

**In The Matter Of:**

*Elevator Safety  
Public Hearing*

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*Vol. Closed Session  
March 13, 2008*

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*Marzullo Reporting Agency  
345 North LaSalle, 1605  
Chicago, IL 60610*

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**Min-U-Script® with Word Index**

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[1] [2] [3] [4] [5]                   ELEVATOR SAFETY DIVISION CLOSED HEARING

[6]

[7]                   March 13, 2008

[8]

[9]                   10:30 a.m.

[10] [11] [12] [13] [14] [15]

[16]                   The Report of Proceedings had in the

[17] closed hearing of the above-entitled cause, taken

[18] before KATHLEEN T. MUHNE, a Certified Shorthand

[19] Reporter and Notary Public in and for the County of

[20] Cook and State of Illinois, at 100 West Randolph

[21] Street, Suite 900, Chicago, Illinois, on March 13,

[22] 2008, at the hour of approximately 10:30 a.m.

[23] [24]

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[1]                   (WHEREUPON, the following

[2] proceedings were had in

[3] closed session outside the

[4] presence of the public:)

[5]                   CHAIRMAN CHRISTENSEN: There is two inspectors

[6] that supposedly did something wrong.

[7]                   MR. FENNELL: That at least in our -- this is

[8] regarding the two inspectors whose work came into

[9] question because in our view they were not diligent in

[10] their inspections, completing their inspections. It

[11] did not appear to us that they could have been

[12] diligent, but the issue is that we have nothing in our

[13] rules that makes it a violation to conduct an

[14] incomplete or a negligent inspection. So we sent --

[15] Bob sent the letters to QEI.

[16]                   I recommend to the board that that's as

[17] far as we go. The amended rules will have specific

[18] causes for which we can take disciplinary action

[19] against the licensed individual.

[20]                   MR. CAPUANI: I'm putting them on second notice

[21] at the request of the board along with Mr. Gregory's

[22] comments and so those will be included when we go in

[23] front of Jaycar hopefully in April.

[24]                   CHAIRMAN CHRISTENSEN: The only problem I have

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[1] now that Dick has let me know that there has to be a

[2] complaint made to QEI for QEI, NAESA --

[3]                   MR. GREGORY: Yes.

[4]                   CHAIRMAN CHRISTENSEN: -- to do anything about

[5] it, my request would be that Bob Capuani, since he did

[6] do an investigation on it, that he does make the

[7] complaint with NAESA besides that letter.

[8]                   MR. GREGORY: I totally agree with you. I

[9] mean, I'm certainly friendly and familiar with the

[10] mass of people, and I specifically talked to the

[11] executive director, Dottie Sanlaski(Phonetic), and she

[12] said we aren't going to do anything unless you submit

[13] a complaint.

[14]                   MR. CAPUANI: Okay. The person that we are

[15] going to do the complaint on, John Condas, is not with

[16] NAESA.

[17]                   MR. GREGORY: Okay.

[18]                   MR. CAPUANI: Bill Oveson. So what the

[19] complaint is on Bill Oveson, we are saying that Bill

[20] Oveson did 18 traction, I believe, and two hydros in

[21] four and a half hours. That is the complaint you want

[22] me to send?

[23]                   CHAIRMAN CHRISTENSEN: That's the complaint.

[24]                   MR. GREGORY: The complaint is -- that actually

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[1] is a complaint, and the complaint is you cannot do a

[2] proper periodic inspection in that length of time.

[3]                   CHAIRMAN CHRISTENSEN: And Bob, so you know --

[4]                   MR. GREGORY: So he was not diligent in doing

[5] his work.

[6]                   CHAIRMAN CHRISTENSEN: So you know, you have

[7] four and a half hours. The maintenance man, which you

[8] talked to, said it was two and a half hours.

[9]                   MR. CAPUANI: But I don't have it in writing,

[10] and according to our act, I have to have it in

[11] writing.

[12]                   MR. GREGORY: Put in the four and a half hours.

