

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

---

*Open Session  
May 12, 2011*

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*Marzullo Reporting Agency  
345 North LaSalle, 1605  
Chicago, IL 60654  
(312) 321-9365*

Page 1

1 ELEVATOR SAFETY REVIEW BOARD MEETING  
2 May 12th, 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 May  
9 12th, 2011, at the hour of approximately 8:30 a.m.  
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MARZULLO REPORTING AGENCY (312) 321-9365

Page 2

1 PRESENT:  
2 ELEVATOR SAFETY REVIEW BOARD  
3 MR. FRANK J. CHRISTENSEN, Chairman  
4 MR. ROD GILLES, Member  
5 MR. GERALD GROSS, Member  
6 MR. BRIAN WILSON, Member  
7 MR. DAVID A. DATILO, Member  
8 MR. JOHN D. FINCHAM, Member  
9 MR. MARK HERTSBERG, Member  
10 MR. RICHARD JANDORA, Member  
11 MR. K. DOUGLAS JONES, Member  
12 MR. AL POPOWITS, Member  
13 MR. GERALD WOLIN, Member  
14 MR. THOMAS GANIERE, Member  
15 MR. KELLY WELLER, Member  
16 MR. DARREL SWIENTON, Member  
17 MR. TOM JIRIK, Member  
18 MR. GERALD GROSS, Member  
19  
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ELEVATOR SAFETY REVIEW BOARD MEMBERS NOT PRESENT

MR. WILLIAM BOGDAN, Member  
MR. CRAIG GRANT, Member

OFFICE OF THE STATE FIRE MARSHAL-ELEVATOR SAFETY STAFF

MR. ROBERT CAPUANI, Director  
MR. BILL BARNES, Acting General Counsel  
MS. ELAINE DEL GRECO, Administrative Assistant  
MR. JAMES AUBIN, Elevator Inspector

MARZULLO REPORTING AGENCY (312) 321-9365

Page 3

1 CHAIRMAN CHRISTENSEN: I'm going to call the  
2 meeting to order. Please rise for the Pledge of  
3 Allegiance.  
4 Bob Capuani, would you lead us in the  
5 Pledge of Allegiance?  
6 MR. CAPUANI: Let's have a moment of silence  
7 for all our veterans out there who lost their lives  
8 for our country and those fighting for it.  
9 (WHEREUPON, the Pledge of  
10 Allegiance was recited.)  
11 CHAIRMAN CHRISTENSEN: Has the Board had a  
12 chance to review the possible action on the minutes  
13 of January 13th Board meeting?  
14 Is there a motion to accept the minutes?  
15 MR. WOLIN: So moved.  
16 CHAIRMAN CHRISTENSEN: Is there a second?  
17 MR. GANIERE: Second.  
18 MR. CAPUANI: State your names, please.  
19 MR. WOLIN: Jerry Wolin.  
20 CHAIRMAN CHRISTENSEN: Is there any additions  
21 or corrections?  
22 (No response.)  
23 CHAIRMAN CHRISTENSEN: There being none, all  
24 those in favor, say aye.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 4

1 (A chorus of ayes.)  
2 CHAIRMAN CHRISTENSEN: All those against?  
3 (No response.)  
4 CHAIRMAN CHRISTENSEN: Ayes have it. Dick, you  
5 have a comment?  
6 MR. GREGORY: I have a brief comment. I would  
7 like to welcome our Director, Bob Capuani, who is  
8 appointed to the Society of Mechanical Engineers,  
9 who write the Elevator Code. We have several  
10 subgroups. One of the subgroups is called the  
11 Regulatory Advisory Council, which is made up of the  
12 chiefs of various jurisdictions.  
13 The current chairman is Norm Martin, the  
14 chief of the state of Ohio. Bob was just seated on  
15 that Regulatory Advisory Council a couple weeks ago,  
16 when we had the Standards Committee Meeting.  
17 CHAIRMAN CHRISTENSEN: Old business. Elevator  
18 Safety Program progress report, Director Bob  
19 Capuani.  
20 MR. CAPUANI: As of May 10th, 2011, active  
21 registered conveyances 32,663. Lost my bet.  
22 Licensed contractors, 99. Inspection companies, 47.  
23 Inspectors active, 210. Licensed mechanics active,  
24 1,448S. Apprentices, 682. Municipalities with

MARZULLO REPORTING AGENCY (312) 321-9365

Page 5

1 agreements with the state, 178.  
2 CHAIRMAN CHRISTENSEN: Go to closed session?  
3 MR. CAPUANI: Yes.  
4 CHAIRMAN CHRISTENSEN: We're going to go into  
5 closed session. This is under old business. This  
6 is a review of several of the minutes from  
7 March 13th, 2008, to May 18th, 2010.  
8 (Certain proceedings were had in  
9 closed session.)  
10 MR. GANIERE: I'll make a motion that we come  
11 out of executive session and go into open session.  
12 CHAIRMAN CHRISTENSEN: You need a roll call.  
13 Is there a second?  
14 MR. FINCHAM: I'll second.  
15 CHAIRMAN CHRISTENSEN: State your name.  
16 MR. FINCHAM: John Fincham.  
17 CHAIRMAN CHRISTENSEN: We'll have to take a  
18 roll call vote on that. Jerry, would you like to  
19 start off?  
20 MR. GROSS: Aye.  
21 MR. SWIENTON: Aye.  
22 MR. GILLES: Rod Gilles, aye.  
23 MR. WELLER: Kelly Weller, aye.  
24 MR. JIRIK: Tom Jirik, aye.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 6

1 MR. JONES: Doug Jones, Yes.  
2 MR. FINCHAM: John Fincham, yes.  
3 MR. GANIERE: Ganiere, aye.  
4 MR. HERTSBERG: Mark Hertsberg, yes.  
5 MR. JANDORA: Rick Jandora, aye.  
6 CHAIRMAN CHRISTENSEN: Al Popowits, aye.  
7 MR. WOLIN: Jerry Wolin, yes.  
8 MR. DATTILO: Dave Dattilo, aye.  
9 CHAIRMAN CHRISTENSEN: All right. Is there a  
10 motion to accept putting out the March 13th, 2008,  
11 minutes?  
12 MR. GANIERE: I will a make a motion that we  
13 release the executive session minutes from  
14 March 13th, 2008, November 12th, 2009, March 9th,  
15 2010, September 21st, 2010, August 14, 2008, and  
16 May 18th, 2010.  
17 CHAIRMAN CHRISTENSEN: There is a motion made.  
18 Is there a second?  
19 MR. HERTSBERG: Mark Hertsberg moved.  
20 MR. POPOWITS: So moved, second.  
21 CHAIRMAN CHRISTENSEN: Is there any correction,  
22 is there any question? No questions? All those in  
23 favor, say aye.  
24 (A chorus of ayes.)

MARZULLO REPORTING AGENCY (312) 321-9365

Page 7

1 CHAIRMAN CHRISTENSEN: All those against?  
2 (No response.)  
3 CHAIRMAN CHRISTENSEN: We have the January  
4 19th, 2010, minutes.  
5 MR. GANIERE: I'll make the motion to keep  
6 closed, the January 19th 2010, for leave of  
7 continued confidentiality.  
8 CHAIRMAN CHRISTENSEN: Is there a second?  
9 MR. POPOWITS: Second. Al Popowits.  
10 CHAIRMAN CHRISTENSEN: Any questions?  
11 (No response.)  
12 CHAIRMAN CHRISTENSEN: All those in favor, say  
13 aye.  
14 (A chorus of ayes.)  
15 CHAIRMAN CHRISTENSEN: All those against?  
16 (No response.)  
17 CHAIRMAN CHRISTENSEN: Ayes have it. On to new  
18 business. Rules approved by J-CAR on 4-12-2011 and  
19 recommendation from J-CAR.  
20 MR. BARNES: You want me to address that?  
21 CHAIRMAN CHRISTENSEN: You want to try to get a  
22 motion on it first?  
23 MR. BARNES: I was going to explain the  
24 situation, then there will be a motion.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 8

1 I believe you were all distributed the  
2 sort of red-lined or black-lined version of the  
3 rules that were finally accepted by J-CAR. It was a  
4 long process.  
5 There was a fair amount of back and forth  
6 between J-CAR and the OSFM with questions of  
7 interpretation and intent and verbiage; and it  
8 finally was heard without any comment or any  
9 question to the OSFM, or anyone for that matter on,  
10 I believe, April 12th, 2011.  
11 And the interesting thing was they passed  
12 it out of J-CAR, but they also issued a  
13 recommendation; and the recommendation was also  
14 provided to you that requested an amendment to  
15 Section 35 of the Elevator Safety Act to add ASME  
16 A17.7 and ASME A17.2 to elicit a national code to  
17 the Board and OSFM has the specific authority, from  
18 the Board's standpoint, to adopt, in an amended  
19 fashion, in the entirety, or the OSFM to enforce.  
20 As you may know, Section 35 doesn't have  
21 such references to A17.7 and A17.2. I wanted to  
22 bring it up before the Board. Before we do that,  
23 let me just tell you the process.  
24 The process, next step is to accept or

MARZULLO REPORTING AGENCY (312) 321-9365

Page 9

1 reject the recommendation by J-CAR, and that really  
2 doesn't have a lot of impact on the way the rules go  
3 forward; and the next step after is accepting or  
4 rejecting the recommendation to file it with the  
5 Secretary of State, and at that time to specify the  
6 effective date of the rules.  
7 But because there are these  
8 recommendations, and because the Board has such an  
9 integral role in the rule-making process, we wanted  
10 to propose the recommendation to the Board, to get  
11 your take on it, to see if the recommendation is  
12 acceptable to you as the Board.  
13 I would add that one of the sections has  
14 already been added to Section 35 by Senate Bill  
15 2037, which we'll discuss in just a second, which is  
16 Sullivan's amendment, and that adds A17.7. So,  
17 one-half of the recommendation has already been  
18 taken care of.  
19 So, the only thing we really need to  
20 consider is whether or not it is acceptable to the  
21 Board to have A17.2 amended into Section 35 of the  
22 act. I would also like, you know, to entertain  
23 discussion from the Board as to the proposed  
24 effective date.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 10

1 I know Bob has some thoughts on when it  
2 should be effective, given internal OSFM things that  
3 we have to do, in order to get it ready for the new  
4 rules. Discussion?  
5 MR. JONES: Question. You said 2037  
6 established that the legislation -- we are now  
7 putting 17.7 legislatively?  
8 MR. BARNES: Yes.  
9 MR. JONES: In Senate Bill 2037; is that  
10 correct?  
11 MR. BARNES: Yes. That was one of the  
12 amendments. I believe, and we'll get that later on,  
13 but the text was distributed to you. 2037 concerns  
14 exemptions to inspections to religious  
15 organizations.  
16 At that time the State Board was involved  
17 in discussions that raised the fact maybe A17.7  
18 should be put in there, given the fact it's already  
19 essentially part of A17.1, but they wanted  
20 clarification. So, A17.7 was put in specifically.  
21 MR. JONES: That was my concern, that the  
22 language that is in there specifically legislatively  
23 adopts 17.7, correct?  
24 MR. BARNES: Yes.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 11

1 MR. JONES: Thank you.  
2 MR. WOLIN: I have two questions. Has that  
3 legislation passed already?  
4 MR. BARNES: 2037?  
5 MR. WOLIN: Yes.  
6 MR. BARNES: No.  
7 MR. WOLIN: It did not pass?  
8 MR. BARNES: It is on the floor. It passed out  
9 of the committee.  
10 MR. WOLIN: Do we have to wait for it to pass?  
11 MR. BARNES: To make a vote on this?  
12 MR. WOLIN: Yes.  
13 MR. BARNES: No. You know, this recommendation  
14 came at the tail end of the session. There is no  
15 real way we're going to get A17.2 in. We'll  
16 possibly do it in the next session, which in my  
17 discussions with J-CAR is acceptable to them, if  
18 it's acceptable to the Board, of course.  
19 MR. WOLIN: The second question: Are you  
20 saying that we're -- that the Board, if we vote  
21 "yes" on 17.2, we're, in effect, amending the state  
22 legislation?  
23 MR. BARNES: No. I mean, we, as a Board, you,  
24 as a Board, can amend it. We will have to go

MARZULLO REPORTING AGENCY (312) 321-9365

Page 12

1 through legislative process and actively amend the  
2 act next, obviously not this legislative session,  
3 but the next session.  
4 MR. WOLIN: So, then, when does it become  
5 effective? If we vote "yes" today, is it effective  
6 today?  
7 MR. BARNES: No, it won't be effective until it  
8 is actually law.  
9 MR. WOLIN: Added with legislation?  
10 MR. BARNES: Yes.  
11 MR. WOLIN: Okay, thank you.  
12 MR. DATTOLO: You referred to the Sullivan  
13 bill?  
14 MR. BARNES: Yes.  
15 MR. DATTOLO: That is added on; is that  
16 correct?  
17 MR. BARNES: 2037, Senate Bill 2037, is an  
18 amendment.  
19 MR. DATTOLO: To the existing one?  
20 MR. BARNES: To the act.  
21 MR. DATTOLO: That's the one I gave you?  
22 MR. CAPUANI: Yes.  
23 MR. POPOWITS: Question. When is the likely  
24 effective date of SB 2037?

MARZULLO REPORTING AGENCY (312) 321-9365

Page 13

1 MR. BARNES: Probably as soon as it's --  
2 MR. POPOWITS: As soon as it's passed?  
3 MR. BARNES: Yes.  
4 CHAIRMAN CHRISTENSEN: The governor is going to  
5 sign off on it.  
6 MR. BARNES: I believe the effective date, let  
7 me see if it's even in here.  
8 MR. POPOWITS: It's on the governor's desk  
9 right now?  
10 MR. BARNES: No.  
11 MR. POPOWITS: It is the third reading last I  
12 heard.  
13 MR. BARNES: Right, yes. It's not even -- it  
14 hasn't been voted on. I don't have an effective  
15 date.  
16 MR. POPOWITS: Okay.  
17 MR. BARNES: Do you want to address potential  
18 effective dates of the act?  
19 MR. CAPUANI: We were considering two dates,  
20 either October 1st or January 1st, because of the  
21 internal paperwork and just getting the word out to  
22 inspection companies, manufacturers.  
23 There's a lot of changes in the new rules.  
24 At a minimum, October 1st, January 1st is acceptable

MARZULLO REPORTING AGENCY (312) 321-9365

Page 14

1 also. It gives us more time.  
2 CHAIRMAN CHRISTENSEN: Any other questions?  
3 MR. GROSS: Was there a discussion on the new  
4 2010 ADA, in reference to elevators?  
5 MR. BARNES: What was that? I didn't even  
6 understand.  
7 MR. GROSS: The accessibility under the new  
8 2010 ADA, what would be mandatory by March 15th,  
9 2012?  
10 MR. BARNES: Discussion among who, with who?  
11 MR. GROSS: About incorporating --  
12 MR. BARNES: No. I'm completely unaware of it.  
13 It sounds to me like it is something that needs to  
14 be considered.  
15 MR. JANDORA: Is that under the purview of the  
16 Capital Development Board, Accessibility Standards,  
17 or is that under our purview?  
18 MR. BARNES: Sounds to me like if it deals with  
19 -- I mean, I'm not even sure what it deals with.  
20 Accessibility to buildings?  
21 MR. GROSS: It addressed cabs between the floor  
22 and the elevator, retraining for controls, heights  
23 for controls.  
24 MR. BARNES: I never even considered it.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 15

1 MR. GROSS: Cab heights and widths.  
2 MR. GREGORY: What's the question?  
3 MR. CAPUANI: It's the ADA.  
4 MR. GREGORY: ADA is a federal civil rights  
5 law. Okay? There are not inspectors running around  
6 enforcing a civil rights law.  
7 If a handicapped person has a problem,  
8 they call the local federal attorney, and they may  
9 or may not decide to do something about it. The  
10 State of Illinois, through the State of Illinois  
11 Capital Development Board, has essentially in the  
12 past adopted essentially identical rules.  
13 No, the Capital Development Board doesn't  
14 have any inspectors running around either. It can  
15 be size of doorways, width of hallways, steps,  
16 stairs, handrails and hallways.  
17 I mean, there's a ton of legislation which  
18 I will be kind to you, and I will not project it on  
19 the screen for sure, but I don't think your Board  
20 has to do anything here, because that's a separate  
21 function and a separate entity.  
22 The elevators, as far as elevators, are  
23 covered in, I don't remember the numbers, maybe Andy  
24 Juhasz, the code guru from Kone remembers the exact

MARZULLO REPORTING AGENCY (312) 321-9365

Page 16

1 section numbers, but the elevators are covered and  
2 they're covered under accessibility.  
3 It's never been an elevator code, let's  
4 say, type issue. I don't think you have to do  
5 anything.  
6 MR. GROSS: It's incorporated under the chapter  
7 of accessibility. I don't remember what it is  
8 offhand.  
9 It also mirrors into IBC under the code  
10 for IBC, too, when you are talking about codes,  
11 that's just why I brought it up, because I didn't  
12 see it in here.  
13 MR. BARNES: What Dick said sounds legit to me.  
14 I'm not aware any powers given to the State Fire  
15 Marshal to enforce.  
16 MR. GROSS: The rules are now in effect, lifts  
17 are now in effect. So, it's gone considerably  
18 beyond what was in 1990 under the old accessibility  
19 guidelines. New guidelines are --  
20 MR. BARNES: Well, that's something we can  
21 definitely take a look at.  
22 CHAIRMAN CHRISTENSEN: Is there anymore  
23 questions?  
24 (No response.)

MARZULLO REPORTING AGENCY (312) 321-9365

Page 17

1 CHAIRMAN CHRISTENSEN: Is there a motion to  
2 accept J-CAR's recommendation?  
3 MR. WOLIN: I do have one other question. In  
4 1060 of Section 2, where it talks about what's  
5 required, and it's talking about the firefighters  
6 emergency and the double bottom cylinder, it says  
7 they don't have to be done, unless there's an  
8 alteration, or the equipment fails, or there's a  
9 failure to replace the equipment jeopardizes the  
10 public safety and welfare, as determined by the  
11 local administrator or the Board.  
12 Am I correct in assuming on the third one  
13 that it's on a case-by-case basis? You know, the  
14 local administrator or the Board cannot just make a  
15 blanket statement that everybody who has --  
16 MR. CAPUANI: Correct.  
17 MR. WOLIN: Case-by-case?  
18 MR. CAPUANI: Yes.  
19 MR. WOLIN: Okay, thank you.  
20 CHAIRMAN CHRISTENSEN: Again, is there a  
21 motion?  
22 MR. JONES: Another question, Frank. Sorry.  
23 17.2, ASME A17.2 guide for inspections of elevators,  
24 escalators, moving walks, is that also part of the

MARZULLO REPORTING AGENCY (312) 321-9365

Page 18

1 legislation?  
2 MR. BARNES: Well, that's the proposal. The  
3 recommendation is that --  
4 MR. JONES: That would have to be documented  
5 legislatively, correct?  
6 MR. BARNES: Yes.  
7 MR. JONES: So, when we're making this  
8 recommendation to J-CAR, we're basically saying it's  
9 okay from our standpoint to include 17.2?  
10 MR. BARNES: Right.  
11 MR. JONES: When the legislation is passed?  
12 MR. BARNES: Yes. 17.2 has already been  
13 adopted by the Board.  
14 MR. JONES: Thank you.  
15 MR. WELLER: Kelly Weller. This goes to our  
16 attorney. I know we voted at the last couple of  
17 meetings on a series of changes, and I can see that  
18 most of those were again a couple words there also  
19 seems to be a significant amount of other changes.  
20 Can you give me some background where a  
21 lot of those recommendation came from?  
22 MR. BARNES: Public comments. A lot of public  
23 comment came in.  
24 MR. WELLER: Would it be possible for us to see

MARZULLO REPORTING AGENCY (312) 321-9365

Page 19

1 the distinction between what was added because of  
2 public comment, what was added based on what the  
3 Board did?  
4 MR. BARNES: I could try to do that. It was an  
5 organic process. To the extent we can show you the  
6 version that was approved by the Board versus what  
7 was added by our extensive negotiations with J-CAR  
8 to get these things passed, I will get you  
9 something.  
10 MR. WELLER: If I understand this procedurally,  
11 once we vote on this, we've approved the public  
12 comments section, as well as our debated revisions  
13 that we asked to take.  
14 There's two sets of changes that I'm  
15 recognizing: One that we have debated, reviewed,  
16 went through, discussed and rewritten several times  
17 over the last year?  
18 MR. BARNES: Yes.  
19 MR. WELLER: Another set of changes that this  
20 is the first time really in a public forum that  
21 we're seeking?  
22 MR. BARNES: Yes.  
23 MR. WELLER: Those changes came from?  
24 MR. BARNES: Public comment.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 20

1 MR. WELLER: Lots of input?  
2 MR. BARNES: Yes.  
3 MR. WELLER: Am I to understand if we vote  
4 today to accept this, we are essentially accepting  
5 all of the public comment as written?  
6 MR. BARNES: Well, the vote is to accept the  
7 recommendation from J-CAR. The rules have been  
8 accepted in the process of approving the rules.  
9 The rules are essentially ready to go, and  
10 the question is, I mean, you could reject these  
11 rules and go back to square one, and have to start  
12 all over again; but the changes that came about  
13 came, since you last voted upon, were comments and  
14 questions posed by and, Bob, you can weigh in here,  
15 help me out here, J-CAR had extensive questions  
16 about syntax, about what things meant, and there  
17 were some public comment that came to us very late  
18 in the game.  
19 The changes I'll represent to you do not  
20 manifestly change the intent that you voted on.  
21 It's mainly syntax, but I will --  
22 MR. WELLER: You are comfortable with that  
23 assessment?  
24 MR. CAPUANI: Yes.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 21

1 MR. BARNES: If I were to get something for you  
2 to show the difference between the version you voted  
3 on.  
4 MR. WELLER: I can see it -- again, I'm sorry  
5 to go out of order, the version we voted on, I can  
6 see it's pretty close.  
7 I mean, there are some minor changes in  
8 verbiage and some citation differences, but there is  
9 also some other things that weren't in this package  
10 that are new sections.  
11 MR. BARNES: Do you want to point them out? We  
12 can discuss them.  
13 MR. WELLER: No. I just wanted to know where  
14 some of those came from.  
15 MR. BARNES: This is the forum to do that. If  
16 you have concerns about specific portions that were  
17 approved by J-CAR, now is the time to discuss this  
18 unless you --  
19 MR. WELLER: Once we vote on this, that's it?  
20 MR. BARNES: Well, the vote is on the  
21 recommendation from J-CAR that incorporating A17.2  
22 and A17.7 into Section 35 of the act.  
23 If you would like, I'm sure the Board will  
24 entertain a motion to accept the rules as they were

MARZULLO REPORTING AGENCY (312) 321-9365

Page 22

1 approved by J-CAR or reject them. That's within the  
2 Board's right, but it would put us back to square  
3 one.  
4 I mean, the OSFM was negotiating with  
5 J-CAR and the public on behalf of the Board to do  
6 this. I'm telling you it was a long intensive  
7 process to muddle through this.  
8 I can speak for Bob, and other lawyers  
9 from OSFM that are working on this, we did our  
10 darndest to maintain the intent, and the purpose  
11 that was voted upon, and the language voted upon by  
12 the Board.  
13 MR. GROSS: There was a vote that was taken on  
14 this. Could there be a further amendment?  
15 MR. BARNES: To the rules?  
16 MR. GROSS: Yes.  
17 MR. BARNES: No.  
18 MR. GROSS: This would be finalized?  
19 MR. BARNES: Yes. Well, it's final once the  
20 OSFM submits the rules to the Secretary of State.  
21 We have 90 days to accept or reject the  
22 recommendations from J-CAR, at which time the rules,  
23 as they are approved -- we have 90 days to approve  
24 or reject the recommendation, after which the rules

MARZULLO REPORTING AGENCY (312) 321-9365

Page 23

1 sort of lapse, and we have to start over.  
2 CHAIRMAN CHRISTENSEN: All right. Again, I'm  
3 going to ask is there a motion to accept or deny?  
4 MR. JANDORA: I have another question.  
5 CHAIRMAN CHRISTENSEN: We also could ask  
6 questions under the motion. Rick?  
7 MR. JANDORA: However you like to do it.  
8 CHAIRMAN CHRISTENSEN: Is there a motion to  
9 accept or deny J-CAR's ruling?  
10 MR. GANIERE: Ganiere. I'll make the motion to  
11 accept the recommendations from J-CAR.  
12 CHAIRMAN CHRISTENSEN: Is there a second?  
13 MR. WOLIN: Wolin will second.  
14 CHAIRMAN CHRISTENSEN: Now, on the question,  
15 Rick?  
16 MR. JANDORA: I have a question as it relates  
17 to the adoption of A17.2, the guide for inspections.  
18 It's a guide, right? It is a means of assisting  
19 inspectors with how to do their jobs.  
20 Is it the intention of us adopting it is  
21 that this is the way we need to conform in the  
22 state, or is it just a recommended means of  
23 conforming?  
24 MR. BARNES: Is that question for me?

