

In The Matter Of:
*Illinois State Fire Marshall
Elevator Safety Review Board*

January 13, 2011

*Marzullo Reporting Agency
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1 SAFETY REVIEW BOARD MEETING
2 January 13th, 2011
3 8:30 a.m.
4 The Report of Proceedings had in the
5 meeting of the above-entitled cause, taken before PAMELA A.
6 MARZULLO, a Certified Shorthand Reporter and Notary Public
7 in and for the County of Cook and State of Illinois, at
8 9511 West Harrison Street, Des Plaines, Illinois, on January
9 13th, 2011, at the hour of approximately 8:30 a.m.
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1 CHAIRMAN CHRISTENSEN: I'm going to call the
2 meeting to order. Please rise for the Pledge of
3 Allegiance.
4 MR. CAPUANI: Can we have a moment of silence
5 for all of the military, all the veterans and the
6 shootings in Arizona, the victims.
7 (Whereupon, the Pledge of
8 Allegiance was recited a moment
9 of silence was had.)
10 CHAIRMAN CHRISTENSEN: Did the Board get a
11 chance to review the possible minutes action
12 November 9th, 2010, Board meeting minutes? What's
13 your pleasure?
14 MR. WOLIN: I move to approve.
15 CHAIRMAN CHRISTENSEN: Is there a second?
16 MR. GROSS: Second.
17 CHAIRMAN CHRISTENSEN: Is there any questions,
18 additions or corrections?
19 (No response.)
20 CHAIRMAN CHRISTENSEN: None, all those in
21 favor, say aye.
22 (A chorus of ayes.)
23 CHAIRMAN CHRISTENSEN: All those against?
24 (No response.)

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1 PRESENT:
2 ELEVATOR SAFETY REVIEW BOARD
3 MR. FRANK J. CHRISTENSEN, Chairman
4 MR. GERALD GROSS, Member
5 MR. DAVID A. DATILO, Member
6 MR. JOHN D. FINCHAM, Member
7 MR. MARK HERTSBERG, Member
8 MR. RICHARD JANDORA, Member
9 MR. K. DOUGLAS JONES, Member
10 MR. AL POPOWITS, Member
11 MR. GERALD WOLIN, Member
12 MR. THOMAS GANIERE, Member
13 MR. KELLY WELLER, Member
14 MR. DARREL SWIENTON, Member
15 MR. TOM JIRIK, Member
16 MR. GERALD GROSS
17
18 ELEVATOR SAFETY REVIEW BOARD MEMBERS NOT PRESENT
19
20 ROD GILLES, Member
21 MR. BRIAN WILSON, Member
22 MR. CRAIG GRANT, Member
23 MR. WILLIAM BOGDAN
24
25 OFFICE OF THE STATE FIRE MARSHAL-ELEVATOR SAFETY STAFF
26
27 MR. ROBERT CAPUANI, Director
28 MR. BARNES, Acting General Counsel
29 MS. ELAINE DEL GRECO, Administrative Assistant
30 MR. JAMES AUBIN, Elevator Inspector
31
32 CONSULTANT
33
34 MR. DICK GREGORY

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1 CHAIRMAN CHRISTENSEN: Ayes have it. Old
2 business. Elevator Safety Program progress report
3 from Bob Capuani, the Director.
4 MR. CAPUANI: Registered conveyances active,
5 31,966. Under State Rule 12,854, under local
6 Rule 19,112. License contractors actives, 103.
7 License inspection companies, 45. License
8 inspectors, 219.
9 License mechanics, 1,608. License
10 apprentices, 692. Municipalities with agreements,
11 177. Permits issued to date, 1,509. And
12 certificates issued to date, 14,952.
13 CHAIRMAN CHRISTENSEN: Anything else?
14 MR. CAPUANI: That's it, Mr. Chairman.
15 CHAIRMAN CHRISTENSEN: Okay. Moving on, Dick
16 Gregory to report on the variance request.
17 MR. GREGORY: I wish you told me that in
18 advance. I talked to that guy. I said, "You know,
19 I do not approve this." That's that low head room
20 in Chamnpaign.
21 MR. CAPUANI: He was supposed to contact you
22 after our last meeting. Has he contacted you?
23 MR. GREGORY: After your last meeting?
24 MR. CAPUANI: Yes.

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1 MR. GREGORY: Your meeting in Springfield?
 2 MR. CAPUANI: Yes.
 3 MR. GREGORY: No, it's months and months and
 4 months.
 5 MR. CAPUANI: He was supposed to contact you.
 6 MR. GREGORY: No, months, four, five, six
 7 months ago, something like that.
 8 CHAIRMAN CHRISTENSEN: Table it?
 9 MR. CAPUANI: Yes. See if he calls for the
 10 next meeting. He's not here.
 11 CHAIRMAN CHRISTENSEN: What's the Board's
 12 pleasure on this?
 13 MR. WOLIN: Will he be notified to make the
 14 contact?
 15 MR. CAPUANI: He was to notify us when -- well,
 16 he was supposed to notify Dick Gregory with the
 17 corrections.
 18 MR. GREGORY: Months and months and months ago,
 19 he called me. This is a situation where they raised
 20 the building a foot, and they forgot to raise the
 21 height of the whole building a foot.
 22 So, there's inadequate head room in a
 23 newly-constructed building; and he has fixed some of
 24 the issues, as you may recall, the entry to the

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1 machine room, the door to the machine room, he fixed
 2 those.
 3 And he says it's too hard to fix the other
 4 thing, and I had a long discussion with him many
 5 months ago; and I haven't heard from him since, so I
 6 didn't know.
 7 MR. JANDORA: He came up with a solution last
 8 meeting where he was going to provide a separation
 9 in the machine room. From my recollection, there is
 10 a beam down the center of the beam room that is
 11 really creating the height requirement; and he was
 12 creating two separate rooms by adding that
 13 partition.
 14 And my recollection, too, is that that was
 15 going to get to Dick. Dick was going to review it.
 16 MR. CAPUANI: There was concerns of the
 17 clearance area.
 18 MR. WELLER: That was the only thing that I
 19 thought was left outstanding was whether that
 20 clearance between that gate or that chain link wall,
 21 or whatever that temporary wall -- or not temporary
 22 wall, see-through wall was going to be there,
 23 whether there was enough clearance between the
 24 machine room.

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1 MR. GREGORY: Maintenance clearance required in
 2 the code around the machine and in front of the
 3 controller and so on.
 4 MR. WELLER: Yes. That was the only issue that
 5 I thought we still had outstanding on that.
 6 MR. GREGORY: That was his discussion many
 7 months ago.
 8 MR. WELLER: They brought it to last meeting
 9 and had official drawings and everything set up.
 10 MR. GREGORY: I don't have them.
 11 MR. GROSS: Maybe get a copy on those. From
 12 our last meeting, if I recall, by putting the wall
 13 there, they were going to retrofit just the opening
 14 to make it into two separate rooms with the doorway
 15 headlight.
 16 I think that pretty much looked like it
 17 resolved a lot of issues.
 18 MR. GREGORY: You are also required to be able
 19 to see the machine from the controller.
 20 MR. GROSS: Which you can.
 21 MR. GREGORY: If it is a chain link, then you
 22 could.
 23 MR. WELLER: This is Weller. I think it is
 24 incumbent on them to be here to push this forward,

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1 rather than the other way around.
 2 I would make a recommendation that we
 3 table this until they push to have us review what
 4 they want us to review, and we'll approach it at
 5 that time.
 6 CHAIRMAN CHRISTENSEN: Is there a second?
 7 MR. WOLIN: I second.
 8 CHAIRMAN CHRISTENSEN: Okay. Any questions?
 9 All those in favor, say aye.
 10 (A chorus of ayes.)
 11 CHAIRMAN CHRISTENSEN: All those against?
 12 (No response.)
 13 CHAIRMAN CHRISTENSEN: Ayes have it. Moving
 14 on, Kone representative to address the Board.
 15 MR. BARNES: Before Kone comes up, this is Bill
 16 Barnes, General Counsel, Acting General Counsel for
 17 the State Fire Marshal.
 18 I just want to speak to the Board briefly
 19 about the powers and duties of the Board as granted
 20 to it by the act, the Elevator Safety Act. There's
 21 a handout that was given to you.
 22 It's a couple of sections that were pulled
 23 from the statute, itself, 2225 ILCS 312/25 and
 24 various other sections; and these are the pertinent

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1 sections of the act that detail the broad powers
2 that the Board has in certain specific instances to
3 act.
4 I began to think about the powers of the
5 act after the last meeting, when we not only had
6 possibly considered the Kone matter, which we didn't
7 because it wasn't on the agenda, but also in the
8 context of the Amerihoist questions that were raised
9 by the licensure of Amerihoist.
10 So, I got back to the office, and I was
11 looking at this statute; and I just think that the
12 Board, meaning no disrespect at all to the Board and
13 its individual members, I just think we need to
14 focus on the role of this Board in the elevator
15 industry or conveyance industry.
16 Based upon my review of this act, the
17 areas in which the Board can act are specific. If
18 you look at Section 35, which is on the second page
19 of this document, I'm just going to cherry pick out
20 sections, but I will leave this to you to review it
21 on your own time, but has the power to: One, adopt
22 rules, consistent with the act; and it can prescribe
23 forums to be issued, in connection with the
24 administration enforcement of the act. That is

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1 licensure application, et cetera.
2 It can make determinations authorized by
3 the act regarding variances, interpretations and the
4 installation of new technology.
5 If you go to C, "The Board shall establish
6 fee schedules for licenses and registrations. It
7 may also establish fee schedules for permits,
8 certificates and inspection."
9 And then in D, just below that, "The Board
10 shall be authorized to recommend the amendments of
11 the applicable legislation, when appropriate."
12 That's it. I mean, in those specific
13 areas, this Board has all-reaching powers, within
14 the aegis of the OSFM.
15 I've also provided for you a copy from the
16 third pages from the Administrative Rules, which
17 Section 1000.50, which details the Elevator Safety
18 Review Board; and C, it details the powers and
19 duties of this Board.
20 It refers to Section 35 of the act, which
21 I just summarized; and it basically authorizes the
22 Board to adopt rules for administration and
23 enforcement of the act. The rules shall establish
24 standards and criteria consistent with the act for

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1 licensing of elevator mechanics, limited elevator
2 mechanics, inspectors and contractors.
3 It also goes on to reference your ability
4 to grant variances from the applicable standards,
5 establish fees and recommend changes to the act.
6 There's a section in this act that I did
7 not copy, forgive me for that, but it's Section 65,
8 which states that, and I'm just quoting from a
9 memorandum that I have, "A license issued pursuant
10 to this act may be suspended, revoked or subject to
11 a penalty by the Administrator."
12 The Administrator, as defined by the act,
13 is the Office of the State Fire Marshal. The state
14 Fire Marshal is a direct arm of the Illinois State
15 Government. We are the regulatory agency that has
16 the ability to issue penalties, revoke and suspend
17 licenses, if it deems it necessary.
18 It's my understanding that in the past,
19 issues concerning specific licenses have been
20 brought before this Board, and the Board has weighed
21 in and recommended whether or not suspension or
22 revocation or penalties were necessary.
23 Again, meaning no disrespect to this
24 Board, I think based upon the clear language of the

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1 statute and this rule, that's impermissible. That
2 is not a role that this Board should be taking. It
3 is the State Fire Marshal that should be regulating
4 the industry.
5 It is the State Fire Marshal that should
6 be enforcing the act. It is the State Fire Marshal
7 that should be taking hard looks at complaints and
8 allegations of malfeasance by licensed contractors
9 and inspectors in the State of Illinois.
10 Referencing the Kone instance, we have
11 alleged violations of the act. In the past, maybe
12 this Board has weighed in on those, and I do not
13 believe that was permissible; and it's the OSFM's
14 permission, or excuse me, position from here on,
15 that under Section 65 of the act, allegations which
16 may result in penalties, suspensions, revocations
17 will be within the context of the agency, itself.
18 Those will not be brought before the
19 Board. Now I open it up to discussion. I would
20 love to hear what you have to say. I believe the
21 clear language of the statute indicates that
22 matters, such as Kone matters, such as Amerihoist
23 should not be erred in the public forum, and should
24 not be brought before the Board.

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1 CHAIRMAN CHRISTENSEN: Anyone have any comments
2 on this?
3 MR. BARNES: It's sort of a bomb shell. I
4 don't mean to spring it on you like this.
5 MR. WELLER: Mr. Barnes, I have a comment.
6 You're our third attorney to represent us, that I
7 can remember. This is the first power grab, I
8 guess, that I've seen our attorney make at a Board
9 meeting.
10 I'm surprised that has the Board attorney
11 not talked to someone like Mr. Capuani, or somebody
12 who is actually in the regulating would make that
13 call, but I respect what you are saying.
14 My last comment would be if that's the
15 case, we've been told, since the beginning, that
16 we're the authority having jurisdiction.
17 If the OSFM is the authority having
18 jurisdiction, then that changes the whole dynamic of
19 how we've been pursuing and looking at these
20 variances and pursuing new technology.
21 So, if it is the OSFM has the authority
22 having jurisdiction, then that puts us in a
23 different context, and I would like to know your
24 opinion on that.

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1 MR. BARNES: I don't think the opinion that I
2 just voiced has anything to do with variances or new
3 technology. That is clearly carved out as a Board
4 role.
5 MR. WELLER: But that's the authority having
6 jurisdiction.
7 MR. BARNES: Where does the term "Authority
8 having jurisdiction" appear?
9 MR. WELLER: That's the technology and that's
10 what the variances are all based on. Who is the
11 authority that can grant the variances and can
12 grant, and in certain instances it is the local
13 municipalities.
14 Where there is no agreement, it reverts to
15 us. That's what we've been told.
16 MR. BARNES: Based upon my reading, you can,
17 quote-unquote, make determinations authorized by
18 this act regarding variances, interpretations and
19 the installation of new technology. Those
20 determinations, it's my understanding, would be
21 adopted by the OSFM and allowed to happen.
22 Now, I don't see this as a power grab.
23 First and foremost, I'm the attorney for the OSFM.
24 I'm not the attorney for the Board. So, my duties

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1 are to the OSFM, as a regulatory agency authorized
2 by the government of this state.
3 I do not believe that the position being
4 articulated today has any impact on your ability to
5 do the jobs and perform the duties granted to you by
6 the legislature, in the specific instances I laid
7 out, as articulated in 35, Section 35.
8 MR. WELLER: Just as follow-up, you will give
9 us an opinion whether we are the authority having
10 jurisdiction?
11 MR. BARNES: Yes.
12 MR. WOLIN: I have a question. In order to
13 review these situations, you have to have a certain
14 level of expertise. I am not an elevator expert.
15 That's clear to everybody here I'm not a
16 lawyer; but I've been impressed by the level of
17 expertise that I've seen at these meetings, and my
18 question is: Does that same level of expertise
19 reside somewhere else?
20 MR. BARNES: I would presume it would reside
21 within the Division of Elevator Safety, in the
22 Office of the State Fire Marshal.
23 MR. WOLIN: But not at the Board, okay. I see
24 what you're saying. It would be Bob Capuani and the

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1 staff would do it on their own?
2 MR. BARNES: Right, as members of the -- as
3 employees of the regulatory agency.
4 MR. WOLIN: Okay.
5 MR. BARNES: From the standpoint that
6 penalties, revocations and suspensions will be
7 levied according to Section 65 of the act.
8 MR. WOLIN: I misconstrued it.
9 MR. BARNES: But with regard to the issuing of
10 variances, setting of fees, establishing forums,
11 everything set forth in Section 35, the expertise --
12 considerable expertise of this Board will be brought
13 forth.
14 MR. WOLIN: I was a little bit confused. I
15 thought somehow Bob and the staff were out of it.
16 MR. BARNES: No.
17 CHAIRMAN CHRISTENSEN: Doug?
18 MR. JONES: Doug Jones. Just a question.
19 Largely what we're saying is, as far as licensure
20 goes, licensing and having anything to do with, for
21 example, with Amerihoist and the licensing issues,
22 what you are saying that doesn't come before the
23 Board?
24 MR. BARNES: No.