[13]                   MR. CAPUANI: I do have the writing from the

[14] engineer, but not the mechanic.

[15]                   MR. FENNELL: So what will occur is that NAESA

[16] will actually investigate independently.

[17]                   MR. GREGORY: Yes.

[18]                   MR. FENNELL: Before they take action.

[19]                   MR. AUGUST: They have to -- they have a word

[20] that -- and this --

[21]                   MR. GREGORY: They know what they are doing on

[22] this. They nailed a bunch of guys in Florida who were

[23] doing drive-bys.

[24]                   MR. FENNELL: Okay.

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[1] MR. GREGORY: Okay? So they are very serious  
[2] about that.  
[3] MR. FENNELL: All right.  
[4] MR. GREGORY: But with no complaints they will  
[5] do nothing. That's their -- we have our rules. They  
[6] have their rules. I understand that's their policy.  
[7] CHAIRMAN CHRISTENSEN: In Massachusetts it was  
[8] a state inspector that they got too, but who is the  
[9] other? John Condas, who did he certify?  
[10] MR. CAPUANI: That's what I'm looking into now.  
[11] I don't know if it was work preservation or...  
[12] CHAIRMAN CHRISTENSEN: I don't think it is work  
[13] preservation because he has been an inspector for a  
[14] long time.  
[15] Here's the question: If that's not it,  
[16] is he certified with NAESA every year?  
[17] MR. CAPUANI: No. No.  
[18] MR. GREGORY: No. There are three certifying  
[19] agencies, and if he is not with NAESA -- how do you  
[20] spell his name?  
[21] CHAIRMAN CHRISTENSEN: I don't think he could  
[22] be with work --  
[23] MR. AUBIN: C-o-n-d-a-s.  
[24] MR. WELLER: Can I ask a question about the

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[1] first guy?  
[2] CHAIRMAN CHRISTENSEN: Bill Oveson.  
[3] MR. WELLER: What do we have to put in writing?  
[4] Why do we have to have --  
[5] CHAIRMAN CHRISTENSEN: The only way they will  
[6] do anything about it is if you put a complaint in.  
[7] All he did was put a letter in.  
[8] MR. WELLER: Can't they file the complaint?  
[9] Why don't we have the mechanic file the complaint?  
[10] MR. FENNELL: No. Bob is doing it.  
[11] MR. WELLER: Why did he say he has to have it  
[12] in writing?  
[13] MR. FENNELL The accusation as to whether or  
[14] not his inspections took place over two and a half  
[15] hours or over four and a half hours, we know that the  
[16] most, the greatest amount of time that he took to  
[17] conduct the 22 inspections was four and a half hours.  
[18] There is an allegation that it could have been -- he  
[19] could have been there as little as two and a half  
[20] hours, but we have nothing but somebody saying that.  
[21] We have nothing in writing.  
[22] MR. WELLER: So you are trying to put a little  
[23] meat behind it?  
[24] MR. FENNELL: Trying to put an evidentiary

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[1] stamp of --  
[2] MR. WELLER: Is that our rule to do that?  
[3] MR. FENNELL: If we are the ones making the  
[4] complaint, that's our rule.  
[5] MR. GREGORY: But we are going to complain  
[6] about the four and a half hours because that we have  
[7] in writing.  
[8] MR. WELLER: Which one did the elevators that  
[9] weren't there?  
[10] MR. GREGORY: That's the other guy.  
[11] MR. WELLER: So we are dealing with this one  
[12] first. So should we break them apart?  
[13] MR. FENNELL: We have to because one is --  
[14] MR. WELLER: Okay.  
[15] CHAIRMAN CHRISTENSEN: So my thinking is that  
[16] we should have Bob Capuani, the director of the  
[17] Elevator Division for Illinois make a complaint out to  
[18] NAESA and then let NAESA decide what they are going to  
[19] do with it.  
[20] MR. WELLER: So procedurally though we need to  
[21] get an affidavit from the mechanic?  
[22] MR. GREGORY: No.  
[23] MR. FENNELL: It's already done.  
[24] MR. WELLER: It's already done.