MARZULLO REPORTING AGENCY (312) 321-9365

Page 24

1 MR. JANDORA: That's a question. I don't know  
2 that I understand the adoption of A17.2, being that  
3 it's just there as a useful tool on how to comply.  
4 It's not the only way to do it.  
5 MR. BARNES: When I got into the meat of the  
6 rules, I was surprised to see that the rules even  
7 adopted a guide. I mean, it's not like something we  
8 could arguably enforce, but it's out there as  
9 something which has to be apparently used.  
10 I mean, it's a valid question as to  
11 whether or not we even go so far as to adopt A17.2.  
12 MR. JANDORA: I like it in that it's a  
13 recommendation on how you can comply, but it doesn't  
14 mean it's the only way in which you can comply.  
15 There's other ways, or other methods in  
16 performing tests to confirm with what needs to be  
17 confirmed. So, if there's different methodologies,  
18 if there's more efficient ways of doing things, I  
19 wouldn't want to restrict elevator companies or  
20 inspectors from being more efficient by using just  
21 the guides methods in performing the task.  
22 MR. BARNES: It is easier to change the rules  
23 than it is the statute, meaning if a different guide  
24 comes up, and the guide is already -- A17.2 is

MARZULLO REPORTING AGENCY (312) 321-9365

Page 25

1 already in the rules.  
2 MR. GREGORY: I don't think the people out  
3 there can hear you.  
4 MR. BARNES: Sorry. I think it's easier to  
5 change the rules than it is the statute. That may  
6 be something you may want to consider in voting on  
7 the recommendation to adopt A17.2 and the statute.  
8 CHAIRMAN CHRISTENSEN: Dick?  
9 MR. GREGORY: Sometime we'll get into what I  
10 have here, but A17.2 is a guide. It says it's a  
11 guide. It is supposed to follow the requirements of  
12 A17.1 in parts 8.10 and 8.11.  
13 8.10 is acceptance inspections, and 8.11  
14 is periodic inspections. It's a guide to explain  
15 and help the inspector. It doesn't lay out the  
16 rules.  
17 You can adopt it and say, "Okay, you  
18 inspectors, here is a guide; and if you use this  
19 guide, it's a good idea." But it is still a guide.  
20 It says it is a guide right in it.  
21 I recommend you say, "Yeah, we adopt this  
22 as a guide," and be done with it. We're just  
23 talking around and around about the same thing.  
24 It's still a guide.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 26

1 Just realize that there is always a  
2 problem keeping all these things in synchronization.  
3 A17.2 might not be totally in synchronization with  
4 17.1, because the Inspections Committee has to take  
5 any new requirements that are put into A17.1 and  
6 stick them in the guide.  
7 The guide helps the inspectors a lot,  
8 because it says, "This escalator was installed at  
9 such and such a date, so here are the requirements,  
10 if there's been no alteration for side of step  
11 clearance," for example, and it brings all that  
12 stuff together neatly for the inspectors.  
13 It is really a great tool for the  
14 inspector; otherwise, he would have to carry a whole  
15 library in his car to find all this stuff out. So,  
16 I would say you adopt it as a guide, and be done.  
17 CHAIRMAN CHRISTENSEN: Rick?  
18 MR. JANDORA: I hear where you are coming from,  
19 Dick, and that it's a guide, but generally the  
20 practice is this is the book. This is what we do.  
21 There's no deviation from it. That's what we see  
22 out there.  
23 So, it's just if we can be perhaps clear  
24 in the rules. I don't know if it's something that

MARZULLO REPORTING AGENCY (312) 321-9365

Page 27

1 needs to be, you know, added to Section 35 of the  
2 statute; but in the rules, that it's our  
3 recommendation, you know, that you follow this, but  
4 it doesn't mean you are limited to exactly what the  
5 book says.  
6 And I'll say, as an example, we have like  
7 a governor pull-through, right? We have a torque  
8 multiplier device that we like to use versus a  
9 dynamometer, and a dynamometer is something that is  
10 in the guide.  
11 So we're, therefore, not allowed to use  
12 the torque multiplier, which is easier to use.  
13 That's my concern. So, I just don't want to  
14 restrict elevator service providers from doing  
15 things more efficiently.  
16 So, it's just if we can be clear in the  
17 rules, perhaps, that this is just a recommended  
18 means of conforming or complying, that would be  
19 great.  
20 MR. BARNES: Well, you know, and again,  
21 anything that we -- that the Board decides,  
22 vis-a-vis the recommendation from J-CAR, is just a  
23 recommendation; and it would still have to get  
24 through, you know, all of the legislative process to

MARZULLO REPORTING AGENCY (312) 321-9365

Page 28

1 actually become law.  
2 So, I mean, there are any number of  
3 filters that this A17.2 issue has to go through, but  
4 I leave it to the Board. You guys are the experts,  
5 that's why you're here.  
6 MR. GANIERE: Ganiere. I think maybe that is  
7 what Rick is getting at here. If we make the  
8 recommendation, or we approve the recommendation of  
9 J-CAR, and then A17.2 goes through the legislative  
10 process, it now becomes law.  
11 So, does that now mean that that's the  
12 only way it can be done? It depends on what the  
13 legislature writes with the law.  
14 MR. BARNES: Correct.  
15 MR. GANIERE: It certainly could become that  
16 way. I think what Rick is saying, "Look, there's  
17 not only one way to get to the end result. You can  
18 do it many different ways, but the end result is the  
19 same, you get a quality inspection. Whether you  
20 inspect part A first or part B first, it really  
21 doesn't matter, as long as you inspect it all."  
22 I think that's what you are kind of trying  
23 to say, isn't it, Rick?  
24 MR. JANDORA: Yes.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 29

1 MR. GANIERE: So, maybe that's not the best  
2 avenue to take to recommend that A17.2 become law  
3 because of that. It's fine in our rules, like Rick  
4 said, it's a guideline, a suggested course of  
5 action, but not the only course of action.  
6 If somebody wants to amend my motion, they  
7 certainly can.  
8 CHAIRMAN CHRISTENSEN: Rick, would you like to  
9 amend the motion?  
10 MR. JANDORA: I would like to amend Tom's  
11 motion and exclude A17.2 from the Section 35 of the  
12 act.  
13 CHAIRMAN CHRISTENSEN: Is there a second?  
14 MR. GROSS: Second.  
15 CHAIRMAN CHRISTENSEN: Any questions?  
16 (No response.)  
17 CHAIRMAN CHRISTENSEN: No more questions, okay.  
18 All those in favor, say aye.  
19 (A chorus of ayes.)  
20 CHAIRMAN CHRISTENSEN: All those against?  
21 (No response.)  
22 CHAIRMAN CHRISTENSEN: Ayes have it.  
23 MR. BARNES: The next step is I'll write a  
24 letter to J-CAR with the position of the Board, and

MARZULLO REPORTING AGENCY (312) 321-9365

Page 30

1 explain why we are rejecting the recommendation for  
2 A17.2 in that there is the potential for other ways  
3 of doing things.  
4 CHAIRMAN CHRISTENSEN: Now we're going to vote  
5 on the main motion.  
6 MR. WELLER: Wait.  
7 CHAIRMAN CHRISTENSEN: Kelly?  
8 MR. WELLER: Since this is the forum for  
9 discussion of some of the changes that were made  
10 that were voted on, may I ask for some context  
11 around some of the changes that we're seeing in this  
12 version that weren't in final versions that we voted  
13 on?  
14 I just want to know where they came from  
15 and what the thought process was, if that's  
16 acceptable. It doesn't have to be long.  
17 The permit Section 130B, does that limit  
18 -- that seems fairly straightforward to me, but does  
19 that limit the procedures that we would have that  
20 would have to be locally approved before we could --  
21 I'm assuming this is applying to some kind of  
22 appeal. The permit would be local or state.  
23 MR. CAPUANI: I think that was put in there  
24 because of the outlying areas. There's not a

MARZULLO REPORTING AGENCY (312) 321-9365

Page 31

1 standard IBC code for the state, so we were getting  
2 permits with different restrictions or different IBC  
3 codes from different municipalities.  
4 So, what it was is that we're telling the  
5 municipalities that they have to have a, from their  
6 architect, a licensed architect or engineer, sign  
7 off on the drawings for that area. I think that's  
8 why that was brought in there.  
9 The local municipalities, when in  
10 agreement, will sign the permit. We'll sign the  
11 permit for the outlying municipalities, but there  
12 was some questions on different local building codes  
13 and fire codes.  
14 So, we do not have the capability or  
15 manpower to do the research, so what we're telling  
16 them is before they submit these drawings, they have  
17 to go to that local fire and check their own fire  
18 codes and local building codes.  
19 MR. WELLER: Can you put that into context with  
20 me for the Bolingbrook issue that we had? Does this  
21 change or affect that?  
22 MR. CAPUANI: Bolingbrook would be under  
23 Bolingbrook, because they signed an agreement with  
24 us.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 32

1 MR. WELLER: Didn't that construction happen  
2 before the agreement?  
3 MR. CAPUANI: I believe so, yes.  
4 MR. WOLIN: So, what impact would this have had  
5 on that construction, if any?  
6 MR. CAPUANI: I don't think anything until the  
7 final inspection. This wasn't caught until the  
8 final inspection, the issue in Bolingbrook.  
9 MR. WELLER: So, the architect couldn't have  
10 signed off on that saying that was a fine  
11 installation and then --  
12 MR. CAPUANI: Well, we do get stamped drawings,  
13 but in the final inspection, they caught it. They  
14 couldn't make -- I believe it was the over travel.  
15 MR. WELLER: But it doesn't change, and I guess  
16 I'm reiterating the same question: If the architect  
17 or the engineer signs this and says it's fine, they  
18 go ahead and build it. They get all the way to the  
19 end.  
20 MR. CAPUANI: Right, that's what happened.  
21 MR. WELLER: The final inspection says, "Hey,  
22 wait a second, you got a problem," does that give --  
23 does that take away any rights that we have to say,  
24 "Hey, wait a second, you got to fix that"?

MARZULLO REPORTING AGENCY (312) 321-9365

Page 33

1 MR. CAPUANI: No. They still have to come back  
2 to you for the variance.  
3 MR. WELLER: We granted the permit in the first  
4 place.  
5 MR. CAPUANI: Right, we grant the permit per  
6 their drawings, and on the drawings that over travel  
7 was there.  
8 MR. WELLER: All right. That's fair enough.  
9 MR. CAPUANI: So, that's why they had to come  
10 to us for a variance.  
11 MR. WELLER: I got you. So, we can't override?  
12 MR. CAPUANI: Yes.  
13 MR. WELLER: We can't sign off on something  
14 that is not permissible by code, nor can a local  
15 jurisdiction, prior to that, even though they have  
16 an engineer sign it?  
17 MR. CAPUANI: Yes.  
18 MR. WELLER: Okay. The other one that I had  
19 was in Section 145, the investigation section which  
20 is all new, just some thoughts around that.  
21 MR. CAPUANI: 145?  
22 MR. WELLER: 145.  
23 MR. CAPUANI: What's your question?  
24 MR. WELLER: I know there was some debate at  
  
MARZULLO REPORTING AGENCY (312) 321-9365

Page 34

1 the last meeting what the Board's authority was  
2 versus the OSFM's authority on this. I'm just  
3 wanting to walk through the process for an  
4 investigation, how a hearing would happen under this  
5 section.  
6 MR. BARNES: Here we're talking about  
7 investigations. This is limited only to  
8 investigations instigated by a complaint, a written  
9 complaint.  
10 A written complaint is made, given to the  
11 OSFM, or to the local administrator, pursuant to  
12 145A. That has to set forth the particularity, the  
13 grounds for the investigation.  
14 It provides for some confidentiality as to  
15 the individual making the complaint. Section B says  
16 if the local administrator receives the request, and  
17 the local administrator determines that there are  
18 reasonable grounds to believe it's in violation, the  
19 local administrator forwards it to the OSFM for  
20 further investigation.  
21 MR. WELLER: What happens if the local  
22 administrator doesn't push it forward?  
23 MR. BARNES: It doesn't go to the OSFM.  
24 MR. WELLER: So, we could have maybe one or two  
  
MARZULLO REPORTING AGENCY (312) 321-9365

Page 35

1 individuals working in different jurisdictions with  
2 a systematic problem, and it wouldn't filter up to  
3 us to see? This is brand new, and I'm wondering  
4 why --  
5 MR. BARNES: This is actually -- you know, I  
6 don't really know how this is that different from  
7 the existing rules.  
8 MR. WELLER: We don't have any existing. This  
9 is all brand new.  
10 MR. JANDORA: I got existing rules in here.  
11 MR. WELLER: We don't have to spend a lot of  
12 time. I can see where we're going.  
13 I just want to make sure we don't limit  
14 our rights or authority, as a Board, to kind of hear  
15 these investigations, and to take further action, if  
16 we feel there is some systematic issues out there.  
17 MR. BARNES: Actually, what this is doing is  
18 codifying the act, which is provided for in the act.  
19 Section 105B of the act is pretty much the language  
20 is tracked in this new provision to the rules, which  
21 provides for investigations, requests for  
22 investigations to be made to either the local  
23 administrator or the OSFM.  
24 MR. CAPUANI: I think Kelly's question is:  
  
MARZULLO REPORTING AGENCY (312) 321-9365

Page 36

1 Does the process -- does it filter down to the  
2 Board, or does the OSFM --  
3 MR. BARNES: The Board hears appeals from  
4 administrative citations, if the aggrieved party  
5 makes a request to the Board.  
6 MR. WELLER: That is where we were last time.  
7 MR. BARNES: Yes.  
8 MR. JONES: I have a question. My  
9 understanding was, as a Board, we don't have that  
10 authority anyway, right?  
11 MR. BARNES: We have the authority to hear  
12 appeals if specific requests are made to the Board.  
13 MR. JONES: Because this is an enforcement  
14 issue?  
15 MR. BARNES: Yes.  
16 MR. JONES: Which is OSFM?  
17 MR. BARNES: Yes.  
18 MR. JONES: We do have the authority to hear  
19 appeals, but not act on it?  
20 MR. BARNES: Right. The requests are made --  
21 requests for investigations are made to the  
22 administrator or local administrator.  
23 Any person can do that, and any person  
24 includes the Board. The Board can make a request  
  
MARZULLO REPORTING AGENCY (312) 321-9365

Page 37

1 for investigations as well.  
2 CHAIRMAN CHRISTENSEN: Is there anymore  
3 questions? We're still on the original motion as  
4 amended.  
5 Is there a motion to accept? I mean,  
6 there is a motion to accept. I guess we should  
7 probably do a roll call on this one, just to make  
8 sure. I'm going to start out with you. Tom?  
9 MR. GANIERE: Aye.  
10 CHAIRMAN CHRISTENSEN: State your name.  
11 MR. FINCHAM: John Fincham, aye.  
12 MR. JONES: Doug Jones, aye.  
13 MR. JIRIK: Tom Jirik, yes.  
14 MR. WELLER: Kelly Weller, yes.  
15 MR. GILLES: Rod Gills, yes.  
16 MR. SWIENTON: Darrel Swienton, yes.  
17 MR. GROSS: Gerald Gross, aye.  
18 MR. DATTILO: David Dattilo, yes.  
19 MR. WOLIN: Jerry Wolin, yes.  
20 MR. POPOWITS: Al Popowits, yes.  
21 MR. JANDORA: Rick Jandora, aye.  
22 MR. HERTSBERG: Mark Hertsberg, yes.  
23 CHAIRMAN CHRISTENSEN: Motion is accepted, as  
24 amended.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 38

1 MR. BARNES: So I have this correct, we  
2 accepted the recommendations, with the exception of  
3 the recommendation that A17.2 be amended into the  
4 Section 35 of the act; is that correct?  
5 CHAIRMAN CHRISTENSEN: Correct. We have to  
6 make a motion on the effective date. Bob Capuani  
7 gave us two dates, if the rules pass. Is there a  
8 motion to accept one of those dates?  
9 Bob, do you want to repeat the date,  
10 October?  
11 MR. CAPUANI: October 1st, 2011, and  
12 January 1st, 2012.  
13 MR. POPOWITS: Bob, which do you recommend, the  
14 much later date?  
15 CHAIRMAN CHRISTENSEN: He's going to recommend  
16 January, I guarantee it.  
17 MR. POPOWITS: Of course we know that.  
18 MR. GREGORY: You want to do the earlier date.  
19 CHAIRMAN CHRISTENSEN: Is there a motion to  
20 accept January's date?  
21 MR. DATTILO: I so move.  
22 MR. WOLIN: Wolin second.  
23 CHAIRMAN CHRISTENSEN: Is there any questions?  
24 (No response.)

MARZULLO REPORTING AGENCY (312) 321-9365

Page 39

1 CHAIRMAN CHRISTENSEN: All those in favor, say  
2 aye.  
3 (A chorus of ayes.)  
4 CHAIRMAN CHRISTENSEN: All those against?  
5 (No response.)  
6 CHAIRMAN CHRISTENSEN: Ayes have it. Update on  
7 SB2037.  
8 MR. BARNES: I just want to give a little  
9 background. We were approached by Senator Sullivan  
10 about some concerns that have been expressed to him  
11 by certain constituents; namely, small churches  
12 located out in the middle of rural areas far way  
13 from urban centers, where elevator inspectors and  
14 maintenance providers had to travel such long  
15 distances, so they were incurring, in their minds,  
16 exorbitant fees, because their travel time is built  
17 into all the expense fees. They were feeling a  
18 pinch.  
19 So, they did what people normally do, and  
20 they called their representative in the Illinois  
21 state government, and that individual turned around  
22 and approached us.  
23 The initial proposal was to have all  
24 not-for-profits exempted from the inspection

MARZULLO REPORTING AGENCY (312) 321-9365

Page 40

1 requirements provided for under the act. We pushed  
2 back on that because we have serious public safety  
3 concerns.  
4 There have been issues in churches in the  
5 State of Illinois where maintenance of inspection  
6 lapses have resulted in serious injury. So, we went  
7 back and forth with the senator and other  
8 stakeholders in the process, and we came up with a  
9 proposal that we were able to live with.  
10 In our minds, we don't want to create any  
11 exceptions, because it opens a door to other  
12 requests; but what we did was for churches of a  
13 limited scope, meaning those having, I believe, one  
14 elevator --  
15 MR. CAPUANI: One elevator limited to two  
16 levels.  
17 MR. BARNES: So, one elevator limited to just  
18 two landings, so we crafted this as narrowly as  
19 possible, to try to throw our arms around those  
20 specific churches that were having the problems; and  
21 in order to insure that the necessary maintenance  
22 was occurring, we required that they have a  
23 mandatory maintenance examination done annually, and  
24 that category tests were performed annually.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 41

1 Inspections were to occur every three  
2 years, not every year. So, they are on a three-year  
3 cycle, as opposed to an annual cycle. So,  
4 presumably, they're going to experience some relief  
5 from the fees.  
6 In the State Fire Marshal's eyes, this was  
7 the best possible compromise and solution. We've  
8 got a maintenance program in place, so we know at  
9 least someone is putting their eyeballs on this  
10 conveyance once a year, when they perform the annual  
11 maintenance, including the necessary category tests;  
12 and presumably, if these folks get their acts  
13 together, they can coordinate the inspector and the  
14 maintenance provider to come together every three  
15 years, so that the category test and the annual  
16 inspection occurs at the same time. There's a  
17 potential for savings there.  
18 And as we discussed, there's a decision to  
19 include A17.7 in the act, itself, Section 35 because  
20 it's expressly -- well, it's a component to A17.1.  
21 Did I miss anything, Bob?  
22 CHAIRMAN CHRISTENSEN: Dave has a question.  
23 MR. DATTILO: Are you asking us to accept this  
24 or just informing us?

MARZULLO REPORTING AGENCY (312) 321-9365

Page 42

1 MR. BARNES: It's just an update. It's an  
2 update.  
3 MR. DATTILO: I guess I read this, and I  
4 thought about this. This takes into consideration  
5 churches and Synagogues.  
6 What about private schools, who don't have  
7 the wherewithal out in the middle of nowhere, and  
8 what about other non-for-profit entities that are in  
9 the same plight, is this going to be an ongoing  
10 thing?  
11 MR. BARNES: I certainly hope not.  
12 MR. DATTILO: It looks like it may be.  
13 MR. BARNES: It may be. That's a fight we're  
14 going to have to fight another day.  
15 MR. DATTILO: There is no acceptance or  
16 rejection on this?  
17 MR. BARNES: Well, I mean, it's in the -- I  
18 mean, it's on the floor of the house right now.  
19 MR. DATTILO: You agree this is kind of opening  
20 the door?  
21 MR. BARNES: Certainly. We did everything we  
22 could to insure public safety, while bowing to the  
23 pressure of the individuals.  
24 MR. DATTILO: I appreciate that. Thank you.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 43

1 MR. JONES: Just a question or discussion.  
2 These elevators, when they register with OSFM, are  
3 they registered as that specific kind of elevator,  
4 or how do you get to authorize that?  
5 MR. BARNES: We're going to have to create like  
6 a second license, a dual licensure. It's done in  
7 other agencies. We have to do that.  
8 MR. JONES: It will be registered as that  
9 particular elevator?  
10 MR. CAPUANI: The registration will still be  
11 the same. It's the certificates of operation will  
12 be every three years. We're still trying to figure  
13 out how to do that.  
14 MR. BARNES: So, it's the certificate that's  
15 going to be different, the registration will be the  
16 same.  
17 MR. CAPUANI: Where this came from, we got a  
18 lot of calls from churches in rural areas that had  
19 lifts, handicap lifts, that were moving 18 inches,  
20 and they would send me bills from inspection  
21 companies; and it's not really the inspection  
22 company's fault because some of these inspection  
23 companies have to travel three hours there, an hour  
24 on the job, three hours back, and they are getting

MARZULLO REPORTING AGENCY (312) 321-9365

Page 44

1 charged like 1200.  
2 I've seen bills up to \$1200 for a small  
3 church that a lift goes 18 inches. This is where  
4 all this is coming from.  
5 MR. DATTILO: Just exempt the lift, 18 inches  
6 or less.  
7 MR. CAPUANI: They want to exempt everything in  
8 the church. At least we got them down to one  
9 conveyance in the church.  
10 MR. BARNES: The wanted the mega churches,  
11 which have up to five elevators, going three or  
12 four -- three landings as opposed to two.  
13 MR. CAPUANI: Right. This is the best we could  
14 do to negotiate that.  
15 CHAIRMAN CHRISTENSEN: Moving on.  
16 MR. GROSS: I have one more question. I don't  
17 want to beat a dead horse. It looks likes I might  
18 be doing that. Under "Permits," okay, 1130, and D.  
19 MR. BARNES: Are we talking about the existing  
20 act, or the existing rules, or the new rules?  
21 MR. GROSS: Proposed.  
22 MR. BARNES: Or proposed, right.  
23 MR. GROSS: There is something I missed when I  
24 first read through it under part D, "The application

MARZULLO REPORTING AGENCY (312) 321-9365

Page 45

1 on a permit must specify whether the permit or the  
2 conveyance is for mobility impaired or non-mobility  
3 impaired." So, there's a check there. So, if  
4 it's --  
5 MR. BARNES: You're talking D as in dog?  
6 MR. GROSS: Yes, D as in dog. On the same  
7 page. My question is when you check it, mobility  
8 impaired or not mobility impaired, where does that  
9 throw you for mobility impaired?  
10 How are you going to check to see that it  
11 is for mobility impaired under these rules? What  
12 does the inspector do? How does he check that? How  
13 does he know? Because along with that comes  
14 signage, there is braille.  
15 I mean, how do you say, "Here is mobility  
16 impaired"? Where does it go from there to check it  
17 out?  
18 I think to resolve that, you have to put  
19 in -- you got to reference back to ADA. That's the  
20 only way. You have to incorporate that back in.  
21 MR. CAPUANI: I'm not even sure why that  
22 language is put in, to be honest with you. That had  
23 to come from public comment.  
24 MR. GROSS: I mean, it's a very big issue.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 46

1 It's a big litigation issue right now everywhere.  
2 MR. BARNES: What is your suggestion?  
3 MR. GROSS: My suggestion is if you keep the  
4 language there, I just think you have to incorporate  
5 ADA as part of -- the 2010 ADA as part of the code.  
6 It is not really a code, it is a civil  
7 rights issue, but it's also in IBC, either  
8 incorporate the IBC as one of the code standards or  
9 ADA.  
10 CHAIRMAN CHRISTENSEN: Dick?  
11 MR. GREGORY: I think that is not an elevator  
12 jurisdiction as much as it is a different  
13 jurisdiction of the state. The ADA, which is here  
14 on my computer, 2010 is 257 pages.  
15 MR. GROSS: Go to the elevator section.  
16 MR. GREGORY: You only want to do the elevator  
17 section? I think you should then, I'm just your  
18 consultant, you should ask your attorney to examine  
19 that, if that makes sense for us, or whether it be  
20 done -- because it currently is, if you want the  
21 Illinois rules, you go to the Capital Development  
22 Board down in the Thompson Center.  
23 You give them a check or a money order,  
24 and you could buy the Illinois rules. So, since

MARZULLO REPORTING AGENCY (312) 321-9365

Page 47

1 they are available. I mean, certainly anybody who  
2 needs to get them can go get them for the Illinois  
3 rules. They are already involved.  
4 MR. GROSS: You can take the section out, like  
5 you said, and incorporate those rules into the  
6 section on the elevator, whatever section that is  
7 under, somewhere under 4, I think.  
8 MR. CAPUANI: I'm trying to figure out where  
9 this language came from.  
10 MS. DEL GRECO: They took out Section F, Bob,  
11 and moved it up to Section D.  
12 MR. CAPUANI: I see that.  
13 MR. JANDORA: Is this something you want to  
14 look into, Bill, and just maybe report back at the  
15 next meeting?  
16 MR. BARNES: Yes, I'll report back as to  
17 whether or not there is a need to incorporate the  
18 ADA, or specific sections of the ADA, to accommodate  
19 the --  
20 MR. GROSS: I will tell you on all passenger  
21 elevators, you're going to have to incorporate it  
22 all over the country. It is a done deal. We should  
23 actually reflect that, I mean, and not just assume  
24 that everybody knows, but it should be reflected in,

MARZULLO REPORTING AGENCY (312) 321-9365

Page 48

1 you know, in the amendments here.  
2 MR. BARNES: Gerald, I'll follow up with you  
3 after this. I'll work on the information you give  
4 me, and I'll come back with a recommendation. I  
5 appreciate it. Thank you.  
6 CHAIRMAN CHRISTENSEN: Now we'll move on to the  
7 Maintenance Control Program clarification letter.  
8 Bob?  
9 MR. CAPUANI: We're going to start out with  
10 Dick Gregory's presentation on --  
11 MR. GREGORY: Codes and things.  
12 MR. CAPUANI: Yes.  
13 MR. GREGORY: Why don't we turn the projector  
14 on. You guys need to quit kissing each other. We  
15 can always re-aim that.  
16 I'm just showing you here from A17.2, the  
17 guide. It clearly says the guide is intended to  
18 assist qualified inspectors. It's not intended to  
19 serve as a basis for government regulations.  
20 A guide does not contain information on  
21 handling discrepancies noted in reports; and if we  
22 go over here, we see the procedures in this guide  
23 are recommendations only, and are intended to  
24 illustrate a method of complying with the

MARZULLO REPORTING AGENCY (312) 321-9365

Page 49

1 requirements of the code. Okay?  
2 So, this is a guide, and it's very helpful  
3 and useful for inspectors. You all talked about  
4 that at great length.  
5 Okay, first, what is the code? The  
6 National Consensus Elevator Code is ASME A17.1 2010.  
7 That's the latest edition. ASME is the American  
8 Society of Mechanical Engineers.  
9 ASME A17.1 2010 is a recognized American  
10 National Standard by ANSI. ANSI is the American  
11 National Standards Institute. In order to be  
12 recognized as a nationally-recognized code by ANSI,  
13 the code-writing process must follow specific rules,  
14 and we are not going to go into that.  
15 The A17.1 code has existed since 1921, the  
16 first edition; and we are now on 2010, the 19th  
17 edition. There were many addendums, supplements, et  
18 cetera, et cetera, over the years, and I didn't want  
19 to list all that, but we're on now the 19th edition.  
20 Why are there new editions? There are new  
21 editions due to changes as to what can be  
22 manufactured, and what we at ASME learned about  
23 safety, and how to improve and enhance safety for  
24 the riding public.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 50

1 When I started in the trade as a  
2 maintenance helper, when I was doing maintenance  
3 helping, I had 20 car switch elevators in a row.  
4 They were DC restatic, and they looked like Star  
5 Wars or something.  
6 And even a kid, I could go walk down  
7 there, and the part that was laying on the floor,  
8 well, all I had to do is tell the mechanic, "Sir,  
9 you need to bolt that back on."  
10 It is a total different ballgame now.  
11 Companion codes are A17.3 2008 safety code for  
12 existing elevators, and realize the State of  
13 Illinois has not adopted A17.3 of any edition.  
14 The original attempt at A17.3 was to try  
15 to say all elevators should be brought up to at  
16 least the 1955 level; but it's gone beyond that, but  
17 that's where it started out.  
18 A17.5 is elevator and escalator electrical  
19 equipment. This is emerging of the UL 508 and CSA  
20 22.2, I think it is, so that the electrical  
21 equipment, and this is safety, electrical safety,  
22 and so that one code -- all these codes have a CSA  
23 number to go with them, too. They are electrically  
24 safe, okay, so we're not going to burn your building

MARZULLO REPORTING AGENCY (312) 321-9365

Page 51

1 down.  
2 A17 .62010 is the standard for elevator  
3 suspension, compensation and governor systems. In  
4 other words, round steel wires of the wire ropes of  
5 the historical time, Otis' flat-coded steel belts  
6 where they've had to have A17.7 approval, and before  
7 that they were getting variances here.  
8 This has all been codified in A17.6 in a  
9 whole lot of detail, let's say; and a lot of work  
10 went into that, and made a lot of things more safe.  
11 A17.7 2007, as we've discussed already,  
12 performance-based safety code, and you've already  
13 approved some things to A17.7; and A17.7 has an  
14 accredited organization that has to certify that it  
15 meets the equivalent safety requirements.  
16 It is not an easy task. One of them that  
17 you approved, that I looked through their  
18 documentation, I said, "You guys have tied  
19 yourselves up unbelievably tight. Where are you  
20 going to sell this equipment? It's very narrow  
21 where it can be done. It all depends on how you go  
22 through it.  
23 A17.2 2010 we beat to death. That's a  
24 guide. It is a guide, okay? A17.4 1999 is a guide

MARZULLO REPORTING AGENCY (312) 321-9365

Page 52

1 for emergency personnel. Emergency personnel are  
2 firefighters. Part of this guide is how do the  
3 firefighters release trapped passengers safely.  
4 The code is written by the A17 Standards  
5 Committee, of which I am a member. Andy Juhasz over  
6 there is a member. The committee is authorized to  
7 have up to 35 members, and it must be a balanced  
8 group, no more than one-third from any interest  
9 category; and there is about seven interest  
10 categories, manufacturers, owners, consultants,  
11 labor and so on.  
12 So, it is a balanced group, and this is  
13 required by ANSI. I will be taking over as  
14 vice-chair on the 1st of July for a three-year term.  
15 ASME has term limits, so I can only serve one other  
16 three-year term, if I'm still kicking around then,  
17 but the majority of the code writing is done by  
18 working committees. Okay?  
19 We try not to have to do this whole  
20 crafting of language and so forth at the Standards  
21 Committee, and I serve on existing installations for  
22 a lot of years, and I'm actually -- I probably am  
23 going to be incoming vice-chairman of existing  
24 installations.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 53

1 Maintenance repair, replacement and  
2 testing, I am the outgoing vice-chairman, because  
3 I've been on -- held that position too long, and I'm  
4 on the Dumbwaiter Committee, because the dumbwaiter  
5 chairman needed somebody on the committee. They  
6 figured I was dumb, so he got me.  
7 There are also task groups for various  
8 specific issues that are, you know, maybe they are  
9 underneath another committee, but they are very  
10 specific issues.  
11 And there's a task group on the use of  
12 elevators during fires and other emergencies, and  
13 this came out of the World Trade Center 9-11  
14 business, and we are now in the process of writing  
15 code.  
16 We'll have two different operations newly  
17 codified hopefully by 2013, and that would be  
18 occupant evacuation operation so that the elevators  
19 can be used to assist in the evacuation of the  
20 building.  
21 And if you do the studies on people  
22 movement, of which some people in the task group  
23 have done this, the task group has been going on for  
24 so long, some people have already died. They've