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1 MR. JONES: That is Section 65?
2 MR. BARNES: Yes.
3 MR. JONES: I am wondering -- my concern, I
4 guess, is whether that was the intent of the
5 legislation by the state representatives and
6 senators.
7 MR. BARNES: There's no evidence from the plain
8 language of the institute that it was ever intended
9 to allow the Board to consider concerning
10 licensures. In fact, there could be a potential
11 conflict of interest, where you have the industry
12 regulating itself.
13 MR. JONES: Could you explain that a little
14 more?
15 MR. BARNES: There are members on this Board
16 that are members of the industry, that are employed
17 within the industry, who are scrutinizing
18 applications or scrutinizing alleged allegations of
19 violations of the act by their competitors.
20 MR. JONES: I can understand that. So anything
21 that has to do with penalties or even fees related
22 to that?
23 MR. BARNES: No, you can set fees.
24 MR. JONES: One of the things we did in one

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1 other circumstance once before, we set -- for the
2 attorney prior to yourself, we set or gave
3 recommendations.
4 MR. BARNES: I'm aware of that.
5 MR. JONES: That is not what we do?
6 MR. BARNES: No.
7 MR. JONES: Okay.
8 CHAIRMAN CHRISTENSEN: Go ahead, Tom.
9 MR. GANIERE: A couple things. I think I
10 respectfully disagree, and I'll point to one
11 sentence in the act.
12 "The rules shall establish standards and
13 criteria consistent with this act for licensing of
14 elevator mechanics, inspectors," and so on and so
15 forth. I think you glossed right over that sentence
16 when you were reading your other sentences.
17 MR. BARNES: Where is that sentence?
18 MR. GANIERE: Right in Section 35 about four or
19 five lines down, "Shall establish standards and
20 criteria." I think that is what we're talking about
21 here, all standards and criteria.
22 MR. BARNES: Right, those are the criteria to
23 which the individual licensees are to be held.
24 MR. GANIERE: Who is enforcing that?

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1 MR. BARNES: The regulatory agency.
2 MR. GANIERE: I disagree. That is my opinion.
3 Everybody has opinions, but with your conflict of
4 interest argument, I don't think that holds water
5 either.
6 That happens all overstate, especially in
7 the healthcare industry, where you have healthcare
8 professionals regulating other healthcare
9 professionals, especially with Disciplinary Review
10 Boards.
11 So, I don't think that argument holds much
12 water either myself, but that's me. Often attorneys
13 and I don't agree. That is why we have courts.
14 MR. BARNES: Yes.
15 MR. GREGORY: I would request if you could
16 issue a written ruling, or whatever you would prefer
17 to call it, circulate it.
18 MR. BARNES: I will have it by tomorrow.
19 MR. GREGORY: This is the word, and we will
20 live by this. I would also request that perhaps in
21 situations, I'm not going to comment on the Kone
22 situation at all, because I don't have enough
23 information, so I can't comment, but maybe I do
24 have.

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1 But there may be situations where it would
2 be advantageous for the OSFM to ask for input from
3 the Board, not that you have to follow it, as you've
4 said, but you ask for input, "What does the Board
5 think about this?"
6 If we take the title, "Safety Review
7 Board," then we can give you some information of
8 what our thoughts are, and then you are going to do
9 what you are going to do.
10 MR. BARNES: I agree with that wholeheartedly.
11 I don't think that the OSFM will turn its back in
12 the limited instances in which it's acting on its
13 own to the experiences of this Board.
14 To the extent that we can rely upon that
15 and take your advice, we will do so. I will put
16 that in the opinion that you requested.
17 MR. GREGORY: Thank you very much.
18 MR. SWIENTON: You also made a comment if, say,
19 Bob Capuani fines somebody or something, we would
20 never know of these violations or fines or anything
21 like that?
22 MR. BARNES: Is there a need for that
23 information?
24 MR. SWIENTON: There might be.

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1 MR. BARNES: I'm just wondering what would the
2 need for that information be? What would be
3 instances when you would need that? I'm just
4 asking. It's something I could consider.
5 MR. SWIENTON: The guy applying for, let's say,
6 a license or building permit or something, you know,
7 a repeated offender, put it that way. We don't know
8 that. Why would I give a repeated offender
9 permission to keep building another elevator shaft
10 or whatever?
11 MR. BARNES: But if he doesn't have the permit
12 or the license to do so.
13 MR. SWIENTON: But if he has a license and been
14 fined in the last year five times by Bob, and I
15 don't know this, and now he's applying for something
16 else, I think I should know that, because that would
17 decide whether I'm going to give him a permit to do
18 something again.
19 MR. BARNES: All right. That's something I had
20 not considered. I will include that. That is
21 something I hadn't considered. I will include that
22 in the opinion letter that I'll issue.
23 CHAIRMAN CHRISTENSEN: Tom.
24 MR. GANIERE: Ganiere again. There is a very

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1 simple solution to this matter. You can submit it
2 to the AG's office for an opinion and ask them.
3 Well, grant it, that is just an opinion
4 from the AG's office, but it holds a little more
5 weight than your or my opinion, because that's what
6 the State would do, that is what our State's
7 Attorney would do, if there was a legal proceeding
8 against us or whatever.
9 So, now, it would take six months or
10 better to get that opinion back.
11 MR. WELLER: I don't remember the Board
12 explicitly being in the discipline process, as we go
13 back through my memory and the things that we've
14 done.
15 We've always acted as an advisor and
16 suggested consistency in discipline and consistency
17 in the way these situations are handled; and then
18 the Board's attorney, or in this case the OSFM's
19 attorney, has always handled those and brought back
20 the conclusion to us as the Board and said, "Here is
21 what we discussed. Here is how that meeting, that
22 disciplinary hearing, went; and here was the
23 result."
24 None of us, that I'm aware of, has

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1 participated directly in those negotiations.
2 MR. BARNES: But have you given final approval
3 of settlement recommendations?
4 MR. WELLER: They have been brought back to the
5 Board and said, "This is what ultimately we have
6 agreed to," and sometimes we've been happy with that
7 and sometimes we haven't.
8 MR. BARNES: That's a very interesting
9 statement, because that was contrary to what I was
10 led to believe. If that's the case, then we don't
11 have a problem.
12 MR. WELLER: There were a couple of occasions
13 that we wanted higher, as a Board, we kind of said,
14 "Well, we really should have enforced this a little
15 higher," but because of necessity of the process --
16 MR. BARNES: The reality of the situation.
17 MR. WELLER: The OSFM'S attorney just handled
18 it and brought back to us the outcomes of that, and
19 we could say, "Next time, really, if that is the
20 same guy," to go to your point that, "if that's the
21 same company that keeps violating the rules, we
22 expect an escalation in the outcome for the penalty
23 phase of this."
24 We've always taken a position we're not --

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1 we're here to advise, to be pertinent to the issues
2 that you're facing, and the conclusions that either
3 Bob or you or whoever else is out there is looking
4 and saying, "This is something we've not seen.
5 These are instances that we're seeing out there of
6 neglect, where the public safety is being exposed.
7 What should we do about this? Bob, go out and take
8 a look at this and come back and let us know what
9 you think."
10 I don't remember us going out there as a
11 body and saying we should fine them or we should
12 shut them down. We're acting in the capacity as a
13 the overseer saying, "Yes, let's be consistent in
14 discipline. Let's be consistent in our variance,
15 let's be consistent in our new technology."
16 So, that's the way I viewed my role. This
17 is a little bit of a surprise to me, because I
18 didn't know we had a conflict until this morning.
19 MR. BARNES: Let me clarify. Apparently we
20 don't have a conflict. It was my understanding that
21 the Board -- looking at Kone, the Board recommended
22 a penalty range or a maximum number, something that
23 the OSFM should see.
24 I engaged in negotiations. Negotiations

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1 are ongoing, but it was my understanding that the
2 Board would have ultimate approval that the Board
3 was going to vote on the settlement that the OSFM
4 had reached.
5 That was my understanding was the course
6 of action that we were going to take; and if that is
7 the course of action we're going to take, and I may
8 be mistaken, then that violates the act.
9 Because that takes the power away from the
10 regulatory agent, itself, which is granted the
11 powers under Section 65 of the act to levy penalties
12 and fines.
13 MR. WELLER: No, I agree with Tom. I disagree,
14 that's not what we have done in the past.
15 MR. BARNES: Okay.
16 MR. GANIERE: Ganiere again. Although I have
17 to say we did convene a couple hearings previously
18 under previous counsel, but I don't recall.
19 MR. BARNES: You are speaking administrative
20 hearings?
21 MR. GANIERE: Yes.
22 MR. BARNES: That's completely different.
23 MR. GANIERE: I don't believe that we set the
24 fine or the discipline, whatever that might be. I

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1 think we made a recommendation, and I think that
2 recommendation was followed.
3 But like Kelly said before, though, we
4 have had some other ones where we made a
5 recommendation and came back a little bit different
6 than what we recommended; and there was no, as I
7 recall, there was no vote to approve or disapprove
8 that.
9 MR. WELLER: I don't think we have the
10 authority to do that.
11 MR. BARNES: You don't.
12 MR. WELLER: We've always respected that. What
13 we do is we have the responsibility to direct
14 your --
15 MR. BARNES: Advise.
16 MR. WELLER: And get you consistent with what
17 the legislature had, which was putting 16 different
18 voices of opinions or voices of constituents so that
19 the advice you are getting represented a very broad
20 spectrum of participants in the industry.
21 And then, you know, I guess ultimately if
22 there was some conflict to where we kept having a
23 repeat offender, and we couldn't get the right kind
24 of discipline, I guess maybe we could approach this

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1 in a different standard, but we've never had to do
2 that.
3 MR. BARNES: Okay.
4 MR. WELLER: I've never -- having been an
5 original member, I don't ever remember us, as the
6 Elevator Board, saying, "We are going to discipline
7 you."
8 It's always been, "Bob, you know, listen,
9 can you bring us some facts here. You guys go back
10 and administer the discipline, and bring us back
11 what the outcome was, so that we can, you know, be
12 on public record as to how we feel about that."
13 MR. BARNES: Well, that sounds to me like we're
14 not that different in the thinking.
15 MR. WELLER: Maybe I was hearing it wrong from
16 the beginning.
17 MR. GANIERE: Maybe I was, too. I mean, the
18 way you spoke in the beginning, I thought we're not
19 even going to hear any of this stuff.
20 MR. BARNES: The advisory capacity of the Board
21 is important. It is an important capacity of the
22 Board. The OSFM as the ultimate regulator in
23 levying the fines.
24 MR. GANIERE: Absolutely. I don't think that

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1 was ever a question. The way you presented it in
2 the beginning, I think it sounded like we're not
3 even going to hear any of this stuff. It's not
4 going to come here at all. We're not going to hear
5 it. That I think is wrong.
6 CHAIRMAN CHRISTENSEN: We have to know about
7 the Kone issue. It has to come up before us.
8 We also need to know about the Amerihoist
9 issue. Are you saying now we won't be hearing this
10 at all?
11 MR. BARNES: Well, this is not the venue for
12 the negotiations to occur. We can apprise you of
13 the ultimate decision, which is what I believe has
14 happened in the past.
15 MR. WELLER: Weller. The only discrepancy I
16 say is that the Board has, where necessary, the
17 Board has been used in closed session to clarify
18 facts and have people come in front of us in that
19 venue, to clarify their position, or clarify what
20 was -- the allegation or what was alleged.
21 I don't see that being an issue. I would
22 hate to see the Board being completely ostracized to
23 the facts, and then brought back some sanitized
24 recommendation and a sanitized conclusion.

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1 I would rather be a participant in the
 2 fact finding in the allegation; and you are correct,
 3 negotiations should be not our responsibility.
 4 That's your responsibility as the
 5 regulator, but being participant in the facts I
 6 think is our responsibility and our obligation.
 7 MR. BARNES: Okay.
 8 MR. GANIERE: Ganiere again. I think that is
 9 where we've used the hearing process in the past.
 10 MR. BARNES: Well, the administrative hearing
 11 process is where negotiations break down, and we
 12 can't reach a settlement.
 13 Then what happens is the violation, the
 14 notice of violation is challenged, and it moves to
 15 the administrative hearing phase, where you have the
 16 ALJ, and there is evidence presented, and there is
 17 administrative order issued, which is enforceable by
 18 the attorney general.
 19 MR. WELLER: Have we had one that's got -- I am
 20 not aware of one.
 21 MR. GANIERE: We've had a couple hearings in
 22 the past, but not an ALJ. It has just been the
 23 hearings of the Board.
 24 They've been properly noticed. I mean,

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1 you have to go back to the records and see that.
 2 It's been a while.
 3 MR. BARNES: Those were on discipline matters?
 4 MR. GANIERE: It's been such a long time, I
 5 don't remember the exact subject matter. I think it
 6 was when we were still meeting in the Thompson
 7 Center, that the hearing was at the Thompson Center,
 8 if I recall right. We had at last one.
 9 We may have had more than one, one that I
 10 was presented at for sure, but we've always been
 11 kept abreast of what's going on, not necessarily
 12 exact details; and you said it earlier that
 13 negotiations are ongoing.
 14 That may be sufficient enough, as far as
 15 what's going on, but we should be kept in the loop,
 16 so to speak.
 17 MR. BARNES: You will be kept in the loop.
 18 With regard to the Amerihoist issue, to the extent
 19 that the OSFM finds grounds to take action against
 20 the individuals at issue, and takes -- you know,
 21 takes regulatory action against them, you will be
 22 apprised.
 23 CHAIRMAN CHRISTENSEN: I'm sure we're going to
 24 hear more about this, because we have a lot on

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1 public comment over it.
 2 Possible Board action on Kone's report,
 3 that's part of the same, correct?
 4 MR. CAPUANI: Yes.
 5 CHAIRMAN CHRISTENSEN: We're on to new
 6 business. Rules changed by Board consideration, or
 7 for Board consideration. Do you have them?
 8 MR. BARNES: I can address this. This is where
 9 we are in the rule-making process.
 10 It's out of first notice, and now we're
 11 about ready to submit the second notice; and the
 12 only changes that can be made to proposed rules in
 13 this phase come from the public.
 14 And we have received some comments from
 15 the public concerning the municipality agreements,
 16 and those municipalities that enter into an
 17 agreement, the rule right now is, as it's written,
 18 requires municipalities to adopt by resolution or
 19 ordinance state law.
 20 And there's been some push back from the
 21 local municipalities about the time and expense
 22 involved in getting their attorneys together to
 23 working up the ordinance, presenting it, having the
 24 vote, when they are bound by the state law already.