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[1] MR. FENNELL: We already have all that. It is  
[2] part of Bob's investigation.  
[3] MR. CAPUANI: I have the word from the engineer  
[4] in the building. I have the paperwork from the  
[5] engineer, but what Frank was saying is that the  
[6] mechanic's statement was that he was only there two  
[7] and a half hours. The engineer stated it was a  
[8] four-and-a-half-hour period, but I don't have that in  
[9] writing from the mechanic. The mechanic said it was  
[10] two and a half hours. When he asked the guy, "How  
[11] could you do this?", he answered, "It is all  
[12] paperwork. How do you think I make my money?"  
[13] MR. GREGORY: But we don't have that in  
[14] writing. We will only break it up.  
[15] CHAIRMAN CHRISTENSEN: He did get something  
[16] from that mechanic. Not in writing.  
[17] MR. CAPUANI: I did get verbal.  
[18] MR. WELLER: That's all we need to know, State  
[19] of Illinois Elevator Inspection Board.  
[20] MR. GREGORY: You got to realize if John Condas  
[21] is from EIWPF, I will have to recuse myself because I  
[22] am a member of the Board of Ethics for that  
[23] organization.  
[24] CHAIRMAN CHRISTENSEN: Okay. But I think it is

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[1] going to be the other one, whatever the other one is,  
[2] you called Lift Technology.  
[3] MR. CAPUANI: I'm guessing, I think Thompson  
[4] sent a bunch of his personnel there.  
[5] I am e-mailing Moira right now to pull  
[6] his records and tell me what company he is certified  
[7] with.  
[8] MR. GREGORY: Okay.  
[9] CHAIRMAN CHRISTENSEN: That's where he is  
[10] probably from.  
[11] MR. GREGORY: Okay.  
[12] CHAIRMAN CHRISTENSEN: If there is a complaint  
[13] policy for them, my request is that you put a  
[14] complaint in to that board.  
[15] MR. CAPUANI: That's Michelle, right?  
[16] MR. GREGORY: Michelle Blankenship.  
[17] MR. CAPUANI: I will contact Michelle after I  
[18] find out.  
[19] MR. SWIENTON: Just for information purposes,  
[20] is it written somewhere in any rules how long an  
[21] inspection should take or suggested, or is it just --  
[22] CHAIRMAN CHRISTENSEN: No.  
[23] MR. SWIENTON: -- from experience, you know, he  
[24] knows it takes so long.

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[1] CHAIRMAN CHRISTENSEN: Well, it is an  
[2] improbability that 28 elevators could be done in eight  
[3] hours.  
[4] MR. SWIENTON: I agree with that off the top of  
[5] my head.  
[6] CHAIRMAN CHRISTENSEN: And it improperly no  
[7] longer existed for years, okay, but the other thing  
[8] with the 20 elevators in four hours or two and a half  
[9] hours, it can't be done, and especially -- if they  
[10] were hydros, we went through that, it might be a  
[11] little easier, but these are track -- 18 of them were  
[12] traction elevators.  
[13] MR. CAPUANI: The problem is I have his  
[14] checklist and he checked everything on that checklist,  
[15] including fire service tests, inspecting cables.  
[16] MR. SWIENTON: I was just wondering if it was  
[17] suggested, to do a traction we suggest --  
[18] MR. FENNELL: No.  
[19] MR. GREGORY: We can't do that. I have  
[20] researched the hell out of this through the whole  
[21] country because I'm trying to figure out -- I'm the  
[22] chairman of the City of Chicago Elevator Code  
[23] Committee. We are trying to get more inspectors and  
[24] we are butting heads with the Bureau of -- or the