MARZULLO REPORTING AGENCY (312) 321-9365

Page 54

1 done the work and figuring evacuating people, it's  
2 much faster to evacuate the people if you use both  
3 elevators and stairwells. You can empty the  
4 building out a lot faster.  
5 So, there are strategies for using the  
6 elevators to get the people away from the fire area  
7 first; and, of course, the people that have  
8 accessibility issues, the people in wheelchairs and  
9 with walkers, the wheelchairs can't roll down the  
10 stairs, so we really need them.  
11 And then the FEO, Firefighters Emergency  
12 Operation, we're looking at how to make those  
13 elevators, the term the firefighters like, is  
14 robust. The International Code Council does not  
15 like robust.  
16 So, we're going to call it something else,  
17 but those elevators will be more likely to run for  
18 the firefighters during -- to fight the fire. You  
19 firefighter folks, most of the people in the country  
20 have the same general method; and that is, we go to  
21 two floors below the fire, and then we go up the  
22 stairs.  
23 You don't want to be up there in the  
24 elevator at the fire. I mean, so we've had that

MARZULLO REPORTING AGENCY (312) 321-9365

Page 55

1 here in Chicago. I can't remember the address now  
2 on Michigan Avenue.  
3 CHAIRMAN CHRISTENSEN: LaSalle Bank.  
4 MR. CAPUANI: 10 South Michigan.  
5 MR. GREGORY: Yes, 10 South Michigan, LaSalle  
6 Bank, et cetera.  
7 Maintenance Control Program, there is a  
8 task that we're going to hear more about this, but  
9 there is a task group on Maintenance Control  
10 Programs.  
11 Initially, I was not going to go to those  
12 meetings, because there's only so many meetings you  
13 want to go to; but as the vice-chairman of the  
14 Maintenance Committee, the chairman said, "Dick, you  
15 got to go to the meetings," so I'm going to those  
16 meetings.  
17 It's probably a while -- there's a lot of  
18 arguments about what should be in a Maintenance  
19 Control Program, how it should be, where it should  
20 be found, et cetera. There's a differential between  
21 us and Canada, and we're trying to get it altogether  
22 under Maintenance Control Programs; and there's a  
23 task group on restricted door opening.  
24 That one is going to have -- I hope we are

MARZULLO REPORTING AGENCY (312) 321-9365

Page 56

1 getting toward the end of that one. I mean, I've  
2 got lots of minutes in here. So, how do you protect  
3 the public that rides on conveyances?  
4 The conveyance has to be designed to meet  
5 the code. It has to be installed to meet the code,  
6 manufactured to meet code. Then it has to be  
7 installed to meet the code, and then it has to be  
8 maintained and repaired to meet the code.  
9 And then you need to have -- you  
10 absolutely need to have inspections and tests, which  
11 is why we have inspection companies and inspectors  
12 to insure that the initial installation meets the  
13 code.  
14 That any alteration, which we often call  
15 modernization, that that meets the code; and that  
16 the conveyance is maintained, so it continues to  
17 meet the code. This is crucial. The inspectors are  
18 like the quality control of this whole chain to  
19 protect the riding public.  
20 Maintenance, the code requires maintenance  
21 in accordance with Section 8.6. I mean, I sat on  
22 Maintenance Committee when we wrote this and went  
23 through all the changes.  
24 8.6.1 general requirements, 8.6.1.1

MARZULLO REPORTING AGENCY (312) 321-9365

Page 57

1 maintenance, repair and replacement. Equipment  
2 covered within the scope of this code shall be  
3 maintained in accordance with 8.6.  
4 If you adopt this code, and you've already  
5 adopted the 2007 version, and the words are the  
6 same, "maintenance, repairs and replacements and  
7 tests shall conform to 8.6, conform to 86."  
8 I've seen some documentation floating  
9 around where somebody left out the word "conform to  
10 8.6 and," that's sad, "and the applicable code at  
11 the time of installation, code requirements at the  
12 time of any alteration, and ASME A17.3, if adopted."  
13 Remember, Illinois did not adopt A17.3.  
14 So, that is -- I mean, this is taken from  
15 that 2010 version. These words are not different in  
16 2007, which is the code that you're responsible for.  
17 Now, people say why do this?  
18 Think about this, every licensed driver in  
19 the State of Illinois presumably has learned the  
20 Rules of the Road, right?  
21 I'm a happy camper because I get a little  
22 note from Jesse White every three years that said,  
23 "You've been a really good boy, and you are a good  
24 driver, and you got no violations," and all that

MARZULLO REPORTING AGENCY (312) 321-9365

Page 58

1 kind of stuff; and then I stick that in my wallet  
2 it, and it just makes it fatter.  
3 The first car to get to an uncontrolled  
4 intersection has the right-of-way. If two arrive at  
5 the same time, the car on the right has right of the  
6 way. We all know this. So, why do we waste money  
7 on stop signs and waste even more money on  
8 stoplights?  
9 This is kind of analogous to the idea of  
10 why we have an Elevator Code, why we require  
11 maintenance, and why we require inspections. Okay?  
12 Because not everybody will follow the rules.  
13 The speed limit is posted, and there's  
14 rules that cover when it's not posted. Connect this  
15 with the perceived crime wave that we're all worried  
16 about. Wouldn't the state police be helping us a  
17 lot more if they didn't stop speeders, and if they  
18 concentrated on criminals?  
19 Another example of why we need maintenance  
20 and why we need inspection, the state police are the  
21 inspectors to insure highway safety. Would you  
22 willingly take an airplane that doesn't have  
23 maintenance, where the mechanics and the pilots  
24 don't use a checklist?

MARZULLO REPORTING AGENCY (312) 321-9365

Page 59

1 You're not going to do that, because you  
2 value your life. So, I mean, that's the end of my  
3 presentation. If you have any questions, what I'm  
4 trying to tell is you that we have a code. Illinois  
5 did not always have a code. Illinois had no code.  
6 Chicago had a code. Many of the  
7 municipalities had codes that they got by adopting a  
8 building code. The three building code writers  
9 combined into one the International Code Council,  
10 and they issued what they call the International  
11 Building Code; and if you are a suburb, and you  
12 don't have the power to adopt the building code, you  
13 adopt the International Building Code.  
14 Of course they make money on that, and  
15 they reference the Elevator Code, but those are  
16 issued every three years; and there is a disconnect  
17 in timing between the Elevator Code and the Building  
18 Code, and so there's always a lag in all of this  
19 business.  
20 Other states around here have codes.  
21 Indiana has an Elevator Code. Ohio has an Elevator  
22 Code. I talked about Norm Martin, because your  
23 director is now under the Regulatory Advisory  
24 Council that Norm martin is. He may be reaching a

MARZULLO REPORTING AGENCY (312) 321-9365

Page 60

1 term limit, too. You could become the chief of the  
2 chiefs.  
3 Ohio has a code. Wisconsin has a code.  
4 Minnesota has a code, as does Minneapolis and St.  
5 Paul. Iowa has a code. Missouri has a code. I  
6 mean, I could name you Jim Borwey is the chief in  
7 Iowa. Larry Watson is the chief in Missouri and so  
8 on.  
9 So, you're in the company of a lot of  
10 people in our area, and I was just in New York  
11 earlier this week, and they have always used their  
12 own Elevator Code. They have now said, "Uh-oh," we  
13 don't have anybody here that can do this anymore."  
14 They are adopting A17 code. Now they are  
15 a little bit behind. They are on the 2004 code with  
16 a 2005 addenda and a 2005 supplement, but they've  
17 gone to -- actually, they are in the -- they are a  
18 little behind us on that.  
19 Of course, if you ask somebody from New  
20 York, they will tell you that they are ahead of  
21 everybody anyway. So, if there's any questions.  
22 Mr. Chairman, that's it.  
23 MR. CAPUANI: Thank you, Mr. Gregory.  
24 CHAIRMAN CHRISTENSEN: We know we got next is

MARZULLO REPORTING AGENCY (312) 321-9365

Page 61

1 the Continuing Education Program, but we're going to  
2 skip that and go right to public comment, because I  
3 think this is -- on this issue under the Maintenance  
4 Control Program.  
5 So, the first one to speak on the public  
6 comment will be Andy Juhasz. Andy, will you come up  
7 here, state your name, and spell your last name?  
8 MR. JUHASZ: My name is Andy Juhasz. That is  
9 spelled J-u-h-a-s-z. I'm here this morning  
10 representing NEII, the National Elevator Industry,  
11 Incorporated, the Elevator and Escalator Industry  
12 Association, as well as Kone Elevator, of whom I am  
13 employed.  
14 I'm the manager of codes and standards for  
15 Kone North America. As my background has dictated,  
16 I also serve on A17 Standards Committee. I've been  
17 the chairman of the A17 Electrical Committee for  
18 this is going on my 12th year.  
19 I'm here today to talk about Maintenance  
20 Control Program, as well as the variance question  
21 that has been made on behalf of NEII concerning  
22 Maintenance Control Programs.  
23 Certainly there has been a lot of  
24 controversy and heartache over the Maintenance

MARZULLO REPORTING AGENCY (312) 321-9365

Page 62

1 Control Program here in Illinois. I think the facts  
2 are really clear. When you take a look at A17.1, as  
3 Dick pointed out earlier in his presentation, under  
4 the maintenance section of A17.1, the Maintenance  
5 Control Program is required, and that's undeniable.  
6 The issue that is creating all the  
7 heartache in terms of where that program, as well as  
8 the maintenance records, are supposed to reside.  
9 The code, I believe, is also clear on  
10 that; and, in fact, there is an interpretation from  
11 A17 Committee that is very, very clear that the  
12 State Fire Marshal has, and has distributed in the  
13 past. That interpretation of itself is very clear  
14 that, no, neither the Maintenance Control Program or  
15 the maintenance records are required to be  
16 physically present on the installation.  
17 Do they have to exist? Absolutely. Are  
18 they to be provided to the owner or inspector, when  
19 requested? Sure. But the whole issue boils down to  
20 where they are to be physically.  
21 Again, they are not required to be  
22 physically there on the installation at all times.  
23 As an industry, and I should say not only as an  
24 industry, but our customers have been receiving

MARZULLO REPORTING AGENCY (312) 321-9365

Page 63

1 numerous citations over the past number of months,  
2 with regards to the Maintenance Control Program not  
3 residing physically on the installation.  
4 That is part of what we're all here about  
5 today is that issue. This is just creating a bunch  
6 of havoc for everybody, the owners, the maintainers,  
7 the inspectors as well; and then now certainly with  
8 the Board, with the State Fire Marshal's Office is  
9 really all unnecessary.  
10 And as part of the variance, I guess, or  
11 appeal, if you will, with regards to that, what the  
12 industry is asking is that we have a suspension of  
13 citations, with regards to that issue, expressly in  
14 terms of the location of MCP by the Board, until  
15 such time the Board makes their final determinations  
16 on that.  
17 All this is really doing is creating a lot  
18 of havoc. The inspector will come in and basically  
19 cite the installation, in terms of the MCP not being  
20 located on the installation, goes away, comes back  
21 some time later to reinspect, which incidentally  
22 involves another fee, and it's still not there.  
23 So, they might get cited again, but it all  
24 comes down to the basic issue is it required to be

MARZULLO REPORTING AGENCY (312) 321-9365

Page 64

1 there? It's not a matter of what somebody thinks it  
2 ought to be, but what does the current code, i.e.,  
3 the current ordinance and law require; and, in fact,  
4 it does not require them to be there, particularly,  
5 again, in terms of official interpretation by the  
6 committee that wrote this.  
7 So, again, I basically ask the Board to  
8 suspend all citations until certainly the issue is  
9 brought to an end.  
10 CHAIRMAN CHRISTENSEN: Andy, can I ask you a  
11 question?  
12 MR. JUHASZ: Sure.  
13 CHAIRMAN CHRISTENSEN: For the Board, will you  
14 let them know what paperwork that is needed under  
15 the Maintenance Control Program?  
16 MR. JUHASZ: Basically, you really have to look  
17 at what's -- it's really covered in 8.6.1.4.1 in the  
18 book. It tells you specifically what's required;  
19 and one of the reasons you have to look that is the  
20 situation that each individual installation has to  
21 be evaluated on its own merit.  
22 That is exactly what 8.6.1.4.1 says. It  
23 has to be evaluated on its own merit, in terms of  
24 the type of equipment, the condition of the

MARZULLO REPORTING AGENCY (312) 321-9365

Page 65

1 equipment, the age of the equipment.  
2 Now, none of that can necessarily be  
3 covered in a generic thing written in the code,  
4 because the code is not going to know the type of  
5 equipment that is there.  
6 They are not going to know the  
7 implementation of the designs required for safety  
8 compliance. Two different manufacturers, in terms  
9 of designing and manufacturing a system to provide  
10 the required state compliance, and they do it  
11 completely different, and maintenance issues with  
12 regards to them may be completely different, that is  
13 why the code basically says, "take a look at the  
14 installation, make the proper evaluations with  
15 regards to it," and there is a list there.  
16 You make the determination of what's got  
17 to be done, and when it's got to be done, in order  
18 to assure the safety of the installation in  
19 accordance with 8.6.  
20 What is the obligation of the inspector on  
21 this? The obligation of the inspector is to make a  
22 determination that an MCP actually exists and  
23 maintenance records exist. There is really no  
24 intention for the inspector, themselves, to make an

MARZULLO REPORTING AGENCY (312) 321-9365

Page 66

1 evaluation of the maintenance program.  
2 The inspector there is to what? He's  
3 there to assure the safety of the installation, in  
4 accordance with the code. I think everybody would  
5 have to agree if the Maintenance Control Program,  
6 and/or the maintenance that goes along that, is  
7 inadequate and not providing for a safe  
8 installation, the inspector is certainly going to  
9 note that and do something about it.  
10 The proof of the pudding, so to speak, in  
11 templets MCP, is the end result, is that  
12 installation being kept in a safe manner for the  
13 riding public? The actual contact is going to be  
14 the business of the provider and the owner of the  
15 building, when you really think about it.  
16 If, for example, the inspector comes in  
17 and is citing something with regards to the safety  
18 of the installation, and that's a direct result of  
19 inadequate maintenance, that's going to go back to  
20 the customer.  
21 The customer is going to go to the serve  
22 provider and say, "Hey, why am I getting this  
23 citation? Is this not properly covered in the MCP,  
24 which is part of what I'm paying you for?"

MARZULLO REPORTING AGENCY (312) 321-9365

Page 67

1 So, again, I think there's a real  
2 distinction here, in terms of the inspector  
3 certainly needs to know that there is one, because  
4 it's required by the code, but really he doesn't  
5 need to be making any determination of what's in it.  
6 Again, that determination that he makes  
7 has got to do with the safety of the installation,  
8 itself.  
9 MR. CAPUANI: What you're saying, Andy, the MCP  
10 actually insures the day-to-day performance and  
11 reliability of the elevator.  
12 Would you say that these we're putting  
13 upgrade burdens on the conveyance owners? Would you  
14 say this is an upgrade?  
15 MR. JUHASZ: In my mind, absolutely not. If  
16 you go back into history of A17.1, you can go back  
17 to the 1921 edition, and you'll find a maintenance  
18 section in there; and maintenance, as we discussed,  
19 has been in the code since the very first edition.  
20 As a matter of fact, if you go back as far  
21 as the 1960 edition of A17.1, you'll find in the  
22 preface of that edition, I think that's where it  
23 started, basically the proclamation, if you will,  
24 that the code is written for new installations,

MARZULLO REPORTING AGENCY (312) 321-9365

Page 68

1 except for several different parts, and one of those  
2 parts is maintenance.  
3 So, to say that all of a sudden, you know,  
4 maintenance is now just being required, and it's  
5 retroactive, and this kind of stuff, I think is  
6 rather a misstatement. Again, it goes back to 1921.  
7 Even the declaration that exists today,  
8 that 8.6 applies to not only new, but existing  
9 installations, started in 1960. Also, when you  
10 really think about it, what is maintenance, in terms  
11 of assuring the safety of an installation?  
12 Maintenance can't do anything about what  
13 happened yesterday or two weeks ago or whatever. It  
14 can only affect the installation in terms of right  
15 now today and in the future; and it doesn't make any  
16 difference if it's a brand new installation that was  
17 turned over yesterday, or it's one that was put in  
18 ten years ago.  
19 If that equipment is going to be tried to  
20 be made assured to be made safe for the public, it  
21 has to be maintained. The code is very clear you  
22 have to do maintenance; and again, it's really a  
23 today and a tomorrow thing, not a yesterday thing.  
24 So, again, in my mind, to say it's a

MARZULLO REPORTING AGENCY (312) 321-9365

Page 69

1 retroactive requirement, I think is a  
2 misrepresentation.  
3 CHAIRMAN CHRISTENSEN: Is there anyone else  
4 that has a question for Andy?  
5 MR. GROSS: My question is: They are getting  
6 cited for not having maintenance records at the  
7 site, or they can't produce them when there is an  
8 inspection?  
9 MR. JUHASZ: To my understanding, the citation  
10 is for not having them physically present on the  
11 installation.  
12 MR. GROSS: My question is, maybe the Board,  
13 too, why can't this all be online? I mean, you  
14 know, before he went, if it's put online for each  
15 conveyance?  
16 MR. JUHASZ: If I might address that. When you  
17 take a look at the specific requirements in  
18 8.6.1.4.1, it basically says that the Maintenance  
19 Control Program can be in electronic format, let's  
20 say maintenance records should be kept at a central  
21 location.  
22 MR. GREGORY: I have it on the screen here if  
23 you want. I mean, I can read it.  
24 MR. JUHASZ: Go right ahead.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 70

1 MR. GREGORY: We say that -- of course I moved  
2 away, but "The instructions for locating the  
3 Maintenance Control Program shall be provided in or  
4 on the controller, along with instructions on how to  
5 report any corrective action that might be necessary  
6 to a responsible party."  
7 The maintenance control program you put a  
8 sign on your controller that says, "Get your  
9 maintenance control program here. Call Kone," or  
10 whatever, "Connect." I don't remember the name of  
11 your operation. "Call Connect," or whatever, "Call  
12 Otis."  
13 The maintenance records required by  
14 8.6.1.4 shall be kept in a central location. Now,  
15 that central location you could keep it in the  
16 machine room, or you could do what large companies  
17 do, who have their guys are running around with  
18 phones that are connected to the Internet, and all  
19 those records are kept in wherever those records  
20 happen to be.  
21 If it's Schindler, it is Morristown, New  
22 Jersey. If it is Otis, it's Connecticut. If this  
23 is Thyssen Krupp, I think it is outside of Dallas  
24 and so forth. It tells in 8.1.4 what they have

MARZULLO REPORTING AGENCY (312) 321-9365

Page 71

1 to include, but they have to be available.  
2 So, if the inspector says, "Make them  
3 available," you've got to make them available and  
4 accessible to elevator personnel and document the  
5 compliance. There's nothing here that says -- like  
6 in Canada, they historically required a logbook.  
7 This is an issue that we're beating  
8 through in a Maintenance Control Program Task Group,  
9 but the code is the code that we have now. If it  
10 changes in 2013, it will be different.  
11 Is there any question what the code says?  
12 MR. GROSS: It just seems today electronic  
13 format would be the easiest way to go.  
14 MR. GREGORY: You can have that. I'm sorry to  
15 interrupt you. Yes, if you are a building owner,  
16 and you've got maintenance from Kone, since Andy is  
17 standing there, and you say, "Andy, we want to have  
18 these maintenance records immediately available to  
19 us," well, they give you an address to call and a  
20 code; and you could type that on your computer,  
21 boom, you got it. It's there.  
22 MR. JUHASZ: That is certainly a possibility.  
23 It's really up to the service provider if they want  
24 to have records and keep them in the machine room.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 72

1 That is really their business.  
2 If another provider basically wants to  
3 handle it in an electronic forum, as Dick was  
4 indicating, that is really their business. When the  
5 inspector comes in, again, his obligation is to  
6 determine that one exists.  
7 Does it have to be there? No, but if it  
8 is, then obviously that is prima facie evidence that  
9 it exists; but there isn't an obligation, as Dick  
10 pointed out in the code, that there must be  
11 instructions in the machine room, in terms of where  
12 to get them, where to procure them.  
13 If that doesn't exist, that is certainly  
14 something that is citable, an offense, if you will,  
15 and the inspector has every right to cite that.  
16 If it's there, basically you make the  
17 call, or whatever the instructions are, you can get  
18 to them. So, to come along and then cite the fact  
19 that they are not there is really outside of the  
20 scope of the requirements.  
21 That's why we're asking for relief until  
22 all of this is finally answered and put to bed;  
23 otherwise, our customers, as a whole, are just  
24 getting citation after citation after citation,

MARZULLO REPORTING AGENCY (312) 321-9365

Page 73

1 reinspection after reinspection, and it makes no  
2 sense.  
3 MR. GANIERE: Ganiere. Let me ask a question.  
4 You stated prior that the inspector is responsible  
5 for making sure there is a maintenance program. How  
6 do you do that without seeing documentation that the  
7 maintenance has been done?  
8 MR. JUHASZ: Nobody says that he wouldn't  
9 necessarily. Obviously if it's there, then he sees  
10 it right away, but he can call the number and  
11 establish the fact that one certainly does exist;  
12 and there's nothing to necessarily prevent, if you  
13 will, from somebody sending him a copy.  
14 MR. GANIERE: Okay. And then during that  
15 review, or during the inspection, the code also  
16 states that the inspector is or the maintenance  
17 control program should contain specific unique  
18 product procedures and methods that would relate to  
19 the inspection.  
20 If that documentation from the Maintenance  
21 Control Program is not available at the time of the  
22 inspection, how do you turn it back?  
23 MR. JUHASZ: Number one, what that is really  
24 relating to is primarily the area of new technology,

MARZULLO REPORTING AGENCY (312) 321-9365

Page 74

1 where new technology is being used on the  
2 installation that isn't covered in the code.  
3 Those inspection things and the like are  
4 required to be part of the MCP certainly; but again,  
5 that doesn't preclude them from also being on the  
6 installation. The fact is what we're talking about  
7 today is what is required by the code in the law  
8 today?  
9 It doesn't mean that it's necessarily  
10 perfect, and certainly as Dick has pointed out, it  
11 may change, based on the basis of what the task  
12 group in A17 is doing at the moment, and what they  
13 may come out with for the 2013 edition.  
14 But again, when you look at the specific  
15 requirements today, even in that issue, that says  
16 it's got to be part of the MCP, and where does the  
17 MCP have to be? It doesn't have to be on the  
18 installation.  
19 MR. JONES: That, of course, the MCP is the  
20 code data plate right? Is that also considered part  
21 of the MCP or not?  
22 MR. JUHASZ: No, that is a separate  
23 requirement.  
24 MR. JONES: We're not talking about that as

MARZULLO REPORTING AGENCY (312) 321-9365

Page 75

1 being part of the MCP.  
2 MR. JUHASZ: Right.  
3 MR. JONES: Okay, thank you.  
4 CHAIRMAN CHRISTENSEN: Anybody else? Thank  
5 you, Andy.  
6 MR. JUHASZ: Thank you.  
7 MR. CAPUANI: Mr. Chairman, I would like to ask  
8 a question of a couple of your Board Members.  
9 Mr. Popowits, Mr. Wolin, can you explain  
10 this protest form that you are circulating about a  
11 statement on elevators? Can you explain this to the  
12 Board Members, please? It is a petition. It's got  
13 your name as president and Jerry Wolin as  
14 vice-president.  
15 MR. POPOWITS: May I see it, please?  
16 MR. CAPUANI: Sure.  
17 MR. POPOWITS: There was a concern on the part  
18 of our members that there were some maintenance  
19 requirements that were being required that would  
20 greatly increase the cost of maintaining the  
21 elevators, and the feeling was that this was not  
22 part of the legislation, and that this has not been  
23 legislated but rather imposed.  
24 So, they were bringing this to the

MARZULLO REPORTING AGENCY (312) 321-9365

Page 76

1 attention of our state senator, Mr. Harmon.  
2 MR. CAPUANI: Can you explain how it would  
3 increase your maintenance costs?  
4 MR. POPOWITS: You caught me here unaware. As  
5 I wish you would have spoken to me about this  
6 previously, I would be very happy to do it in terms  
7 of an E-mail, but at this point --  
8 MR. CAPUANI: I would have been very happy if  
9 you or Mr. Wolin would have approached me with this.  
10 As you know, Jerry, every time you E-mail me or call  
11 me, I respond immediately.  
12 MR. POPOWITS: At this point, I've been taken  
13 by surprise. I would like to have more time to deal  
14 with this.  
15 CHAIRMAN CHRISTENSEN: How about Jerry taking a  
16 look at it? Do you know about it, Jerry?  
17 MR. WOLIN: I was absent from the meeting of  
18 the group when this was finalized, so I would have  
19 to agree with Mr. Popowits that I need time to take  
20 a look at this. I actually have not seen this.  
21 MR. CAPUANI: Do you approve it?  
22 MR. WOLIN: Pardon?  
23 MR. CAPUANI: Do you approve this?  
24 MR. WOLIN: I need to take a look at it and see

MARZULLO REPORTING AGENCY (312) 321-9365

Page 77

1 what it actually says.  
2 MR. POPOWITS: Anyway, I'm very happy to give  
3 you a response to this, but I would like to have a  
4 little time to do so, to give you an adequate  
5 response.  
6 MR. CAPUANI: Can you tell me what the EEAG is?  
7 MR. POPOWITS: The EEAG is an organization that  
8 was begun in Oak Park and River Forest. It was  
9 organized because the previous Board had imposed  
10 rules, which were very expensive for buildings in  
11 our area to improve -- to comply with.  
12 For example, my personal building decided,  
13 I happen to be on the Board of my condo association,  
14 and people on my condo association said, "Well,  
15 that's the law we got to comply," and it cost my  
16 building \$150,000 to comply with the rules and  
17 regulations that were put down by this Board at that  
18 time.  
19 This is approximately three or four years  
20 ago. I don't remember exactly when that was. We  
21 looked into it. People in our area became outraged  
22 receiving such bills.  
23 So, consequently, we turned to our state  
24 legislature, Mr. Don Harmon was one of them. We

MARZULLO REPORTING AGENCY (312) 321-9365

Page 78

1 said, "Hey, this is -- you know, to comply with this  
2 is going to cost us more money than we have."  
3 So, consequently, Senate Bill 148 was  
4 passed, which dropped two or more expensive items,  
5 which brought the bill down from 150,000. If my  
6 building had waited a year-and-a-half, the bill  
7 would have been approximately 30,000 without  
8 affecting safety.  
9 The view, and I'm going to say something  
10 that is unpopular, you are asking for an honest  
11 answer --  
12 MR. CAPUANI: Yes.  
13 MR. POPOWITS: -- and I'm going to give you the  
14 most honest answer I can give. The view was that  
15 this Board at that time, the way it was then  
16 constituted, was interested more in profits and in  
17 jobs than they were in the public safety.  
18 Somebody had to pay this bill, and the  
19 bill was excessive, and we felt we were being  
20 abused. Therefore, a group of people got together.  
21 I was one of the instigators of that, and we formed  
22 the Exempt Our Elevator Group. Currently we have  
23 between 100 to 200 members.  
24 We're very active, as you are aware of.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 79

1 We basically -- our position is that we have -- that  
2 something has got to protect the our owners. We  
3 felt that no one else is doing it, we had do it  
4 ourselves. We had to get politically active.  
5 These are people who were not previously  
6 politically active. I didn't know anything about  
7 elevators, quite frankly, except what an up button  
8 was and what a down button was, and I say that quite  
9 honestly.  
10 But because of my activity for the public,  
11 I was placed on this Board, not for my elevator  
12 expertise, which I think is evident to everybody on  
13 this Board, but rather as a public figure. Let me  
14 finish. Rather as someone to protect the public  
15 interest.  
16 That's my reason for being here. Yes,  
17 sir, go ahead.  
18 CHAIRMAN CHRISTENSEN: I'm the chairman.  
19 MR. POPOWITS: I understand that. Of course.  
20 CHAIRMAN CHRISTENSEN: I don't necessarily  
21 agree with you.  
22 MR. POPOWITS: I know.  
23 CHAIRMAN CHRISTENSEN: I will give one comment  
24 here.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 80

1 MR. POPOWITS: Okay.  
2 CHAIRMAN CHRISTENSEN: Because A17.3 was pushed  
3 back, as you did, and you tell me how much it's all  
4 about safety, if it wasn't pushed back, and you guys  
5 tell me all about safety, A17 door restrictors would  
6 have been put in, and that 18-month-old child would  
7 have never went down that hoist way.  
8 Think about that now. I want you guys to  
9 really think about that, because the door  
10 restrictors would have been in, which has already  
11 been in Chicago, I believe, since 1998, if I'm not  
12 -- I could be off a year or two.  
13 MR. GREGORY: It's been a long time.  
14 CHAIRMAN CHRISTENSEN: All elevators in  
15 Chicago, because that law was passed, A17.3 was  
16 pushed back, an 18-month-old child went down a hoist  
17 way. I want you to think about that one.  
18 So, you're telling me it is all about  
19 safety. You thought it was all about money and all  
20 that. An 18-month-old child went down a hoist way  
21 without door restrictors.  
22 MR. POPOWITS: Okay.  
23 CHAIRMAN CHRISTENSEN: That is the comment I'll  
24 have on that.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 81