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1 I mean, there's no need to adopt state law
 2 by ordinance, when it's the law of the land, or at
 3 least the land within Illinois.
 4 So, the proposed changes, as they were
 5 circulated to you before, simply eliminate the
 6 language requiring the municipality that have
 7 entered into the agreements to engage in the
 8 ordinance or the rule-making procedures. That's the
 9 extent.
 10 If we can get -- I think the next course
 11 of action is there may be some public comment on
 12 here. I know Ms. Vaughn is here, who initiated
 13 these changes. She may have some input, but what I
 14 would be seeking is Board ratification and proposed
 15 changes that we can submit these for second notice
 16 and get moving on this.
 17 You will recall that you have a year from
 18 submittal, or for first publication or first notice
 19 through enactment. If you can't get it done within
 20 a year, then you have to go back to square one,
 21 which we don't want to do, but we have tons of time.
 22 We have until July, mid or late July, to
 23 get this done; but with Board approval, we can
 24 submit these rules, or proposed rules, to the

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1 Secretary of State, and we can proceed.
2 I will state that with the changes to the
3 rules, we are going to have to do some changes to
4 the agreements, themselves, just to bring them into
5 compliance, or make sure that they all state the
6 same thing.
7 Those changes we'll provide to you for
8 approval as well, once we move beyond this.
9 MR. JONES: In that case, if the agreements
10 change -- Jones again. If the agreement is changed,
11 and the State Fire Marshal sends out that agreement
12 to the municipality, it doesn't have to go through
13 any kind of legal process?
14 It's just administrative, our village
15 manager, or whatever the case may be, could sign it
16 just like before? It doesn't have to go through
17 administrative process?
18 MR. BARNES: Right.
19 MR. JONES: With this change?
20 MR. BARNES: Yes, to the extent the ordinance
21 is required, previously the ordinance required.
22 CHAIRMAN CHRISTENSEN: Tom.
23 MR. GANIERE: Question. Ganiere again. Does
24 the act allow local enforcement of the code without

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1 them adopting the ordinance or the Elevator Safety
2 Act?
3 MR. BARNES: It doesn't specifically state
4 that, but it says, "The municipality shall adopt."
5 So, presumably without that, without the adoption of
6 the state regs --
7 MR. GANIERE: Then our rules -- the complaint
8 is our rules are redundant?
9 MR. BARNES: Yes.
10 MR. GANIERE: That's often the case with rules.
11 MR. BARNES: It is, yes.
12 MR. GANIERE: Often the rules restate the
13 statute, itself, and then elaborate on it.
14 MR. BARNES: No, the complaint is that the
15 rules are placing undue burden upon the
16 municipalities by entering into this agreement, to
17 the extent they have to adopt state law by local
18 ordinance.
19 MR. GANIERE: But doesn't the act say that?
20 Didn't you just say the act says that also?
21 MR. BARNES: No, the rules state that. The
22 rules state that. I misspoke.
23 MR. GANIERE: Well, then, I have to go back to
24 my original question: Does the act specifically

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1 allow local municipalities to enforce it?
2 MR. BARNES: To enforce state law?
3 MR. GANIERE: Yes.
4 MR. BARNES: Not without adopting, not without
5 the ordinance.
6 MR. GANIERE: So, then, the act does require
7 them to pass an ordinance?
8 MR. BARNES: That's what we're trying to
9 eliminate, to ease the burden on the municipalities.
10 MR. GANIERE: If they don't pass the ordinance,
11 then it falls upon us, then they can't have a local
12 administration of it.
13 MR. BARNES: Am I getting this wrong, Margaret?
14 MS. VAUGHN: Margaret Vaughn of the Illinois
15 Council of Code Administration. There is nothing in
16 the statute that requires the locals to adopt an
17 ordinance.
18 MR. BARNES: Right, it's just the rules.
19 MS. VAUGHN: So, there was a requirement in the
20 rules that was not authorized by statute. So, once
21 they sign that elevator agreement, that elevator
22 agreement basically says that they are adopting the
23 state standard and the qualifications that go along
24 with it.

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1 So, there is no need to adopt an
2 ordinance. That would be like if they passed a
3 speeding law in Illinois, and then every
4 municipality also had to pass it. It is redundant.
5 The bottom line, it is not required in the
6 statute. The rule never should have been there, to
7 begin with.
8 MR. BARNES: It's not authorized.
9 MS. VAUGHN: So, they can sign the agreement.
10 There is nothing in the statute prohibiting them
11 from signing the agreement and being effective.
12 There is no requirement in the act that
13 requires the locals to adopt the local ordinance.
14 It is a state code anyway.
15 The State Plumbing Code, you don't have to
16 adopt the local order to enforce that. So, the rule
17 was putting an undue burden financially and
18 time-wise on the municipalities that wasn't required
19 by law.
20 MR. GROSS: I agree, I can see the point. That
21 doesn't necessarily mean the municipality can
22 establish it. The state is a minimum requirement,
23 that they can always adopt. A municipal ordinance
24 can always be increased.

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1 MS. VAUGHN: Right, when they sign that
 2 elevator agreement, it is pretty much spelled out.
 3 It doesn't prohibit them from doing it, but it is
 4 saying they don't need it, in order to adopt the
 5 local -- sign the local agreement.
 6 MR. WELLER: Do we need a motion on this?
 7 CHAIRMAN CHRISTENSEN: Yes.
 8 MR. WELLER: To amend the language as
 9 requested?
 10 CHAIRMAN CHRISTENSEN: Yes.
 11 MR. GANIERE: I just had a general comment. I
 12 think this is one example where I think the act was
 13 wrong that it allows these municipal agreements.
 14 I mean, obviously there was a strong lobby
 15 present when the act was passed, and this was put in
 16 there to allow that. I mean, if we're going to have
 17 a State Elevator Safety Division, it should be
 18 administered by the state.
 19 We shouldn't allow local administration,
 20 but that's something to take up with the
 21 legislature. That is just my personal displeasure
 22 with the Elevator Safety Act.
 23 Obviously we know how lobbyists work down
 24 in Springfield. They do what they want, don't get

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1 want they want at various times; and I would assume
 2 the lobbying organization that got this through is
 3 one of the strongest in the state. So, anyway, that
 4 is my personal opinion.
 5 CHAIRMAN CHRISTENSEN: Doug? Rick?
 6 MR. JONES: I'm sorry. My question would be
 7 then, too, if there's no local ordinance, I can
 8 understand the redundancy of it, if there is an
 9 enforcement of it, then it has to be enforced as a
 10 state code.
 11 If we have to, as administrators, locally
 12 to enforce whatever is necessary in shutting down an
 13 elevator, or does that got to go right back to
 14 State, because now we sat in administrative
 15 agreement?
 16 If we have to shut an elevator, because it
 17 is not working, how does that work from a local
 18 standpoint?
 19 MR. BARNES: How is it done currently? It is
 20 done under the local ordinance?
 21 MR. JONES: Yes.
 22 MR. BARNES: I think it would have to go
 23 through the State.
 24 MR. JONES: If we have an issue with an

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1 elevator, and it's not working, it's stuck, or
 2 whatever the case may be, we may have to tag it.
 3 MR. BARNES: Right, which you can do.
 4 MR. JONES: Which we can do, right?
 5 MR. BARNES: Under the agreement.
 6 MR. JONES: Under the agreement, we have the
 7 authority as the local administrator to do that
 8 still, to enforce that?
 9 MR. BARNES: Yes. Your duties haven't changed.
 10 It's just that there was this extra requirement that
 11 is not authorized by statute.
 12 MR. JONES: I guess my question, Bill, not
 13 having an ordinance doesn't affect what we did?
 14 MR. BARNES: It should not, no.
 15 MR. JONES: Thank you.
 16 CHAIRMAN CHRISTENSEN: Rick?
 17 MR. JANDORA: Just one question. Is this a new
 18 rule that was added after the Senate Bill 149
 19 amendments, or is this an existing rule that has
 20 been in place?
 21 MR. BARNES: This is the rule revising the
 22 existing rule.
 23 MR. JANDORA: It's an existing rule that is in
 24 place, and we're in conflict with the statute?

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1 MR. BARNES: Yes.
 2 MR. JANDORA: So, is this perhaps an oversight
 3 of J-CAR?
 4 MR. BARNES: Yes.
 5 MR. JANDORA: Thank you.
 6 CHAIRMAN CHRISTENSEN: Any other questions? Is
 7 there a motion?
 8 MR. FINCHAM: I also move to accept as
 9 submitted.
 10 CHAIRMAN CHRISTENSEN: Is there A second?
 11 MR. GROSS: Second.
 12 CHAIRMAN CHRISTENSEN: Now is there any
 13 questions?
 14 (No response.)
 15 CHAIRMAN CHRISTENSEN: None being, all those in
 16 favor, say aye.
 17 (A chorus of ayes.)
 18 CHAIRMAN CHRISTENSEN: All those against?
 19 (No response.)
 20 CHAIRMAN CHRISTENSEN: Ayes have it. Moving
 21 on. Dick Gregory to report on Otis Elite Service.
 22 MR. GREGORY: Does everybody have a copy of my
 23 report?
 24 MR. CAPUANI: Yes, they do.

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1 MR. GREGORY: In essence, Otis asked for
2 permission, I would have to say, to install their
3 Otis Elite system in the State of Illinois that is
4 under the jurisdiction of the OSFM, and I looked at
5 this from two points of view: A code point of view,
6 and a new technology point of view, and whether they
7 needed variances.
8 In a nutshell, and it's very hard to prove
9 a negative, so that took considerable research of
10 the code. Of course I asked Otis to do the same
11 research, so somebody else would be -- not that I
12 was necessarily going to believe or not believe
13 theirs, but, you know, if they came up with
14 something that I missed, good.
15 But I could find nothing in the Elevator
16 Code ASME A17.1 2007 that the Otis Elite system is
17 in violation of, in any way, manner, shape or form.
18 So, therefore, there is no variances required to
19 install this system.
20 I will tell you also that it is not new
21 technology. You can read all of my letter to Bob
22 here about this; or if you want me to read it to
23 you, I can do that.
24 In summary, Otis may object to it, what

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1 I'm about to say, the Otis Elite system is not,
2 quote, better than sliced bread, unquote. We
3 already have sliced bread, white, whole wheat, rye
4 and so forth.
5 The Otis Elite system is their brand of
6 sliced bread. I installed elevators back in the
7 '70s that had the ability to do what the Otis Elite
8 system does, but that required a phone line.
9 I never got a building owner willing to
10 pay for the phone line; and in those days, I could
11 get a card that went into computerized controller
12 which I designed, which I programmed, I didn't
13 design it, it was manufactured by General Electric,
14 I could get a 300 baud modem card that would go in
15 that computer and do all this stuff.
16 Phone lines cost money, and it is every
17 month and on and on; and so no building owner ever
18 wanted to do that, so I gave up on that idea. But
19 if they want to try it again, God bless.
20 Are there any questions? You want me to
21 elaborate?
22 CHAIRMAN CHRISTENSEN: Well, here is the thing,
23 we have a lot of public comment over this.
24 MR. GREGORY: Okay.

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1 CHAIRMAN CHRISTENSEN: With the Board's
2 approval, I would like to go to public comment on
3 this.
4 MR. WELLER: Specific to this issue?
5 CHAIRMAN CHRISTENSEN: Yes. First, Dan
6 Baumann, B-a-u-m-a-n-n.
7 MR. BAUMANN: Good afternoon. I'm Dan Baumann.
8 I represent the International Union of Elevator
9 Constructors, roughly about 1500 members in the
10 Chicago Northern Illinois area.
11 I had brought this before the Board a
12 while back about the Otis Elite system. Looking
13 into doing a little bit more research myself, this
14 Board has, back in May of 2010, May 19th, it was
15 made a Board decision to have all escalators reset
16 by qualified elevator or qualified licensed elevator
17 constructors or personnel.
18 And now you're going to allow basically a
19 computer programmer in Connecticut or India or China
20 to reset the elevator, without actually physically
21 seeing that elevator.
22 I've been working on elevators for the
23 last 27 years. I totally disagree with this whole
24 Elite system. The monitoring system I understand.

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1 I installed it for Otis Elevator when I worked
2 there, their REM system. That is just a monitoring
3 system.
4 This is not new technology in the
5 technical sense, but it is new to this industry,
6 okay? They have not installed, or they have not, to
7 my knowledge, they have not been able to change
8 parameters.
9 They have not been able to reset door
10 operators. They have not been able to set
11 controllers. This is new technology in this
12 industry. I'm totally against it, and I can't
13 emphasize it enough for you.
14 And also, again, these guys are not
15 licensed elevator constructors doing this work.
16 Thank you.
17 CHAIRMAN CHRISTENSEN: Any questions?
18 MR. WELLER: What would cause -- give me an
19 example that you just said something that would
20 cause it to trigger and then automatically be reset?
21 What would trigger that?
22 MR. BAUMANN: Say they have a door fault.
23 MR. WELLER: Be more specific.
24 MR. BAUMANN: You have a money bump, they used

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1 to call it, where basically grease builds up on the
 2 doors and the doors don't close, static pressure in
 3 the building, the doors aren't closing because
 4 there's little wind pressure in the building, the
 5 doors on the first floor won't close.
 6 They won't make up the door lock, and the
 7 person basically can get on there, see that the door
 8 lock is not made up, can recycle the doors, have the
 9 doors try it another three times.
 10 He's not there to witness this stuff. He
 11 doesn't know what's going on. The doors will make
 12 up, the car will take off, who knows if the guy got
 13 on the car to work on the elevator. Who knows if
 14 the building engineer got on there.
 15 These are issues -- there's a lot of
 16 issues there.
 17 MR. WELLER: So, the system requires someone on
 18 a computer terminal or a phone line to physically
 19 reset the elevator at a remote location?
 20 MR. BAUMANN: Correct. All he's seeing is
 21 things to the limit switches and stuff that's done.
 22 He's not actually, physically, seeing the elevator,
 23 itself.
 24 Now, there is a code in the elevator in

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1 the ANSI book, I'm not a QEI inspector, but there is
 2 a code in the book that says you have to actually
 3 see the elevator, watch the machine while you're
 4 working on the controller.
 5 You have to see the machine, but yet --
 6 MR. WELLER: To reset it.
 7 MR. BAUMANN: To work on the controller. It's
 8 part of the code.
 9 MR. WELLER: Okay.
 10 CHAIRMAN CHRISTENSEN: Anybody else?
 11 MR. SWIENTON: You know, you're talking about
 12 like that example with the doors closing, can it be
 13 remotely reset for the elevator to still work and
 14 the doors won't close?
 15 MR. BAUMANN: The door will be closed, because
 16 the lock will be there, but it will come back down
 17 and have the same issue again. It may or may not.
 18 MR. SWIENTON: But they can't reset?
 19 MR. BAUMANN: But there are other issues, too.
 20 I had brought this up with Bob. You can have a
 21 center opening two-speed door, where the
 22 relationship from the front door to the back door
 23 they lose it.
 24 It may have a fire lentil or anything on

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1 there that will keep it open about an inch or so.
 2 You could still put your hand through it, or
 3 anything, you might have a running elevator that
 4 resets.
 5 MR. SWIENTON: That is what I meant. They can
 6 bypass the problem, not fix the problem, but keep
 7 the elevator going?
 8 MR. BAUMANN: They can bypass it.
 9 MR. SWIENTON: Okay.
 10 MR. BAUMANN: Again, going in a little bit
 11 further steps, because I know how all these
 12 companies work, is that they get this one passed,
 13 it's not new technology anymore, and now they are
 14 going to be changing parameters.
 15 They are going to be one step farther,
 16 taking it, you know, to get a mile.
 17 CHAIRMAN CHRISTENSEN: Thanks.
 18 MR. BAUMANN: Thank you very much for your
 19 time.
 20 CHAIRMAN CHRISTENSEN: Is Betsie Ceriello here?
 21 MS. CERIELLO: Good morning, everyone. My name
 22 is Betsie Ceriello with Otis Elevator.
 23 C-e-r-i-e-l-l-o. And with me is Barry Blackady.
 24 Tell them who you are.

