. Is it a prep test, is it uh, cause all along they’re having to pass each of those modules in each of those different levels of apprenticeship so we’re hoping that they’re having that level of competency as they go through the error, something is wrong. We would like to ask that there would program, for example if the first year apprenticeship program has twelve different modules, your hoping obviously they do motor controls or whatever it might be, that they have their own home study, requirement of knowledge and competency to pass that written test, that they send to us and is graded third party so we know it’s not just done, sitting there open book or having your wife take the test or whatever, so I guess in short, yes I think in an ideal world, it would probably be best, but really need to look at the challenges of the small contractors or these very rural contractors and how you allow them to bring apprentices into this trade.”

James Holder says, “Thanks, Mark.”

Mark Latimer says, “Thank you for your time.”

Cori says, “Mr. Chairman, I’m Cori Gerlitz with Associated Builders and Contractors Rocky Mountain Chapter, one thing that I wanted to bring up was on the letters of denial that go out to our participating companies do not explain why they were denied and a lot of times it is a simple application be more clarification, if you could send out to the members so they understand, maybe it’s just a matter of needing to resubmit the application explaining something a little more in details so they just don’t automatically assume, they can’t use this program anymore.”

James Holder says, “Thanks, Cori. I know there were some issues and prior Boards, prior approvals, letters, although unfortunate, it does not require the Board to continue to make the same errors in the future, but

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right now, as we sit, I have to abide by this book, uh, have you change anything, is it still the same?"

Steve Leinen says, "Well are you going to accept the correspondence courses?"

James Holder says, "The one that is approved, we do approve ABC's but it has to have 144."

Steve Leinen says, "Not in this form?"

James Holder says, "No, it, we, we, ABC's but we need and that's what is on your application, that was not filled out was the instructor and the dates of the classroom, the classes to be held, so we as a Department if we need to go in an audit, which we do audit, some, two, what?"

Kevin Booker says, "I did two, since."

James Holder says, "Two audits, we need to be able to go in and audit and make sure these apprenticeship courses are being done correctly."

Jill Leinen says, "Well my choices of how my training is going to be offered were educational institution, in house training, correspondence, I wrote correspondence, still my application has not changed."

James Holder says, "Okay."

Jill Leinen says, "Those were the choices given to me in the application."

Lanny Applegate says, "Mr. Chairman may I ask a question?"

James Holder says, "Yes sir."

Lanny Applegate says, "For clarification, I'm still learning about this to, you guys know electrical and I don't, uh, and I think Kevin answered it in the past for me but help me refresh my memory as much as anything, ABC has been an approved course, correct? Although A-1 Electric or XYZ Electric has selected ABC as a course that they are going to use, this approved course, does that automatically Jim, set them up for approval and I guess what I'm bringing into is, and help me clarify this for me, where does the BAT fit into this? Do they also have to be an addition to that a BAT approved shop? "

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James Holder says, "No."

Lanny Applegate says, "Okay, they can take a course without, but if they're taking it under a BAT office, help me out with this."

Kevin Booker says, "Right, if they're taking it under the Bureau of Apprenticeship Training, which the lady is here today, she could address that, just because ABC can be used by the Department of Labor does not make it a Department of Labor approved program."

Lanny Applegate says, "Good enough."

Kevin Booker says, "Is that correct?"

James Holder says, "I'd like to call on the executives, executive, uh."

Bill says, "Session."

James Holder says, "Session, yea."

Bill says, "And what would be the purpose of the executive session?"

James Holder says, "I would like to talk about the legal, uh, what's going to happen."

Bill says, "Uh, you, I would recommend that you pull the members of the Board and see if the Board would like to go into executive session."

James Holder says, "Okay."

Rob says, "If that's your wish Mr. Chairman."

Steve Glenn says, "If it's something we need to do an executive session, if it's not something we can do, uh. I guess I'm a little hesitant to do something in the executive session if it's something we can do in a public meeting, I don't know what, can he give us an opinion?"

Bill says, "Mr. Glenn if I may, uh, the board may ask for, uh legal council either publically or privately, the Board has a right to an attorney client privilege but that privilege is broken if you do it publically, if the Board wants legal advise privately then that would be a proper reason for executive session. For that purpose only and we still must go in

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there and we still must record what the Board does in the executive session.”