1 MR. CAPUANI: Do you have maintenance on your  
2 elevators?  
3 MR. POPOWITS: Yes, sir, of course.  
4 MR. BARNES: So, really what we're doing with  
5 this 8.6 is we're protecting you, okay? You are  
6 saying here, "Save our existing elevators," that is  
7 what we're doing here, saving your existing  
8 elevators by maintenance.  
9 If you didn't have maintenance on your  
10 car, and you never checked your brakes forever, you  
11 are eventually going to be in an accident.  
12 MR. POPOWITS: Nobody is arguing with that. Of  
13 course you need maintenance.  
14 MR. CAPUANI: You got this petition out here.  
15 That is what you are saying, that we're requiring  
16 upgrades. We are just telling you, "Hey, you know  
17 what, this is day-to-day performance of your  
18 reliability of your elevator.  
19 We're protecting you, the longevity of the  
20 investment in that elevator, which you said is a  
21 huge investment.  
22 CHAIRMAN CHRISTENSEN: Go ahead.  
23 MR. GREGORY: He's got his hand up before me.  
24 CHAIRMAN CHRISTENSEN: Go ahead.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 82

1 MR. WELLER: On the petition or in the capacity  
2 of their membership on this Board, do they use the  
3 fact that they sit on this Board in any way in their  
4 petition?  
5 CHAIRMAN CHRISTENSEN: I think the question is:  
6 Is there a conflict of interest? That's a good  
7 question.  
8 MR. WELLER: I think we all have a right to  
9 protect the constituency. We're brought here to  
10 protect and to advocate in their best interest.  
11 Once we come here, I hope everyone takes  
12 their fiduciary responsibility seriously. I would  
13 hope that as you look -- as you came onto the Board,  
14 my thought would be that you found this all to be  
15 fairly independent thinkers.  
16 MR. POPOWITS: Absolutely.  
17 MR. WELLER: I think all of those previous  
18 misconceptions I hope you've taken back and said,  
19 "That couldn't be any further from the truth."  
20 So, as long as -- you have right to think  
21 and advocate however you like, but as long as you  
22 are not using your position on the Board to  
23 influence the outcome of a piece of legislation, or  
24 the outcome of someone signing a petition, I don't

MARZULLO REPORTING AGENCY (312) 321-9365

Page 83

1 know I have anything that I can say about it.  
2 It's a not for me. I'm neutral, just  
3 don't use the position of the Board to advocate our  
4 position. It's not the Board.  
5 MR. POPOWITS: I have no problem with that.  
6 CHAIRMAN CHRISTENSEN: I think we should move  
7 on. I'm going to call up on the public comment.  
8 I'm still going to stay, under the public comment,  
9 we're going to stay with the Maintenance Control  
10 Program, and that's it, until we move onto the  
11 regular public comment.  
12 So, John Andersen, do you have anything to  
13 say under the Maintenance Control Program?  
14 MR. ANDERSEN: Yes, I do. Good morning. My  
15 name is John Anderson, A-n-d-e-r-s-e-n. I'm the  
16 district service manager for Schindler Elevator  
17 Corporation, and my geographic responsibilities are  
18 downtown and the surrounding Chicago suburbs.  
19 I would like to speak specifically about  
20 the Maintenance Control Program also and maintenance  
21 records and echo what Andy has said. I think the  
22 code clearly defines the execution of the  
23 Maintenance Control Program, and the requirements of  
24 the Maintenance Control Program; and how the records

MARZULLO REPORTING AGENCY (312) 321-9365

Page 84

1 are to be made available upon request of the  
2 inspector, during any type of inspection.  
3 There's no resistance by any company to  
4 provide the information that's being asked of them.  
5 The point is, again, to echo what and Andy had just  
6 said, that the availability is to be made upon  
7 request and not to have this amount of paperwork and  
8 records stored on site.  
9 We specifically have our men at terminals  
10 that every time they go on a job, the job is in  
11 order for them to fill their time out, before they  
12 leave the job, they have to input the job, the  
13 contract number, and the tasking that they do that  
14 all gets stored electronically.  
15 We provide that information to our  
16 customers when they ask us, and it's all on in  
17 electronic format, so those specific records for  
18 both the program and the maintenance records.  
19 I have to be in complete agreement with  
20 Andy, just again to echo some of the statements,  
21 it's not the responsibility of the inspector to  
22 assess the quality of the program from one company  
23 to another.  
24 It's the responsibility of the inspector

MARZULLO REPORTING AGENCY (312) 321-9365

Page 85

1 to insure, as according to the code, that the  
2 program is, in fact, in place; and as an inspector  
3 inspects a particular job, whether the program  
4 records are on site, he, through his knowledge, and  
5 through partially due to guidelines of A17.2, makes  
6 an overall assessment of the maintenance condition  
7 and the safety of the elevator.  
8 And if, in fact, he does find things  
9 wrong, he will write up the appropriate violations,  
10 based on the code being enforced in a specific sub.  
11 I don't want to speak out of school, but there's --  
12 if I am, please stop me.  
13 I'm not that familiar with the process,  
14 but I did hear code data plate is not a topic right  
15 now, it is just Maintenance Control Program?  
16 CHAIRMAN CHRISTENSEN: Yes. You want to speak  
17 on that, John?  
18 MR. ANDERSEN: I have an opinion, if I could be  
19 allowed.  
20 The reason I bring up the code data plate  
21 as well with one more I'll sneak is the wiring  
22 guidelines, those four rules are violations that are  
23 being written to buildings that are also adding to  
24 the difference of opinion and burden, in terms of

MARZULLO REPORTING AGENCY (312) 321-9365

Page 86

1 financial burden put on many of these small  
2 buildings, in terms of reinspection fees and going  
3 back in to insure 100 percent compliance.  
4 The code data plate, in some instances, is  
5 being debated that it doesn't have to be a metal  
6 plate. It is clearly defined in the code that it  
7 does not.  
8 That small intricacy of that rule or  
9 difference of understanding of that rule, creates  
10 controversy; and, in fact, in some instances,  
11 buildings are being cited that their elevators could  
12 be shut down for something like that.  
13 The other problem with the code data plate  
14 as well is oftentimes when -- oftentimes when  
15 maintenance providers take over another company's  
16 equipment, it is very difficult to determine what  
17 year the equipment was installed; therefore, what  
18 year the appropriate code being enforced for that  
19 building would be in place as well.  
20 And it is even more difficult out here  
21 because there are so many individual municipalities  
22 that over the course of the history of the  
23 municipality, have adopted certain year codes at  
24 different times. Not all suburbs have gone from

MARZULLO REPORTING AGENCY (312) 321-9365

Page 87

1 2006 to 2007 to 2010 all at the same time.  
2 So, the difficulty in the process involved  
3 to achieve that, again, is a burdensome thing, and  
4 it's a difficult thing to even get it. So, those  
5 are concerns that to violate and shut down equipment  
6 and reinspect, I would consider discussions of that,  
7 if that's the correct path to go, and even the  
8 wiring documents as well.  
9 Unfortunately, in our industry, there are  
10 jobs where the wiring diagrams are not on site.  
11 Part of reason is because in many cases, the  
12 equipment that was installed, the manufacturer of  
13 that equipment is no longer in business.  
14 Many times companies take over, service  
15 companies take over accounts, that it's relatively  
16 easy to get wiring diagrams because the  
17 manufacturers are still in business; but by the same  
18 token, there is many companies that are not in  
19 business anymore.  
20 And to rush to fulfill a wiring diagram  
21 with a requirement, and put a set of wire diagrams  
22 that may not be accurate, concerns me from a safety  
23 perspective.  
24 As someone who worked out in the field, I

MARZULLO REPORTING AGENCY (312) 321-9365

Page 88

1 take -- I would rather come to a job, it's my own  
2 personal opinion, I would rather come to a job, and  
3 I look at the job from a totally different  
4 perspective.  
5 If I go in a machine room where there is  
6 no prints, for a safety perspective for myself, as  
7 well as for the riding public, I look at it in a  
8 different perspective than going into a machine room  
9 perhaps having a set of diagrams that are not 100  
10 percent accurate that line up with that equipment.  
11 So, those are just -- I guess I would ask  
12 consideration on how we resolve some of these  
13 issues, because it's controversial.  
14 MR. CAPUANI: My question here is: Why did --  
15 the state adopted the codes through the rules back  
16 in April of 2007. All of this should have been  
17 enforced since 2007.  
18 My question out here is where did this  
19 March date come from, and why all of a sudden this  
20 is a big issue? This was brought to our attention  
21 in early January.  
22 We did post it on our website, because we  
23 got reports that maintenance companies were not  
24 enforcing this; but the code data plates have been,

MARZULLO REPORTING AGENCY (312) 321-9365

Page 89

1 quote me wrong, '96, '98, '96. It should have been  
2 there all along.  
3 MR. GREGORY: Can I comment on the code data  
4 plate? The code data plate, the person who most  
5 benefits from the code data plate is the inspector.  
6 The second most benefit is the building owner.  
7 The elevator company, which you are  
8 representing, you probably don't need a code data  
9 plate. You don't care; but the inspector, when the  
10 inspector goes out, what code should I inspect this  
11 to?  
12 That is where the code data plate is a  
13 boom for the inspectors. It is very, very helpful.  
14 There are multiple places where he can buy those.  
15 There is a guy in Texas, John Rearick, who lives in  
16 Texas, he researches this stuff like mad. Okay?  
17 He happens to make them out of metal, but  
18 that's John. What can I say? That is what he wants  
19 to do.  
20 The second thing is for the building  
21 owner, if the inspector comes into your building and  
22 he says, "You know what, you need to have this kind  
23 of widget on your elevator because that is what I  
24 say," but that wasn't required when your elevator

MARZULLO REPORTING AGENCY (312) 321-9365

Page 90

1 was installed. Well, that inspector is going to  
2 write you up and force you to spend a lot of money  
3 and all this stuff.  
4 You are protected by the fact you have a  
5 code data plate that says what code applies to your  
6 elevator. Now you have something that you can stand  
7 on and say, "Huh-huh," you're protected by this.  
8 From your point of view, it doesn't make  
9 much difference, code data plates.  
10 MR. ANDERSEN: I understand the importance of  
11 the plate. I guess I'm looking to -- it is  
12 important to us. To say that it's not is an  
13 incorrect statement.  
14 MR. GREGORY: Okay.  
15 MR. ANDERSEN: We have to install equipment to  
16 be code compliant. My concern is that some  
17 consideration be given to the fact that we're going  
18 to shut equipment down because of a missing plate.  
19 Through past years, we have not had those  
20 plates, but have had inspections, then would it be  
21 -- would the inspector that was providing those  
22 inspections, what year was he inspecting the  
23 conveyance to at the time he did his last  
24 inspection?

MARZULLO REPORTING AGENCY (312) 321-9365

Page 91

1 In fact, I only say that -- Dick, I only  
2 say that as a solution to say instead of going  
3 through the logistics to find out exactly the  
4 installation date of the equipment, to find out  
5 exactly the code enforced in that municipality to  
6 say that what was the -- what code did you use the  
7 last time you were here for the inspection.  
8 MR. GREGORY: I believe, correct me if I am  
9 wrong, I believe you issued a letter to the  
10 municipality saying this is not something you should  
11 be necessarily -- you can grant these people six  
12 months, if you want to, on code data plates to allow  
13 this to be researched.  
14 You realize -- you worked originally for  
15 Otis, right?  
16 MR. ANDERSEN: Yes.  
17 MR. GREGORY: I remember you from Otis, and I  
18 never worked there. You know that Otis, if you  
19 looked at an Otis elevator, it would have a date on  
20 it, and you knew when that was built, and you know  
21 that Otis always made elevators to meet the latest  
22 and greatest code.  
23 So, the information on the code data plate  
24 is available on the elevator. Now, if there was an

MARZULLO REPORTING AGENCY (312) 321-9365

Page 92

1 alteration made, that is going to be another story,  
2 but it's pretty much relatively straightforward for  
3 major manufacturers.  
4 If you at Schindler are taking on  
5 equipment that were put in by FBN Elevator Company,  
6 that's Fly By Night, well, God bless.  
7 MR. CAPUANI: We did put out a letter to get  
8 outlying municipalities, and I believe it stated  
9 that to allow a minimum of six months, or to the  
10 next review; and we sent the letter out recommending  
11 to the municipalities what agreements that they have  
12 a little flexibility.  
13 We've gotten back, I want to say, 46  
14 responses from municipalities that are giving, I  
15 believe, a year or to the next inspection review.  
16 MR. ANDERSEN: Is that data public that I could  
17 get one?  
18 MR. CAPUANI: It's on the website. Both  
19 letters are on the website.  
20 MR. ANDERSEN: I didn't want to turn this  
21 discussion into the code data plate, the Maintenance  
22 Control Program and maintenance records.  
23 MR. CAPUANI: You have every right.  
24 CHAIRMAN CHRISTENSEN: Hang on one second,

MARZULLO REPORTING AGENCY (312) 321-9365

Page 93

1 John. Rick, go ahead.  
2 MR. JANDORA: I wanted to add one comment.  
3 Dick mentioned that the manufacturers have not much  
4 of this information.  
5 What the manufacturers know is the year in  
6 which the conveyance was manufactured and possibly  
7 installed; and you are right, a lot of times the  
8 manufacturers -- we don't want to make 20 different  
9 controllers, you know, one meeting 1996 code, one  
10 meeting 2000 code, one meeting 2001 code, and one  
11 meeting 2007 because depending on where we sell it,  
12 we could have to comply with that range of code  
13 years.  
14 So, yes, the controller software is  
15 probably all the same; and what we go out and  
16 physically install on a conveyance, and what we  
17 enable in software, is different all over the place.  
18 MR. GREGORY: I agree.  
19 MR. JANDORA: A real good example of this is  
20 unintended motion, right? So, unintended motion is  
21 a huge one. We may have installed a controller in  
22 2005 here, but the municipality where we installed  
23 it, we were installing it to 1996 code; therefore,  
24 that device was never installed, even though the

MARZULLO REPORTING AGENCY (312) 321-9365

Page 94

1 controller could have accommodated it.  
2 So, this is the complexity involved. We  
3 had no uniform code throughout the state. Every  
4 municipality had a different year that we had to  
5 install to.  
6 When I sold elevators ten years ago, I was  
7 selling elevators to municipalities that were  
8 anywhere from 1984 code to 1996 code. We weren't  
9 even on 2000 yet. It was all over the place.  
10 So, that's the complexities. Here we are,  
11 we need to populate code data plates today on  
12 conveyances that were installed in 1970, 1950, 1980.  
13 I know when it was installed, but I don't  
14 have the records, and I don't know if Schindler has  
15 the records, or any of the other manufacturers here,  
16 on what code we had to comply with at that time. We  
17 knew at that time, but I don't know today. That's  
18 the problem.  
19 So, the municipalities will have -- can  
20 help us with a timeline of their coded options. If  
21 they can give us a timeline of their coded options,  
22 we know an installation date, and we can start  
23 putting the pieces together to then determine how do  
24 we stamp this plate properly.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 95

1 Because what I don't want to do is this  
2 elevator was put in 2005, make a very poor  
3 assumption that it must have met 2004 code; and in  
4 ten years from now, an inspector comes in and says,  
5 "Hey, There is no rope brake," failure. You need to  
6 put a rope break on, even though it was only meant  
7 to meet 1996, and it was wholly compliant. So,  
8 that's the issue.  
9 So, there's a lot of research. This is  
10 not something that we can just go, "We got all the  
11 records, let's just populate these plates." It's  
12 going to take a group effort from a lot of people to  
13 help get this information together.  
14 MR. CAPUANI: We're trying to help you with  
15 that. On our website, we did put the installation  
16 date, and we wrote a letter to all the  
17 municipalities asking for their codes. We've gotten  
18 one response. One response.  
19 MR. ANDERSEN: I don't even know if  
20 inspectional authorities that have been inspecting  
21 conveyances in their database have records of where  
22 they inspected equipment, and what year they took in  
23 equipment on acceptance inspections, if records were  
24 available as to what code, you know what I mean,

MARZULLO REPORTING AGENCY (312) 321-9365

Page 96

1 would be enforced on the acceptance paperwork.  
2 MR. CAPUANI: We used to get a list, when I was  
3 at ACM. We used to get a list from inspection  
4 companies of what municipalities were enforcing what  
5 codes. So, I'm sure they could help.  
6 MR. BARNES: That's a good idea.  
7 MR. ANDERSEN: Okay.  
8 CHAIRMAN CHRISTENSEN: Thanks, John.  
9 MR. GANIERE: I have one question back on the  
10 Maintenance Control Program. Is it necessary for an  
11 inspector, either prior to the inspection or during  
12 the inspection, to look at that Maintenance Control  
13 Program documentation in order to do a proper  
14 inspection?  
15 MR. ANDERSEN: I don't believe they need the  
16 Maintenance Control Program to assess the  
17 performance and the level of maintenance being  
18 provided to the elevator guys.  
19 MR. GANIERE: Let me do a follow-up question.  
20 If the inspector doesn't see the Maintenance Control  
21 Program, and maybe this documentation is available  
22 elsewhere, you tell me, it says, "Procedures for  
23 tests, periodic inspections," blah, blah, blah.  
24 MR. GREGORY: But that's for cell-rated

MARZULLO REPORTING AGENCY (312) 321-9365

Page 97

1 devices. That is a completely different thing.  
2 MR. GANIERE: This is under the code under  
3 "General Maintenance Requirements," Dick.  
4 MR. GREGORY: I know. You are reading item E?  
5 MR. GANIERE: Yes. My question is, maybe you  
6 don't have to, my question is: If you don't see --  
7 wait, Dick.  
8 If you don't see the documentation, either  
9 at the time of inspection or before inspection, how  
10 do you comply with ENF? Tell me that. That is all  
11 I'm asking.  
12 MR. GREGORY: If you have cell-rated devices,  
13 which is safety integrity level, and I don't think  
14 I'm seeing any of those yet, that was put into the  
15 code, but if you have these kind of devices, that  
16 documentation has to be on site. That would have to  
17 be on site.  
18 MR. GANIERE: Okay.  
19 MR. GREGORY: If you're inspecting -- because  
20 that's not something the inspector is going to know  
21 what to do. That would have to be on site, along  
22 with F, which is unique or product specific. You  
23 know it's unique, but it is not the normal  
24 inspector's thing that they do every day. If it's

MARZULLO REPORTING AGENCY (312) 321-9365

Page 98

1 an odd ball, that has to be on site, and they would  
2 have to see that.  
3 That is maybe .01 percent of all elevators  
4 at this time. We're not going to have a lot more of  
5 them real quick until construction goes.  
6 MR. GANIERE: I understand. Thanks, John.  
7 MR. ANDERSEN: Thank you.  
8 CHAIRMAN CHRISTENSEN: Mike Gibbs on the  
9 maintenance program.  
10 MR. GIBBS: Good morning, everybody. I'm going  
11 to read, and then I will ramble on. Michael Gibbs,  
12 G-i-b-b-s.  
13 Thank you for your service to the citizens  
14 of the State of Illinois. In full disclosure, my  
15 name is Michael Gibbs. I'm from Anderson Elevator  
16 company. I'm a certified elevator inspector and a  
17 member of the American Society of Mechanical  
18 Spheres.  
19 I'm also an elected official from the  
20 Village of River Forest. As many of my colleagues  
21 from the elevator industry have and will speak to  
22 the topic of MCP requirements, I'm here today to add  
23 my support to their request for the variance.  
24 I would like to speak to the concerns and

MARZULLO REPORTING AGENCY (312) 321-9365

Page 99

1 the impressions of the building owners and riding  
2 public. A great many buildings are now failing  
3 their inspections on account of the MCP  
4 interpretations in the field. These owners are  
5 asking, "Why have we failed?"  
6 It is this Board's responsibility to  
7 assure the public of the safety of the elevator  
8 equipment. This sudden onslaught of failures is  
9 doing the exact opposite. It is casting a shadow  
10 over the elevator equipment's reliability.  
11 Ours and your ultimate goal is safety.  
12 The best possible practices should be applied to  
13 achieving this goal of safety. Casting doubts on  
14 the reliability of the equipment is contrary to this  
15 goal.  
16 Anyway, this Board can limit the failures,  
17 and need for reinspections is in the best interest  
18 of the riding public. The got-you mentality of some  
19 inspectors has gotten quite disruptive and  
20 counter--productive again to this goal.  
21 I encourage this Board to grant the  
22 variance request regarding the interpretation of the  
23 Maintenance Control Program requirements, and I  
24 thank you again for consideration on this matter.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 100

1 MR. GREGORY: Turn in your sheet.  
2 MR. GIBBS: The question was, if I can add, the  
3 question with the code data plate, if I can go off  
4 topic, Chicago has issued a table to all of us on  
5 the genealogy that the time sequence of how codes,  
6 not only the written code, but what the City of  
7 Chicago thinks their code is on a given date and  
8 time.  
9 So, like Rick said, you may have the year  
10 it was built, but the year it was built doesn't  
11 always apply to what that city wanted that year, and  
12 Chicago has already put that on their website.  
13 So, if a municipality inspector comes to a  
14 building and says, "I need a code data plate,"  
15 somewhere along the line we, as the elevator company  
16 who represent the building, we're not the owners of  
17 the building, we don't own the elevator, but it  
18 falls on us to provide that service to the building  
19 owner to find the information for that code data  
20 plate.  
21 So, to complete the circle of life on code  
22 data plates, the municipality inspector asks the  
23 building for the data plate. The building asks the  
24 elevator company to track it down. The elevator

MARZULLO REPORTING AGENCY (312) 321-9365

Page 101

1 company now needs to go back to the municipality and  
2 say, "What year book were you enforcing in 1972?"  
3 MR. FINCHAM: It might not be 1972. So, it is  
4 a circle. So, for the dead-end to be at the form  
5 that says, "You fail. You don't have this plate."  
6 Well, the same organization, the municipality that  
7 is failing the building for not having the data  
8 plate, if they don't provide us the information, you  
9 see how the circle just keeps eating itself?  
10 The bottom line with this Board is we  
11 don't get that plate. Failing the elevator isn't  
12 going to magically make the information, provide the  
13 information to put the plate up. It is  
14 counter-productive to not get support where the code  
15 data plate comes from.  
16 MR. WELLER: You're very respectful, I got a  
17 lot of your E-mails. I have respect for what you're  
18 going to tell me.  
19 If I'm going to go in and inspect  
20 something, how do I know, if I don't have the prior  
21 inspection, because the records aren't on site, and  
22 I don't have a way to determine what code to inspect  
23 this to, what am I to do if I'm inspecting?  
24 MR. GIBBS: As an inspector, I understand the  
  
MARZULLO REPORTING AGENCY (312) 321-9365

Page 102

1 responsibility and the benefit of the code data  
2 plate. It tells me my starting point of what I'm  
3 going to inspect.  
4 MR. WELLER: Wouldn't they need one or the  
5 other?  
6 MR. GIBBS: You need the code data plate. You  
7 need it. It's got to be their. We know that. No  
8 one here is contesting that.  
9 What Rick and Dick have tried do emphasize  
10 is sometimes it's not an easy treasure to find. X  
11 doesn't mark the spot. Sometimes it takes a little  
12 effort to get that information, to fill out that  
13 data plate, to put it where the inspector can get  
14 it.  
15 We're going to do the code data plate,  
16 that's a given; but like Andy stated before, the  
17 code clearly says that there has to be a program.  
18 It has to be provided upon request, and the  
19 information has to be on the controller how to get  
20 that information.  
21 That's all that has to be, according to  
22 code, it has to be in the machine room.  
23 MR. WELLER: Going into this, and I'm trying to  
24 get a sense from where all of this going, going into  
  
MARZULLO REPORTING AGENCY (312) 321-9365

Page 103

1 this, if I walk in, and I don't have the code data  
2 plate, that is work in process, right?  
3 I don't have that, and the records aren't  
4 on site, what do I do, if I'm an inspector? I have  
5 to have something to inspect this thing. I have to  
6 have some basis to look it and make a value  
7 judgment.  
8 MR. GIBBS: You are absolutely right.  
9 MR. WELLER: So, if an inspector issued a  
10 citation to a facility that neither had a code plate  
11 or records on site, then they are doing everything  
12 that they are supposed to be doing.  
13 MR. GIBBS: Well, they need the code data  
14 plate. They need to write that up. The question  
15 is, like Bob brought up, how much time are you going  
16 to give them to get that plate there?  
17 The other question was brought up this has  
18 been the code here in Illinois since this  
19 legislation went through. Why is it all of a sudden  
20 in 2011 a sledgehammer coming out to enforce these  
21 particular four items? Why hasn't this been --  
22 MR. WELLER: That's right or wrong. We can say  
23 that stop sign, and nobody has followed that stop  
24 sign on that corner for 25 years. That still means  
  
MARZULLO REPORTING AGENCY (312) 321-9365

Page 104

1 the stop sign has been there.  
2 Whether we are enforcing it or not really  
3 doesn't change the fact of the right and wrong. I'm  
4 trying to get to the point if citations were issued.  
5 If I show up, and I am an inspector, I look around,  
6 and I get called in, there is no records on site,  
7 and there's no code data plate, then I'm going to  
8 charge you for driving out to the site, and I'm  
9 going to fail your elevator. Right?  
10 Because there is nothing I can do. I  
11 can't inspect it, because I don't know what to  
12 inspect it to. There is no records to tell me what  
13 it was inspected to the last time.  
14 MR. GIBBS: But I think that is what this  
15 parade of speakers before this group is asking for  
16 guidance, if not compassion from the Board to say,  
17 "We got to have the data plates, but give us some  
18 time to get the information to get the plates on."  
19 In six months, we can answer your  
20 question, Kelly, and say, "Hey, you've had six  
21 months to get these data plates. We're writing up  
22 now."  
23 CHAIRMAN CHRISTENSEN: Kelly, they've been  
24 inspecting these elevators for years without this  
  
MARZULLO REPORTING AGENCY (312) 321-9365

Page 105

1 stuff.  
2 MR. WELLER: So, it would be the same  
3 inspection.  
4 CHAIRMAN CHRISTENSEN: They have been  
5 inspecting for years, but now there's companies out  
6 there -- inspection companies are saying, "We're  
7 going to do a reinspection in 30 days. You better  
8 have this all up to date."  
9 And then you got another inspection  
10 company saying, "We're going to give you a year.  
11 The next time we come -- we're not going to recharge  
12 you again for reinspection. We're going to come,  
13 and the next time we have to inspect your elevators  
14 in a year, you better be up to date." A year, I  
15 think, is plenty of time.  
16 MR. CAPUANI: Wouldn't you agree if this was  
17 enforced from the time it was put in the code, that  
18 we would not be -- we would not have this issue at  
19 this time?  
20 MR. GIBBS: 2007 was the legislation. If this  
21 was dealt in 2007, 2008, we wouldn't be talking  
22 about it now in 2011.  
23 MR. BARNES: Or before.  
24 MR. CAPUANI: Or before.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 106

1 MR. WELLER: That doesn't hold a lot of water  
2 with me. Just because we didn't enforce it doesn't  
3 mean it is not enforceable. What holds water with  
4 me is the fact that -- I can thoroughly understand  
5 the argument that you could have the records off  
6 site. I'm fine with that.  
7 If you walk in, and I am an inspector, and  
8 you got a number that you can call that I can have  
9 them here in some reasonable method for you to get  
10 me those records, whether it be fax, E-mail,  
11 download it to my computer, I don't care how you get  
12 them there, but if you can get them there in a  
13 reasonable amount of time, I would say that would  
14 be, what, an hour, two hours, whatever the inspector  
15 determines is a reasonable amount of time, then you  
16 can inspect it.  
17 If I don't have a code plate, and I don't  
18 have previous records, and I'm standing there  
19 looking at an elevator, I can't in good conscious  
20 imagine how they could inspect it.  
21 MR. GIBBS: Bob, didn't the state already issue  
22 a recommendation to do -- to give people six months  
23 to get the data plates in?  
24 MR. CAPUANI: Yes.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 107

1 MR. GREGORY: Can I make two comments?  
2 CHAIRMAN CHRISTENSEN: Yes, go ahead, Dick.  
3 MR. GREGORY: I just pulled up the 1996  
4 Elevator Code. So, anybody who installs elevators  
5 here under 1996 code, Section -- well, Rule 215.1,  
6 code data plate was required in 1996.  
7 So, whenever one of you guys put in an  
8 elevator under the 1996 code, you should have put on  
9 a code data plate.  
10 Number two, an elevator -- two elevators  
11 I'm going to look at this afternoon, I hope we're  
12 going to get over, but I looked at it before, and  
13 there's a maintenance company that's represented --  
14 oh, it's your maintenance company, and son of a gun,  
15 I was there, and I looked at that time; and on the  
16 controller, there is a sign that says where to get  
17 the Maintenance Control Program.  
18 And on that controller is a code data  
19 plate, and then I look around and, oh, here is a  
20 whole pile of maintenance records. I mean,  
21 everything is there, so you're doing it. What are  
22 you complaining about?  
23 MR. GIBBS: Dick can represent me any time.  
24 MR. GREGORY: That was the elevator escalator