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1 MR. BLACKADY: Manager of electrical codes for
 2 Otis Elevator. B-a-r-r-y B-l-a-c-k-a-d-y.
 3 MS. CERIELLO: I guess just as a point of
 4 clarification for Attorney Barnes, it would seem to
 5 me he made a distinction with the things the Board
 6 can handle versus what the State Fire Marshal can
 7 handle.
 8 MR. BARNES: Yes.
 9 MS. CERIELLO: It would seem some of the
 10 questions that had been raised, for example,
 11 licensing would be something that would reside with
 12 the State Fire Marshal.
 13 We have been cooperating with the State
 14 Fire Marshal when the complaint was made. I do need
 15 to make a correction to the record. I think
 16 Mr. Gregory said Otis had come here asking for
 17 permission for it to be installed.
 18 That is not the case, a complaint was
 19 filed by a member of the public. We have been
 20 cooperating with the State Fire Marshal's Office.
 21 Actually, they kept asking us questions. We did a
 22 live demonstration of it.
 23 Mr. Capuani, Mr. Gregory participated in
 24 it. We provided information. All the Board Members

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1 got a copy of the letter that we sent from Kyle
2 Franzen, our branch manager, on what it does, how it
3 works and the like.
4 So, we've given you lots of information on
5 that. Barry also did participate and sent a letter
6 to Mr. Gregory on more of the technical aspects.
7 I'm certainly not a technical person. I'll leave
8 those questions to Barry.
9 I guess the question that I would ask to
10 you are making public comments on what? You have
11 a report from the State Fire Marshal's Office saying
12 that there's no new code or safety issues with
13 Elite.
14 There is another question, or another
15 complaint, I guess we would like to know what that
16 is specifically; or we could respond to, and can
17 respond to some of the things that the prior speaker
18 made.
19 I would be more than glad to do it. My
20 question is: We have a report that says that from
21 that, I don't think action needs to be taken from
22 the Board. That is not what I was going to say
23 today.
24 I was going to come here and talk more,

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1 but based upon what you said, it would seem to me
2 that a lot of this resides with the State Fire
3 Marshal's Office and not with the Board.
4 I would be more than glad to actually
5 answer the questions. I have no problem doing that,
6 because it is public comment, because the Board
7 actually hasn't been privy to it.
8 You didn't have a chance to be at the
9 demonstration, for example, and maybe have a chance
10 to really chew on this information. You might have
11 questions. We are more than glad to answer them for
12 you. That is why we're here today.
13 MR. BARNES: I appreciate your comment. In
14 response, any complaint that was levied with the
15 State Fire Marshal has been resolved; but the
16 context in which this discussion is being framed is
17 in the context of new technology, which is firmly
18 within the powers of this Board to consider.
19 So, I don't see any issue with having this
20 discourse at all.
21 MS. CERIELLO: The new technology question, I
22 think he answered that. I guess the Board can then
23 act. That would be something the Board can act on;
24 but the licensing fees, for example, it would seem

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1 to me --
2 MR. BARNES: Well, we haven't gotten to that.
3 I think right now the consideration that's before
4 the Board is whether or not this constitutes new
5 technology under the act.
6 MS. CERIELLO: Okay. That being said, I just
7 would like to respond to a few other points the
8 previous speaker made.
9 One is Otis does not believe a license is
10 required. If you have detailed questions on that, I
11 will defer to Barry. This is not, as your statute
12 requires, it is not alteration, or maintenance, or
13 repair, or replacement, or testing and installation.
14 They are very, very specific terms that
15 are made under the code. They are code defined. It
16 is not just testing anything or installing anything.
17 They are code defined. Elite Service does not
18 require, does not do that kind of work; therefore, a
19 license is not required.
20 In regard to the Schindler incident that
21 was mentioned as similar, we don't see that as
22 similar. We see that as dissimilar. That was a
23 mechanical reset switch, and this is not what we're
24 talking about here.

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1 Also, in that case, they found the people
2 that were actually doing it to be unqualified
3 personnel, which is not case at all for the folks
4 who are actually working on Elite Service. They are
5 eminently qualified.
6 They're people who have worked in the
7 field, have been engineers for us for Otis and the
8 like. So, we a distinction there. They are
9 qualified to do what they are actually doing.
10 I think that is all I have to say.
11 MR. BLACKADY: Just responding, in all
12 deference, the reset switch on the escalator is code
13 required. We manually reset survive power-ons,
14 everything else, very specific set of functionality
15 for that in the code.
16 None of which, when we talk that to the
17 elevator side, is required or can Elite do. The
18 ability to reset a motion control, every elevator
19 system you have out there is made to automatically
20 reset.
21 All this does is it will go through Zero
22 One Software. I can guarantee you hundreds of
23 elevators under your purvey do that every day, from
24 the straight cell phone signals to everything else.

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1 The elevator is made to handle that.
 2 There isn't even code requirements for that. It's
 3 just such a normal function. So, to say that
 4 represents a safety hazard is totally incorrect.
 5 To compare that to the escalator reset,
 6 they are not even in the same -- I mean, just
 7 totally different functions. If you look at Elite,
 8 it can do certain things.
 9 New technology, all it can do, it can do
 10 less than service tool today. The service tools we
 11 hand out to mechanics can do infinitely more than
 12 what Elite Service can do.
 13 It is not introducing any new technology
 14 at all. It is just we include software in the
 15 system that actually prohibits us from doing
 16 functions that would interfere with safety.
 17 So, we can't, back in Connecticut or
 18 anywhere else, come up with new software and
 19 override that. The software on site remains safe,
 20 and you cannot change code requirements. As far as
 21 meeting the code and safety, it is not an issue.
 22 New technology just doesn't come into any
 23 of that purvey.
 24 CHAIRMAN CHRISTENSEN: Betsie, you brought up

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1 qualified people. On the other side of the phone
 2 line, who qualifies?
 3 MS. CERIELLO: Otis has the right people
 4 working on it. They have folks who have worked in
 5 the field for a number of years. They are actually
 6 mechanics that worked in the field.
 7 CHAIRMAN CHRISTENSEN: Okay. Are they Illinois
 8 licensed mechanics?
 9 MS. CERIELLO: No, we don't believe a license
 10 is required.
 11 CHAIRMAN CHRISTENSEN: Okay.
 12 MS. CERIELLO: Under the code.
 13 CHAIRMAN CHRISTENSEN: Dick?
 14 MR. GREGORY: I was going to suggest Barry
 15 cover -- you all got four pages of my report, which
 16 I did not read to everybody, because I figured
 17 everybody read it, besides I'm not a radio
 18 personality and have a good voice for reading.
 19 So, maybe you want to go over what the
 20 system actually does, because maybe everybody did
 21 not get a chance to read my report, so that they
 22 know what it actually does.
 23 MR. BLACKADY: Okay. From a high level, the
 24 best way to describe Elite and, Mike, if I screw up,

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1 please feel free to interject.
 2 It is a combination of REM and EMS. In
 3 fact, in your report, those are my REM systems in
 4 England, the ability to monitor what's going on, on
 5 site, off site. We've done that for better than 25
 6 years, 30 years. It's been around the world. We
 7 couldn't get people to pay for phone lines either,
 8 Dick.
 9 So, actually, U.S. got it last, because
 10 people wouldn't pay for the phones. It's been here
 11 for a long period of time. Actually, in other parts
 12 of the world, they do interact with the elevator by
 13 activating codes.
 14 It is a combination of that functionality
 15 for diagnostics and looking at critical points of
 16 the elevator, and what we have in EMS, which
 17 Illinois and Chicago has an awful lot of EMS running
 18 now.
 19 EMS can do more than Elite can. So, all
 20 we've done is taken certain functions of EMS and
 21 included them off site. Actually, we've been doing
 22 EMS off site for many years.
 23 One of the first was in Chicago from the
 24 AT&T building across the street. The security

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1 guards changed functions on those elevators without
 2 being able to see them.
 3 That's what this can do is it can change
 4 those types of functions that a security guard would
 5 change. So, you say, how much training does a
 6 security guard get?
 7 From what I've seen, virtually none. They
 8 can bring cars in. They use swing cars. They can
 9 send cars to floors, those types of functions.
 10 MR. GREGORY: Barry, can I interrupt you?
 11 MR. BLACKADY: Yes.
 12 MR. GREGORY: The functions that the security
 13 guard is changing, they are taking elevators in or
 14 out of groups?
 15 MR. BLACKADY: Yes.
 16 MR. GREGORY: They are perhaps putting them on,
 17 because my partner, Leo, does hospitals, hospital
 18 service?
 19 MR. BLACKADY: Independent service.
 20 MR. GREGORY: Independent service.
 21 MR. BLACKADY: Park the car.
 22 MR. GREGORY: Parking floors?
 23 MR. BLACKADY: Yes. It can change security as
 24 well.

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1 MR. GREGORY: Security, which is always an
2 interesting issue.
3 MR. BLACKADY: Yes.
4 MR. GREGORY: None of this -- what is the
5 safety-related issues with any of these?
6 MR. BLACKADY: Absolutely none. I mean, it is
7 done daily by what I will consider virtually
8 untrained people on the EMS.
9 MR. GREGORY: Whether he's trained or
10 untrained, if I change the parking floor --
11 MR. BLACKADY: It is not all operational. If
12 you look at A17, it deals with safety, right?
13 This is all operational. None of these
14 functions are described in code, because they are
15 not safety-related features at all.
16 MR. GREGORY: Okay. I mean, now you can
17 register hall calls and car calls.
18 MR. BLACKADY: We can enter a hall call through
19 the operational control, very similar to when you
20 push the button that is operational control, we can
21 do the same thing.
22 We can push a button from a service tool,
23 whatever that service tool may be. That's all we
24 can do with Elite. We can't sneak around something

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1 in the software to enter that call. It only comes
2 in like a regular call.
3 MR. GREGORY: You can say, "Take the elevator
4 out of service" at some specific floor?
5 MR. BLACKADY: We can -- if there is an issue,
6 the doors are recycling too much, we can take that
7 out of service. We can actually park it at any
8 particular floor we want to take it out of service.
9 CHAIRMAN CHRISTENSEN: Can you reset that code?
10 MR. BLACKADY: Can I reset? I can reset
11 remotely the motion-control software.
12 CHAIRMAN CHRISTENSEN: Correct. So, you could
13 reset the doors, if the code came on and the door
14 locks weren't making up, the door was going in and
15 out?
16 MR. BLACKADY: I don't know what "reset the
17 doors" means. What this will do is it will take the
18 entire motion control logic and restart that
19 process. Okay?
20 MR. GREGORY: That's not doors.
21 MR. BLACKADY: It's not doors at all, right.
22 That is what I said. The last person was a little
23 confusing on that.
24 Motion control is the part that controls

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1 the motion of the car. Sending it through zero
2 doesn't constitute a safety concern at all.
3 All it's doing is saying, "Maybe a
4 register got hung up," and we try it again, but the
5 safeguards in the code still exist. It doesn't
6 override any of that.
7 I mean, you can be riding a car, this
8 could happen as you are riding a car very easily.
9 CHAIRMAN CHRISTENSEN: You had a question, Bob?
10 MR. CAPUANI: Bob Capuani. I am losing my
11 voice here. I had one safety concern when I was out
12 there.
13 The Elite system is really a good system,
14 and it is safe. I have one safety concern. I'm
15 just going to run a scenario by you.
16 The car goes up to the third floor. You
17 see it from a remote location that the door lock or
18 the door was either stalled or the door timed out.
19 Okay?
20 So, now you have a fault that the door
21 lock didn't make, or the door timed out. Someone
22 held the door. You can recycle that door, correct?
23 MR. BLACKADY: I can send the car to that
24 floor.

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1 MR. CAPUANI: You are already at the floor.
2 MR. BLACKADY: Yes, I can tell the doors to
3 close again.
4 MR. CAPUANI: Okay. My only safety concern,
5 and I know it happens, I've seen it 100 times, where
6 Mr. Baumann brought up, is that if you lose a
7 relating cable, and you lose that rear door, and you
8 got the lead door there, and say it got stuck within
9 two inches from closing, it would stay there until a
10 mechanic visually seen that door stalled, correct,
11 and the car?
12 And I know this happens. Now you're
13 saying you could recycle that door. You are not
14 forcing it, but the door closes, the lock makes up
15 and the car takes off, correct? Now you're slow
16 speed door is wide open.
17 MR. BLACKADY: There was an issue in code. It
18 was actually corrected in 1990 requiring a secondary
19 means of retaining the doors.
20 In fact, we actually put a tip out to make
21 sure the doors since 1990 had that secondary means.
22 Since 1990, those doors have actually not had that
23 issue. Elite will only go on systems from really
24 then on, our module series.

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1 So, it is not an Elite issue. What there
 2 is, is a door issue of an error of doors for the
 3 industry, not just Otis, where it only required one
 4 means. If a relating cable breaks, the slave door
 5 is in an unknown state effectively. That exists no
 6 matter with Elite without Elite.
 7 MR. CAPUANI: I understand that.
 8 MR. BLACKADY: It is that error of cars.
 9 MR. CAPUANI: I understand that. But it is a
 10 possibility, it could be a possibility, that you
 11 would have that lead door close and the rear door
 12 open.
 13 MR. GREGORY: Let me just ask a question here,
 14 or insert, because you brought up an interesting
 15 point that I had not thought about.
 16 Elite, the change in the code in '90s,
 17 required a secondary means so that the slave door
 18 was not going to be left.
 19 MR. BLACKADY: Was not left dangling.
 20 MR. GREGORY: Dangling is a good word,
 21 dangling. In 1990, okay.
 22 MR. BLACKADY: Before my time, by the way.
 23 MR. GREGORY: I wish I could say that. What
 24 generation of elevators can Elite be installed on?