Steve Glenn says, “Okay, thank you that was what I was asking. So yea, I would be okay with that.”

James Holder says, “Okay, go into executive session.”

Bill says, “Do you have a location for this?”

James Holder says, “Right back here, I believe, there’s a, it’ll only be a few minutes. Do you all want to take a break?”

Lanny Applegate says, “You have to make a motion to go into executive session.”

**Steve Glenn says, “I’ll make a motion that we go into executive session to get a legal opinion.”**

**Rob says, “Second.”**

**James Holder says, “About fifteen minute break. All in favor?”**

**Rob says, “I.”**

**Steve Glenn says, “I.”**

**James Holder says, “Opposed?”**

**Motion passed.**

The Board recessed for a 15 minute break.

James Holder says, “We can reconvene at 10:32. I would like to ask if anybody else is here to speak on behalf of the petitioner? Anybody from the Department?”

Mic Finn says, “No, I think it’s the Departments position that this is the most fair.”

James Holder says, “Steve and Jill Leinen do you have a closing statement?”

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Jill Leinen says, "Let me clarify, so if you deny my application as it is today, this in no way excludes me from applying again next week with a different program, correct?"

James Holder says, "Yes mam. Now we will, as a Board will deliberate, uh, whether we approve this application. Rob."

Rob says, "Okay, I would like to say that I appreciate, uh the uh, pain you feel as a small business man, uh, it doesn't matter whether your small or big, you'll have uh, things that cost us money, but as the board our duty is not to provide a large number of apprentices or large number of journeyman, our duty as the Board is to provide electrical safety and whether or not we affect those numbers, although it doesn't matter, it shouldn't make a decision whether it uh, whether we lower or raise the number of journeyman electricians, we should not uh, compromise safety, and I for one, as a Board member feel that the best thing we can do, is ensure well trained electricians and so, I know that you guys have had your process, your application approved in the past, you know the pendulum has swung and it was over on the lenient side for a long time and now it's coming back and you guys are getting hit by it, but it is, I feel personally it's the right thing to do."

James Holder says, "Steve."

Steve Glenn says, "I also would like to express uh a bit of an apology for the amount of confusion that this has left you. I know that the communication probably hasn't been as good as it should be and uh I think that the Board and the Department need to rectify that situation and I think that can be done with some different forms and different means of communication and I think that is a lot of the issue here is lack of proper communication and I also would like you to know that this, these decisions affect me to, I'm a small time contractor and the apprenticeship rules definitely affect me, it makes it tough on me to and yet I feel strongly that a lot of the apprentices if maybe not most of the apprentices in the state are not getting proper training and I see the fruits of that when I look at work I see around the state and in the course of my job, and uh I feel that, that uh we need to address that and I also uh think a lot of the problem here, is the fact that, in my opinion the Board rules have not been properly enforced in the past and that's very unfortunate, but I feel as well that uh , it's time that we make things a little more, that we require more of our apprentices and contractors in order to uh, make the work force better educated and provide for public safety, thank you."

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James Holder says, "Mousa."

Mousa says, "I am new on the Board, so last week when I got appointed so it's kind of tough but that's what they gave me to go by, they said this is the Board rules and regulations and what you have to do, what I've seen honestly doesn't meet what the requirement here, so, what I've seen it don't meet, I know it's 144 hours, I went through the apprenticeship, I thought, you know, the instructor I believe in that, the classroom is important."

James Holder says, "If there are no further discussions, I ask for a motion on the decision whether to approve Primary Electric's apprenticeship training program."

**Rob says, "Okay, I'll make a motion that we approve Primary Electric's, is it Primary or A-1?"**

James Holder says, "Primary."

Rob says, "Primary Electric's apprenticeship program."

**Steve Glenn says, "I'll second that."**

**James Holder says, "The motion to approve."**

**Rob says, "Motion is to approve."**

**James Holder says, "And we have a second, all in favor? Opposed?"**

**Rob says, "I."**

**James Holder says, "I oppose as, so, disapproved. Okay."**

**Motion did not pass.**

Jill Leinen says, "I'm not sure what just happened."

James Holder says, "The, your apprenticeship program application is disapproved."