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[1] Office of Budget and Management, you know, and I'm  
[2] telling you, on an average -- on an average, periodic  
[3] tests on an average, if you work real hard, two hours,  
[4] and that is in the City of Chicago where you don't  
[5] have to travel.  
[6] MR. SWIENTON: Yes.  
[7] MR. GREGORY: I mean, it is a big difference if  
[8] I can go to -- like one city inspector was at Loyola  
[9] University last week. Well, there is a huge pile of  
[10] elevators there. He can just walk from elevator to  
[11] elevator. He can do that -- he can turn them out at  
[12] an hour each, and then the city will be pissed because  
[13] he took too long, but I mean, you know.  
[14] MR. SWIENTON: I was just wondering, curious.  
[15] MR. CAPUANI: Do you have a copy of that  
[16] letter?  
[17] CHAIRMAN CHRISTENSEN: So we can move that on,  
[18] is it an agreement that Bob Capuani --  
[19] MR. FENNELL: No. After we come out of closed  
[20] session, the motion, then vote on the motion.  
[21] CHAIRMAN CHRISTENSEN: I'm corrected. Are we  
[22] ready to?  
[23] MR. FENNELL: Are we ready to come out of  
[24] closed session, come back into open session?

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[1] CHAIRMAN CHRISTENSEN: Yes. We need to open  
[2] the door.  
[3] MR. FENNELL: We will make a motion to come out  
[4] of closed session. Then we will make a motion for Bob  
[5] Capuani to file a complaint.  
[6] MR. GREGORY: With the respective inspecting  
[7] licensing agency.  
[8] MR. FENNELL: Yes.  
[9] CHAIRMAN CHRISTENSEN: We are going to open the  
[10] meeting again.  
[11] MR. GREGORY: I move we come into open meeting.  
[12] CHAIRMAN CHRISTENSEN: Is there a second?  
[13] MR. WELLER: Second.  
[14] CHAIRMAN CHRISTENSEN: Any questions?  
[15] (No response)  
[16] All those in favor, say aye.  
[17] (WHEREUPON, there was a  
[18] chorus of ayes.)  
[19] All those against?  
[20] (No response)  
[21] The ayes have it.  
[22] (Which were all the proceedings  
[23] had at the closed session of  
[24] the meeting.)

[1] STATE OF ILLINOIS )  
[2] COUNTY OF C O O K ) ss:  
[3]  
[4] KATHLEEN T. MUHNE, being first duly  
[5] sworn, on oath says that she is a Certified Shorthand  
[6] Reporter doing business in the City of Chicago, County  
[7] of Cook and State of Illinois;  
[8] That she reported in shorthand the  
[9] proceedings had at the meeting of the above-entitled  
[10] cause;  
[11] And that the foregoing is a true and  
[12] correct transcript of her shorthand notes so taken as  
[13] aforesaid and contains all the proceedings had at said  
[14] meeting.  
[15] -----  
[16] KATHLEEN T. MUHNE, C.S.R.  
[17]  
[18] SUBSCRIBED AND SWORN TO  
[19] Before me this \_\_\_\_\_ day  
[20] of \_\_\_\_\_, 2008.  
[21] \_\_\_\_\_  
[22] Notary Public  
[23]  
[24]

<p><b>1</b></p> <p>18 3:20;10:11</p>	<p>can 2:18;11:8,10,11,11,17;5:24 Capuani 3:5;7:16;11:18;12:5;2:20; 3:14,18;4:9,13;5:10,17;8:3,17;9:3, 15,17;10:13;11:15</p>	<p>engineer 4:14;8:3,5,7 especially 10:9 Ethics 8:22 evidentiary 6:24 executive 3:11 existed 10:7 experience 9:23</p>	<p>incomplete 2:14 independently 4:16 individual 2:19 information 9:19 inspecting 10:15;12:6 inspection 2:14;4:2;9:21;8:19 inspections 2:10,10;6:14,17 inspector 5:8,13;11:8 inspectors 2:5,8;10:23 into 2:8;5:10;11:24;12:11 investigate 4:16 investigation 3:6;8:2 issue 2:12</p>
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