MARZULLO REPORTING AGENCY (312) 321-9365

Page 108

1 safety violation.  
2 MR. JONES: Just so you know, we had the same  
3 situation. I have to wear two hats. I am a zoning  
4 official for the Village of Schaumburg. We have 60  
5 elevators that have to be inspected.  
6 So, it is a little bit more of a challenge  
7 for us to do this, and representing villages of  
8 50,000, 500,000, there's a lot of information that  
9 has to be installed and needs to have some time.  
10 What my understanding is, talking to Bob,  
11 is that a local administrator can grant an exception  
12 for time, based on the fact that, you know, in our  
13 case, for 600 elevators it is going to take time for  
14 us to get everything up to speed.  
15 The advantage we have in Schaumburg is our  
16 elevators don't go back to 1950 or 1930. That can't  
17 be said of Peoria or Springfield or Rockford and  
18 places like that. So, there is a wide variety of  
19 issues here that have to be chewed up over the next  
20 year.  
21 Can this stuff get done, and should it be  
22 done? Yes, it's been in the code since '96, I think  
23 someone said, as far as the data plate goes. I  
24 think those are some reasonable -- the reason out

MARZULLO REPORTING AGENCY (312) 321-9365

Page 109

1 here how much information has to be brought into  
2 this.  
3 I've gotten several calls, as a building  
4 official from the Village of Schaumburg, asking for  
5 that information, because the owner didn't have it.  
6 That's going to go on for some time, with 600  
7 elevators.  
8 I don't know how many calls I am going to  
9 get. So, we have granted exception, along with a  
10 recommendation, probably longer than Bob would  
11 appreciate, but we're going to grant exception for  
12 some of these people. We'll get it in place.  
13 So, I think there is some reasonableness.  
14 A local administrator, as I understand it, Bob,  
15 right, can grant that exception, correct, for a  
16 period of time?  
17 CHAIRMAN CHRISTENSEN: Bob, he's asking if the  
18 local administrator could grant --  
19 MR. JONES: Can grant that exception for a  
20 period of time as the local administrator.  
21 MR. CAPUANI: Yes.  
22 MR. BARNES: There was a March 23rd letter that  
23 was sent out by the State Fire Martial.  
24 MR. JONES: The local administrator has the

MARZULLO REPORTING AGENCY (312) 321-9365

Page 110

1 ability to give you time.  
2 MR. CAPUANI: My question to you is: In  
3 Schaumburg, I know as of 2005, they were under the  
4 2000 code, correct?  
5 MR. JONES: I couldn't certify that. I would  
6 have to look and see, Bob. I can probably ask  
7 someone here in the audience.  
8 MR. CAPUANI: I believe you were under the 2000  
9 code in 2005. So now that code data plate should  
10 have been enforced at least since then.  
11 MR. JONES: You are right.  
12 MR. CAPUANI: Don't you feel a little  
13 uncomfortable that this was not enforced?  
14 MR. JONES: Yes, absolutely. This is the first  
15 I've known about it was when this issue of these  
16 things came up. We're going to get it fixed, but  
17 we're going to give our building owners some time to  
18 get it fixed, is all I'm saying.  
19 MR. CAPUANI: I appreciate your cooperation.  
20 MR. JONES: Again, it is a time issue for us.  
21 MR. GIBBS: It is a process.  
22 MR. JONES: It is a process.  
23 MR. GIBBS: The process doesn't have to be  
24 painful.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 111

1 MR. JONES: Right. We'll get it. We have the  
2 advantage of not being a very old municipality.  
3 There are other municipalities that go back a long  
4 way, and their data plate may not even be available  
5 at all, and that's where the rough comes in.  
6 MR. WELLER: Now we are getting go the chase.  
7 The chase is the inspections that were done were not  
8 done properly. They were done properly, and there  
9 is nothing a says they shouldn't have been cited.  
10 MR. GIBBS: With regard to the data plates.  
11 MR. WELLER: I don't know the specifics of why  
12 they failed or don't fail. I am trying to figure  
13 out what we're going to vote on.  
14 You're specifically asking us to say if  
15 there is no data plate per the code on the  
16 conveyance, from the point that they would be  
17 inspected next, it would give them six months or a  
18 drop-dead date of six months. What's the best?  
19 MR. GIBBS: From the building owner and the  
20 riding public's points of view, the word "failure"  
21 in an elevator inspection is kind of, wow, it  
22 failed.  
23 MR. WELLER: You can push the button, and it  
24 doesn't work.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 112

1 MR. GIBBS: As opposed to the terminology of  
2 "Data plate must be in place at the time of next  
3 inspection." That's the inspector saying, "Next  
4 time I come here, you got to have that thing."  
5 MR. WELLER: Somebody going to come and ask for  
6 a variance. That's what's on the agenda.  
7 MR. GIBBS: That is for the MCP.  
8 MR. WELLER: Doesn't all of this tie together?  
9 MR. GIBBS: If you, as a Board, decide to tie  
10 it together.  
11 MR. WELLER: You've got to have one or the  
12 other. You either have got to have a data plate, or  
13 you got to have the records on safety.  
14 MR. GREGORY: You need them both.  
15 MR. BARNES: You have to have them both.  
16 MR. GIBBS: Not on site.  
17 MR. WELLER: You don't have to have the records  
18 on site. We just saw the whole presentation you  
19 don't have to have the records on site, but I got to  
20 have something for the inspector within a reasonable  
21 amount of time to be able to assess how they're  
22 going to inspect the elevator.  
23 MR. GIBBS: You're phrase "reasonable sort of  
24 time" is why we're here.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 113

1 MR. WELLER: I would think if I can make a  
2 phone call, and you can fax them to me, you could  
3 E-mail them to me in the next hour.  
4 MR. GIBBS: Okay, now would that apply to the  
5 information on the data plate as well?  
6 MR. WELLER: I think the data plate is a  
7 different issue in that respect. Now the clock is  
8 ticking as to a hard stop date that we would impose  
9 and say, "From six months from January 1st, we would  
10 want all conveyances inspected to have a data plate,  
11 or they would be in failure."  
12 MR. GIBBS: I can only speak for myself and  
13 Anderson Elevator, if the Board chooses to go that  
14 direction, that would be swell.  
15 MR. WELLER: Okay. I'm trying to get to what  
16 you want us to get to.  
17 MR. GIBBS: What I'm trying to get away from is  
18 failure on a reinspection on account of a data  
19 plate.  
20 MR. WELLER: You have to have something here.  
21 How am I going to help the inspector, if I don't  
22 have the records, and I don't have a data plate?  
23 You can't just say you can have your  
24 records off site, and you don't have a data plate.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 114

1 MR. GIBBS: But to go along with what Dick and  
2 Rick said, some of these elevators have been in  
3 existence for decades, which is requiring the data  
4 plate in the next 30 days, the approach that this  
5 Board is now taking.  
6 I mean, I know this Board has been in  
7 existence since '07, but it seems like in 2011, this  
8 is when it's all come to light.  
9 MR. WELLER: Are we asking for that, or the  
10 inspector is asking for that? I don't remember us  
11 asking for that.  
12 MR. GIBBS: The inspectors follow your lead.  
13 CHAIRMAN CHRISTENSEN: Some inspectors -- right  
14 now, some inspectors are asking for 30 days to come  
15 in for reinspection.  
16 MR. WELLER: Okay. So, that's the genesis.  
17 CHAIRMAN CHRISTENSEN: That's it. Some  
18 inspectors are giving them a whole year to be done,  
19 as you heard from Doug, allowing them at least a  
20 year for the next inspection.  
21 MR. WELLER: So, we're trying to find a  
22 standardized time.  
23 CHAIRMAN CHRISTENSEN: And, then, I don't know  
24 if you got the variance from Larry Suffredin, that

MARZULLO REPORTING AGENCY (312) 321-9365

Page 115

1 he's asking for some time. It kind of fits into  
2 this. Thanks.  
3 MR. GIBBS: Thank you again.  
4 MR. CAPUANI: Thanks, Mike.  
5 CHAIRMAN CHRISTENSEN: Should we go to the  
6 variance? Rick?  
7 MR. JANDORA: I wanted to make a comment to  
8 Kelly. As an inspector, you have a job to do, and  
9 we actually have an inspector's checklist, right?  
10 That's something that we developed back in  
11 2007, and there's probably, I'm just going to guess,  
12 maybe 50 items on that list.  
13 MS. DEL GRECO: More.  
14 MR. JANDORA: Maybe more. That is what the  
15 inspector's job is. An inspector's job is to come  
16 in and review all of those items, to insure that the  
17 equipment is functioning properly. Okay?  
18 So, looking at a car top, looking at the  
19 general housekeeping, looking in the pit, looking at  
20 the bumper, looking at the doors, insuring the doors  
21 aren't closing too fast, a number of things that  
22 they are supposed to do that goes beyond the  
23 maintenance records and MCP.  
24 One thing that they need to do, in

MARZULLO REPORTING AGENCY (312) 321-9365

Page 116

1 addition to the 60 other items, or however many it  
2 is, is to insure that a Maintenance Control Program  
3 is in existence. Okay? You could tell.  
4 So, what do we do on a controller that we  
5 maintain, we put a sticker on there that says, "The  
6 Maintenance Control Program is in place. If you  
7 like more information about it, please dial this  
8 number."  
9 But you could tell just from your  
10 observations of the equipment that maintenance is  
11 being done, if the doors are functioning properly,  
12 if the car tops housekeeping is in good shape, if  
13 the pit has been swept and cleaned, if things are  
14 properly lubricated, not vibrating, that's how you  
15 can tell if maintenance is actually being performed.  
16 Okay?  
17 So, just not having the records, really  
18 you don't really need the records to see if it's  
19 working right.  
20 MR. WELLER: Why would the code call for it?  
21 MR. JANDORA: The code calls for it -- it's  
22 important that you have a program in place, that you  
23 just don't say, "Hey, mechanics, I'm going to employ  
24 all of you. Here is our accounts that we maintain,

MARZULLO REPORTING AGENCY (312) 321-9365

Page 117

1 go do it."  
2 You want to plan. Okay? You need a plan,  
3 and you need to go out and look at the conveyances,  
4 and look at the environmental conditions that it's  
5 in, the usage of the equipment, the type of  
6 equipment. Is it a 1950 elevator or 2010 elevator?  
7 Is it hydraulic or traction?  
8 You need to develop a plan that says,  
9 "Here is what we're going to do to make this  
10 equipment run properly, to keep it in compliance  
11 with code."  
12 So, I put a sticker that says, "We have a  
13 program in place," and what we do is we send out to  
14 our associates, "Here is what you do this month.  
15 This is what you need to do on this conveyance.  
16 Here is what you do next month. This is what you  
17 need to do on this conveyance," and so on.  
18 We tell them what we want them to do, so  
19 that we can make sure when the inspectors come out  
20 and they look at it, hey, the car top is in good  
21 shape. It looks like everything is properly  
22 lubricated. Nothing is vibrating.  
23 That's how they confirm there is an  
24 effective program in place. It just shows how the

MARZULLO REPORTING AGENCY (312) 321-9365

Page 118

1 equipment operates, and then maintenance records are  
2 important. We make them available to our field  
3 associates. We use electronic devices.  
4 We're in a new age now, right? We don't  
5 want to kill a rain forest in South America. We do  
6 everything electronic. We have PDAs that our  
7 associates can look up and see all maintenance tasks  
8 they've performed.  
9 They can look up the recent calls. They  
10 can look at the call history and so on. So, that  
11 information is made available to them. If there is  
12 an accident, if there as incident, or something that  
13 occurs, if we need to provide records, the code  
14 requires us to maintain records; and that's what we  
15 do, we maintain records.  
16 So, an inspector's job, from my  
17 perspective, is to go out to a job, look at the  
18 conveyance, insure that it's functioning properly,  
19 working properly. It's being maintained. You can  
20 tell that it's being maintained, and it meets the  
21 requirements of the code at the time of  
22 installation, or at the time it was altered. That's  
23 your job.  
24 MR. WELLER: Can an inspector be fired, a new

MARZULLO REPORTING AGENCY (312) 321-9365

Page 119

1 inspector -- can an inspector be fired and a new  
2 inspector come into that conveyance, without any  
3 history on it, and inspect it? Is that possible?  
4 MR. JANDORA: I think the unit, when you walk  
5 into a unit, if nobody has touched it for six  
6 months, you're going to know.  
7 Do you need information on what the last  
8 inspector looked at, to determine whether or not  
9 it's functioning properly?  
10 MR. WELLER: No, but to your point, you would  
11 need to know what code to inspect it to.  
12 MR. JANDORA: We're not disagreeing with the  
13 code data plate. We feel it's a very important  
14 function of inspecting a conveyance.  
15 It is because if the elevator was put in  
16 in 1982, and you are there to confirm that it meets  
17 the code at the time of installation, how are you  
18 supposed do that, if you don't know what it was  
19 installed to?  
20 The problem is it's just out of nowhere  
21 we've had strict enforcement of it. We don't have  
22 the information to populate the plates. We need a  
23 grace period. We need partnership with the OSFM,  
24 with the municipalities. We need help in putting

MARZULLO REPORTING AGENCY (312) 321-9365

Page 120

1 all this information together, so that we can  
2 comply.  
3 We don't have the information. Our  
4 customers are being issued violations, and we don't  
5 really have a mechanism in which to cure that  
6 violation. We don't have the information.  
7 We need information from Schaumburg. We  
8 need information from Hoffman Estates. We need a  
9 history of what codes were enforced at certain  
10 times, and then we can do a better job of trying to  
11 narrow in on a code that the elevator was installed  
12 to.  
13 MR. SWIENTON: I think the bottom line here it  
14 sounds like you have a handful of inspectors; and  
15 for whatever reason, they may impress the boss or  
16 whatever, decided, "Oh, now I'm really going to do  
17 my job. I'm only going to allow them 30 days. I  
18 want to put my name in lights."  
19 That's what the bottom line is here,  
20 whether we give them 30 days or a year. So, we're  
21 dealing with a handful of inspectors who tried to  
22 rattle a cage here or something, for whatever  
23 reason, I don't know.  
24 MR. JANDORA: There is a few things. We have

MARZULLO REPORTING AGENCY (312) 321-9365

Page 121

1 four items. We have a maintenance control program,  
2 and right now we have an interpretation out there by  
3 an inspection company that it needs to be physically  
4 located on a job site and available for their  
5 review.  
6 We don't feel that's a requirement to meet  
7 the code. We feel that we just need to inform you  
8 that it exists. The equipment, as it stands, will  
9 basically provide the evidence that it's in place.  
10 Maintenance records, I need to let you  
11 know that I have maintenance records. They are  
12 available to you. If you want to see them, I can  
13 produce them. You don't have to look at them.  
14 You can again look at the equipment, see  
15 the state that it's in, to determine is this  
16 something that's safely operating? Is this a  
17 conveyance safe for public use? That's your job.  
18 If we have to produce records, we can; and  
19 the code requires, the law requires us, to retain  
20 records, to be able to produce them when we need to.  
21 That's the two items.  
22 The code data plate, we need some time.  
23 Okay? I hear you, Bob, this is something that has  
24 been in effect since 1996. We don't disagree, and I

MARZULLO REPORTING AGENCY (312) 321-9365

Page 122

1 know the industry wants to help, but this is truly a  
2 partnership.  
3 It can't just rest on our shoulders. We  
4 don't have the information. We need it, and to just  
5 give us 12 months in which to comply really doesn't  
6 solve anything, without a partnership, because we're  
7 going to be here 12 months from now going, "It's  
8 still the same problem, we don't have the  
9 information."  
10 That's why we're here today. We don't  
11 have the information, and we haven't had it for the  
12 last 15 years.  
13 MR. JONES: Just one comment. It's my  
14 understanding, I could be wrong, is that the  
15 inspection people were given the direction to go  
16 ahead and start enforcing this, as opposed to while  
17 it's been there forever, we missed it.  
18 So, I don't want to throw all inspectors  
19 under the bus either, because they are now trying to  
20 enforce this. They asked us, "How would you like to  
21 do this?"  
22 Our standpoint was it's not an immediate  
23 safety issue. Like Rick brought out, you can tell  
24 if it is a safety issue. If this elevator hasn't

MARZULLO REPORTING AGENCY (312) 321-9365

Page 123

1 been maintained, an inspector is going to know that.  
2 He will get whatever records are necessary.  
3 We looked at it as something we need to do  
4 so that we fulfill the code. We want to do that,  
5 and we will do that. It is just a matter of getting  
6 some time to do that.  
7 CHAIRMAN CHRISTENSEN: Bob, is that a comment?  
8 MR. CAPUANI: Can you read back that statement,  
9 right in the beginning of the that statement?  
10 (Said record was read.)  
11 MR. CAPUANI: Where did that statement come  
12 from?  
13 MR. JONES: That came from me. Why did I say  
14 that?  
15 MR. CAPUANI: Yes.  
16 MR. JONES: Because this issue of these  
17 maintenance issues, my understanding is because it  
18 had been overlooked, the State Fire Marshal wanted  
19 us to take a closer look at it to make sure it gets  
20 done. Is that right or wrong?  
21 MR. CAPUANI: That is correct. That is  
22 correct.  
23 MR. JONES: That is what I was talking about.  
24 MS. YOUNG: May I approach the Board?

MARZULLO REPORTING AGENCY (312) 321-9365

Page 124

1 CHAIRMAN CHRISTENSEN: Not at this time.  
2 MS. YOUNG: That relates to --  
3 CHAIRMAN CHRISTENSEN: You are going to be  
4 coming up.  
5 MS. YOUNG: I'll bring it up when my name is  
6 called then, Frank.  
7 CHAIRMAN CHRISTENSEN: Okay.  
8 MS. YOUNG: Thank you.  
9 CHAIRMAN CHRISTENSEN: Nothing else, I'll move  
10 on to the next person. Patty, you are next after  
11 this.  
12 MS. YOUNG: Okay, perfect.  
13 CHAIRMAN CHRISTENSEN: You are not up yet, you  
14 are up after of this.  
15 MR. DONNELLY: Can we finish new business first  
16 before we go to public hearing?  
17 CHAIRMAN CHRISTENSEN: No, we're still on --  
18 MR. DONNELLY: Maintenance Control Programs?  
19 CHAIRMAN CHRISTENSEN: Yes, unless Dan  
20 O'Donnell doesn't want to speak on this. Dan, you  
21 want to speak?  
22 MR. O'DONNELL: I thought Patty was next.  
23 CHAIRMAN CHRISTENSEN: She's next after him.  
24 MR. O'DONNELL: Dan O'Donnell, O apostrophe

MARZULLO REPORTING AGENCY (312) 321-9365

Page 125

1 D-o-n-n-e-l-l. I'm here today just to echo the  
2 comments of everybody that's been here before us;  
3 and I just would like to say it's not a matter of us  
4 not performing the Maintenance Control Program, it  
5 is just a matter of the location of records.  
6 And we do provide where to get the  
7 information, local office number, online, fax,  
8 that's all provided in the machine room.  
9 As far as the code data plate, Otis is  
10 also looking for that one-year grace period to  
11 gather the information to populate those data  
12 plates, the proper information. On new  
13 installations, it's not an issue.  
14 CHAIRMAN CHRISTENSEN: Thanks, Dan. Why don't  
15 we take a 15-minute recess.  
16 (Recess taken.)  
17 CHAIRMAN CHRISTENSEN: I'll call the meeting to  
18 order. Patty Young.  
19 MS. YOUNG: Good morning. It's still morning.  
20 CHAIRMAN CHRISTENSEN: Barely.  
21 MS. YOUNG: Good morning, Board. Thank you for  
22 the opportunity to speak in front of you.  
23 There's been quite a bit of discussion  
24 today regarding the Maintenance Control Program, and

MARZULLO REPORTING AGENCY (312) 321-9365

Page 126

1 I'm just going to have a couple offshoots on the  
2 code data plate.  
3 All are valid discussions, all things that  
4 have been brought to the Board from the various  
5 people are all legit; and I totally agree with Rick  
6 Jandora that we do need to all partnership together,  
7 to work together, to move forward, because the past  
8 is the past, and now we've got to look at what we're  
9 doing for the future.  
10 Right before we had the break, Mr. Doug  
11 Jones had commented about the inspectors receiving  
12 word from the State Fire Marshal that it was --  
13 enforcement was to happen. So, I just wanted to  
14 clarify that.  
15 This is an E-mail, and I'm going to give  
16 it to the court reporter so she can have access to  
17 it. This was dated originally when I had sent a  
18 confirmation and clarification to Mr. Capuani on  
19 March 9th, that "We were just looking for OSFM  
20 clarification, guidance and position from you  
21 regarding the four items.  
22 "We're all familiar with the four items,  
23 and regardless of the age of the installation date  
24 of the conveyance, if any of those four items are

MARZULLO REPORTING AGENCY (312) 321-9365

Page 127

1 not present, is the conveyance to fail the  
2 inspection?  
3 "I put a note that the maintenance control  
4 program is not on the OSFM inspection report. I  
5 look forward to hearing from you."  
6 Bob responded the next day, March 10th, he  
7 said he would have to get back to me on this. I  
8 hadn't heard from Bob, so I kindly pestered him on  
9 March 14th, a couple days later, "Any more news on  
10 this topic?"  
11 On Tuesday, March 15th, in the early  
12 afternoon, Bob responded, and he CCed Mr. Barnes,  
13 "Patty, as stated in the rules, Section 14(b)(1),  
14 all inspections and tests shall be conducted in  
15 accordance with the National Safety Code provided in  
16 Section 1000.60. Said codes apply to all conveyance  
17 being inspected.  
18 "A17.1 2007, Section 8.6, is retroactive.  
19 It applies to all registered Illinois conveyances  
20 and addresses issues concerning maintenance repair  
21 and replacement.  
22 "Section 8.6 and its subsections are  
23 explicit in the general maintenance requirements,  
24 maintenance records, maintenance methods and

MARZULLO REPORTING AGENCY (312) 321-9365

Page 128

1 procedures, and documentation that should be  
2 maintained.  
3 "Section 8.6.1.2.1 provides explicit  
4 instruction as to the required written Maintenance  
5 Control Program and its contents. Section 8.6.1.4  
6 requires that all maintenance records shall document  
7 compliance with 8.6 of the code, and details the  
8 required records.  
9 "Section 8.6.1.6.3 is explicit, and what  
10 is required for controllers wiring and wiring  
11 diagram. Section 8.6.1.5 explains what is required  
12 by way of a code data plate.  
13 "Further information can be found on our  
14 website," blah, blah, blah. "Inspection companies,  
15 inspectors and the OSFM are required to enforce this  
16 code by law. Any violation of the codes would  
17 require 30 days for the owner to be in full  
18 compliance.  
19 "Section 1000.140(b), No. 4, property  
20 owners shall have 30 days from the date of the  
21 published inspection report to be in full compliance  
22 by correcting any violations.  
23 "The OSFM may extend compliance dates for  
24 good cause, provided that the violations are minor

MARZULLO REPORTING AGENCY (312) 321-9365

Page 129

1 and pose no threat to public safety."  
2 And then regards, blah, blah, blah. So, I  
3 wanted to make sure we were all on the same page  
4 that this was given to us from the State Fire  
5 Marshal, and we were all asked that there should be  
6 full compliance within 30 days. So, that is why the  
7 failures have occurred.  
8 Shortly thereafter, the initiative to  
9 begin allowing exceptions, we've been hearing a  
10 couple things, one inspector says this one gets one  
11 year, where this one says 30 days.  
12 Well, I want to make sure we're all clear,  
13 and, Bob, I want you to jump in, it's for open  
14 territories. You are allowing six months or when  
15 the next inspection is.  
16 MR. CAPUANI: Correct.  
17 MS. YOUNG: Okay, because it could be a year.  
18 MR. CAPUANI: Correct.  
19 MS. YOUNG: For the other three items, which  
20 are going to be maintenance records, your  
21 Maintenance Control Program, and the wiring  
22 diagrams, you're enforcing 30 days compliance,  
23 correct?  
24 MR. CAPUANI: That's what our law says,

MARZULLO REPORTING AGENCY (312) 321-9365

Page 130

1 correct.  
2 MS. YOUNG: Okay. That is an open territory.  
3 So, that is non-local program administrators. So,  
4 basically we're talking about the rest of the state  
5 minus the Chicago metropolitan area.  
6 For the local administrators, Bob, you had  
7 mentioned a number in the high 40s, correct?  
8 MR. CAPUANI: Yes, about 46.  
9 MS. YOUNG: 46, okay. So, there is an effort,  
10 and Doug has already started that for his community,  
11 that they have granted an extension for up to one  
12 year. Pretty much the target is around the end of  
13 March, early April timeframe.  
14 The local administrators are recognizing  
15 that a year seems very reasonable. So, once that  
16 letter is acknowledged between Bob and myself, or if  
17 it's our local area, we're not failing.  
18 We are advising them, "Hey, you got up to  
19 next year at such and such time." Copies of letters  
20 of these extensions are being encouraged to be  
21 either given out by us, or by the municipality that  
22 is doing it themselves.  
23 So, the request from NEII and all the  
24 others in the room, I think is in line with what the

MARZULLO REPORTING AGENCY (312) 321-9365

Page 131

1 local administrators are planning on doing. The  
2 intent is there.  
3 Everything takes time. Everybody is not  
4 writing their letters ASAP, but considering that has  
5 only been a good month, to have almost 50 letters,  
6 that's pretty good.  
7 So, I just want to make sure it's clear  
8 that we all understand how this all came about when  
9 I asked for clarification.  
10 I'm only doing what we were asked do; and  
11 beyond that, given the reasonable allowment, because  
12 the law allows the right to exercise by granting an  
13 extension the local administrators, encouraged by  
14 Bob and Mr. Barnes to grant that, started occurring.  
15 One thing I would like to see, and I hope  
16 it may be possible, is you're being copied on these  
17 letters. Can you put up on your website who is  
18 granted the extension already, because you know  
19 that?  
20 So, then, everybody in this audience here  
21 would know who has got a year, versus who's got the  
22 six months, or any number in between.  
23 MR. CAPUANI: We're putting that together right  
24 now.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 132

1 MS. YOUNG: Excellent. I knew you could do it.  
2 MR. CAPUANI: I have a question for you.  
3 MS. YOUNG: Sure.  
4 MR. CAPUANI: Okay. Do your inspectors know  
5 how to read the code book?  
6 MS. YOUNG: I would believe they do. I believe  
7 they graduated from high school.  
8 MR. CAPUANI: If one of your customers asked  
9 them to explain a code, can they explain it to them?  
10 MS. YOUNG: I'm sorry, what was the last part?  
11 MR. CAPUANI: If one of your customers, say Joe  
12 Smith went on a job, wrote up a violation, and your  
13 customer asked them to explain that violation, would  
14 they be able to explain it?  
15 MS. YOUNG: I would say that they would. They  
16 are QEI.  
17 MR. CAPUANI: Why on your inspection reports,  
18 and I could give you copies of it, "If you have any  
19 questions, call Bob Capuani"?  
20 MS. YOUNG: Because they wanted to know --  
21 MR. CAPUANI: Wait a minute. When I called  
22 these constituents back, what their response was,  
23 "Well, I asked the inspector, and he didn't know how  
24 to answer and said to call you."

MARZULLO REPORTING AGENCY (312) 321-9365

Page 133

1 So, am I to do all your inspections, or  
2 explain all your inspector's comments on their  
3 inspection reports?  
4 MS. YOUNG: They wanted to know where and why  
5 all of a sudden these four items were going to be  
6 written up.  
7 MR. CAPUANI: That is not the question the  
8 constituents asked your inspectors.  
9 MS. YOUNG: They explained it. They always  
10 want to know --  
11 MR. CAPUANI: No, they said they couldn't  
12 explain it.  
13 MS. YOUNG: Well, then, that I'm not aware of.  
14 MR. CAPUANI: And then you hand out as ASME  
15 copyright sheet with my name and my cell phone  
16 number on there. Can you explain that?  
17 MS. YOUNG: Sure. They wanted a copy of the  
18 code; and if they wanted to know who to call for the  
19 State Fire Marshal, you are the director.  
20 MR. CAPUANI: But you are the code enforcer.  
21 Can you explain this?  
22 MS. YOUNG: I represent --  
23 MR. CAPUANI: I don't believe it's my job to  
24 explain the code to your inspectors and the

MARZULLO REPORTING AGENCY (312) 321-9365

Page 134

1 constituents that you inspect.  
2 MS. YOUNG: But it's your job to explain the  
3 code to the public, the owners.  
4 MR. CAPUANI: Isn't that your job?  
5 MS. YOUNG: That is my job. I do it day in and  
6 day out.  
7 CHAIRMAN CHRISTENSEN: I'm not going to have  
8 bantering back and forth.  
9 MR. CAPUANI: No, it's not.  
10 CHAIRMAN CHRISTENSEN: I'm not going to have  
11 it. Okay?  
12 MS. YOUNG: Is Bob just asking for an apology  
13 for putting his telephone number on the sheet? I  
14 don't know.  
15 CHAIRMAN CHRISTENSEN: I don't believe Bob is  
16 asking for an apology. I think he's making a  
17 comment, and I'm not going to have you guys go back  
18 and forth.  
19 This meeting is long enough. So, just  
20 stay to the subject.  
21 MR. CAPUANI: We could talk about that amongst  
22 ourselves. How is that?  
23 MS. YOUNG: That would be fine with me, Bob.  
24 CHAIRMAN CHRISTENSEN: Kelly?