Steve Leinen says, "Could you give us some avenue to go by which to get it approved or which programs you will accept?"

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James Holder says, "We got to have 144 hours of classroom training, this is the book we got to go by, that's what I'm held to."

Steve Leinen says, "Are there any that you approve, any online course or not."

James Holder says, "Yes."

Steve Leinen says, "Cause in the minutes it said that you had not."

Rob says, "The minutes as approved, pardon me, Mr. Chairman, the minutes as approved amended, the motion was approved that the minutes that were distributed didn't reflect that but we amended that and approved that at the beginning of the meeting."

Steve Leinen says, "Now, is their course up and running or is that the only course available?"

Rob says, "It's the only online course approved and it's supposed to start in the next five weeks?"

Steve Glenn says, "Something like that, it's the beginning of this semester."

Rob says, "Mr. Chairman, just to, I want to, if I may, I think that if you would like to reapply and if you could state on your application times and dates that you would use with the ABC program, it would be approved."

Jill Leinen says, "We understand that."

Steve Leinen says, "Yea, we understand that but if I got a choice whether the apprentice goes on the computer or if I got to teach him 144 hours, I'm going to have to go with the computer, you know and it basically leaves ABC out of the loop."

Rob says, "I just wanted to."

Steve Leinen says, "Yea, through CWC, uh, BAT program, is their curriculum,"

Cori says, "It's the same curriculum."

Steve Leinen says, "It's the same curriculum."

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Cori says, "That ABC is using now, it's NCCER."

Rob says, "The, you understand that BAT is approved, your shop would be approved."

Steve Leinen says, "Yes, we talked to them."

Rob says, "Okay."

Steve Leinen says, "Now if I got, if I got ABC approved through my shop, without classroom time, would you accept that?"

Rob says, "If it was BAT approved, I think we would have to."

James Holder says, "It is already BAT approved."

Rob says, "No, if their shop was approved BAT."

James Holder says, "Karen?"

Jill Leinen says, "That's very ambiguous in you rules."

James Holder says, "Karen, please I call?"

Steve Leinen says, "You said BAT approval without classroom time, then would you accept it?"

James Holder says, "Can I call Karen Swindell BAT representative, is that, did you hear his question?"

Karen says, "See our federal regulations, uh provide for a minimum of 144 hours each year of apprenticeship is recommended for the related instruction, we do not require them to be in a classroom, federal regulations and, if you would like a copy I can give you a copy of that, uh, says such instruction may be given in a classroom, through trade, industrial courses or correspondence course of equivalent value or other forms of self study approved by the registration approval agency, so if, if the Board approves, if the Board takes programs that we approve, but I don't want to get cross ways with the Board here, we've always tried to work with the Board, uh we want to say if you approve BAT programs then we cannot say that they have to be classroom. It's just a point of information for you there and if your going to say they have to be classroom, then probably things should be revised to take out programs

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approved by BAT to be acceptable because we cannot require someone to have classroom instruction.”

Steve Glenn says, “Mr. Chairman, it’s my understanding and please correct me if I’m wrong that if your uh agency approves a particular contractors overall program, uh, then you are basically uh in charge of that program, or of the oversight of that program, and then state statutes require that we approve that program, am I correct in that? I mean, I know that the state statutes require that we approve any program that is BAT and under BAT control.”

Karen says, “And the one thing that we do when we approve a program, we don’t, we don’t just look at the academic instruction, we look at the on the job training, we look at their ratio of apprentices to journeyman and ours is stricter than the state, we have a one to one, one to three, we don’t allow two apprentices to any journeyman so people want our program, a lot of them don’t want it when once they find out we don’t allow the same ratio that you all do, uh we also look at their safety record, we make sure they either have the facilities to train people or that they can make sure the training is provided, they do have to track all of the on the job training hours, including the academic portion of it, we do go out and conduct reviews of these programs, we go on site, uh and in some cases depending on how many apprentices they have, we actually get involved in their selection process, and who they’re putting into the program, so there’s a lot of oversight on our part on these programs, also if they have veterans, and the veterans are aloud to get their GI Benefits if they’re in one of these programs and then they, the Wyoming State Approval Agency looking at them as well as the Veteran’s Administration, so there’s a lot of checks and balances, but it certainly does not preclude the state folks from coming in and taking a look at the program also, which I would hope that they would do.”