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1 MR. BLACKADY: Mike, you can do it better than
 2 I can. I would rather tell you the truth.
 3 CHAIRMAN CHRISTENSEN: State your name, please.
 4 MR. SCHIAPPA: Mike Schiappa S-c-h-i-a-p-p-a.
 5 The current question is what elevators are under
 6 Elite.
 7 You know, micro processor base controllers
 8 started in the mid '80s for Otis, but it is not the
 9 full generation of processor-based controllers,
 10 mainly our current production controllers that we
 11 have.
 12 So, it is probably, I think, six or seven
 13 different elevator control types that we place Elite
 14 on.
 15 MR. GREGORY: Which started when?
 16 MR. BLACKADY: In the modular control.
 17 MR. SCHIAPPA: Yeah, probably in the 411 MCSS
 18 controller is probably our oldest controller we
 19 placed this on.
 20 MR. BLACKADY: Do you know when that came out?
 21 I want to say, like, two older people I spoke to,
 22 Dick, the '90 timeframe was about the time those hit
 23 the field.
 24 There was a couple pilots installed in the

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1 late '80s for that system. We didn't go back and
 2 research exactly the date, but the tip went out to
 3 make sure that all doors, since the code change, had
 4 that retainer on.
 5 So, could there be a couple of systems
 6 older? I don't know how far back we go with that
 7 particular one. There could be. It's pretty
 8 remote.
 9 And again, if I look at Elite, if
 10 anything, it is helpful to the issue. It is not
 11 harmful to the issue. The chances of a mechanic
 12 being in the building picking that up is virtually
 13 zero, unless he's told so by the owner.
 14 He's not going to go to try and pull open
 15 every door on every floor. He just doesn't do that.
 16 MR. CAPUANI: But he would see a door open.
 17 MR. BLACKADY: Probably not. It depends where
 18 the weight is on, right? If it is on that door, it
 19 is going to close, you won't notice it.
 20 MR. SCHIAPPA: If the elevator is in service,
 21 and that condition did exist, and somebody put up a
 22 call car demand at the bottom landing, this car is
 23 up the hoist way, it would respond to that demand,
 24 and it would move to that landing.

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1 So, I don't see how that's different.
 2 MR. CAPUANI: The safety issue is someone could
 3 walk into that hatch, a child.
 4 MR. BLACKADY: But you have that now with or
 5 without Elite.
 6 MR. CAPUANI: Understood.
 7 MR. BLACKADY: There is an issue that says
 8 doors from, and I don't know when, by the way, I
 9 have no clue, but before 1990, have a potential
 10 issue, which the code fixed in 1990.
 11 Now, do you want to go back and fix A17.3
 12 or Illinois code? We would be happy to help you do
 13 that; but, I mean, it is an issue in the code that
 14 exists.
 15 MR. CAPUANI: Right. The issue is if I'm a
 16 mechanic and went out to that job, I seen a broken
 17 relating cable, and the rear door open, the car is
 18 stuck there.
 19 In your scenario, you're saying that, all
 20 right, you got a stalled door, but you reset that
 21 from a remote location. Now the door lock makes up
 22 and it takes off.
 23 MR. BLACKADY: No difference. There's no
 24 difference.

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1 MR. CAPUANI: Yes.
2 MR. BLACKADY: The scenario you've gone through
3 is no different.
4 MR. CAPUANI: There is a difference.
5 MR. BLACKADY: The door is hanging anyway.
6 MR. CAPUANI: Correct, but I'm a licensed
7 mechanic, I go out there, and I see the car there at
8 the floor, because the door lock never made up.
9 MR. BLACKADY: He's going to open the door, go
10 to the next floor.
11 MR. CAPUANI: No. You see a relating cable is
12 hanging down there, you see a relating cable. You
13 know what I am saying?
14 I go up to the third floor, the car is
15 there. No one ever recycled the doors. In your
16 case, you're saying you recycle the doors, and maybe
17 the door lock makes up, maybe it doesn't; but if it
18 does, the car takes off with the door open.
19 MR. BLACKADY: So, the mechanic goes just as
20 often. He's going to be there to see that just as
21 often. With our system, if the customer sees it,
22 which is how most of these get reported, by the way.
23 MR. WELLER: Wait a second. I thought this was
24 a monitoring system that went -- automatically went

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1 online, so if something is wrong with the elevator,
2 somewhere in Connecticut it's going to flash up on
3 somebody's screen, right?
4 MR. BLACKADY: No, not this problem. This is a
5 problem that exists on elevators.
6 MR. WELLER: No, your system, this Elite
7 system, is set up where if something goes wrong with
8 a door, it is an electronic connection between a
9 remote site and that elevator?
10 MR. BLACKADY: Yes.
11 MR. WELLER: That a toggle switch or sensor
12 goes off at somebody's terminal?
13 MR. BLACKADY: Yes.
14 MR. WELLER: And it goes, "This particular
15 elevator is doing something wrong"?
16 MR. BLACKADY: Too many recycles on a floor.
17 MR. WELLER: All right. So, Bob's concern is
18 that is not being called in. I mean, the person in
19 the elevator, I'm not picking up the phone and
20 going, "Hey, I got a problem with the elevator."
21 That's going down to the front desk,
22 right? That's not going to Connecticut.
23 MR. BLACKADY: If I have REM on the system, it
24 does.

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1 MR. WELLER: So, if I'm riding on the elevator,
2 I pick up the phone and say, "Hey, the door is open,
3 and I'm petrified," who does the call go to?
4 MS. CERIELLO: There is Otis -- there's two.
5 There's a service called Otis Line that, for
6 example, something like that happened, a mechanic is
7 not on site, the mechanic is on another part of the
8 route and that happens, a report is made by the
9 public, by the security guard.
10 That call goes to Otis Line, and the
11 mechanic is immediately dispatched to go out there.
12 The building is going to do whatever the building
13 does to make that a safe situation.
14 MR. WELLER: So, that is not this system?
15 MS. CERIELLO: No. Say you had Elite on it and
16 also had Otis Line, say that happens, Elite goes --
17 they see something is wrong, they go and they take
18 that car right then and they can park it at that
19 point and take it out of service, until the mechanic
20 gets there, because the mechanic would have to be
21 dispatched to do that.
22 MR. WELLER: I think what Mr. Baumann's concern
23 was that that mechanic, without any on-site
24 knowledge, could reset that car; is that true?

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1 MS. CERIELLO: What you have is there is a lot
2 of communication between the Elite expert and the
3 mechanic on their PDA and by telephone, so they know
4 exactly what the problem is.
5 MR. WELLER: Neither one of them are there.
6 MS. CERIELLO: They have all this diagnostic
7 information. Mike can tell you in great detail like
8 what that is.
9 That information is sent by -- onto the
10 PDA, the phone of the mechanic, they can see what
11 happened. There is also a phone call. So, when
12 they get to the building, they know exactly what
13 happened, and they can then go and literally
14 mechanically fix it.
15 MR. WELLER: I don't think anybody would be too
16 put out if the mechanic was on scene, and they are
17 setting the elevator.
18 I think that is the normal -- as I
19 understand it, that would be normal way of fixing
20 it.
21 MR. BLACKADY: What is the concern resetting
22 the elevator at this point?
23 MR. WELLER: Because the door is open.
24 MR. SWIENTON: You're moving a car. Even

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1 though you are going to park it, you are moving a
 2 car. The door is open.
 3 MR. BLACKADY: What you're saying they now have
 4 two problems occurred at one floor simultaneously,
 5 right?
 6 MR. SWIENTON: No, one problem. The door is
 7 left open, I don't care what floor.
 8 MR. BLACKADY: The system knows nothing about
 9 that. The system goes quite happily today, right,
 10 this 1990 ilk, relating cable breaks, the elevator
 11 is now running up and down the hoist way quite
 12 happily with no issues.
 13 MR. SWIENTON: With the door open.
 14 MR. BLACKADY: REM won't pick it up. The
 15 mechanic coming to site and actually finding that, I
 16 would guess 1 in 100. If you've got 18 floors, he's
 17 not running up 18 floors looking for the door.
 18 He is not going to do that, unless it gets
 19 reported by somebody that exists.
 20 MR. CAPUANI: I don't think you understand.
 21 Bob Capuani. I don't know if you understand what
 22 I'm saying.
 23 The car is -- say the car is at the third
 24 floor. The door is open, the relating cable breaks,

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1 right? The rear door stays open, the front door
 2 starts to close but stalls. Okay?
 3 In a normal situation, a mechanic would be
 4 called out, correct, and he could go to that floor?
 5 The car is not going to run.
 6 MR. BLACKADY: You got that right.
 7 MR. CAPUANI: The building is going to call
 8 Otis and say, "Hey, I got a car stuck on third
 9 floor." The mechanic comes out, "Okay, I got broken
 10 relating cable."
 11 You could -- what you are saying with
 12 Elite is you could reset that door, recycle it, the
 13 front door could make up or it could not make up
 14 leaving the rear door open.
 15 That's a possibility, correct?
 16 MR. BLACKADY: Not the way you've described it,
 17 no. I think it's better we maybe take some
 18 scenarios and do this offline.
 19 MR. GREGORY: I think the issue is that if your
 20 relating cable breaks, you will have less load on
 21 the door operator, and it's more likely that the
 22 door -- the lead door, which has the hoist way door
 23 interlock is going to close, lock and make up and
 24 leave your slow door behind there, and the elevator

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1 is going to keep running under the current
 2 situation, no Elite, no EMS, no nothing.
 3 MR. BLACKADY: The controller runs quite
 4 happily.
 5 MR. GREGORY: The controller knows nothing
 6 about this. With the Elite, from my understanding,
 7 they could then, if for some reason they thought,
 8 and I don't know how they would ever think this,
 9 because I don't think they would know, if they
 10 thought that the relating cable was broken on a
 11 specific floor, they could run the elevator there
 12 and shut it off, thus, blocking the entrance; but I
 13 don't know how you would do that, because I don't
 14 know how you would ever know.
 15 MR. BLACKADY: The only way we know today, with
 16 or without the Elite, forget Elite, the only way we
 17 know today, the customer calls and says, "Hey, we
 18 got a problem with the doors." That is how we know.
 19 MR. CAPUANI: Or the car stalled at a floor.
 20 MR. BLACKADY: Nothing stalls.
 21 MR. CAPUANI: Yeah, it would stall.
 22 MR. BLACKADY: Why?
 23 MR. CAPUANI: The door lock wouldn't make.
 24 MR. BLACKADY: The door lock makes up every

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1 time.
 2 MR. CAPUANI: No.
 3 MR. BLACKADY: The car is always running.
 4 MR. CAPUANI: I disagree with you. I seen
 5 doors where I had broken relating cables, and it's
 6 sitting at that floor. Either the cable wrapped
 7 around the roller or the clutch.
 8 I mean, it's a possibility it will just
 9 stay there. You're saying -- my only concern, I
 10 really like this Elite system, the only concern I
 11 have is you recycle that door, and there is a
 12 possibility that door could take off with the door
 13 open, and some child or someone can either stick
 14 their hand in or walk in the hatch. That's my
 15 concern.
 16 MR. GREGORY: Did you say any elevator built
 17 from 1990 on by a reputable company, that that is
 18 eliminated?
 19 MR. BLACKADY: The one we are going to put
 20 Elite on, it's only our own. We are not putting
 21 this on a competitor's system.
 22 MR. GREGORY: I understand.
 23 MR. BLACKADY: Yes.
 24 MR. GREGORY: Why not put it on somebody

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1 else's?
2 MR. BLACKADY: I do believe it isn't on the
3 doors that have this issue. We can go back and
4 check the exact timing, and certainly we could check
5 to make sure that wasn't the case where we put
6 Elite. Chances are, there is only two or three
7 systems.
8 MR. CAPUANI: It only takes one for an
9 accident.
10 MR. BLACKADY: I know, but we could check.
11 CHAIRMAN CHRISTENSEN: Tom, go ahead.
12 MR. GANIERE: Ganiere. Is this Elite system in
13 place any place else in the United States; and if
14 so, where?
15 MS. CERIELLO: I'm referring to Kyle Franzen,
16 our branch manager in the United States. Yes, there
17 are, and I have to get you the exact information,
18 but there are numerous states in which Elite has
19 been installed.
20 MR. GANIERE: I would like to know what states.
21 MS. CERIELLO: Sure, we can get you that.
22 MR. SWIENTON: How does the Elite affect the
23 fire recall button, who is overriding who?
24 When the key is turned, can you guys still

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1 mess with it, wherever your remote thing is, or are
2 you totally eliminated?
3 MR. BLACKADY: It kicks us out. I mean, there
4 is a system in the software we put there, we can't
5 mess with any code-required function, any
6 high-priority service.
7 This is the lowest priority service. So,
8 if a mechanic takes it on inspection, we kick out.
9 MR. CAPUANI: Bob Capuani. We had, at our
10 demonstration, we had Otis put it on car top
11 inspection, we could not override it in the car.
12 They couldn't override anything that
13 mechanically was put on by a mechanic, a mechanical
14 switch.
15 MR. SCHIAPPA: The safety chain, everything.
16 MR. BLACKADY: You can't even touch any of the
17 parameters that deal with firemen service. That is
18 considered a safety function, and that's it.
19 If we tried to change some of those
20 parameters, it gets kicked out of the system. We
21 don't want them changing those types of things.
22 CHAIRMAN CHRISTENSEN: We have some other
23 people that would like to speak on this.
24 MR. JANDORA: Can I ask one question? Is there

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1 anything within the micro processor equipment where
2 this part being installed where if the doors were to
3 meet an obstruction, i.e., stack effect, as Dan
4 brought up, or perhaps a piece of gum that got
5 caught in the track, where it were to stall, would
6 it recycle anyway?
7 MR. BLACKADY: Yes.
8 MR. SCHIAPPA: The controllers are designed for
9 the doors to recycle.
10 MR. JANDORA: So, it would automatically
11 recycle?
12 MR. SCHIAPPA: It would automatically recycle.
13 MR. WELLER: So, what does that mean? What
14 does recycle mean? It will go back in service, even
15 though it's got an error?
16 MR. SCHIAPPA: The elevator is designed to try
17 to keep itself in service.
18 MR. BLACKADY: When the doors are being
19 tracked, recycle just means open, I try again. If
20 you put your foot in the door, it opens, then it
21 will try and close again, and we normally set that
22 to a number. There's no code requirement for it.
23 MR. WELLER: Say three times.
24 MR. BLACKADY: Three times is typical. We can

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1 increase that now to maybe five, increase that to
2 see if we can overcome that the stuff on the truck.
3 MR. WELLER: But my foot is still in the door.
4 Help me with this. My foot is still in the door.
5 MR. BLACKADY: It's going to see your foot.
6 MR. WELLER: This thing is sending a signal out
7 to Connecticut or a remote site. At what point in
8 time can that person on the remote site say, "You
9 know, this isn't my foot in the door, this is
10 something else" and go reset and my foot goes up?
11 MR. BLACKADY: What the door will do it will go
12 into what we call nudging. It is going to try and
13 nudge it. It's going to disable the reversal devices
14 and close it at a bigger force.
15 MR. GREGORY: A lower force.
16 MR. BLACKADY: Slower, lower force.
17 MR. WELLER: My foot still in the door, and
18 it's going like this (indicating).
19 MR. BLACKADY: It's to try to close over your
20 foot.
21 MR. WELLER: At what point does this thing call
22 the remote site?
23 MR. BLACKADY: At some point it says, "I'm
24 done," and I shut down at that the floor, and that's

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1 it.
 2 MR. WELLER: So, the elevator shuts off, and it
 3 triggers -- excuse me, I need to understand. It
 4 triggers the remote site?
 5 MR. BLACKADY: Yes.
 6 MR. WELLER: The remote site person looks at
 7 the screen and sees there's an obstruction in the
 8 door. Would they have that knowledge?
 9 MR. SCHIAPPA: My name is Mike Schiappa. The
 10 scenario you described, we do get remote data. We
 11 also respond to customer calls with the same
 12 complaint, but we're looking at a few things.
 13 There's not just the door lock. There is
 14 also a door close limit. So, if there is an
 15 obstruction, and we never get even the close limit,
 16 we kind of maybe surmise maybe there is something
 17 bigger in the way of the door.
 18 MR. WELLER: Right, like my foot is still in
 19 the door.
 20 MR. SCHIAPPA: It's still in the door. If
 21 there, like you say, money bump or something else
 22 where there is the track and an obstruction there,
 23 your basic door close limit, but you don't have
 24 enough torque for the door to fully close.