MARZULLO REPORTING AGENCY (312) 321-9365

Page 135

1 MR. WELLER: Patty, are you comfortable with  
2 interpretation that the MCP records don't have to be  
3 on site, that they can be made available at a  
4 reasonable time or can be held off site?  
5 MS. YOUNG: Well, the code is saying that it  
6 shall be readily accessible. My inspectors do not  
7 have laptops, so an online is not ready accessible.  
8 So, traditionally, and this has been  
9 everybody's behavior, as we're so custom to paper,  
10 so the written word has traditionally been on paper.  
11 If the written word needs to be online,  
12 because we need to go green, then the inspectors  
13 just need to be provided a mechanism to see it and  
14 be readily accessible.  
15 So, that could be a laptop within the  
16 machine room. Grant it, it probably might be  
17 difficult with wireless and so forth, but there just  
18 needs to be a different mechanism.  
19 MR. WELLER: So, let's say there was a number  
20 that your inspector can call, to verify these MCP  
21 records were available, and they could call and say,  
22 "Listen, I'm doing this inspection, can you have  
23 these either E-mailed to me or faxed to my office so  
24 when I get back, I can see them"?

MARZULLO REPORTING AGENCY (312) 321-9365

Page 136

1 MS. YOUNG: That's the problem. I need to  
2 leave and tell the person that they passed or failed  
3 their inspection right then and there. So, going  
4 back to the office and verifying did they have it or  
5 not, makes it difficult.  
6 Now, one thing I want to bring in is what  
7 Rick had said earlier about, you know, his company  
8 using the 800 number, is the impression I was  
9 getting, Rick, and please correct me if I'm wrong,  
10 is it is a given that maintenance is going on you're  
11 saying by the shape of the elevator. Right?  
12 And, so, the responsibility to see the  
13 content of the Maintenance Control Program I think  
14 is up for debate. I think that there is no  
15 boilerplate, because Otis is going to have their  
16 own, Schindler is going to have their own, Tommy  
17 Hines is going to have his own, Mike's got his own.  
18 They are all going to be different, and  
19 every single control program is going to be  
20 different because every elevator, to a certain  
21 degree, is different.  
22 Grant it, the Maintenance Control Program,  
23 the intent, and, Dick, you can jump in at this  
24 point, I believe was really driven for new

MARZULLO REPORTING AGENCY (312) 321-9365

Page 137

1 technology.  
2 MR. GREGORY: No.  
3 MS. YOUNG: And the onset of that because it  
4 showed up fairly recent for the MRLs.  
5 MR. GREGORY: I think we're getting confused  
6 here. The instructions for locating the Maintenance  
7 Control Program shall be provided in or on the  
8 controller.  
9 MS. YOUNG: We are talking about the content.  
10 MR. GREGORY: The content is not --  
11 MS. YOUNG: The content of it.  
12 MR. GREGORY: We did reference one content that  
13 had to do with new type of stuff. This is not tied  
14 with MRLs.  
15 This written Maintenance Control Program,  
16 taking into account age, condition, wear, design,  
17 inherent quality, usage, environmental conditions,  
18 approved technologies and so forth, that was written  
19 back in -- between 2000 and 2004 that was written.  
20 MS. YOUNG: It's fairly new, correct? Fairly  
21 new?  
22 MR. GREGORY: Yes.  
23 MS. YOUNG: An older elevator wouldn't have had  
24 one, because the intent was more for the newer

MARZULLO REPORTING AGENCY (312) 321-9365

Page 138

1 technology because of software, and the way things  
2 were being driven.  
3 MR. GREGORY: No, the intent was, and I sat on  
4 the committee that wrote this, okay, and went to  
5 many meetings.  
6 The intent was at ASME, we were feeling  
7 that elevators were not getting the maintenance.  
8 Everybody didn't have Otis. I'll just pick up on  
9 him.  
10 So, there were people that were doing  
11 maintenance, I just came back from New York, there  
12 are probably 150 elevator companies in New York that  
13 operate their office in the trunk of their car.  
14 So, it's a whole different ballgame, and  
15 this was the genesis of a Maintenance Control  
16 Program. They are maintaining elevators in New York  
17 that were put in in the 1880s and 1890s, and they  
18 need maintenance; and they need a different kind of  
19 Maintenance Control Program.  
20 MS. YOUNG: Getting back to your question,  
21 then, Kelly, is that Should it be readily  
22 accessible?  
23 Dick is kind of pointing out it's going to  
24 be different. Everything is a little different.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 139

1 MR. GREGORY: What I'm pointing out is your  
2 inspectors are not required to say, "This is a good  
3 Maintenance Control Program, and this is not a good  
4 one."  
5 That's not what your job is. Your job is  
6 to make sure there is one. Once you make sure there  
7 is one, and here is the little sign which I jumped  
8 on Mike Gibbs, I saw the sign on the controller, I  
9 wasn't jumping on him, but there it said, "Call this  
10 number." Well, by goodness --  
11 MS. YOUNG: So like a school folder a sticker  
12 on the outside?  
13 MR. GREGORY: Any way you want to do it.  
14 MS. YOUNG: We don't have to open the book? We  
15 just have to see that this is sitting there, and it  
16 says, "Maintenance Control Program" on it, that  
17 satisfies the intent of the code?  
18 MR. WELLER: Wouldn't there be two different  
19 issues?  
20 MS. YOUNG: That is what I am getting at.  
21 MR. WELLER: There's two different issues. The  
22 two issues -- and there's four, as we've been going  
23 through them, but there is two. Is there an MCP  
24 program in place, right?

MARZULLO REPORTING AGENCY (312) 321-9365

Page 140

1 MS. YOUNG: Correct.  
2 MR. WELLER: Yes or no?  
3 MS. YOUNG: Right.  
4 MR. WELLER: So, you're looking at the 800  
5 number, and you call, and you get Rick's technical  
6 support group and they go, "Yep, we got a  
7 maintenance program that's in place. I'm Billy  
8 Bob."  
9 I'm going to put in my notes, "Billy Bob  
10 certified from Otis there is a maintenance control  
11 thing in place," correct?  
12 You've done your part to say it's there.  
13 The second thing is I would assume as you are  
14 looking at the elevator, and you are seeing things  
15 that you are not comfortable with, in terms of  
16 operation and maintenance, that may be the content  
17 of the program is not meeting the sufficient needs  
18 to keep the elevator running.  
19 MS. YOUNG: Correct.  
20 MR. WELLER: Now you have, I think, a secondary  
21 request to say, you know, "I'm looking at this  
22 elevator. It doesn't look good. Can you send me a  
23 program?"  
24 And you find out it's "I'm going to put

MARZULLO REPORTING AGENCY (312) 321-9365

Page 141

1 oil on the cylinder once every five years." Well,  
2 now there's a disconnect.  
3 The first thing that I think we are going  
4 to ask for is this variance for the records be in  
5 place or on site. If we're comfortable it meets the  
6 verification process, not the content, itself, if  
7 that is the issue, then why don't we all agree that  
8 is where we want to end up?  
9 If it is something that is broken, or as  
10 the process of the inspection leads you to believe  
11 that there's something not correct with the  
12 maintenance program, then I would think you would  
13 have every reason to ask for the content and do what  
14 you need do to assure public safety.  
15 Am I on base with that?  
16 MS. YOUNG: At that point if the decision is if  
17 it's incomplete, we have to fail the elevator.  
18 MR. WELLER: The elevator is not properly  
19 maintained, in your opinion, as the inspector,  
20 because that is what you are doing, you can then  
21 shut it down. You can shut it down with or without  
22 it, right?  
23 MS. YOUNG: I can shut it down.  
24 MR. WELLER: But the process of shutting it

MARZULLO REPORTING AGENCY (312) 321-9365

Page 142

1 down, because it's not on site, to me doesn't --  
2 MS. YOUNG: I'm not shutting them down because  
3 it's not on site. I'm not doing that.  
4 MR. WELLER: They are not getting a 30-day  
5 notice?  
6 MS. YOUNG: It is only a fail, and they have 30  
7 days to comply.  
8 MR. WELLER: Why would it be a fail if you can  
9 call the number and Rick says, "I certified it  
10 failed?"  
11 MS. YOUNG: Because there is still the  
12 interpretation that it's only for maintenance  
13 records. The interpretation for Maintenance Control  
14 Program has not been issued; and I believe, Bill,  
15 was a letter sent to ASME requesting for that,  
16 because it's an apple and an orange?  
17 The interpretation was strictly only for  
18 maintenance records, and that said it could be paper  
19 or electronic. There's no stand-alone  
20 interpretation for Maintenance Control Program.  
21 CHAIRMAN CHRISTENSEN: Patty, did you see the  
22 variance that is being asked by Larry Suffredin?  
23 MS. YOUNG: No, I have not. Was it available  
24 on the table?

MARZULLO REPORTING AGENCY (312) 321-9365

Page 143

1 CHAIRMAN CHRISTENSEN: Can I show it to her?  
2 MR. BARNES: Yes, go ahead.  
3 MR. GREGORY: Patty, the code is very clear.  
4 CHAIRMAN CHRISTENSEN: Go ahead, Dick. I'm  
5 sorry.  
6 MR. GREGORY: The code is very clear. The  
7 instructions for locating the Maintenance Control  
8 Program shall be provided in or on the controller.  
9 That's clear.  
10 Some people, I'm going off the topic  
11 slightly, but Jack Day, the chief in the State of  
12 Washington, he decided, and Bob maybe couldn't be  
13 allowed to decide this, maybe our law doesn't, but  
14 Jack Day says the maintenance program will be in  
15 that machine room; and I had a big fight a couple  
16 elevators companies. They put it in the machine  
17 room on a CD, but That the State of Washington.  
18 That is not the State of Illinois.  
19 MS. YOUNG: Right. So, I don't care what we  
20 do, we just need to make a decision, because right  
21 now, what we're seeing is calling an 800 number.  
22 If we're going to sign off on the  
23 inspection report and say it's a Maintenance Control  
24 Program, and somebody at the other end of the 800

MARZULLO REPORTING AGENCY (312) 321-9365

Page 144

1 number says, "Yeah, and then, you know, an incident  
2 happens, and we signed off on it, we're liable.  
3 So, how do you protect our liability,  
4 Dick, by saying that?  
5 MR. GREGORY: Because you're following the  
6 code. You're following the exact written words of  
7 the code. The instructions shall be provided for  
8 on --  
9 MS. YOUNG: Is the intent of the OSFM, then, to  
10 accept that sticker and know that I physically never  
11 had the ability to look at the Maintenance Control  
12 Program to know it was -- it's a school folder  
13 sitting on somebody's desk, or it is a big hunk  
14 binder in the library at the big company?  
15 Who makes that determination? I don't  
16 want anybody to be signing off on that.  
17 MR. JANDORA: Could I ask you a question? I  
18 looked at the inspector's responsibilities, and I  
19 guess I have to go to Section 8.11. In 8.11, it's  
20 going to detail what you are there to confirm.  
21 MS. YOUNG: Correct.  
22 MR. JANDORA: I don't believe anywhere under  
23 Section 8.11, which is periodic inspections, which  
24 is what you are there to do, tells you in any

MARZULLO REPORTING AGENCY (312) 321-9365

Page 145

1 fashion that you need to confirm that a maintenance  
2 control program is on the job, and that you are  
3 reviewing it for conformance with the code.  
4 MS. YOUNG: You're absolutely right, Rick, it's  
5 not in the book.  
6 MR. JANDORA: To me, it is not a requirement.  
7 MS. YOUNG: I have a letter, an E-mail here  
8 from Bob, that states those four items. So, I'm  
9 between a rock and a hard place.  
10 MR. JANDORA: So, for me, it seems to me like  
11 there's just confusion that we have an inspection  
12 company who feels that they have been given  
13 instruction to confirm that a maintenance control  
14 program is in place and it's on site, and that's  
15 their responsibility.  
16 It seems to me that we have perhaps  
17 clarified a few times today, with a number of  
18 individuals, that's not what's required by the code.  
19 How do we fix this?  
20 CHAIRMAN CHRISTENSEN: I think we fix it by a  
21 motion.  
22 MR. BARNES: We fix it by sending out the  
23 interpretation letter, which has been sent out. I  
24 believe in anticipation of the interpretation coming

MARZULLO REPORTING AGENCY (312) 321-9365

Page 146

1 from ASME, we take action.  
2 CHAIRMAN CHRISTENSEN: Isn't that in the  
3 variance?  
4 MR. BARNES: Yes, that is sort of the reason  
5 why the variance is on the agenda. The only action  
6 -- OSFM doesn't believe it can willie-nillie  
7 interpret the code. I mean, the code is what it is.  
8 MS. YOUNG: Exactly. We had established that.  
9 MR. BARNES: Right. So, the act specifically  
10 gives the Board to power to grant variances from  
11 codes, and that variance could be essentially the  
12 Board's interpretation of what's required under the  
13 code, in anticipation of any interpretation that  
14 comes out of the ASME.  
15 MS. YOUNG: I'm not disagreeing with you, Bill.  
16 MR. BARNES: I think that is where we're going.  
17 MS. YOUNG: We agree an authority needs to make  
18 a decision on the variance.  
19 MR. BARNES: Yes.  
20 MS. YOUNG: So, it sounds like the content here  
21 is everybody, at least behind me, is looking for a  
22 blanket --  
23 MR. BARNES: Right.  
24 MS. YOUNG: -- variance so we can do some work

MARZULLO REPORTING AGENCY (312) 321-9365

Page 147

1 on it.  
2 MR. BARNES: Unfortunately, and I don't mean to  
3 interrupt you, the variance on the agenda is  
4 narrowly crafted. It only concerns the Maintenance  
5 Control Program. It doesn't address wire diagrams,  
6 maintenance records, or code data plate.  
7 So, if that's going to be the subject of a  
8 variance, we'll have to take that up at another  
9 meeting, just from an open meeting standpoint.  
10 MS. YOUNG: I totally agree. I didn't get a  
11 chance to read this.  
12 MR. BARNES: The last paragraph is the driving.  
13 CHAIRMAN CHRISTENSEN: Patty, I know you're up  
14 here right now. We had a request by Joe Donahue to  
15 get his maintenance --  
16 MR. GREGORY: Donnelly.  
17 CHAIRMAN CHRISTENSEN: Joe Donnelly, I'm sorry,  
18 to get his Continuing Education Program up.  
19 MS. YOUNG: Thank you, everybody.  
20 CHAIRMAN CHRISTENSEN: If the Board wouldn't  
21 mind, because he's got to leave actually at 12:00  
22 o'clock, if we can give him the okay on this. It's  
23 up to the Board.  
24 MR. DONNELLY: I'm Joe Donnelly, elevator

MARZULLO REPORTING AGENCY (312) 321-9365

Page 148

1 consultant, D-o-n-n-e-l-l-y. I've been requested by  
2 Western Illinois University to do a ten-hour program  
3 for them, the same program I've done in the past.  
4 This particular course is only mechanics,  
5 so this course cannot approve by NAESA. NAESA only  
6 approves courses attended by QEI inspectors that is  
7 NAESA certification.  
8 I ask to come up and talk about my  
9 program. It is a ten-hour program. I would like to  
10 do it for the Western Illinois mechanics, so that  
11 they can get their continuing education requirements  
12 met this year to maintain their license.  
13 I would also like to talk about the fact  
14 that if I could have this program repeated, since  
15 you've already seen the entire outline of the  
16 program, for another class in a future date for just  
17 this type of class.  
18 CHAIRMAN CHRISTENSEN: Is there two hours code  
19 in there?  
20 MR. DONNELLY: There is a lot more than two  
21 hours of code in there. There is four hours A17.1  
22 and -- two hours A17.1, four hours A17.2. It is a  
23 lot of A17.2 inspectors.  
24 CHAIRMAN CHRISTENSEN: Has Bob received all the

MARZULLO REPORTING AGENCY (312) 321-9365

Page 149

1 paperwork?  
2 MR. DONNELLY: Yes.  
3 CHAIRMAN CHRISTENSEN: Is there a motion to  
4 accept this continuing education?  
5 MR. GILLES: I make the motion.  
6 MR. GROSS: Second. Jerry Gross second.  
7 CHAIRMAN CHRISTENSEN: It's been seconded. Any  
8 questions on continuing education. Rick?  
9 MR. JANDORA: I have a question. Joe is here  
10 to ask for acceptance of his program for the Western  
11 Illinois.  
12 MR. DONNELLY: Yes.  
13 MR. JANDORA: You also just mentioned that --  
14 MR. DONNELLY: I would like to extend it to any  
15 other class I do this year with this program.  
16 MR. JANDORA: For 2011?  
17 MR. DONNELLY: Yes.  
18 MR. JANDORA: Okay, thank you.  
19 CHAIRMAN CHRISTENSEN: Any others questions?  
20 MR. WELLER: Will you let Bob know where those  
21 are, so there's a record?  
22 MR. DONNELLY: That would not be a problem.  
23 Right.  
24 CHAIRMAN CHRISTENSEN: Anymore questions?

MARZULLO REPORTING AGENCY (312) 321-9365

Page 150

1 (No response.)  
2 CHAIRMAN CHRISTENSEN: All those in favor, say  
3 aye.  
4 (A chorus of ayes.)  
5 CHAIRMAN CHRISTENSEN: All those against?  
6 (No response.)  
7 CHAIRMAN CHRISTENSEN: Ayes have it.  
8 MR. DONNELLY: One other thing, Bob and I  
9 discussed earlier could the Board consider having  
10 Bob be the approver of the programs so that if I  
11 have a program coming up with, like, changes in  
12 here, I can go to Bob and say, "I got a new NEC 2011  
13 program," can he approve it without having to come  
14 before the Board?  
15 MR. BARNES: Can we get back to you on that?  
16 I've got to take a look at that.  
17 MR. DONNELLY: If wouldn't be for me,  
18 personally, it would be for anybody doing programs  
19 in Illinois.  
20 MR. BARNES: Let me take a look at that. This  
21 is for continuing education classes in general?  
22 MR. DONNELLY: Yes.  
23 MR. BARNES: They would be just modifications  
24 to existing curriculum approved by the Board?

MARZULLO REPORTING AGENCY (312) 321-9365

Page 151

1 MR. DONNELLY: Or curriculum approved by Bob,  
2 however guys want to do it. If Bob can be the  
3 keeper of the keys for that, that would help out.  
4 CHAIRMAN CHRISTENSEN: We'll have that for the  
5 next meeting. Okay?  
6 MR. DONNELLY: Okay.  
7 CHAIRMAN CHRISTENSEN: Thanks, Joe.  
8 MR. CAPUANI: Thanks, Joe.  
9 CHAIRMAN CHRISTENSEN: Again, I'm going to  
10 repeat, we're still on the subject of Maintenance  
11 Control Program. The next one is Tom Manning.  
12 Would you want to speak on this or no?  
13 MR. MANNING: I have no comment at this time.  
14 CHAIRMAN CHRISTENSEN: Ed Aubin, do you have a  
15 comment on the Maintenance Control Program?  
16 MR. AUBIN: Ed Aubin, elevator constructor, 40  
17 years in the trade doing maintenance route, business  
18 rep for Local 2. Just sitting here listening --  
19 THE COURT REPORTER: How do you spell your  
20 name?  
21 MR. AUBIN: I'm sorry, Aubin, A-u-b, as in boy,  
22 i-n. I get this all the time. I think it is an age  
23 thing.  
24 I heard what Patty had to say and others

MARZULLO REPORTING AGENCY (312) 321-9365

Page 152

1 before about the maintenance program and walking in  
2 the penthouse and seeing something in writing or on  
3 the controller.  
4 Having been in maintenance for 30 years,  
5 ran maintenance route up and down Lake Shore Drive,  
6 I don't believe it's up to the inspection company to  
7 determine what the maintenance process should be for  
8 that elevator.  
9 First of all, a mechanic who has been in  
10 the trade a number of years, has been trained  
11 properly. Every time he gets on an elevator, he  
12 just doesn't ride it, he's listening, he's watching,  
13 and he can hear and see things that are not normal.  
14 Now that the companies have their  
15 individual programs, and even though they may not be  
16 specific to an elevator, there's a common  
17 denominator, whether it is a high-rise job, 30-story  
18 building, or four-story hydraulic, the maintenance  
19 program basically across the board is the safety of  
20 the mechanic in the field.  
21 Even though it has a high-rise  
22 application, you take some of those applications,  
23 and you do use them on a hydraulic elevator.  
24 So, pretty much between the company and

MARZULLO REPORTING AGENCY (312) 321-9365

Page 153

1 the mechanic in the field, first of all, he's being  
2 trained as an apprentice through the apprenticeship  
3 program, which is implied with the companies in  
4 their safety programs.  
5 I believe the inspector has to go on the  
6 job, from what I've heard, see that it's in place,  
7 keeping in mind I am not QEI, the program is in  
8 place. In my mind, that is all the inspector needs  
9 to see and note it and sign off on it.  
10 I don't believe they have to go into  
11 detail as to what the maintenance is, and whether or  
12 not the maintenance man is doing the job that they  
13 think he should be doing. I think that is up to the  
14 company. That's it. Thank you.  
15 CHAIRMAN CHRISTENSEN: Terry Shanklin?  
16 MR. SHANKLIN: I just don't want to talk.  
17 CHAIRMAN CHRISTENSEN: Dan Baumann?  
18 MR. BAUMANN: He stole my thunder.  
19 CHAIRMAN CHRISTENSEN: Tom Sybert?  
20 MR. SYBERT: Just real quick, I know everybody  
21 wants to get out of here. This is my first meeting.  
22 My name is Tom Sybert, S-y-b-e-r-t, and I sure  
23 picked a doozy to come to.  
24 I am the current president of the Chicago  
  
MARZULLO REPORTING AGENCY (312) 321-9365

Page 154

1 Elevator Association, which many of the members  
2 actually reside outside the direct City of Chicago;  
3 and on top of that, I also serve on the Board of  
4 Directors of the Elevator Safety Foundation, and I'm  
5 also a director for Elevator U.  
6 The Chicago Elevator Association is a  
7 group of individuals, elevator contractors,  
8 maintenance companies, vendors, consultants.  
9 It's our position that we do request that  
10 the Board definitely suspend or look at, you know,  
11 approve the variance for suspending citations for  
12 compliance of the MCP.  
13 I had a whole bunch of other stuff to  
14 report on and cover, but unfortunately everybody has  
15 already done that. So, I just want to get on the  
16 record. So thank you.  
17 CHAIRMAN CHRISTENSEN: Thank you very much.  
18 With the Board's approval, I would like to stay on  
19 the Maintenance Control Program and go right to, I'm  
20 not saying that, go to the variance of Larry  
21 Suffredin, what he's requesting for NEII.  
22 I hope the Board, I think everybody has  
23 gotten this E-mail to him, what he was requesting.  
24 I could read it. Larry Suffredin is the attorney  
  
MARZULLO REPORTING AGENCY (312) 321-9365

Page 155

1 representing National Elevator Industry. That is  
2 knew NEII in this matter. I'll read you one last  
3 paragraph, "NEII requests a temporary interpretation  
4 and/or variance suspending citation of compliance  
5 for the MCP. As you are aware, many of the  
6 manufacturers have been cited for violating the  
7 requirements for the MCP. It is our belief that the  
8 manual majority of these citations are based upon a  
9 misinterpretation, and will be clarified at a formal  
10 interpretation you will receive from the I17  
11 Standard Committee.  
12 "Having you receiving the formal  
13 interpretation, we ask for the Elevator Safety Board  
14 to formally issue a temporary interpretation and/or  
15 variance indicating the current practice or  
16 acceptable in Illinois -- practices that are  
17 acceptable in Illinois."  
18 So, you guys, the Board Members, have  
19 heard everything that has been said. Is there a  
20 motion?  
21 Kelly, I know you are laying some ground  
22 work.  
23 MR. WELLER: I hate to do this. As a point of  
24 order, has the filing fee been paid for that?  
  
MARZULLO REPORTING AGENCY (312) 321-9365

Page 156

1 MR. CAPUANI: No.  
2 MR. WELLER: Is Larry Suffredin here?  
3 CHAIRMAN CHRISTENSEN: He was here. Is he  
4 still here?  
5 UNIDENTIFIED SPEAKER: No, he had to leave on  
6 business.  
7 CHAIRMAN CHRISTENSEN: He was here for a long  
8 time.  
9 MR. JANDORA: We still have an agenda item.  
10 We've heard from the public. We've heard from the  
11 inspection company.  
12 We know we have a problem. Why couldn't  
13 we just act as a Board to try to resolve this issue?  
14 MR. WELLER: I'm comfortable with it, except we  
15 turned down a variance on the one because the people  
16 weren't here on the second time around.  
17 MR. JANDORA: His request is a couple of  
18 things. It is an interpretation, right, some  
19 direction, which we reserve the right to provide  
20 under Section 35 of the act?  
21 CHAIRMAN CHRISTENSEN: We could consider this  
22 an interpretation.  
23 MR. JANDORA: Or a variance, whatever is  
24 necessary to try to fix this problem.  
  
MARZULLO REPORTING AGENCY (312) 321-9365

Page 157

1 CHAIRMAN CHRISTENSEN: I've been told that we  
2 could consider this not a variance, we could  
3 consider it an interpretation by the Board. Okay?  
4 MR. WELLER: That would be acceptable.  
5 CHAIRMAN CHRISTENSEN: Okay. I know everybody  
6 has got a lot of ideas. I have an opinion myself  
7 about it.  
8 I think it is okay if you come in the  
9 machine room and it tells you where the maintenance  
10 records and everything is at, it might be in the  
11 manager's office, it might be with the engineer, the  
12 chief engineer of the building.  
13 I don't see a problem with that, as long  
14 as there is direction, a sheet that tells you where  
15 that's at.  
16 I also don't see a problem with granting  
17 out 30 days, but a year on your next inspection  
18 after that's been inspected to get everything up to  
19 date. I can't make the motion as a chair.  
20 MR. WELLER: Discussion?  
21 CHAIRMAN CHRISTENSEN: Yes.  
22 MR. WELLER: Do you want it to be a hard date,  
23 or a date flexible from the last inspection? It  
24 seems to me like a hard date might be easier for us

MARZULLO REPORTING AGENCY (312) 321-9365

Page 158

1 to manage.  
2 MR. BARNES: I'm going to add to this  
3 interpretation, as bound by the Open Meetings Act,  
4 is only dealing with the MCP. We can't delve into  
5 the other issues.  
6 MR. JANDORA: The issue that we have is we have  
7 violations being issued, 100 of them day. Maybe 100  
8 is an exaggeration, but it is close that, that on  
9 these four items that we just listened to over and  
10 over again, we've had meetings leading up to this  
11 meeting today, a number of them to discuss this  
12 problem.  
13 How can we fix this? This meeting is to  
14 resolve the issues so we can all just move forward.  
15 CHAIRMAN CHRISTENSEN: I'm going to say, again,  
16 I really think it should be -- once it's inspected,  
17 they see the violation at the next yearly  
18 inspection --  
19 MR. CAPUANI: Wait, some inspections are under  
20 six months.  
21 CHAIRMAN CHRISTENSEN: What do you want to do,  
22 Bob, do you want to give it a year, a certain date  
23 for that year? Let's give it a certain date, like  
24 Kelly said.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 159

1 MR. WELLER: It doesn't matter we need to think  
2 about how we're going to enforce it.  
3 CHAIRMAN CHRISTENSEN: Can the Board agree to  
4 give a year from this date?  
5 MR. JANDORA: It seems to me we want to provide  
6 an interpretation on this issue. There is an  
7 interpretation request that was submitted by OSFM to  
8 ASME to clarify this issue.  
9 To me, perhaps we want to just clarify it  
10 for this state until ASME clarifies it for an  
11 ongoing-forward basis. So, if we're somehow in  
12 conflict with the ASME inquiry response, then we  
13 would amend it at that time; and until such time,  
14 what we -- how we interpret it today will be how  
15 it's enforced.  
16 CHAIRMAN CHRISTENSEN: I can't make a motion.  
17 So, again, I'm going to tell you.  
18 MR. JANDORA: Hold on, let me write that down.  
19 MR. WELLER: Give us something.  
20 MS. YOUNG: Can I ask a question? The motion  
21 that you are putting on the table here, is it for  
22 any and all conveyances, whether they are in open  
23 territory or local administrators?  
24 We need to make that clear, because we

MARZULLO REPORTING AGENCY (312) 321-9365

Page 160

1 have two efforts going on here. So, I just want to  
2 make sure I'm aware of it.  
3 CHAIRMAN CHRISTENSEN: I'm going to give you my  
4 opinion on it again. I think it should be for all.  
5 MS. YOUNG: Thank you.  
6 CHAIRMAN CHRISTENSEN: That is up to the Board  
7 here when they make the motion.  
8 MR. JANDORA: I'll make a motion.  
9 MR. CAPUANI: We'll all write it down.  
10 MR. JANDORA: I make a motion that the Board  
11 interpret the requirements in which to comply the  
12 Maintenance Control Program and maintenance  
13 records -- maybe I need write this down.  
14 The inspection companies are required to  
15 confirm that the Maintenance Control Program exists,  
16 and that the maintenance records can be provided  
17 when necessary; and that they do not need to reside  
18 at the job sites, and that a sticker that's mounted  
19 on the controller, indicating where these documents  
20 can be located, where the Maintenance Control  
21 Program can be located, shall suffice.  
22 CHAIRMAN CHRISTENSEN: All right. Do you want  
23 a sticker? Do you want a sheet of paper? Do you  
24 want to keep it to a sticker?