James Holder says, “Rocky.”

Rocky says, “Mr. Chairman, maybe Karen could address this to, my understanding is the Bureau of Apprenticeship is cutting its workforce quite a bit and it’s potentially here in the not too distant future we may not have anyone in Wyoming, that type of thing, so if, she’s been doing everything she’s saying I’m not 100 percent sure that’s going to be very far in the future because of the Bureau of Apprenticeship, maybe I’m wrong and she should address that, I guess what I’m saying is that, what she’s talked about is what’s gone on in the past, while she’s been here in Wyoming I’m not sure if that oversight is going to be quite as good in the future.”

Steve & Jill Leinen Appeal to the  
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Karen says, "I can't predict what the agency is going to do in its entirety, we do have divisions for, let's say if I retire or when I retire there are provisions for someone else to come in and fill the position, they might not be physically located here but they would still be reviewing the program so they can look at them but I wouldn't even have a guess what they'll do with the position, so uh but I work also in northern Colorado so we do send our staff around to various states, we make the programs are covered."

James Holder says, "Thanks Karen. Jill and Steve I'm just, we're bound by the law."

Steve Leinen says, "Well if I do get BAT approval you're still not gonna get accept it?"

Jill Leinen says, "The correspondence courses?"

Steve Leinen says, "Without the classroom time?"

James Holder says, "The BAT is already approved, there."

Jill Leinen says, "They said they don't require classroom time and I."

James Holder says, "The law, I got the law, this is what I got to live by, okay."

Steve Leinen says, "The law also says if it a BAT approved program then."

James Holder says, "But I, the law."

Jill Leinen says, "So those two things contradict each other in your rules and regulations? You can't have it both ways."

James Holder says, "There's probably things that we probably do need to work on, and we're trying our best."

Steve Glenn says, "Mr. Chairman, if I may, uh it's my understanding that if BAT uh is taking responsibility for those training courses, the statutes require that we approve their course is that not correct that, that if it is automatically approved, if it is a BAT approved uh total training program, uh according to statutes can we find that."

Steve & Jill Leinen Appeal to the  
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Lanny Applegate says, "Mr. Chairman, while you guys are looking at that, can I just make a couple of comments?"

James Holder says, "Yes Sir."

Lanny Applegate says, "I, uh just as much as anything, I certainly heard these folks today and they did bring up some points of interest that I think our office can assist the Board in doing a better job and I appreciate those comments being brought up and uh we've already discussed it prior to this meeting today and uh I'm only bringing this up now cause I should talk about this during my report but not knowing if you folks are going to stick around with us to go over it or not, I guess so if you, when this decision is made, and you guys walk out, I just want you to know we do appreciate some of your comments and we will build upon some of those items, so.

Jill Leinen says, "Thank you."

James Holder says, "You good with it?"

Steve Glenn says, "Yea."

James Holder says, "Steve, find it Steve?"

Steve Glenn says, "Not yet, I'm still."

James Holder says, "35-9-127."

Steve Glenn says, "Okay."

James Holder says, "Charlie?"

Charlie says, "Mr. Chairman, if the statutes do say that it is required to accept it if it's BAT approved, if it's BAT approved would it automatically, under the under sight of the BAT and then would they not be able to look into all things these programs that Karen's talking about, would they then, on a very regular basis look into their program, but if they're not doing that then are they really approved?"

David Leinen says, "You should look at page 5-10, I have it highlighted up above it says training programs that have been previously received approval from the Bureau of Apprenticeship Training U.S. Department of Labor will be accepted. That's on page 5-10 top paragraph."

Steve & Jill Leinen Appeal to the  
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Steve Glenn says, "Mr. Chairman I think part of the confusion comes in with the, with the definition of what is an approved program, the approved program by BAT, in my understanding is the overall program that Karen, that Karen uh spelled out for us, not just the curriculum. The curriculum may be ABC or others, that, that, is a curriculum that is approved by BAT but that is not the approved program uh."

David Leinen says, "It would do well to read the next sentence. The Bureau of Apprentice program and training approval is not required for an apprenticeship training program to receive Board approval. We do not have to have a BAT approved program to be accepted, but if you have one, we have to accept it, that's what the law says. Now we can accept their program, but we don't have to, but we would have to if it was BAT approved. That's what the law reads."