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1 So you can kind of make a distinction
 2 between the two. You know, you can also check the
 3 door reversal device to see if that is active. So,
 4 the door reverse is activated, and the doors aren't
 5 closing, yes, there is somebody probably blocking
 6 the doors, or they put a bucket in front of the
 7 doors.
 8 So, we see all that. We get all that
 9 information, and we make a decision. We don't set
 10 subsystems. We don't set the door subsystem. We're
 11 only resetting the motion logic board.
 12 MR. WELLER: Define that. Back up and tell me
 13 what that means.
 14 MR. SCHIEPPA: An elevator is made up of a
 15 drive subsystem, brake subsystem, doors, and the op
 16 controller like Barry mentioned, the motion control
 17 subsystem.
 18 It is different than coming into the
 19 elevator machine room and pulling power off the
 20 whole controller, which would power down the whole
 21 system and all its subsystem and power it back up.
 22 That is not what we're doing.
 23 MR. WELLER: Right.
 24 MR. SCHIAPPA: We are going in only to the

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1 motion control board and resetting that one single
 2 board.
 3 MR. WELLER: But cut to the chase for me. My
 4 foot is still in the door. I got my guy at the
 5 monitor in Connecticut.
 6 MR. SCHIAPPA: It would retry those five times.
 7 MR. WELLER: It would retry five times, and if
 8 it didn't go, could the guy reset it and make the
 9 elevator go up with my foot in the door?
 10 MR. SCHIAPPA: Yes, because the door lock needs
 11 to be made for the motion control to be happy and
 12 the elevator to move.
 13 MR. WELLER: So it won't move, thank you.
 14 MR. BLACKADY: No safety signal is overridden
 15 ever by the system.
 16 MR. WELLER: So, it won't move with an
 17 obstruction sticking out of the elevator?
 18 MR. BLACKADY: No.
 19 MR. CAPUANI: Bob Capuani. Do you have
 20 processes in place for if the car stalled, or a car
 21 is stuck, or do you rely on each individual?
 22 MR. SCHIAPPA: We have every controller type
 23 that we have Elite on, we have a safety document
 24 that is approved by Otis in North America and

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1 worldwide Otis.
 2 Barry was consulting field engineers for
 3 multiple aspects for our company. Each specialist
 4 or each engineer is trained with that document.
 5 It's reviewed. It's reviewed periodically, and
 6 anything that we feel that we want to do remotely,
 7 it has to be in that document, or we do not move
 8 forward.
 9 MR. CAPUANI: Okay.
 10 CHAIRMAN CHRISTENSEN: Thank you. Patty Young,
 11 would you like to speak on this?
 12 MS. YOUNG: On this, no.
 13 CHAIRMAN CHRISTENSEN: You said for anything?
 14 MS. YOUNG: Thank you for asking.
 15 CHAIRMAN CHRISTENSEN: Okay. We have Tom
 16 Manning.
 17 MR. MANNING: Good afternoon. Tom Manning,
 18 Local 2, Elevator Constructors. I represent the
 19 same amount of people that Dan mentioned earlier.
 20 I was out the room for a minute, so I'm
 21 not up to speed with what Betsie was saying earlier;
 22 but one comment I would like to make about safety is
 23 if you got somebody off site resetting the elevator,
 24 she says, "They are not repairing the elevator or

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1 servicing the elevator, so why do they need a
2 license?"
3 Well, if you are resetting the elevator,
4 you are putting it back in service. It was broke.
5 You're repairing the elevator.
6 Are you going to sit there and give people
7 off site maybe in another country a license to work
8 on elevators and not be on site? I think that is a
9 big safety issue, for one thing.
10 Who makes them qualified, Otis, saying
11 that they are qualified? I mean, I argue the point,
12 and I think it is a big safety issue, resetting
13 elevators off site, without physically looking at
14 the elevator to see what's wrong with it.
15 CHAIRMAN CHRISTENSEN: Rick?
16 MR. JANDORA: Is the word "repair" defined
17 anywhere?
18 CHAIRMAN CHRISTENSEN: Where are you talking,
19 Rick, in the act, itself?
20 MR. BARNES: I don't recall seeing it. I don't
21 know offhand.
22 MR. MANNING: You have to be licensed to work
23 on it.
24 MR. BARNES: Let me just take a look at it.

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1 CHAIRMAN CHRISTENSEN: Are you asking Tom that
2 question, or are you asking us?
3 MR. JIRIK: I was asking Tom.
4 MR. BARNES: Under Section, I guess it would
5 15, the definitions. "Repair has the meaning set
6 forth in the reference standards," meaning the ASME,
7 et cetera. "Repair does not require a permit."
8 MR. JANDORA: Dick, do you have a definition?
9 MR. GREGORY: I'm going to look into
10 definitions.
11 MR. WELLER: While he's looking.
12 MR. GREGORY: I will yield the floor, if he's
13 got it in front of him.
14 CHAIRMAN CHRISTENSEN: You also got Kelly that
15 wants to speak, too.
16 MR. WELLER: Tom, just I want to ask you, the
17 previous speakers talked about an automatic reset
18 that gets utilized in all elevators or a vast
19 majority of the elevators.
20 Are you familiar with the automatic
21 resets.
22 MR. MANNING: On some of them, yes. Are you
23 talking about, like, nudging?
24 MR. WELLER: I'm just using their --

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1 MR. MANNING: Then they shut down. The
2 elevator will shut down. If it tries so many times,
3 it will shut the elevator down.
4 Who is to say they're not going to try to
5 keep resetting it and get the car running?
6 MR. WELLER: So, it's your opinion --
7 MR. MANNING: Without servicing the elevator.
8 MR. WELLER: Let me reask the question. You
9 are familiar with the automatic resets.
10 In your opinion, this technology differs
11 from an automatic reset how?
12 MR. MANNING: You have somebody offset
13 resetting the elevator.
14 MR. WELLER: Versus an automatic trigger
15 resetting the elevator? What difference does it
16 make?
17 MR. MANNING: The difference is built into the
18 system. It will try so many times and shut down.
19 Now, either somebody is going to come out and
20 physically look at the elevator and see what's wrong
21 with it.
22 Who is to say that somebody out in India
23 don't sit there and keep trying to reset until they
24 get it to go? More than five times.

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1 MR. WELLER: As an automatic reset, then there
2 is limited number of times it will try, and then it
3 shuts down.
4 MR. MANNING: Yes, it shuts the car down.
5 MR. WELLER: Versus?
6 MR. MANNING: Versus somebody resetting it,
7 trying to reset it from a remote area.
8 MR. WELLER: Okay.
9 CHAIRMAN CHRISTENSEN: Dick, you got the
10 definition?
11 MR. GREGORY: "Repair," I'm reading from the
12 definitions in ASME A17.1 2001, "Repair,
13 reconditioning or renewal of parts, components
14 and/or subsystems necessary to keep equipment in
15 compliance with applicable code requirements. See
16 also replacement and maintenance."
17 CHAIRMAN CHRISTENSEN: Okay. Does that answer
18 your question, Rick?
19 MR. JANDORA: Thank you.
20 CHAIRMAN CHRISTENSEN: All right, thanks, Tom.
21 Ray McCann?
22 MR. McCANN: Ray McCann, M-c-C-a-n-n. I'm with
23 NEIEP. I'm one of the members with who these guys
24 represent. I got a lot of issues and a lot of

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1 problems.

2 CHAIRMAN CHRISTENSEN: Can you explain what

3 NEIEP is, please?

4 MR. McCANN: NEIEP is the National Elevator

5 Industry Educational Program. I'm the area

6 coordinator for them. At this time I'm a member of

7 these two guys that they just were talking about.

8 A few of the issues that I have, and Bob

9 brought up one of the main ones, was with the door

10 and the relating cable. I'm not even talking about

11 the door and the relating cable.

12 What if there is a little baby carriage

13 that sat there in front of these doors that are just

14 banging open and automatically reset after a few

15 times?

16 What normally took place, and this is not

17 new technology, it's been around for a real long

18 time, but it's not been accepted or used here, and

19 there's a reason why it's not been accepted or used

20 here, and it was safety issues. Safety issues

21 prevented it from a person physically manually

22 resetting something instead of something triggering

23 that reset.

24 Here is a baby that falls over and falls

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1 in front of that door track. Normally what takes

2 place it's allowed to sit there and cycle a number

3 of times, or an allotted time, and then it would

4 recycle itself, all right.

5 Now you got somebody that would come there

6 normally in the past that would physically look and

7 see that there's a baby laying in front of them

8 doors.

9 Now you got somebody with the remote

10 system sitting there in a foreign land somewhere

11 maybe, that's going to sit there and press a button,

12 reset it, and let them hit them another ten times,

13 until they can finally sit there and keep resetting

14 it until it hits them 100 times or whatever.

15 This is not being physically coming to

16 see, or to change things around, but there's a lot

17 of safety issues with it, and I wish there was more

18 that that could be brought up.

19 I mean, what's the reason why they want

20 this, and you strictly know it is just all strictly

21 profit driven. It's not to sit there and make

22 anything that is technologically an advantage to

23 them, all right?

24 It's been around for a long time, but it

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1 hasn't been accepted. Michigan won't let them

2 remotely use it. All right? There's a lot of

3 states that won't let them use it.

4 I don't know if there's any other

5 questions or anything, but there is quite a few.

6 MR. JANDORA: Would a door reversal device

7 allow the elevator doors to close on a carriage

8 sitting between the doors?

9 MR. McCANN: State it again?

10 MR. JANDORA: A door reversal device, if you

11 had a door reversal device, would it allow -- would

12 it close on a baby carriage?

13 MR. McCANN: Yes.

14 MR. JANDORA: It would?

15 MR. McCANN: Yes.

16 MR. JANDORA: In what condition?

17 MR. McCANN: How many times is a door going to

18 cycle when they set parameters up on this before it

19 automatically resets?

20 MR. JANDORA: How many times?

21 MR. McCANN: How many normal times, when you

22 set your parameters up at your facility, what's the

23 number of counts you sit there and set it up?

24 You're just talking about counts.

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1 How many times is it going to attempt to

2 close to make up those locks that Bob was talking

3 about?

4 MR. JANDORA: You're assuming you're repeating

5 the door reversal device.

6 MR. McCANN: How many attempts is it going to

7 take to sit there and make up that door lock?

8 That's a parameter, correct? It's set at a

9 parameter.

10 MR. JANDORA: But a door reversal device, which

11 is the detector that is looking for an obstruction,

12 we can't defeat that function, right. That function

13 is there.

14 MR. HERTSBERG: Unless it nudges.

15 MR. JANDORA: Right. It's closed at a much

16 reduced kinetic energy. We can't defeat that.

17 If there is an obstruction there, we just

18 can't just go in and start slamming doors on a baby

19 carrier, because we can't defeat the door reversal

20 device. We can't eliminate that safety feature.

21 MR. McCANN: There are quite a few features

22 that have been -- when these guys got controls of

23 these parameters, when they say right now they don't

24 have control to change certain safety features, that

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1 technology has been around a long time.
2 They've been able to control it, take
3 total control of that elevator and change any
4 parameter that they want within that means.
5 It's not just right now we're not letting
6 them -- they write it into their software that they
7 are not going to allow them to control certain
8 features of it, in the safety features.
9 Those safety features are used. EMS has
10 been around for quite a while, and they have total
11 control remotely. It's not there on the premises.
12 As far as Rick's question with safety
13 edges or reversal devices, there's failures on them.
14 This guy is not physically in front of there to see
15 that failure on it.
16 Where if he got a service call, and he was
17 going out there, and he physically saw something, he
18 corrects it on site. This guy has no visual. He
19 has no comprehension of what's actually doing it.
20 CHAIRMAN CHRISTENSEN: Okay. Thanks, Rick. We
21 will still go back to the question, is there a
22 motion to accept or not accept?
23 MR. GANIERE: Can I ask one more question? I
24 would renew my question or revise my earlier

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1 question asking what states this is currently in,
2 with also what states is it currently prohibited in
3 also?
4 CHAIRMAN CHRISTENSEN: Would you like to table
5 this until we have more information?
6 MR. WELLER: I think tabling it is a good idea,
7 but in order to make it productive for everybody,
8 the question I would ask is how do we table it and
9 make sure we want the information we need so we can
10 make a decision at the next meeting?
11 Obviously you've heard some concerns,
12 which get me concerned. We've heard some responses,
13 it's hard for me to say who is right.
14 So, my question is what forum can we use
15 so that these folks, and the Otis folks, and Bob,
16 and whoever else, Dick Gregory can get together
17 between now and the next meeting, and discuss it,
18 have a report prepared by perhaps Dick once again;
19 and if there is disagreement with Dick's report,
20 have a minority report?
21 What would be the best format for
22 accomplishing that, if we table it? I think we
23 should table it. I want to make sure we get more
24 information, so we can make a decision at the next

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1 meeting.
2 MR. CAPUANI: Bob Capuani. I think there is
3 two issues here: Is the Board going to vote for new
4 technology, and I believe there is a licensing
5 question here also?
6 MR. BARNES: Yes.
7 MR. CAPUANI: I believe the licensing would go
8 through the OSFM, correct?
9 MR. BARNES: Right.
10 MR. CAPUANI: I think your vote would be if it
11 would be new technology or not, correct?
12 MR. BARNES: But the licensing decision can be
13 based upon input from the Board. I would say hold
14 off on the licensing, given the safety concerns that
15 may factor into the licensing decision as well.
16 As for the forum for vetting all this
17 information and hashing it out, it has to be in the
18 public forum. I don't think we can have ex-parte
19 communications between Otis and any other interested
20 parties, without public participation.
21 They may, in my opinion -- you know,
22 reports can be received by the Board from Otis,
23 prior to the meeting. I think there they should be
24 received prior to any next meeting.