MARZULLO REPORTING AGENCY (312) 321-9365

Page 161

1 MR. JANDORA: Some form of documentation on a  
2 job that indicates a Maintenance Control Program is  
3 in place, and where maintenance programs can be  
4 located when necessary. Sorry if I messed that up.  
5 MR. WELLER: I'll second that for discussion.  
6 Weller.  
7 CHAIRMAN CHRISTENSEN: It's been seconded.  
8 MR. WELLER: Question? Is the Board  
9 comfortable with just it being there, or does there  
10 have to be some affirmative call by the inspector to  
11 call Otis or call Schindler or call Kone and say,  
12 "Is it there?"  
13 I'm just asking if everybody is  
14 comfortable with it just being posted.  
15 MR. CAPUANI: Then it would have to be up to  
16 the inspector if he wanted to make that call to Otis  
17 or Anderson.  
18 MR. BARNES: Well, I think what he's getting at  
19 is it sufficient to just verify its existence, not  
20 its content.  
21 MR. WELLER: Well, if you are just looking at a  
22 sticker, does that constitute the program being in  
23 place, or do I have to actually physically call them  
24 or have a certification sent from the company to the  
  
MARZULLO REPORTING AGENCY (312) 321-9365

Page 162

1 building fax machine?  
2 I'm just saying I can generate a sticker  
3 pretty easy nowadays on any computer and any piece  
4 of paper.  
5 MR. CAPUANI: We have a few inspection  
6 companies out here. If we could ask that question,  
7 would you be comfortable, or does that clarify it  
8 for you?  
9 Do you have any questions on what Rick is  
10 motioning? We want everyone to be on the same page  
11 here.  
12 CHAIRMAN CHRISTENSEN: We have Just Inspections  
13 here.  
14 MS. YOUNG: I understand your motion. I am  
15 comfortable with a sticker on it, as long as the  
16 intent of the sticker is that the liability is off  
17 the inspector, inspection company, in that the  
18 maintenance company is taking full responsibility  
19 and liability that that program is in place.  
20 Because again, there is no proof. I think that is  
21 what Kelly is after.  
22 MR. WELLER: You have to ask them for  
23 certification.  
24 MR. SHANKLIN: I would say the sticker would  
  
MARZULLO REPORTING AGENCY (312) 321-9365

Page 163

1 suffice.  
2 CHAIRMAN CHRISTENSEN: She doesn't know your  
3 name, Terry.  
4 MR. SHANKLIN: Terry Shanklin, S-h-a-n-k-l-i-n  
5 T-e-r-r-y. I would say that the sticker would  
6 suffice, because the owner is liable to comply.  
7 He's responsible for compliance, so is the  
8 contractor, and so is the mechanic, the licensed  
9 mechanic.  
10 All three of those entities are liable.  
11 So, if that sticker is there, between the three of  
12 them, it can't be a falsehood. I would say I would  
13 be comfortable with that. Am I wrong?  
14 MS. YOUNG: We are not taking liability. It's  
15 on everybody else's shoulders. We will check it off  
16 if there is a sticker there.  
17 Is that what you are after, Rick?  
18 CHAIRMAN CHRISTENSEN: Anymore questions? It's  
19 for the Board, but, Andy, I know you're an authority  
20 on codes and everything, so I will allow you to  
21 speak. Go ahead.  
22 MR. JUHASZ: I think you need to be a bit  
23 careful about the motion to specifically say a  
24 sticker. The code requires written instructions.  
  
MARZULLO REPORTING AGENCY (312) 321-9365

Page 164

1 It doesn't require a sticker, for example.  
2 I just caution the Board in terms  
3 narrowing the motion a little bit too much because  
4 then you are basically forcing yourselves into a  
5 corner as well, in terms of what's going to be  
6 enforced.  
7 Because now you are basically saying,  
8 "Mr. Inspector, if you go out on every one of these  
9 installations, there better be a sticker there."  
10 The code says "written instruction."  
11 CHAIRMAN CHRISTENSEN: We got it. Is there an  
12 amendment to the motion?  
13 MR. GREGORY: Did you have an amendment?  
14 MR. JANDORA: Can I amend my own?  
15 MR. GREGORY: Sure.  
16 CHAIRMAN CHRISTENSEN: You want to just --  
17 MR. JANDORA: I'll amend my motion. I motion  
18 to the Board we interpret the Maintenance Control  
19 Program and maintenance records do not have to be  
20 physically located at the maintenance site for  
21 compliance with ASME A17.1; and that the Illinois  
22 licensed elevator inspectors need only confirm that  
23 a Maintenance Control Program exists via  
24 instructions for locating the Maintenance Control  
  
MARZULLO REPORTING AGENCY (312) 321-9365

Page 165

1 Program and the maintenance records are provided in  
2 or on the controller, along with instruction on how  
3 to report any corrective action that might be  
4 necessary to the responsible party.  
5 CHAIRMAN CHRISTENSEN: There you go. Is there  
6 a second on the amendment?  
7 MR. WELLER: Original second.  
8 CHAIRMAN CHRISTENSEN: Is there any question on  
9 the amendment?  
10 MR. DATTILO: Effective when?  
11 CHAIRMAN CHRISTENSEN: Today.  
12 MR. DATTILO: Do you have to give notification?  
13 MR. BARNES: That is a good question, how  
14 quickly we can get the notification out. Do we have  
15 the ability to send e-mail notification blast?  
16 We can't contact conveyance owners that  
17 easily. We could put it on our website.  
18 MR. CAPUANI: We could put it on our website.  
19 We could send out an E-mail to the inspection  
20 company and contractors.  
21 MR. BARNES: Right, if we can figure out what  
22 he said. Do you have it written down?  
23 MR. JANDORA: I thought I did a good job.  
24 MR. CAPUANI: Send it to Elaine.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 166

1 MR. DATTILO: Could you make it effectively  
2 June 1st? That gives you from now until then to get  
3 it out.  
4 MR. BARNES: What's the date today, the 12th?  
5 MR. CAPUANI: 12th.  
6 MS. DEL GRECO: Today is the 12th.  
7 MR. GREGORY: You can make it effective today,  
8 and then you start working on getting it out.  
9 MR. BARNES: I mean, the main parties here,  
10 they know the interpretation here.  
11 MS. YOUNG: That's not fair. If you're saying  
12 today everybody has got people out in the field  
13 right now, and so if it's going to be a fail,  
14 because they don't know about this meeting and the  
15 results, you need a start date and an end date.  
16 CHAIRMAN CHRISTENSEN: So, May 13th.  
17 MR. CAPUANI: The 13th is a nice unlucky day.  
18 MR. BARNES: That is Friday the 13th, there you  
19 go.  
20 MR. CAPUANI: Now what about the previous  
21 inspections?  
22 CHAIRMAN CHRISTENSEN: All right. Kelly, go  
23 ahead.  
24 MR. WELLER: What about the people that failed

MARZULLO REPORTING AGENCY (312) 321-9365

Page 167

1 up until now?  
2 MS. YOUNG: You have a start date, you need to  
3 end it.  
4 MR. BARNES: My suggestion is make it  
5 open-ended until we hear -- if and until we receive  
6 word from ASME with an interpretation that addresses  
7 this specific issue.  
8 CHAIRMAN CHRISTENSEN: Go ahead, Patty. I'm  
9 sorry.  
10 MS. YOUNG: Code data plate and wiring diagrams  
11 are still within 30 days for full compliance, or do  
12 we need to make another motion?  
13 MR. JANDORA: We need to address that issue as  
14 well.  
15 MR. GREGORY: You've got one motion on the  
16 floor now. Why don't you take care of it?  
17 CHAIRMAN CHRISTENSEN: We got an amendment  
18 first that we got to get through.  
19 MR. WELLER: How are we going to deal with the  
20 current fails?  
21 CHAIRMAN CHRISTENSEN: I guess we could come  
22 back to that. We're on an amendment to a motion.  
23 MR. GREGORY: You have the mover and the  
24 seconder both accept the friendly amendment. So,

MARZULLO REPORTING AGENCY (312) 321-9365

Page 168

1 that's done. You have the amended motion on the  
2 floor.  
3 MR. POPOWITS: Let's vote.  
4 MR. DATTILO: Call for a question.  
5 CHAIRMAN CHRISTENSEN: All right. No more  
6 questions. All those in favor, say aye.  
7 (A chorus of ayes.)  
8 CHAIRMAN CHRISTENSEN: All those against?  
9 (No response.)  
10 CHAIRMAN CHRISTENSEN: Do we have a nay?  
11 (No response.)  
12 CHAIRMAN CHRISTENSEN: It passes. Now on the  
13 original motion, you want to repeat it, Rick?  
14 MR. JANDORA: I like the amended motion.  
15 CHAIRMAN CHRISTENSEN: You like that one?  
16 MR. JANDORA: Yes.  
17 CHAIRMAN CHRISTENSEN: Okay.  
18 MR. GREGORY: That is what you just passed.  
19 CHAIRMAN CHRISTENSEN: What he's saying right  
20 now we can't hear --  
21 MR. BARNES: I don't believe we can hear code  
22 data plate wiring diagrams from an open-meeting  
23 standpoint. The public wasn't apprised of it. The  
24 agenda specifically says, "Maintenance Control

MARZULLO REPORTING AGENCY (312) 321-9365

Page 169

1 Programs."  
2 MR. JANDORA: Can I make that motion that we  
3 have an emergency meeting to discuss those items  
4 specifically in the next three weeks, so that we can  
5 resolve all of the violations being issued?  
6 MS. YOUNG: Could it be in ten minutes, an  
7 emergency meeting?  
8 MR. CAPUANI: I'm hungry.  
9 MR. BARNES: That doesn't provide sufficient  
10 notice. I'm sorry, guys, I want to get this put to  
11 bed as much as everyone else.  
12 MR. JANDORA: I don't know the Open Meetings  
13 Act that well. Can we, as a Board, vote on adding  
14 an agenda item, or is that not allowed in the Open  
15 Meeting Act?  
16 MR. BARNES: To this agenda, no.  
17 MR. JANDORA: You can't?  
18 MR. BARNES: No. Because there is no public  
19 notice.  
20 CHAIRMAN CHRISTENSEN: How much notice does the  
21 public have to have?  
22 MS. DEL GRECO: 48 hours.  
23 MR. BARNES: I think 48 hours.  
24 MR. WELLER: In the emergency section, can you

MARZULLO REPORTING AGENCY (312) 321-9365

Page 170

1 look at that?  
2 CHAIRMAN CHRISTENSEN: It's 48 hours.  
3 MS. YOUNG: I'm trying to help the situation to  
4 get us to the code data plate and wiring diagram.  
5 Bob issued out a letter. He didn't need  
6 anybody from a Board level here. He can change the  
7 little requirements of the code by a granting  
8 through the law.  
9 So, Bob, you could issue out a letter  
10 specifically for the code data plate and the wiring  
11 diagrams and say, "Effective here, May 13th," or  
12 whatever date is, to whenever, whether it's open  
13 ended or a specific date, just like how you did for  
14 the code data plate for six months? I think that  
15 would help our issue.  
16 MR. CAPUANI: That was in open territory. I'm  
17 not sure what the local agreement is.  
18 MS. YOUNG: I think, though, we possibly --  
19 because you are, as the State Fire Marshal, could do  
20 it as the above layer for the local administrators.  
21 I don't think any of them are going to  
22 disagree with you, because we have 47 letters on the  
23 record.  
24 CHAIRMAN CHRISTENSEN: Mike, you want to say

MARZULLO REPORTING AGENCY (312) 321-9365

Page 171

1 something?  
2 MR. GIBBS: To go with Patty's suggestion, if  
3 you treated the initial notification much like a  
4 presidential executive order, she's basically asking  
5 you for you to rescind your presidential order to  
6 make this an agenda item for a future meeting.  
7 MR. BARNES: Well, the initial letter we sent  
8 out in March was subsequent to Section 120 of the  
9 act, which deals with inspections and testing, and  
10 that's the section that says, "Property owners shall  
11 have 30 days from the date of the published  
12 inspection report to be in full compliance.  
13 "The administrator shall determine whether  
14 said violations have been corrected, and they extend  
15 the compliance dates for good cause," and a number  
16 of other instances included, "so long as the  
17 violations are minor and pose no threat to public  
18 safety."  
19 You know, the interpretation that the OSFM  
20 took in March was that we could make those  
21 determinations as to the open territories, but the  
22 local administrators govern their own regulatory  
23 concerns.  
24 That's why we made the proclamation as to

MARZULLO REPORTING AGENCY (312) 321-9365

Page 172

1 the open territories, you guys have up to a year.  
2 So, we sort of have to bow to the authorities  
3 granted to the local administrators under the  
4 amended act of the 2009 version.  
5 It does say, "The administrator shall  
6 determine whether such violations" -- excuse me,  
7 "have been corrected and may extend the compliance  
8 dates."  
9 One reading could be that this is just  
10 fully within the purview of the OSFM. It sounds to  
11 me like that is an interpretation that may carry the  
12 day and may allow for us to put these issues to  
13 rest.  
14 I would recommend that interpretation to  
15 the fact that the administrator can make such a  
16 statement; however, I fear the backlash from the  
17 local administrators.  
18 MR. WELLER: I would like to -- this is Weller.  
19 I would like to make a motion that we look at -- I  
20 would like to make a motion that the Board review  
21 the interpretation of the letter that Bob sent out  
22 under item C of new business to get a clarification  
23 on the code data plate and the wiring diagram  
24 requirements.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 173

1 If that's acceptable, I would like to open  
2 that up for discussion.  
3 CHAIRMAN CHRISTENSEN: That's your motion. Is  
4 there a second?  
5 MR. JANDORA: Second. Jandora.  
6 CHAIRMAN CHRISTENSEN: Any questions?  
7 (No response.)  
8 MR. WELLER: I make a motion under that.  
9 MR. BARNES: This is another interpretation.  
10 MR. JANDORA: Are we interpreting?  
11 MR. BARNES: Or clarifying.  
12 MR. JANDORA: I don't think we are  
13 interpreting. I think what we're doing is given the  
14 complexities involved, the procurement of both of  
15 those items, we need to clarify.  
16 MR. WELLER: Clarifying.  
17 MR. CAPUANI: You got to clarify.  
18 MR. POPOWITS: Clarification.  
19 CHAIRMAN CHRISTENSEN: First we're on this  
20 motion, correct, to bring this up, right? Didn't  
21 you make a motion?  
22 MR. WELLER: Yes.  
23 CHAIRMAN CHRISTENSEN: There's no questions.  
24 All those in favor, say aye.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 174

1 (A chorus of ayes.)  
2 CHAIRMAN CHRISTENSEN: All those against?  
3 (No response.)  
4 CHAIRMAN CHRISTENSEN: Ayes have it.  
5 MR. BARNES: You know, I'm just going to get  
6 back to Section 35A of the act, "The Board shall  
7 make determinations authorized by this act regarding  
8 variances and interpretations in the installation of  
9 new technology."  
10 It certainty has to be couched in the  
11 context of an interpretation. Now, whether or not  
12 that is an interpretation of the position taken by  
13 the OSFM, vis-a-vis the code and its requirements,  
14 or the code, itself, based on questions raised by  
15 the interplay between the agency and the regulated  
16 industry, I think that's legitimate.  
17 CHAIRMAN CHRISTENSEN: So, do you want to make  
18 a motion again, Rick, or what? The same as the  
19 other one, but put the code plates in the prints.  
20 MR. JANDORA: I know the outcome that I want.  
21 I'm just trying to figure out how to address what  
22 you just said.  
23 Well, how about I take a stab. I move  
24 that on -- I move that in order to comply with the

MARZULLO REPORTING AGENCY (312) 321-9365

Page 175

1 code data plate requirements, as well as the wiring  
2 diagram requirements under ASME A17.1, the Board  
3 allow a one-year period in which to comply with  
4 these two components.  
5 MR. BARNES: Does this apply to all elevators?  
6 MR. JANDORA: To all elevators throughout the  
7 state.  
8 CHAIRMAN CHRISTENSEN: Starting May 13th?  
9 MR. JANDORA: Starting May 13th, 2011.  
10 CHAIRMAN CHRISTENSEN: Is there A second?  
11 MR. WOLIN: Second. Wolin.  
12 CHAIRMAN CHRISTENSEN: It's been seconded. Any  
13 questions?  
14 MR. WELLER: No.  
15 CHAIRMAN CHRISTENSEN: Rod?  
16 MR. GILLES: No.  
17 CHAIRMAN CHRISTENSEN: All those in favor, say  
18 aye.  
19 (A chorus of ayes.)  
20 CHAIRMAN CHRISTENSEN: All those against?  
21 (No response.)  
22 CHAIRMAN CHRISTENSEN: Ayes have it. There was  
23 a question raised what about the ones that are  
24 already in violation? They have already been hit.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 176

1 MR. BARNES: I don't think we can do anything  
2 retroactive. It was the law at the time.  
3 MR. CAPUANI: At the next inspection you  
4 could --  
5 MR. BARNES: You could apply this new  
6 interpretation.  
7 MR. CAPUANI: -- apply it to the next  
8 inspection.  
9 MS. YOUNG: Can I comment? Frank, the ones of  
10 the failed that have happened, and there was a  
11 letter issued by that local administrator, we can  
12 address those.  
13 That will ease the pain and provide relief  
14 in either working with the communities for that;  
15 however, if I did not get a letter from that  
16 community, then we're going to have to go with the  
17 May 13th date.  
18 CHAIRMAN CHRISTENSEN: Okay.  
19 MR. BARNES: I appreciate that.  
20 MS. YOUNG: Does that make sense?  
21 CHAIRMAN CHRISTENSEN: Yes.  
22 MR. WELLER: Question. If they have 30 days to  
23 rectify, wouldn't that be April 13th? If she  
24 issued, what would you call it, shut them down --

MARZULLO REPORTING AGENCY (312) 321-9365

Page 177

1 MS. YOUNG: A fail.  
2 MR. WELLER: You're saying you got 30 days to  
3 correct this? If we corrected it -- essentially  
4 we've corrected it, whether it was corrected  
5 physically or by a change of the interpretation, and  
6 we go back 30 days to anybody that is in this 30-day  
7 window?  
8 CHAIRMAN CHRISTENSEN: Whatever you say, Kelly.  
9 MR. WELLER: I'm asking. It seems to me it  
10 makes sense, if you're accepting that 30-day window  
11 to correct the violation, and we just corrected it.  
12 MR. CAPUANI: But there is an existing  
13 violation, they are going to go back to that  
14 reinspection. It is still a violation.  
15 MR. WELLER: It wouldn't be a violation now  
16 because it's been corrected. It is in the 30-day  
17 window.  
18 MS. YOUNG: The window is from April 12th to  
19 May 12th, or after April 13th, however you want to  
20 look at it.  
21 MR. WELLER: It seems to make sense.  
22 MS. YOUNG: I see your point.  
23 MR. BARNES: To the extent that you're going  
24 out and inspecting today, and you are reinspecting

MARZULLO REPORTING AGENCY (312) 321-9365

Page 178

1 an elevator that was found in violation in April for  
2 these, you're applying the code as it's interpreted  
3 by the Board today, and that says the violation  
4 issue in the past is no longer a violation.  
5 MR. WELLER: Correct. So, it wouldn't be a  
6 violation anymore. It's fixed.  
7 CHAIRMAN CHRISTENSEN: Terry?  
8 MR. SHANKLIN: I got a question in regards to  
9 the prints. There was an example brought up earlier  
10 regarding a conveyance that doesn't have a print.  
11 The manufacturer is no longer in business, and they  
12 can't obtain a print.  
13 What do you do with something like that?  
14 MR. AUBIN: It's a 1930 installation.  
15 MR. JIRIK: We have a year to figure it out.  
16 CHAIRMAN CHRISTENSEN: There you go.  
17 MS. YOUNG: We still got to get through this.  
18 We need an answer.  
19 MR. BARNES: If I could just say something. I  
20 think the fact is the law was what the law was until  
21 today. The law was that code data plates, wiring  
22 diagrams, maintenance control programs and  
23 maintenance records had to be maintained as  
24 articulated in the code.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 179

1 As of today, that law has been  
2 interpreted, the law being the code; and, you know,  
3 my understanding is that, you know, from this day  
4 forward, there's a year to comply with the code data  
5 plate and wiring diagrams.  
6 And what was the language for the  
7 maintenance control program? Oh, maintenance  
8 records, now there's a specific articulation as to  
9 what complies with the code.  
10 Is there an outstanding question as to  
11 those folks who have been tagged in the past, and  
12 how does this impact them?  
13 CHAIRMAN CHRISTENSEN: In the last 30 days is  
14 what he's talking about.  
15 MR. WELLER: They were given a 30-day  
16 correction notice. We technically just corrected  
17 the violation.  
18 MR. BARNES: Right.  
19 CHAIRMAN CHRISTENSEN: Let's say Patty went  
20 out.  
21 MR. BARNES: Five days ago.  
22 CHAIRMAN CHRISTENSEN: Five days ago, they had  
23 a violation. Now she has to come back there and  
24 it's changed.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 180

1 MR. BARNES: She's applying the law as it is  
2 interpreted today. Correct me if I'm wrong, the  
3 violation has been corrected for a year; or, you  
4 know, with regard to the Maintenance Control Program  
5 and maintenance records, so long as the  
6 documentation required by the interpretation is  
7 present.  
8 MS. YOUNG: Can we just try to simplify it?  
9 MR. WELLER: It's in the 30-day window.  
10 MS. YOUNG: If we go with April 12th, the  
11 inspection report had only these four items on it,  
12 and today you know we've made the decision, is a new  
13 inspection ticket going to be written up to say that  
14 it passed?  
15 Because I still have an inspection ticket  
16 that says "fail," which means they are not  
17 certificate worthy. Bob's office, your office,  
18 cannot accept it to issue a certificate.  
19 My ticket to my municipality, they can't  
20 issue it because it still says a fail.  
21 MR. CAPUANI: She would have to issue another  
22 inspection report with no violations.  
23 MR. BARNES: Yes.  
24 MR. CAPUANI: Because I couldn't accept your

MARZULLO REPORTING AGENCY (312) 321-9365

Page 181

1 inspection report right now, because the violation  
2 is on there. So, I couldn't issue a certificate.  
3 MS. YOUNG: Correct.  
4 MR. CAPUANI: So, you would have to issue  
5 another inspection report.  
6 MS. YOUNG: A new report has to be written?  
7 MR. CAPUANI: Yes.  
8 CHAIRMAN CHRISTENSEN: Okay. Mike?  
9 MR. GIBBS: Do the inspectors need to go back  
10 to the building to reinspect?  
11 CHAIRMAN CHRISTENSEN: I wouldn't think so.  
12 MR. CAPUANI: That is up to her.  
13 MS. YOUNG: I would not do that. We've been  
14 evaluating based on our local administrator letters;  
15 but if it's letters with so many of those four  
16 items, then it's treated differently.  
17 However, if there's other items, a phone,  
18 or this or that, you have to go back?  
19 CHAIRMAN CHRISTENSEN: Yes.  
20 MS. YOUNG: Because those are beyond the four?  
21 MR. BARNES: Certainly.  
22 CHAIRMAN CHRISTENSEN: Okay.  
23 MR. JANDORA: I have one item. Can I ask that  
24 the Office of the State Fire Marshal provide some

MARZULLO REPORTING AGENCY (312) 321-9365

Page 182

1 written documentation of the Board's action today;  
2 otherwise, the only written information we have to  
3 provide won't be available for several months.  
4 MR. BARNES: Right. We will certainly issue  
5 something.  
6 MS. DEL GRECO: We can issue Board decisions  
7 based on today's meeting.  
8 MR. CAPUANI: We can have a Board decision if  
9 you send her that motion.  
10 MS. DEL GRECO: Were there dates for that first  
11 motion?  
12 MS. YOUNG: Adding on to Rick, there have been  
13 stakeholders involved that have had opportunity for  
14 reviewing discussion of topics, could that letter  
15 that you are going to write be part -- be privy to  
16 the stakeholders for review, to make sure that we're  
17 all on the same page?  
18 I wouldn't want a letter to go out, and  
19 all of us receive it and go, "What?" If we can all  
20 have an opportunity to review it for the language.  
21 MR. BARNES: Sure. The language is what was  
22 adopted here.  
23 MS. YOUNG: I understand. Sometimes letters  
24 get written a little differently than the intention.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 183

1 MR. BARNES: Okay. I mean, to the extent that  
2 we need to get this out as soon as possible, I'm  
3 just going to take the verbatim language from this.  
4 We're not going to be able to issue  
5 anything until we get the electronic version of this  
6 record. I'm just going to copy it verbatim.  
7 CHAIRMAN CHRISTENSEN: Can we move on? We're  
8 still in public comment. Patty, is there anything  
9 else?  
10 MS. YOUNG: No.  
11 CHAIRMAN CHRISTENSEN: John Andersen, is he  
12 still here?  
13 MR. ANDERSEN: No.  
14 CHAIRMAN CHRISTENSEN: John, next time you got  
15 to fill this out a little better, so we know what  
16 subjects you are going to talk about. Okay?  
17 MR. ANDERSEN: I will.  
18 CHAIRMAN CHRISTENSEN: Tom Manning?  
19 MR. MANNING: No more.  
20 CHAIRMAN CHRISTENSEN: Ed Aubin, Sr.?  
21 MR. AUBIN: I have a question of the Board.  
22 Over the past four or five years, there have been  
23 some incidents with QEI inspectors here in the State  
24 of Illinois.

MARZULLO REPORTING AGENCY (312) 321-9365

Page 184

1 Over the past four or five years, I  
2 believe, at least four that I'm aware of, have been  
3 investigated and reprimanded, these QEI inspectors,  
4 by this Office of the Fire Marshal.  
5 My question is: Being that these QEI  
6 inspectors work for independent agencies, inspection  
7 companies, are the inspection companies held to the  
8 same standards as a QEI inspectors by this agency?  
9 If they are, what are the repercussions if  
10 they are not investigated, the companies, why not?  
11 MR. BARNES: You want me to answer that?  
12 CHAIRMAN CHRISTENSEN: Answer it for me.  
13 MR. BARNES: I don't think that there are two  
14 standards for the company and the individual  
15 employees. I mean, the individual -- they are  
16 different.  
17 The individual employees, the actual  
18 licensed inspector, the QEI inspectors, are out  
19 there doing the actual work, filling out the  
20 inspection forms and submitting documents and  
21 writing up violations and doing all that.  
22 They are held to a standard in that we are  
23 able hopefully to reexamine their work by the  
24 documentation that they submit, reinspecting the

MARZULLO REPORTING AGENCY (312) 321-9365

Page 185

1 conveyances after they go in there to see if they  
2 caught everything, or if they missed anything; and  
3 if it's found that they've violated the act by  
4 Section 65, I believe, which states if they violated  
5 the act, if they are fraudulent, if they made any  
6 false statements in an application, if they made  
7 misrepresentations in securing a license, failing to  
8 notify the administrator and the owner of a  
9 condition not in compliance, maybe you ignored  
10 something, you missed something, or any other  
11 violation of the act or the rules, then the OSFM can  
12 go in a disciplinary enforcement manner.  
13 I mean, it's easier to hold an individual  
14 inspector accountable, given the documentation that  
15 he or she creates. Now, the case to be brought  
16 against a licensed company is a little different.  
17 If it is found that -- you know, just  
18 because one of their inspectors does something  
19 wrong, and is in violation of the act, you know, it  
20 may be, you know, independent action. It may not be  
21 at the direction of the company.  
22 It may not be the result of an informal or  
23 formal policy or procedure in place in the company.  
24 You can't hold the company responsible for that; but

MARZULLO REPORTING AGENCY (312) 321-9365

Page 186

1 in the instance where you find that a company is  
2 telling its inspectors, "Don't do this," in  
3 violation of the act; or "Do this," in violation of  
4 the act, where there is direct -- there's a direct  
5 link between the individual inspector's actions and  
6 direction by the company, the licensed company,  
7 there are grounds, I believe, for bringing a case  
8 against the inspection company.  
9 CHAIRMAN CHRISTENSEN: Let me ask you a  
10 question. Would it be a violation, do you believe,  
11 of a company, let's say one inspector is doing 20  
12 elevators, 30 elevators in a day, which is probably  
13 an improbability to inspect that, and the company  
14 knows about that?  
15 MR. BARNES: If that individual inspector is  
16 able to inspect those conveyances to the level  
17 required of a QEI certified inspector, I don't see a  
18 violation.  
19 If that individual is being forced to  
20 inspect those 20 elevators as a result of policies  
21 or procedures in place at the company, which is  
22 forcing him to speed through his inspections, and do  
23 as many as possible, thereby doing shoddy, sloppy  
24 work and missing things, that may be grounds for

MARZULLO REPORTING AGENCY (312) 321-9365

Page 187

1 investigation.  
2 I don't know if it is a violation of the  
3 act. Everything is sort of fact specific.  
4 Actually, we talked about this before in the Fire  
5 Marshal's Office. The Fire Marshal and I have had a  
6 number of discussions about, you know, at what point  
7 do you say, "We're going to investigate that," or  
8 "We're going to find a violation under the act on  
9 behalf of the company," the employing company versus  
10 the individual employee.  
11 I think that there is a distinction  
12 between the two, and there has to be direct -- you  
13 have to be able to directly implicate the actions of  
14 the company in the malfeasance or negligence of the  
15 individual inspection.  
16 MR. AUBIN: Okay. Thank you.  
17 CHAIRMAN CHRISTENSEN: Next one, Dan Baumann?  
18 MR. BAUMANN: Nothing.  
19 CHAIRMAN CHRISTENSEN: And the last one, Terry  
20 Shanklin?  
21 MR. SHANKLIN: I'm good.  
22 CHAIRMAN CHRISTENSEN: Look at that, we got out  
23 of public comment.  
24 Is there a motion to adjourn?