James Holder says, "And then the law and the next paragraph, classes, I believe there is no more to uh. Charlie?"

Charlie says, "Mr. Chairman, Is their curriculum approved by the BAT or is their program?"

James Holder says, "Their curriculum is."

Steve Glenn says, "It's the whole program that is approved by the BAT, isn't it? Then the curriculum is part? "Is that correct Karen?"

James Holder says, "That they do not meet the State requirements."

Steve Glenn says, "Yea, the curriculum doesn't uh."

James Holder says, "State Law."

Steve Leinen says, "I guess I didn't get my question answered cause in your bylaws it says you can approve or reject any program."

Rob says, "Well, Mr. Chairman. If you read 35-9-127 though, it'll clear it up."

Steve Leinen says, "I was reading section 7 on 5-10, article 6, the Board reserves the right to disapprove any electrical apprenticeship training program, which does not possess or does not contain required standards, and I guess BAT is going to require standards but it isn't."

Steve & Jill Leinen Appeal to the  
Electrical Board Cont:

James Holder says, "The state has requirements and standards and those are not being met is why this program, your training program is disapproved."

Steve Leinen says, "So, do you still reserve that right to disapprove it if it's a BAT, because it says in one section basically you have to approve it."

James Holder says, "Bill, what do you think?"

Bill says, "This is a complicated question, I mean everyone is appearing to make valid points but it may not be quiet as simple as it appears and may require an analysis on what it means to determine whether something meets the standards of BAT, is that the proper, uh as far as the decision that you made and the hearing a few moments ago, I don't recall there even being presented any evidence to the Board on whether or not anything was approved and how it met the statutes, etc. As far as the larger question, it appears to be whether if it has some sort of BAT stamp that it's an automatic approval, I think that is a much more complicated question, that uh I apologize but it's not one that I can give you an exact answer to at this point. It would require further discussions with the Board and also myself."

James Holder says, "and I agree, I think we do need to learn more about this and the decision is made and we need to move on, we have one more appeal, Donald Pallotto, please."

Donald Palloto Appeal to the  
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2. Donald Pallotto Appeal to the Board: James Holder says, "Donald I have to read this again."

Donald says, Okay."

James Holder says, "It is 10:54, so I'll open the hearing, this hearing has been requested by the petitioner Donald Pallotto, the State Electrical Board will conduct this hearing, the Board will hear both the petitioner and the respondent and witnesses as requested by both parties. In a few minutes I will swear in as a group any people who plan to provide witness testimony, answers to any questions or have any dialogue concerning the appeal, when all testimonies have been heard and the Board has asked questions as they see fit, I will close the hearing, the board at that time will enter into deliberations to make their decision. We must remember that after I officially close the hearing there can be

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no additional questions, answers, only deliberations of the Board.

First, I need to introduce the Board, Jim Holder, Rob Forister, Steve Glenn, Mousa Fino and Dave Leinen.

The petitioner, Donald Pallotto, the respondent, am I correct on this one, Wyoming State Department of Fire Prevention and Electrical Safety, Lanny Applegate-State Fire Marshal, Mike Carlson-Assistant State Fire Marshal, Mic Finn- Senior Assistant Attorney for Attorney General for the State of Wyoming, Bill Russell-Assistant Attorney General for State of Wyoming, Kevin Booker-Chief Electrical Inspector and also Stephanie Wagoner is our recorder, HR Manager, Executive Assistant to the Fire Marshal.

Would those in the audience please introduce yourselves and state who you are representing if you need to speak in this case.”

Donald Pallotto says, “It’s just me.”

James Holder says, “Okay, I need to swear you in, I got the paper. Do you swear to tell the truth, the whole truth and nothing but the truth?”

Donald Pallotto says, “I do.”

James Holder says, “Rocky?”

Rocky says, “Is it proper piece of business to say what the appeal is even on, I mean, how, don’t know whether.”

James Holder says, “I’m, right now our appeals, we do not know what it is, we are a neutral party, it’s just going to be thrown in our laps right now. Did I answer your question Rocky?”

Rocky says, “Yea just had no idea if you want to have anything to say or not, with business.”

James Holder says, “Oh I see what you’re saying to.”