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1 We could schedule a special meeting, if we
2 want, given the timeframe this has been dragging out
3 over; but any action, formal action by the Board on
4 those reports, should be taken with the public
5 present.
6 CHAIRMAN CHRISTENSEN: Doug, you had a question
7 for a while.
8 MR. JONES: In terms -- I would be curious to
9 see what kinds of data there is, in terms of the
10 systems that have been in place, where they are
11 obviously not in Illinois, in other states or other
12 countries, what data is there regarding the safety
13 of these Otis Elite systems, have there been cases
14 where it caused a problem. I would be curious to
15 know that.
16 MR. BARNES: Maybe we could frame several
17 issues that could be addressed by Otis within a
18 specific timeframe, and provide it to the Board, so
19 we can consider it prior to the next meeting.
20 If it wants to be the regularly-scheduled
21 meeting or special meeting, given the size of the
22 Board, I doubt a special meeting would be possible.
23 In the economy, we're looking at let's move on this.
24 So, let's get the stuff to the Board to

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1 consider it, so they can formulate questions at the
 2 next meeting. So, maybe the Board might want to
 3 just set forth specific topics that need to be
 4 addressed.
 5 CHAIRMAN CHRISTENSEN: Bob?
 6 MR. CAPUANI: Bob Capuani. Would it be
 7 beneficial for this Board to have a subcommittee, or
 8 the Board go out in the field where these elevators
 9 are installed and see for themselves exactly what
 10 this system does and what it cannot do?
 11 MR. BARNES: It can appoint members to report
 12 back to it, easily.
 13 MR. GROSS: What location?
 14 MR. CAPUANI: I believe the location is Hoffman
 15 Estates. That is the only location I know of at
 16 this time.
 17 CHAIRMAN CHRISTENSEN: Kelly?
 18 MR. WELLER: Mr. Chair, I have a broader
 19 procedural question. I'm kind of confused. There
 20 was a complaint filed.
 21 Was the complaint filed asking us to
 22 review, as the Board, the technology, and to make an
 23 opinion on whether the Elite was new technology or
 24 was the -- and what are we going through this

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1 process to find out?
 2 CHAIRMAN CHRISTENSEN: I believe the complaint,
 3 tell me if I am wrong, Bob, I believe the complaint
 4 was over resetting elevators at a remote location.
 5 MR. WELLER: Okay. I mean, to me, the
 6 complaint is pretty simple. You shouldn't be able
 7 to reset an elevator from a remote location, if
 8 there's some issue that involves X, Y and Z. Now I
 9 think we've gone away from what the complaint was.
 10 What are we -- if we're going to move this
 11 into new technology, that is a different vote than
 12 addressing can you reset the elevator from a remote
 13 location.
 14 CHAIRMAN CHRISTENSEN: We'll, we've already had
 15 this, not this same thing, but we've already had, if
 16 you guys remember, some of you, where they brought
 17 the whole hoist way, the whole elevator in two
 18 pieces.
 19 MR. WELLER: Right.
 20 CHAIRMAN CHRISTENSEN: It was an operating
 21 engineer that brought it in. The Board has already
 22 agreed that he shouldn't have been doing that, and
 23 it should have been a licensed mechanic putting that
 24 equipment in.

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1 So, to me, it is the same thing, you do
 2 not have a licensed mechanic resetting that
 3 elevator, or working on that elevator.
 4 MR. WELLER: I agree. I think we need to
 5 reframe what we're going to ask from Otis. What we
 6 need to know is what situations, and again, this is
 7 my thought on listening to the commentary, what
 8 situations can that elevator be reset that otherwise
 9 wouldn't automatically be reset by the system
 10 anyway.
 11 And by granting that extra leeway for them
 12 to reset something that automatically wouldn't be
 13 reset, what safety situations are we faced with?
 14 That's the crux of what I think we're voting on.
 15 I don't see this as a new technology
 16 issue. Maybe it is. I think it is an issue whether
 17 we can reset the elevator from a remote location,
 18 and how does that differ from maybe an automatic
 19 reset that we already have in process, and give us
 20 some mother details around what that means.
 21 MR. GROSS: I think I'm on the same page with
 22 Kelly on this. We have an expert that, you know,
 23 gave his opinion in the summary.
 24 First, there is nothing that is prohibited

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1 in the A17.1 code, and that he also says that it is
 2 not new technology. So, I'm a little confused.
 3 When we sit around talking, I understand
 4 the position, you know, at the first table here on
 5 work, involved in the work. I think I'm under the
 6 opinion if there was some accidents, or there were
 7 some issues, or why did Michigan prohibit it, you
 8 know, this, I would like to know a little bit more
 9 about that.
 10 Right now, it meets code. It is not a new
 11 technology. Unless there is something that is
 12 really a red flag out there, I'm going to kind of
 13 sit back and agree with Kelly.
 14 I don't know where we're going with this.
 15 What are we looking for? Are we looking for a
 16 smoking gun?
 17 And Bob also said, you know, he liked the
 18 system, and there was one concern he had maybe with
 19 a door that was open. If that was issue, that, of
 20 course, can be overridden, you know, on a chip.
 21 I mean, we can maybe revise or come up
 22 with recommendation on that one issue. If the door
 23 didn't close, the elevator doesn't move.
 24 I mean, that's the only issue we talked

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1 about today that I see might be liability, might be
2 a liability.
3 CHAIRMAN CHRISTENSEN: We still have not had a
4 motion yet accepting it, tabling it, or whatever you
5 guys would like to put in.
6 MR. WELLER: Let me think about it. I would
7 like to make a motion that: A, I want to know more
8 about an automatic off-site reset, because we have
9 taken the position that resetting an elevator should
10 be held to a higher standard, right?
11 And we can debate what that higher
12 standard is. I can also acknowledge there is an
13 automatic reset technology that is out there, and
14 that seems perfectly reasonable, and the monitoring
15 seems perfectly reasonable.
16 My question would be, and my request would
17 be, to table this and ask Otis to bring to the next
18 meeting, or whatever their convenience would be, the
19 differences between what an automatic technology and
20 what the Elite technology, what added reset ability
21 they have by that; and also, to acknowledge that
22 there are some requests for safety and State
23 requests and some broader context of where this is
24 used.

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1 I would make a motion that we table this
2 with that request from Otis, to either provide that
3 in the interim, or to Dick, or at the next Board
4 meeting, or at their convenience.
5 CHAIRMAN CHRISTENSEN: Is there a second?
6 MR. GANIERE: I'll second it.
7 CHAIRMAN CHRISTENSEN: Discussion?
8 MR. SWIENTON: Kelly's idea of asking Otis,
9 because Otis says, "We got them installed in so many
10 states," well, give us the states; but maybe Local
11 2, they made a comment it was turned down in several
12 states.
13 Can I have a report from the states why
14 they turned them down? You know, one from Otis and
15 one from -- you know, one for the side, and one for
16 against the side, and let me go from there, if
17 that's possible.
18 CHAIRMAN CHRISTENSEN: Somebody from Otis
19 wanted to speak on this, I can see.
20 MS. CERIELLO: Otis has never been turned down
21 in a state. That has never happened.
22 CHAIRMAN CHRISTENSEN: You're not turned down
23 in Michigan? In Michigan it's okay to put them in?
24 MS. CERIELLO: We do not sell to Michigan.

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1 CHAIRMAN CHRISTENSEN: What's that?
2 MS. CERIELLO: We don't sell to Michigan.
3 MR. SWIENTON: Like Michigan, they don't allow
4 it, from another company obviously they don't allow
5 it. Why don't they allow it? Give me that. I
6 don't care what the system is.
7 CHAIRMAN CHRISTENSEN: Betsie, you're saying
8 you have no accounts in Michigan at all?
9 MS. CERIELLO: I don't cover it. There's no
10 Elite. There's REM, there's EMS, but we're not
11 currently selling Elite in Michigan.
12 CHAIRMAN CHRISTENSEN: Tom?
13 MR. GANIERE: Just maybe a suggestion that
14 would help Otis answer the questions, maybe as soon
15 as the transcript is available, at least this part
16 that deals with this meeting transcripts, get sent
17 to them so they can go through it, and they can see.
18 I'm sorry, I forget your name, she's been
19 feverishly writing notes down trying to get
20 everything there.
21 CHAIRMAN CHRISTENSEN: She's an attorney, too.
22 MR. GANIERE: That might help them answer all
23 the questions that we had also. I don't know when
24 the transcript becomes available, but that might

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1 help.
2 CHAIRMAN CHRISTENSEN: Bob?
3 MR. CAPUANI: My opinion, I believe the only
4 question here is should licensed elevator mechanics
5 be able to reset this equipment or not. I believe
6 that's the only question here.
7 MR. WELLER: A license can reset it. It's can
8 a non-licensed remote site.
9 MR. CAPUANI: I'm sorry. I'm getting sick. I
10 think Dick Gregory did answer the code issue or the
11 new technology.
12 I believe the question here is should we
13 require a licensed mechanic to reset it.
14 CHAIRMAN CHRISTENSEN: Kelly?
15 MR. WELLER: Just to be clear, that is what I'm
16 telling you. I'm not responding to new technology
17 or anything.
18 We're responding to a complaint about
19 whether an automatic reset by this system
20 constitutes a -- should that be a licensed mechanic,
21 should it not.
22 So, I think this is -- I just want to know
23 if the elevator can reset automatically and not a
24 licensed mechanic does it, after five times, it

1 shuts down, great.
 2 Why is this system different than that,
 3 and that way we can make an interpretation of
 4 whether it should be a licensed individual or not.
 5 That's the spirit of where I want this to go.
 6 CHAIRMAN CHRISTENSEN: If there is no more
 7 questions, is there a vote? All those in favor, say
 8 aye.
 9 (A chorus of ayes.)
 10 CHAIRMAN CHRISTENSEN: All those against?
 11 (No response.)
 12 CHAIRMAN CHRISTENSEN: Ayes have it. We have
 13 the continuing education program Board approval
 14 request Vertical Assessments Associates Course.
 15 Is there somebody?
 16 MR. CAPUANI: I don't know.
 17 CHAIRMAN CHRISTENSEN: Is there anybody
 18 representing this Vertical Assessment Associates
 19 Course?
 20 (No response.)
 21 CHAIRMAN CHRISTENSEN: Okay. Nothing we can do
 22 with it. Now we're going to go back to public
 23 comment.
 24 MR. JANDORA: Did we miss item C under old

1 opportunity, so I want to get that on the record.
 2 MR. GREGORY: I understand.
 3 MR. McMANUS: And then on Article 4C, where
 4 Kone representative was going to address the Board
 5 on 4C, I'm representing Kone, Incorporated, which is
 6 a different issue.
 7 I just wanted to get a clarification on
 8 that. At this point, as I understand it, and this
 9 is a question, the issue is tabled at this time.
 10 I believe the Board had requested an
 11 opinion from the attorney from, Mr. Barnes, as far
 12 as the authority or the jurisdiction or the
 13 sanctioning ability of the Board.
 14 Is that accurate? I just want to know, so
 15 we are clear on what we're supposed to be doing.
 16 MR. BARNES: My understanding is that, and
 17 please anyone jump in if I'm wrong, is that the
 18 opinion that I'm going to give is just a
 19 clarification of my perhaps hand-fisted discussion
 20 that at start, which is just to articulate the rules
 21 and duties of the Board, and the rules and duties of
 22 the agency; the agency, as the regulatory body, and
 23 the Board, as the an entity that has final say in a
 24 number of issues, but also the advisory capacity

1 business, or was that part --
 2 MR. BARNES: That was part of the ongoing
 3 negotiations.
 4 CHAIRMAN CHRISTENSEN: And this might be the
 5 same thing. Todd McManus, did you want to speak?
 6 MR. McMANUS: I did. Todd McManus, T-o-d-d
 7 M-c-M-a-n-u-s.
 8 On this submission that I gave to you that
 9 related to item 5A on the agenda, and really what I
 10 wanted to do is just for a point clarification on
 11 the record, was in the event that this issue raised
 12 by the rule change that was discussed in 5A, in the
 13 event that the submission that NEII, National
 14 Elevator Industry Incorporated, whom I am
 15 representing on this matter, is an admission we
 16 already made previously to the State Fire Marshal's
 17 Office for the purposes of, I guess, issues we would
 18 take with that were submitted to the J-CAR, in the
 19 event it's not clear in that submission, which we
 20 had made, I don't know, a couple months back, I want
 21 to make sure we reserve the right to request a
 22 change to that, so that we can make it clear to the
 23 J-CAR that we take issue with what's being proposed.
 24 I just don't want to lose that

1 vis-a-vis the OSFM'S regulatory capacity.
 2 Concerning, you know, the Kone issue and
 3 the outstanding allegations, you know, I'm pretty
 4 confident that the agency has the ultimate power to
 5 institute penalties, to consider evidence from all
 6 interested parties, and levy the penalties, if
 7 that's necessary, and to enter negotiations with
 8 entities like yourself.
 9 MR. McMANUS: Okay. Those are the only two
 10 things that I wanted to address today. Thank you.
 11 CHAIRMAN CHRISTENSEN: Margaret Vaughn?
 12 MS. VAUGHN: Margaret Vaughn, the Illinois
 13 Council of Code Administrators. I believe we had
 14 discussed this earlier. I just want to go on record
 15 as far as the rule change that was approved earlier.
 16 It didn't have any impact what we did over
 17 the summer. This was an old rule still on the
 18 books, so it wasn't part of that package at all.
 19 Basically 6A of the local agreement should clarify
 20 6A says, "When a local authority signs an agreement
 21 with the State Fire Marshal, it basically says: A,
 22 to operate its program in compliance with the
 23 Illinois Safety and Regulation Act and
 24 Administrative Rules."