Kevin Booker says, “The appeal is on a licensing issue.”

James Holder says, “What’s that?”

Kevin Booker says, “The appeal is on a licensing issue that was denied by our office.”

Don Pallotto Appeal to the  
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James Holder says, "It's on a licensing issue."

Donald says, "Reciprocal."

James Holder says, "Reciprocal. It is very important for the Board to understand exactly what the petitioner is appealing to the Board so I would ask the petitioner to make a statement, this statement will be used by the Board at the end of the hearing to make a motion as to rule in favor of the petitioner or to uphold the original decision of the department. Opening statement?"

Donald Pallotto says, "Mr. Chairman and members of the Board, thank you, Uh I have held a master electrician license in the state of Colorado, uh in 2006 I came up to Wyoming and requested a master license in this state. A contractor I worked for had a project up here and I applied and received my master license from the State of Wyoming. My license renewed as of July 1 of this year, in April I got this statement that I needed to do the continued education and turn in the fee. I did the continuing education, turned in the fee, and when my license came back it was only extended for 6 months and the reason was that I was told by Mr. Booker that we do not have a reciprocating agreement for masters with the State of Colorado. You do for journeyman electricians; and your journeyman are people that are actually installing as a master I am more of a supervisor. I would like to get my license back."

James Holder says, "Need a motion as to reinstate your license."

Donald Pallotto says, "Reinstate my master's license, there is a provision however, I can take the test and get the license, I prefer not to do that but if I have to I will. I feel as though my license was revoked."

James Holder says, "Department?"

Mic Finn says, "Uh, the Department's position on this is that the reciprocal license that was originally issued to this gentleman was improper for several reasons and this isn't a revocation of a previous license it's just not renewing a license that wasn't valid in the first place, it wasn't valid for a couple of reasons, one only the Board, it wasn't issued by the Board, only this Board has the power and the statute is 35-9-124, uh, I'm sorry I thought I had it, my fingertips, it's D. The license was issued by the Department incorrectly, uh and the problem with it is one, it was issued by the Department and not the Board and two, is the State of Wyoming does not have a reciprocal agreement on master licenses with Colorado and uh, I think this is a pretty technical legal

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issue here but the issue is, this is not a revocation of his license, it's just the Department doesn't believe he's entitled to be renewed because he didn't have a valid license in the first place and he was given a 6 months grace period to take to the test, to make his license, master license valid, but it's the Departments position that it was not a valid license in the first place."

Donald Pallotto says, "But my journeyman in the State of Colorado, come up to the Sate of Wyoming and get the license for a journeyman, without Board approval and then I can turn around and apply for my masters, because I have been a master for years, obviously I'm not here. I guess I don't understand."

Mic Finn says, "Well reciprocal license are a different matter than journeyman and uh, there an exclusive province of the Board and they're governed by interstate agreements and Wyoming only has an interstate agreement with master licenses with three states and Colorado isn't one of them."

Donald Pallotto says, "Which states are they, I'm licensed in the State of California also."

Mic Finn says, "South Dakota, Idaho and Utah are the three states."

Donald Pallotto says, "And where was it in the book that stated that only the Board could authorize a license for Master?"

Mic Finn says, "Wyoming Statute section 35-9-124 sub paragraph D."

Donald Pallotto says, "Could you read it to me please, I'm sorry."

Mic Finn says, "Wait a minute, I'm sorry, I lied. D is the procedure to appeal a licensing issue that the Department made."

Bill says, "Is it 126 D?"

Mic Finn says, "Yes, thank you council, your welcome."

Mic Finn says, "It's 35-9-126 D, it says the Board may issue a reciprocal license to any applicant for journeyman electrician, master electrician, low voltage technician or limited technician license if the applicant has obtained an out of state or foreign license through an examination which is equal to or exceeds the Wyoming journeyman electrician, master electrician, low voltage technician or limited technician, uh further in the

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rules there's uh, there's state licenses and as I understand it Wyoming hasn't entered into a reciprocal agreement with Colorado because Colorado doesn't have an equivalent test, it doesn't have continuing education, the same continuing education requirement as Wyoming and it doesn't have the same number of hours as a journeyman require, uh I mean reciprocal, you know state's agree to reciprocate and unfortunately Colorado hasn't entered into that type of agreement with Wyoming on the masters."

Donald Pallotto says, "If you find that the Board can reciprocate or move over and allow me to have a license under the Board, would you make that determination? I have sent packets to, I believe seven people, showing my experience, where I've been, what I've done, how long I've been a master and journeyman and uh based on that information, I've been in a management supervision, since I believe 86, that would probably be enough for journeyman to master for the state of Wyoming and the continuing education, I gave complete for the renewal of 2008."

Mic Finn says, "Well, the rule is the Board does not have a reciprocal agreement with Colorado, and that's the only way they can issue a reciprocal."

Donald Pallotto says, "Well if the Board is able to give me a license, is what I understood you say, I'm sorry."

Mic Finn says, "Well, that's not what I said but you can take that up with the Board, I can't speak for them."

Donald Pallotto says, "Why would you not allow a master, I guess, why would you not allow a master, when you do allow a journeyman?"

Rob says, "Mr. Chairman?"

James Holder says, "Rob?"

Rob says, "I can address that. Uh, I received my master's electrician license after I was a journeyman for a year in Colorado and in Wyoming you have to wait four years so that's why we can't reciprocate you from Colorado."

Donald Pallotto says, "And that's fine, however, my work history shows that I have been a master since 89."

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Rob says, "Yea, and so your appeal is because you were, your license wasn't renewed."

Donald Pallotto says, "My license was not renewed yes."

Rob says, "And so, in this case, with this hearing, we can rule on the reason why you were issued your license or not renewed, uh, we can rule on that and if you would like to petition the Board for a reciprocal license on a separate, on a separate matter, I think we can address that. That's our prerogative but the reason, we're talking now about why you were not renewed and it's my opinion and are we starting deliberations now?"

James Holder says, "Yes."

Rob says, "Uh, it's my opinion that, that the Chief Electrical Inspector did the right thing. He did not renew you because your license was issued illegally."

Donald Pallotto says, "Okay. Well I'd like to ask to have the Board uh look at my requirements, my past work history and allow me to get licensed in the state of Wyoming as a master."

David Leinen says, "Do we have that right, as I read it we have that right, what's in the book, because we can say that we can accept his master's license?"

James Holder says, "We can accept it in experience."

David Leinen says, "Yea, we can accept his experience and give him a master's license."

James Holder says, "Is that correct Bill on 35-9-126?"

Steve Glenn says, "Uh, actually it does say that uh if the application has obtained an out of state license through an examination which is equal to or exceeds the Wyoming journeyman, master electrician license etc. etc., so one of the provisions is that it has to be obtained through an examination which is equal to our exceeds our license."

Donald Pallotto says, "I did license, I'm sorry, I did test for both my master and my journeyman in the state of Colorado."

James Holder says, "And it is equivalent?"

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Rob says, "Mr. Chairman, uh I don't think it is proper to discuss whether we can approve him right now, our duty is to rule on his appeal, I don't think we should waste time on this other discussion."

Donald Pallotto says, "I'm sorry, I thought you said I could, that's why."

Rob says, "You can, yea, I, I, you can appeal to the Board, that's what I said, but we're in the middle of another matter."

James Holder says, "Your reciprocal license."

Donald Pallotto says, "So, when would I appeal to the Board?"

Rob says, "You would, I'm not sure the procedure but I think you would probably go through the department."

Kevin says, "And I would deny it, and then he could appeal it to the Board after I deny it."

Donald Pallotto says, "If you deny it, then I can appeal back to the department and."

Mic Finn says, "If I may, I think to clarify the terminology, I think the process system, his application not appeal when it's a matter of him applying to your Board for a license, uh but that's a different procedure that's before the Board right now and the issue before the Board is the, now the Board, this came up in another matter similar to this that came to my attention recently and I understand in the past the Board has entertained these applications, uh I think they're generally held at these meetings but there's no formal rule on it, I'm just offering a suggestion, the next time this Board go through rule making they might, it might be useful to set up a procedure to submit such applications but, uh, I don't believe there is a written process so I guess you gotta kind of take it case by case, uh on that issue but I don't think that's the issue that was filed for hearing today."

James Holder says, "Do you have a closing statement?"