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1 So, by signing that with 6A in there,
2 basically that municipality is taking on the
3 responsibility of adopting the Elevator Safety Act
4 in its administrative rules, which is in the code;
5 therefore, there is no reason to adopt it by local
6 ordinance, because there is no authority given to it
7 in statute.
8 Anyway, I just wanted to explain where
9 that one came from. I speak fast, I am sorry.
10 MR. BARNES: If I could just add something
11 really fast. The changes to the agreement, the
12 proposed changes, will be vetting by the Board at
13 the mechanics meeting. We'll have a red-line
14 version for you to review it and approve.
15 MS. VAUGHN: Thank you.
16 CHAIRMAN CHRISTENSEN: Patty?
17 MS. YOUNG: Patty Young. What I wanted to
18 bring to the Board's attention, as well as the
19 agency, is I was doing some research, you know
20 everything is on the Internet, you know, you can
21 take everything with a grain of salt.
22 However, I did find that on this piece of
23 information was quite interesting and also a little
24 bit quite disturbing. What I will pass out -- I'll

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1 wait until everybody gets a copy.
2 What I'm passing around is something that
3 I don't think the agency or the Board has been
4 presented, per se, with a situation that the public
5 may need to be notified, meaning all our registered
6 conveyance owners is this particular letter is
7 referring to a piece of equipment.
8 There's two sides to it. If we look at
9 the one that says, "Regarding older model ERM
10 Oliver," that side, unfortunately there is no date
11 on this letter, but this company, who it appears to
12 be a manufacturer, what caught my eye is in the
13 bottom second to the last of the first paragraph,
14 "However, a catastrophic failure may be possible."
15 So, if you take an opportunity to look --
16 read the first paragraph. So, my concern here is
17 that this controller is being put on elevators that
18 are aging elevators, by today's standards,
19 potentially could have this product on or in it; and
20 from what this company is saying, it doesn't sound
21 too good.
22 So, I wanted to bring it to your
23 attention, and possibly there is something that can
24 be done from the agency's perspective, whether it is

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1 a mailer to all the owners, the contractors, posted
2 up on the website, et cetera.
3 The second page is also related to the
4 same company's product, and speaks a little bit
5 differently to that product. So, it's more just
6 there for you to be aware of it. That's all I
7 needed to say today.
8 CHAIRMAN CHRISTENSEN: Thank you. Tom?
9 MR. GANIERE: Can I ask one question? Who is
10 ERM, do you know?
11 MS. YOUNG: I don't know them personally,
12 because I don't buy piece parts and components. So,
13 maybe Dick can speak on that.
14 MR. GREGORY: ERM is an elevator machining
15 company in California, and they had an associated
16 elevator company Oliver & Williams.
17 There are thousands of ERM controllers all
18 over the place, including around here. Certainly
19 Colley Elevator put in a lot of ERM, probably more
20 than anybody else.
21 Does that answer your question?
22 MR. GANIERE: They are trying to say that
23 equipment they put in may not be good anymore?
24 MR. GREGORY: That's one side of the piece of

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1 paper.
2 MR. GANIERE: Or it's too good, and they want
3 to sell new stuff.
4 MR. GREGORY: The real issue with the ERM
5 controllers is that their selector was a stepper
6 switch manufactured by a company by the name of
7 Imtra, I-m-t-r-a, in England; and those are no
8 longer manufactured, supported, and they wear out.
9 So, when that's wore out, you got to spend
10 a couple grand for a Solid State device to replace
11 it. Maybe you ought to just hire an elevator
12 company put in a whole new controller and do a
13 modernization.
14 But, I certainly know people in New York
15 who make replacement for the Imtra steppers.
16 Whether that's a viable idea, you know, I don't
17 know. I believe that's a commercial decision.
18 MR. SWIENTON: Obviously you are an inspection
19 company. When you do your inspections, do you look
20 at these switches? Do your people look at them and
21 decide like this one that is integrated?
22 MS. YOUNG: This literally I discovered it.
23 I'm going to inform our inspectors, so if there is
24 something with this company or this controller, the

1 Oliver & Williams.
 2 MR. SWIENTON: Normally before this, they
 3 wouldn't even look at the switch?
 4 MS. YOUNG: Probably not. I won't know if it
 5 was faulty. What was interesting I didn't see a
 6 date on this letter, so I don't know how long this
 7 has been out there.
 8 MR. HERTSBERG: It's been a while.
 9 MS. YOUNG: Okay. So, obviously it's been
 10 known?
 11 MR. HERTSBERG: Right.
 12 MS. YOUNG: Okay.
 13 CHAIRMAN CHRISTENSEN: Kelly?
 14 MR. WELLER: I was just wondering if we had as
 15 a part of our website that you could post those kind
 16 of things.
 17 MR. CAPUANI: Yes.
 18 MR. WELLER: Did you know?
 19 MR. BARNES: Public service.
 20 MR. CAPUANI: Yes, we can post it.
 21 MS. YOUNG: If we were to make a recommendation
 22 to somebody, if we were to come across something and
 23 we felt, you know, this is, you know --
 24 MR. WELLER: The only challenge you have is

1 It seems to me we would want to
 2 investigate that a little further, right? To me, it
 3 seems that we might want to see if Dick can
 4 investigate this further, to see this is truly valid
 5 well, right?
 6 If it's truly valid, and this is a
 7 potentially catastrophic failure, it almost seems we
 8 need to act in some capacity.
 9 MR. WELLER: Let me ask you this. Weller. If
 10 Otis had this issue, would you send it, "To Whom it
 11 May Concern" and post it on the internet, or would
 12 you be track down your records and going, "We got to
 13 go find these controllers"?
 14 I mean, that's my only concern. I mean, I
 15 can acknowledge this is probably something that they
 16 are using as a resale tool.
 17 MR. JANDORA: Perhaps, but it's brought to your
 18 attention that, you know, we have potentially
 19 catastrophic failure installations out there where
 20 we may need to investigate that a little further to
 21 validate this claim.
 22 MR. WELLER: Fair enough.
 23 MR. JANDORA: If it's not valid, then we can
 24 take it for --

1 what is propaganda and what's not.
 2 MS. YOUNG: Exactly. That is why I offer it to
 3 you for review and decision making, as to how to
 4 handle the situation; but, you know, at this point,
 5 all we can do is, you know, make sure people are
 6 aware.
 7 MR. CAPUANI: We'll put it on the website as an
 8 alert.
 9 MS. YOUNG: Okay. Thank you for your time.
 10 CHAIRMAN CHRISTENSEN: Thanks, Patty.
 11 MR. DATTILO: Excuse me, before you do that, do
 12 you want to contact them, call them, and see if
 13 there's any additional information they would like
 14 to provide? At least you know you are publishing
 15 the correct story.
 16 CHAIRMAN CHRISTENSEN: Rick?
 17 MR. JANDORA: I have some opinions of this
 18 letter. I'm not going to share that, but I guess
 19 from my perspective, we were just made aware of a
 20 control equipment that may be unsafe, right?
 21 We have the manufacturer of that control
 22 equipment advising everybody who has purchased it
 23 that it's not a safe elevator and there's potential
 24 catastrophic failures.

1 MR. BARNES: At face value.
 2 MR. JANDORA: -- for what it is. That's my
 3 recommendation.
 4 MR. CAPUANI: Let me see if I could extract --
 5 I'm not sure if I could extract this out of our
 6 database, how many elevators has this type of
 7 control.
 8 Our call our database and see if I could
 9 extract this, and see how many locations in Illinois
 10 have this.
 11 MR. GREGORY: There are several varieties of
 12 these ERM controllers. The earlier ones used what
 13 are generically called telephone relays.
 14 They were made essentially by Automatic
 15 Electric or CP Claire, and this letter about the
 16 Midtex's relays, that is a later version.
 17 When Automatic Electric decided to quit
 18 making relays for telephone systems, CP Claire also
 19 said to heck with it. They are kind of like not
 20 available.
 21 So, Midtex -- ERM apparently went with
 22 Midtex's, the ordinary ice cube relays we call them,
 23 so they are a different polarity. That would really
 24 affect your timing circuits.

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1 So, door time would be the biggest issue,
2 or timing as far as when you go from start, if it is
3 a hydraulic, until you go to high speed, that would
4 be really where it would be it.
5 You realize there are other relays out
6 there, and other people's controllers, for example,
7 what we call IBM relays, have one polarity for Dover
8 and U.S., and an opposite polarity for FS Payne
9 controllers.
10 So, there's how far do we go, as a Board,
11 in doing what the elevator contractor should be
12 doing, I guess. Are you going to pay me to sit
13 around for three months, and you're going to have
14 this court reporter take down everything I know and
15 then -- I think that's going way beyond what you
16 want to do.
17 MR. HERTSBERG: Dick, the first page refers not
18 to relays. Catastrophic failures is on the first
19 page, which is the duration of the wires, the second
20 paragraph, not the relays.
21 MR. GREGORY: I've seen these. I worked on
22 these, and I'm sure you worked on many of these
23 controllers, and I don't see how those -- those are
24 plastic insulated wires. I don't see any -- that's

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1 Baloney.
2 CHAIRMAN CHRISTENSEN: Okay. Dan Baumann, did
3 you want to speak on Amerihoist?
4 MR. BAUMANN: Yes. I didn't know if I could
5 talk again about the Otis Elite system, because
6 there were some of things that were directed back.
7 CHAIRMAN CHRISTENSEN: That's been tabled.
8 MR. BAUMANN: Okay. I had brought it before, I
9 brought it up with Eddie James before regarding
10 Anchor Elevator, and he's now started a new company
11 Amerihoist, which is a direct offshoot, I shouldn't
12 say offshoot.
13 It's basically taking a name of another
14 company, reputable company that's been in the
15 business, American Hoist. There is a lot of
16 confusion. It was brought up to the Board before.
17 I recommended it, my own suggestion, that
18 said he should not have been allowed to have a
19 license. Apparently that was changed, and he's
20 gotten a license now, correct?
21 MR. BARNES: Yes.
22 MR. BAUMANN: Okay. I just want to give public
23 record saying that it was a wrong decision. Okay?
24 He's stolen from his members. He's stolen from

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1 customers. He's stolen from other companies.
2 I just want to make sure you guys knew
3 about it. Okay?
4 CHAIRMAN CHRISTENSEN: Okay. Thank you.
5 MR. BAUMANN: Thank you for your time.
6 CHAIRMAN CHRISTENSEN: Tom Manning, would you
7 like to speak?
8 MR. MANNING: Pretty much Dan covered what I
9 was going to.
10 CHAIRMAN CHRISTENSEN: Okay. Ray McCann?
11 MR. McCANN: Not at this time.
12 CHAIRMAN CHRISTENSEN: Let's end public
13 comment.
14 Is there any variances or appeals coming
15 up?
16 MR. CAPUANI: No.
17 CHAIRMAN CHRISTENSEN: None? Okay. Is there a
18 motion to adjourn?
19 MR. SWIENTON: Can I make one comment before we
20 adjourn?
21 CHAIRMAN CHRISTENSEN: Yes.
22 MR. SWIENTON: Back to what Bill was talking
23 about pertaining to the Kone ruling as far what his
24 interpretation is, can we, like Tom suggested, go to

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1 the attorney general and have them give us the
2 official ruling?
3 Because he's, like it says, acting. He
4 may be gone next month, and then we get another guy
5 that's going to rule a different way. If we can get
6 one ruling, and we're done with it.
7 I don't know who does or who submits, or
8 how do we go about it? I don't know.
9 CHAIRMAN CHRISTENSEN: I think we probably need
10 a motion to have that done, correct?
11 MR. BARNES: I want to know what do you know
12 about my future that I don't know?
13 MR. SWIENTON: I don't know, you may be working
14 for Otis.
15 MR. WELLER: Mr. Chairman, I appreciate
16 Darrel's thought. I think the way it was originally
17 first discussed, and maybe the way we discussed it
18 after the fact, might have clarified the role.
19 I agree with the Board's attorney, we are
20 not the person who is going to go in and issue
21 specific discipline or issues or enter into
22 negotiations that come out.
23 We are an advise-giving Board, that we
24 tend to want to make sure that we have consistency

1 across all of our opinions and all of the regulatory
2 issues that we have.
3 I don't know that we're in disagreement
4 over whether we want to enter -- have the attorney
5 general say we can issue or not issue those kind of
6 sanctions. I happen to agree with him on that.
7 That's my thought.
8 CHAIRMAN CHRISTENSEN: Are you making a motion?
9 MR. SWIENTON: I make a motion that we send the
10 sections that are in question, as far as our
11 authority, to the attorney general, is that you how
12 say it, attorney general for his interpretation or
13 her interpretation.
14 CHAIRMAN CHRISTENSEN: Is there a second?
15 MR. GANIERE: I will go ahead and second. I'll
16 speak on it. After further clarification, I don't
17 know that I disagree with Bill any longer.
18 I guess maybe I was misunderstanding what
19 he was saying in the beginning, but I don't think,
20 in any event, it hurts to have an opinion by the
21 AG's office.
22 However, keep in mind that's going to take
23 at least six months to get that back, maybe even a
24 year.

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1 MR. SWIENTON: We'll continue following with
2 Bill.
3 MR. GANIERE: It's probably going to go low on
4 the priority list for opinions. I don't have a
5 problem with getting that opinion.
6 I think it will probably concur with what
7 Bill is saying, and then we'll know for sure.
8 CHAIRMAN CHRISTENSEN: Anymore questions?
9 (No response.)
10 CHAIRMAN CHRISTENSEN: None being, all those in
11 favor, say aye.
12 (A chorus of ayes.)
13 CHAIRMAN CHRISTENSEN: All those against?
14 MR. WELLER: No.
15 MR. JONES: No.
16 MR. JANDORA: No.
17 MR. GROSS: No.
18 CHAIRMAN CHRISTENSEN: Four nos. I'm sorry, if
19 you don't have a public comment sheet filled out.
20 MR. JAMES: I filled it out and signed it as
21 soon as I walked.
22 CHAIRMAN CHRISTENSEN: I don't have it. Who
23 did you hand it to?
24 MR. JAMES: I set it on the table right in

1 front of Elaine when she was sitting by Mr. Weller.
2 MS. DEL GRECO: I gave what I had to you,
3 Frank. I don't have any.
4 CHAIRMAN CHRISTENSEN: Back to public comment.
5 Ed James. Ed, you have nothing on here for
6 representation, nothing on here for the topic, but
7 I'll let you speak.
8 MR. JAMES: Thank you. Ladies and Gentlemen of
9 the Board, my name is Ed James. I am with
10 Amerihoist, an elevator company. I don't want to
11 take your time, take too much time.
12 I'm a big boy, got big shoulders. I've
13 been run through the ringer here over the last
14 several months. Just to bring a point up to the
15 Board, so this doesn't happen to somebody in the
16 future anywhere, either now or in the future.
17 Unless anything directly involves public
18 safety, I don't believe a person's being or what
19 they prefer to eat at night or what color clothes
20 they wear at night has any relevance to this Board
21 whatsoever; or how I treat somebody in business, or
22 how you treat somebody in business, or if
23 Mr. Gregory was mean to my son last week, which he
24 wasn't, I'm just using that as an example, that has

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1 no relevance to public safety whatsoever.
2 I think this Board has, in the past, as
3 far as I'm concerned, been used to trash and harass
4 my name. That's the only thing I wanted to bring
5 up; and just for future reference, if it is brought
6 up, I would just ask that person or those
7 individuals to stick to public safety alone.
8 That's all I have. Thank you.
9 CHAIRMAN CHRISTENSEN: Okay. Anybody have a
10 question for Ed James?
11 (No response.)
12 CHAIRMAN CHRISTENSEN: Is there a motion to
13 adjourn?
14 MR. GANIERE: So moved.
15 MR. WOLIN: Second.
16 CHAIRMAN CHRISTENSEN: All those in favor?
17 (A chorus of ayes.)
18 CHAIRMAN CHRISTENSEN: Ayes have it.
19 (WHICH WERE ALL THE PROCEEDINGS HAD.)
20
21
22
23
24

1 STATE OF ILLINOIS)
2 COUNTY OF C O O K) SS:

3

4 PAMELA A. MARZULLO, C.S.R., being first duly sworn,
5 says that she is a court reporter doing business in the city
6 of Chicago; that she reported in shorthand the proceedings
7 had at the Proceedings of said cause; that the foregoing is
8 a true and correct transcript of her shorthand notes, so
9 taken as aforesaid, and contains all the proceedings of said
10 meeting.

11

12

PAMELA A. MARZULLO
License No. 084-001624

13

14 SUBSCRIBED AND SWORN TO
before me this ____ day
15 of _____ 2011.

16

Notary Public

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24

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