Donald Pallotto says, "No, you know I'd certainly like to get my license back, how's that, I don't feel that it was uh, I don't agree that I handled it, or that it was uh wrongfully given to me. I look at it as if when I was asked for the renewal, I went and took care of all the courses that were required or all of the 16 hours of continuing education that this state requires and if it were in fact given to me by mistake, well then I have

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proven that I am willing to do what the state of Wyoming has asked to do for the renewal.”

Kevin says, “Renewals are generated automatically, the fact that he received it by reciprocal we didn’t catch until after the renewal letters had gone out. He received a generic renewal letter that any of you that hold a master license would have received the same renewal letter, it’s just a generic renewal letter saying that you have to have your 16 hours continuing ed, uh, the fact that he reciprocated came to our attention at the time that these renewals started coming in and they’re coming up on their screen and at that time we’re looking at it going, you know when we go to issue the license and we look at it and it says in our computers reciprocal Colorado, we know that we don’t reciprocate with Colorado.”

Donald Pallotto says, “This is a renewal, this is not a reciprocal. I recently got the first one on a reciprocal.”

Kevin says, “Well, I’m talking about our licensing database is what brought it to our attention is when the renewal come up, I mean we don’t go back and look at every license, every day. Your renewal notice was generated automatically and once the information is input into our computer and we pull your license up and it has where we have to change the date, underneath there it says how your license was issued and at that point we started seeing that some of these said Colorado and some said Texas and some said Iowa, we understood that we had about a dozen of these that gotten issued in error and I do agree with you that it would have been nice if the Department could have told you a year ago that an error had occurred but unfortunately until the renewal time come up, we pulled the screen up, we looked at the screen and at that time they questioned why this was issued by reciprocal when we had no agreement so I mean I apologize that you got the letter to do the hours but that part of the system was automatic.”

Donald Pallotto says, “I wouldn’t have had to have taken classes, I wouldn’t have to have spend the money for the classes, I would have just taken the test for a new Wyoming license, now I’ve gone through everything.”

James Holder says, Bill?”

Bill says, “I just had a point of order, Mr. Chairman, that to the extent that uh Mr. Booker’s comments are speaking in evidence uh, the part of the Department, it was unclear to me whether or not he was sworn in at

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the leading of this proceeding, so maybe his comments could be considered argument but not evidence.”

James Holder says, “Okay. Closing comments?”

Mic Finn says, “I think I’ve summed up the Departments position on this.”

James holder says, “We have now come to the close of the hearing, the hearing is now over but I would ask the court to forward so that we have a written record of all today’s proceedings. Board members I ask that we begin our deliberations, discuss what we’ve heard and then render our decision.”

Rob says, “I’m sorry Mr. Chairman, I jumped the gun and already stated my opinion.”

Steve Glenn says, “I tend to agree with Mr. Finn that in this case it’s unfortunate that he was issued a license incorrectly in the first place but I think that the correct procedure would be to ask him to put in an application for a reciprocal to the Board and that we deny this, uh appeal.”

Dave Leinen says, “I agree with Mr. Finn, I think you done the right thing, I don’t think that he can apply for a reciprocal because we are not reciprocal with Colorado on the masters license. I would suggest that you probably go back and take the test. I see no other real legal process for it. I would like to give you a license and I probably have part of the power to, but I don’t think that’s the proper thing to do. Mr. Finn done the right thing, so.”

Mousa says, “I think we don’t have reciprocal license, I think and I had to go down to Colorado to take my test to get my masters down there, so I think you should take the test because they give it to you, trying to I guess correct the mistake that they made.”

James Holder says, “If there are no further discussions, I ask for a motion on a decision to uh judge for the department, the department’s judgment, would that be.”

**Rob says, “Okay, I’ll make a motion to uh, I make a motion to deny Mr. Pallotto’s appeal for the return of his license.”**

**James Holder says, “Okay, we have a motion.”**

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**Steve Glenn says, "I'll second it."**

**James Holder says, "Second. All in favor?"**

**Rob says, "I."**

**Steve Glenn says, "I."**

**James Holder says, "Opposed? Thank you."**

**Motion Approved.**

APPROVED AS WRITTEN:

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JAMES HOLDER – CHAIRMAN

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ROBERT FORISTER – SECRETARY

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