MARZULLO REPORTING AGENCY (312) 321-9365

Page 188

1 MR. FINCHAM: So moved.  
2 CHAIRMAN CHRISTENSEN: Is there a second?  
3 MR. JANDORA: Second.  
4 CHAIRMAN CHRISTENSEN: All these in favor, say  
5 aye.  
6 (A chorus of ayes.)  
7 CHAIRMAN CHRISTENSEN: Ayes have it.  
8 (WHICH WERE ALL THE PROCEEDINGS HAD.)  
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MARZULLO REPORTING AGENCY (312) 321-9365

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 meeting; that the foregoing  
8 is 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  
15 before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011.

16 \_\_\_\_\_  
17 Notary Public

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MARZULLO REPORTING AGENCY (312) 321-9365

	<b>14th (1)</b> 127:9	52:14;113:9;166:2	<b>30 (20)</b> 105:7;114:4,14;120:17, 20;128:17,20;129:6,11,22; 142:6;152:4;157:17; 167:11;171:11;176:22; 177:2,6;179:13;186:12
<b>\$</b>	<b>15 (1)</b> 122:12	<b>2</b>	
<b>\$1200 (1)</b> 44:2	<b>150 (1)</b> 138:12	<b>2 (2)</b> 17:4;151:18	
<b>\$150,000 (1)</b> 77:16	<b>150,000 (1)</b> 78:5	<b>20 (4)</b> 50:3;93:8;186:11,20	<b>30,000 (1)</b> 78:7
<b>0</b>	<b>15-minute (1)</b> 125:15	<b>200 (1)</b> 78:23	<b>30-day (6)</b> 142:4;177:6,10,16; 179:15;180:9
<b>01 (1)</b> 98:3	<b>15th (2)</b> 14:8;127:11	<b>2000 (5)</b> 93:10;94:9;110:4,8; 137:19	<b>30-story (1)</b> 152:17
<b>07 (1)</b> 114:7	<b>17.1 (1)</b> 26:4	<b>2001 (1)</b> 93:10	<b>32,663 (1)</b> 4:21
<b>1</b>	<b>17.2 (4)</b> 11:21;17:23;18:9,12	<b>2004 (3)</b> 60:15;95:3;137:19	<b>35 (11)</b> 8:15,20;9:14,21;21:22; 27:1;29:11;38:4;41:19; 52:7;156:20
<b>1,448S (1)</b> 4:24	<b>17.7 (2)</b> 10:7,23	<b>2005 (6)</b> 60:16,16;93:22;95:2; 110:3,9	<b>35A (1)</b> 174:6
<b>10 (2)</b> 55:4,5	<b>178 (1)</b> 5:1	<b>2006 (1)</b> 87:1	<b>4</b>
<b>100 (5)</b> 78:23;86:3;88:9;158:7,7	<b>18 (3)</b> 43:19;44:3,5	<b>2007 (11)</b> 51:11;57:5,16;87:1; 88:16,17;93:11;105:20,21; 115:11;127:18	<b>4 (2)</b> 47:7;128:19
<b>1000.140b (1)</b> 128:19	<b>1880s (1)</b> 138:17	<b>2008 (6)</b> 5:7;6:10,14,15;50:11; 105:21	<b>40 (1)</b> 151:16
<b>1000.60 (1)</b> 127:16	<b>1890s (1)</b> 138:17	<b>2009 (2)</b> 6:14;172:4	<b>40s (1)</b> 130:7
<b>105B (1)</b> 35:19	<b>18-month-old (3)</b> 80:6,16,20	<b>2010 (17)</b> 5:7;6:15,15,16;7:4,6; 14:4,8;46:5,14;49:6,9,16; 51:23;57:15;87:1;117:6	<b>4-12-2011 (1)</b> 7:18
<b>1060 (1)</b> 17:4	<b>18th (2)</b> 5:7;6:16	<b>2011 (11)</b> 1:2,9;4:20;8:10;38:11; 103:20;105:22;114:7; 149:16;150:12;175:9	<b>46 (3)</b> 92:13;130:8,9
<b>10th (2)</b> 4:20;127:6	<b>1921 (3)</b> 49:15;67:17;68:6	<b>2012 (2)</b> 14:9;38:12	<b>47 (2)</b> 4:22;170:22
<b>1130 (1)</b> 44:18	<b>1930 (2)</b> 108:16;178:14	<b>2013 (3)</b> 53:17;71:10;74:13	<b>48 (3)</b> 169:22,23;170:2
<b>12 (2)</b> 122:5,7	<b>1950 (3)</b> 94:12;108:16;117:6	<b>2037 (8)</b> 9:15;10:5,9,13;11:4; 12:17,17,24	<b>5</b>
<b>12:00 (1)</b> 147:21	<b>1955 (1)</b> 50:16	<b>210 (1)</b> 4:23	<b>50 (2)</b> 115:12;131:5
<b>120 (1)</b> 171:8	<b>1960 (2)</b> 67:21;68:9	<b>215.1 (1)</b> 107:5	<b>50,000 (1)</b> 108:8
<b>1200 (1)</b> 44:1	<b>1970 (1)</b> 94:12	<b>21st (1)</b> 6:15	<b>500,000 (1)</b> 108:8
<b>12th (11)</b> 1:2,9;6:14;8:10;61:18; 166:4,5,6;177:18,19; 180:10	<b>1972 (2)</b> 101:2,3	<b>22.2 (1)</b> 50:20	<b>508 (1)</b> 50:19
<b>130B (1)</b> 30:17	<b>1980 (1)</b> 94:12	<b>23rd (1)</b> 109:22	<b>6</b>
<b>13th (13)</b> 3:13;5:7;6:10,14;166:16, 17,18;170:11;175:8,9; 176:17,23;177:19	<b>1982 (1)</b> 119:16	<b>25 (1)</b> 103:24	<b>60 (2)</b> 108:4;116:1
<b>14 (1)</b> 6:15	<b>1984 (1)</b> 94:8	<b>257 (1)</b> 46:14	<b>600 (2)</b> 108:13;109:6
<b>145 (3)</b> 33:19,21,22	<b>1990 (1)</b> 16:18	<b>3</b>	<b>62010 (1)</b> 51:2
<b>145A (1)</b> 34:12	<b>1996 (9)</b> 93:9,23;94:8;95:7;107:3, 5,6,8;121:24		<b>65 (1)</b> 185:4
<b>148 (1)</b> 78:3	<b>1998 (1)</b> 80:11		<b>682 (1)</b> 4:24
<b>14b1 (1)</b> 127:13	<b>1999 (1)</b> 51:24		
	<b>19th (4)</b> 7:4,6;49:16,19		
	<b>1st (9)</b> 13:20,20,24,24;38:11,12;		

	24;25:7,10;26:3;28:3,9; 29:2,11;30:2;38:3;48:16; 51:23;85:5;148:22,23	56:21;57:3;65:19;66:4; 127:15	60:16 <b>addendums (1)</b> 49:17
<p style="text-align: center;"><b>8</b></p> <p><b>8.1.4 (1)</b> 70:24</p> <p><b>8.10 (2)</b> 25:12,13</p> <p><b>8.11 (5)</b> 25:12,13;144:19,19,23</p> <p><b>8.6 (10)</b> 56:21;57:3,7,10;65:19; 68:8;81:5;127:18,22;128:7</p> <p><b>8.6.1 (1)</b> 56:24</p> <p><b>8.6.1.1 (1)</b> 56:24</p> <p><b>8.6.1.2.1 (1)</b> 128:3</p> <p><b>8.6.1.4 (2)</b> 70:14;128:5</p> <p><b>8.6.1.4.1 (3)</b> 64:17,22;69:18</p> <p><b>8.6.1.5 (1)</b> 128:11</p> <p><b>8.6.1.6.3 (1)</b> 128:9</p> <p><b>8:30 (2)</b> 1:3,9</p> <p><b>800 (4)</b> 136:8;140:4;143:21,24</p> <p><b>86 (1)</b> 57:7</p>	<p><b>A17.3 (7)</b> 50:11,13,14;57:12,13; 80:2,15</p> <p><b>A17.4 (1)</b> 51:24</p> <p><b>A17.5 (1)</b> 50:18</p> <p><b>A17.6 (1)</b> 51:8</p> <p><b>A17.7 (11)</b> 8:16,21;9:16;10:17,20; 21:22;41:19;51:6,11,13,13</p> <p><b>ability (3)</b> 110:1;144:11;165:15</p> <p><b>able (8)</b> 40:9;112:21;121:20; 132:14;183:4;184:23; 186:16;187:13</p> <p><b>above (1)</b> 170:20</p> <p><b>above-entitled (1)</b> 1:5</p> <p><b>absent (1)</b> 76:17</p> <p><b>absolutely (7)</b> 56:10;62:17;67:15; 82:16;103:8;110:14;145:4</p> <p><b>abused (1)</b> 78:20</p> <p><b>accept (21)</b> 3:14;6:10;8:24;17:2; 20:4,6;21:24;22:21;23:3,9, 11;37:5,6;38:8,20;41:23; 144:10;149:4;167:24; 180:18,24</p> <p><b>acceptable (10)</b> 9:12,20;11:17,18;13:24; 30:16;155:16,17;157:4; 173:1</p> <p><b>acceptance (5)</b> 25:13;42:15;95:23;96:1; 149:10</p> <p><b>accepted (4)</b> 8:3;20:8;37:23;38:2</p> <p><b>accepting (3)</b> 9:3;20:4;177:10</p> <p><b>access (1)</b> 126:16</p> <p><b>accessibility (7)</b> 14:7,16,20;16:2,7,18; 54:8</p> <p><b>accessible (5)</b> 71:4;135:6,7,14;138:22</p> <p><b>accident (2)</b> 81:11;118:12</p> <p><b>accommodate (1)</b> 47:18</p> <p><b>accommodated (1)</b> 94:1</p> <p><b>accordance (5)</b></p>	<p><b>according (2)</b> 85:1;102:21</p> <p><b>account (3)</b> 99:3;113:18;137:16</p> <p><b>accountable (1)</b> 185:14</p> <p><b>accounts (2)</b> 87:15;116:24</p> <p><b>accredited (1)</b> 51:14</p> <p><b>accurate (2)</b> 87:22;88:10</p> <p><b>achieve (1)</b> 87:3</p> <p><b>achieving (1)</b> 99:13</p> <p><b>acknowledged (1)</b> 130:16</p> <p><b>ACM (1)</b> 96:3</p> <p><b>across (1)</b> 152:19</p> <p><b>Act (33)</b> 8:15;9:22;12:2,20;13:18; 21:22;29:12;35:18,18,19; 36:19;38:4;40:1;41:19; 44:20;146:9;156:13,20; 158:3;169:13,15;171:9; 172:4;174:6,7;185:3,5,11, 19;186:3,4;187:3,8</p> <p><b>action (10)</b> 3:12;29:5,5;35:15;70:5; 146:1,5;165:3;182:1; 185:20</p> <p><b>actions (2)</b> 186:5;187:13</p> <p><b>active (6)</b> 4:20,23,23;78:24;79:4,6</p> <p><b>actively (1)</b> 12:1</p> <p><b>activity (1)</b> 79:10</p> <p><b>acts (1)</b> 41:12</p> <p><b>actual (3)</b> 66:13;184:17,19</p> <p><b>actually (17)</b> 12:8;28:1;35:5,17;47:23; 52:22;60:17;65:22;67:10; 76:20;77:1;115:9;116:15; 147:21;154:2;161:23;187:4</p> <p><b>ADA (11)</b> 14:4,8;15:3,4;45:19;46:5, 5,9,13;47:18,18</p> <p><b>add (6)</b> 8:15;9:13;93:2;98:22; 100:2;158:2</p> <p><b>added (7)</b> 9:14;12:9,15;19:1,2,7; 27:1</p> <p><b>addenda (1)</b></p>	<p><b>adding (3)</b> 85:23;169:13;182:12</p> <p><b>addition (1)</b> 116:1</p> <p><b>additions (1)</b> 3:20</p> <p><b>address (9)</b> 7:20;13:17;55:1;69:16; 71:19;147:5;167:13; 174:21;176:12</p> <p><b>addressed (1)</b> 14:21</p> <p><b>addresses (2)</b> 127:20;167:6</p> <p><b>adds (1)</b> 9:16</p> <p><b>adequate (1)</b> 77:4</p> <p><b>adjourn (1)</b> 187:24</p> <p><b>administrative (1)</b> 36:4</p> <p><b>administrator (21)</b> 17:11,14;34:11,16,17,19, 22;35:23;36:22,22;108:11; 109:14,18,20,24;171:13; 172:5,15;176:11;181:14; 185:8</p> <p><b>administrators (10)</b> 130:3,6,14;131:1,13; 159:23;170:20;171:22; 172:3,17</p> <p><b>adopt (10)</b> 8:18;24:11;25:7,17,21; 26:16;57:4,13;59:12,13</p> <p><b>adopted (9)</b> 15:12;18:13;24:7;50:13; 57:5,12;86:23;88:15; 182:22</p> <p><b>adopting (3)</b> 23:20;59:7;60:14</p> <p><b>adoption (2)</b> 23:17;24:2</p> <p><b>adopts (1)</b> 10:23</p> <p><b>advantage (2)</b> 108:15;111:2</p> <p><b>advising (1)</b> 130:18</p> <p><b>Advisory (3)</b> 4:11,15;59:23</p> <p><b>advocate (3)</b> 82:10,21;83:3</p> <p><b>affect (2)</b> 31:21;68:14</p> <p><b>affecting (1)</b> 78:8</p> <p><b>affirmative (1)</b> 161:10</p> <p><b>afternoon (2)</b></p>
<p style="text-align: center;"><b>9</b></p> <p><b>90 (2)</b> 22:21,23</p> <p><b>9-11 (1)</b> 53:13</p> <p><b>9511 (1)</b> 1:8</p> <p><b>96 (3)</b> 89:1,1;108:22</p> <p><b>98 (1)</b> 89:1</p> <p><b>99 (1)</b> 4:22</p> <p><b>9th (2)</b> 6:14;126:19</p>			
<p style="text-align: center;"><b>A</b></p> <p><b>A17 (8)</b> 51:2;52:4;60:14;61:16, 17;62:11;74:12;80:5</p> <p><b>A17.1 (16)</b> 10:19;25:12;26:5;41:20; 49:6,9,15;62:2,4;67:16,21; 127:18;148:21,22;164:21; 175:2</p> <p><b>A17.2 (24)</b> 8:16,21;9:21;11:15; 17:23;21:21;23:17;24:2,11,</p>	<p><b>access (1)</b> 126:16</p> <p><b>accessibility (7)</b> 14:7,16,20;16:2,7,18; 54:8</p> <p><b>accessible (5)</b> 71:4;135:6,7,14;138:22</p> <p><b>accident (2)</b> 81:11;118:12</p> <p><b>accommodate (1)</b> 47:18</p> <p><b>accommodated (1)</b> 94:1</p> <p><b>accordance (5)</b></p>	<p><b>ADA (11)</b> 14:4,8;15:3,4;45:19;46:5, 5,9,13;47:18,18</p> <p><b>add (6)</b> 8:15;9:13;93:2;98:22; 100:2;158:2</p> <p><b>added (7)</b> 9:14;12:9,15;19:1,2,7; 27:1</p> <p><b>addenda (1)</b></p>	<p><b>advantage (2)</b> 108:15;111:2</p> <p><b>advising (1)</b> 130:18</p> <p><b>Advisory (3)</b> 4:11,15;59:23</p> <p><b>advocate (3)</b> 82:10,21;83:3</p> <p><b>affect (2)</b> 31:21;68:14</p> <p><b>affecting (1)</b> 78:8</p> <p><b>affirmative (1)</b> 161:10</p> <p><b>afternoon (2)</b></p>

<p>107:11;127:12 <b>Again (34)</b> 17:20;18:18;20:12;21:4; 23:2;27:20;62:21;63:23; 64:5,7;67:1,6;68:6,22,24; 72:5;74:4,14;84:5,20;87:3; 99:20,24;105:12;110:20; 115:3;121:14;151:9; 158:10,15;159:17;160:4; 162:20;174:18 <b>against (11)</b> 4:2;7:1,15;29:20;39:4; 150:5;168:8;174:2;175:20; 185:16;186:8 <b>age (5)</b> 65:1;118:4;126:23; 137:16;151:22 <b>agencies (2)</b> 43:7;184:6 <b>agency (2)</b> 174:15;184:8 <b>agenda (8)</b> 112:6;146:5;147:3; 156:9;168:24;169:14,16; 171:6 <b>aggrieved (1)</b> 36:4 <b>ago (7)</b> 4:15;68:13,18;77:20; 94:6;179:21,22 <b>agree (11)</b> 42:19;66:5;76:19;79:21; 93:18;105:16;126:5;141:7; 146:17;147:10;159:3 <b>agreement (5)</b> 31:10,23;32:2;84:19; 170:17 <b>agreements (2)</b> 5:1;92:11 <b>ahead (14)</b> 32:18;60:20;69:24; 79:17;81:22,24;93:1;107:2; 122:16;143:2,4;163:21; 166:23;167:8 <b>airplane (1)</b> 58:22 <b>AI (3)</b> 6:6;7:9;37:20 <b>Allegiance (3)</b> 3:3,5,10 <b>allow (6)</b> 91:12;92:9;120:17; 163:20;172:12;175:3 <b>allowed (4)</b> 27:11;85:19;143:13; 169:14 <b>allowing (3)</b> 114:19;129:9,14 <b>allowment (1)</b> 131:11 <b>allows (1)</b> 131:12 <b>almost (1)</b></p>	<p>131:5 <b>along (10)</b> 45:13;66:6;70:4;72:18; 89:2;97:21;100:15;109:9; 114:1;165:2 <b>alteration (5)</b> 17:8;26:10;56:14;57:12; 92:1 <b>altered (1)</b> 118:22 <b>altogether (1)</b> 55:21 <b>always (8)</b> 26:1;48:15;59:5,18; 60:11;91:21;100:11;133:9 <b>amend (8)</b> 11:24;12:1;29:6,9,10; 159:13;164:14,17 <b>amended (8)</b> 8:18;9:21;37:4,24;38:3; 168:1,14;172:4 <b>amending (1)</b> 11:21 <b>amendment (11)</b> 8:14;9:16;12:18;22:14; 164:12,13;165:6,9;167:17, 22,24 <b>amendments (2)</b> 10:12;48:1 <b>America (2)</b> 61:15;118:5 <b>American (4)</b> 49:7,9,10;98:17 <b>among (1)</b> 14:10 <b>amongst (1)</b> 134:21 <b>amount (6)</b> 8:5;18:19;84:7;106:13, 15;112:21 <b>analogous (1)</b> 58:9 <b>and/or (3)</b> 66:6;155:4,14 <b>Andersen (15)</b> 83:12,14;85:18;90:10,15; 91:16;92:16,20;95:19;96:7, 15;98:7;183:11,13,17 <b>A-n-d-e-r-s-e-n (1)</b> 83:15 <b>Anderson (4)</b> 83:15;98:15;113:13; 161:17 <b>Andy (16)</b> 15:23;52:5;61:6,6,8; 64:10;67:9;69:4;71:16,17; 75:5;83:21;84:5,20;102:16; 163:19 <b>annual (3)</b> 41:3,10,15 <b>annually (2)</b> 40:23,24 <b>ANSI (4)</b></p>	<p>49:10,10,12;52:13 <b>answered (1)</b> 72:22 <b>anticipation (2)</b> 145:24;146:13 <b>anymore (7)</b> 16:22;37:2;60:13;87:19; 149:24;163:18;178:6 <b>apology (2)</b> 134:12,16 <b>apostrophe (1)</b> 124:24 <b>apparently (1)</b> 24:9 <b>appeal (2)</b> 30:22;63:11 <b>appeals (3)</b> 36:3,12,19 <b>apple (1)</b> 142:16 <b>applicable (1)</b> 57:10 <b>application (3)</b> 44:24;152:22;185:6 <b>applications (1)</b> 152:22 <b>applied (1)</b> 99:12 <b>applies (3)</b> 68:8;90:5;127:19 <b>apply (6)</b> 100:11;113:4;127:16; 175:5;176:5,7 <b>applying (3)</b> 30:21;178:2;180:1 <b>appointed (1)</b> 4:8 <b>appreciate (5)</b> 42:24;48:5;109:11; 110:19;176:19 <b>apprentice (1)</b> 153:2 <b>Apprentices (1)</b> 4:24 <b>apprenticeship (1)</b> 153:2 <b>apprised (1)</b> 168:23 <b>approach (2)</b> 114:4;123:24 <b>approached (3)</b> 39:9,22;76:9 <b>appropriate (2)</b> 85:9;86:18 <b>approval (2)</b> 51:6;154:18 <b>approve (7)</b> 22:23;28:8;76:21,23; 148:5;150:13;154:11 <b>approved (12)</b> 7:18;19:6,11;21:17;22:1, 23;30:20;51:13,17;137:18; 150:24;151:1</p>	<p><b>approver (1)</b> 150:10 <b>approves (1)</b> 148:6 <b>approving (1)</b> 20:8 <b>approximately (3)</b> 1:9;77:19;78:7 <b>April (8)</b> 8:10;88:16;130:13; 176:23;177:18,19;178:1; 180:10 <b>architect (4)</b> 31:6,6;32:9,16 <b>area (8)</b> 31:7;54:6;60:10;73:24; 77:11,21;130:5,17 <b>areas (3)</b> 30:24;39:12;43:18 <b>arguably (1)</b> 24:8 <b>arguing (1)</b> 81:12 <b>argument (1)</b> 106:5 <b>arguments (1)</b> 55:18 <b>arms (1)</b> 40:19 <b>around (16)</b> 15:5,14;25:23,23;30:11; 33:20;39:21;40:19;52:16; 57:9;59:20;70:17;104:5; 107:19;130:12;156:16 <b>arrive (1)</b> 58:4 <b>articulated (1)</b> 178:24 <b>articulation (1)</b> 179:8 <b>ASAP (1)</b> 131:4 <b>ASME (20)</b> 8:15,16;17:23;49:6,7,9, 22;52:15;57:12;133:14; 138:6;142:15;146:1,14; 159:8,10,12;164:21;167:6; 175:2 <b>assess (3)</b> 84:22;96:16;112:21 <b>assessment (2)</b> 20:23;85:6 <b>assist (2)</b> 48:18;53:19 <b>assisting (1)</b> 23:18 <b>associates (3)</b> 117:14;118:3,7 <b>Association (5)</b> 61:12;77:13,14;154:1,6 <b>assume (2)</b> 47:23;140:13 <b>assuming (2)</b></p>
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17:12;30:21 <b>assumption (1)</b> 95:3 <b>assure (4)</b> 65:18;66:3;99:7;141:14 <b>assured (1)</b> 68:20 <b>assuring (1)</b> 68:11 <b>attempt (1)</b> 50:14 <b>attended (1)</b> 148:6 <b>attention (2)</b> 76:1;88:20 <b>attorney (4)</b> 15:8;18:16;46:18;154:24 <b>A-u-b (1)</b> 151:21 <b>Aubin (9)</b> 151:14,16,16,21,21; 178:14;183:20,21;187:16 <b>audience (2)</b> 110:7;131:20 <b>August (1)</b> 6:15 <b>authorities (2)</b> 95:20;172:2 <b>authority (9)</b> 8:17;34:1,2;35:14;36:10, 11,18;146:17;163:19 <b>authorize (1)</b> 43:4 <b>authorized (2)</b> 52:6;174:7 <b>availability (1)</b> 84:6 <b>available (19)</b> 47:1;71:1,3,3,18;73:21; 84:1;91:24;95:24;96:21; 111:4;118:2,11;121:4,12; 135:3,21;142:23;182:3 <b>avenue (2)</b> 29:2;55:2 <b>aware (6)</b> 16:14;78:24;133:13; 155:5;160:2;184:2 <b>away (6)</b> 32:23;54:6;63:20;70:2; 73:10;113:17 <b>aye (24)</b> 3:24;5:20,21,22,23,24; 6:3,5,6,8,23;7:13;29:18; 37:9,11,12,17,21;39:2; 150:3;168:6;173:24; 175:18;188:5 <b>eyes (18)</b> 4:1,4;6:24;7:14,17;29:19, 22;39:3,6;150:4,7;168:7; 174:1,4;175:19,22;188:6,7	<b>back (50)</b> 8:5;20:11;22:2;33:1; 40:2,7;43:24;45:19,20; 47:14,16;48:4;50:9;63:20; 66:19;67:16,16,20;68:6; 73:22;80:3,4,16;82:18; 86:3;88:15;92:13;96:9; 101:1;108:16;111:3; 115:10;123:8;127:7; 132:22;134:8,17;135:24; 136:4;137:19;138:11,20; 150:15;167:22;174:6; 177:6,13;179:23;181:9,18 <b>background (3)</b> 18:20;39:9;61:15 <b>backlash (1)</b> 172:16 <b>balanced (2)</b> 52:7,12 <b>ball (1)</b> 98:1 <b>ballgame (2)</b> 50:10;138:14 <b>Bank (2)</b> 55:3,6 <b>bantering (1)</b> 134:8 <b>Barely (1)</b> 125:20 <b>BARNES (134)</b> 7:20,23;10:8,11,24;11:4, 6,8,11,13,23;12:7,10,14,17, 20;13:1,3,6,10,13,17;14:5, 10,12,18,24;16:13,20;18:2, 6,10,12,22;19:4,18,22,24; 20:2,6;21:1,11,15,20;22:15, 17,19;23:24;24:5,22;25:4; 27:20;28:14;29:23;34:6,23; 35:5,17;36:3,7,11,15,17,20; 38:1;39:8;40:17;42:1,11, 13,17,21;43:5,14,44;10,19, 22;45:5;46:2;47:16;48:2; 81:4;96:6;105:23;109:22; 112:15;127:12;131:14; 143:2;145:22;146:4,9,16, 19,23;147:2,12;150:15,20, 23;158:2;161:18;165:13, 21;166:4,9,18;167:4; 168:21;169:9,16,18,23; 171:7;173:9,11;174:5; 175:5;176:1,5,19;177:23; 178:19;179:18,21;180:1, 23;181:21;182:4,21;183:1; 184:11,13;186:15 <b>base (1)</b> 141:15 <b>based (8)</b> 19:2;74:11;85:10; 108:12;155:8;174:14; 181:14;182:7 <b>basic (1)</b> 63:24 <b>basically (16)</b>	18:8;63:18;64:7,16; 65:13;67:23;69:18;72:2,16; 79:1;121:9;130:4;152:19; 164:4,7;171:4 <b>basis (5)</b> 17:13;48:19;74:11; 103:6;159:11 <b>Baumann (4)</b> 153:17,18;187:17,18 <b>beat (2)</b> 44:17;51:23 <b>beating (1)</b> 71:7 <b>became (1)</b> 77:21 <b>become (5)</b> 12:4;28:1,15;29:2;60:1 <b>becomes (1)</b> 28:10 <b>bed (2)</b> 72:22;169:11 <b>begin (1)</b> 129:9 <b>beginning (1)</b> 123:9 <b>begun (1)</b> 77:8 <b>behalf (3)</b> 22:5;61:21;187:9 <b>behavior (1)</b> 135:9 <b>behind (3)</b> 60:15,18;146:21 <b>belief (1)</b> 155:7 <b>below (1)</b> 54:21 <b>belts (1)</b> 51:5 <b>benefit (2)</b> 89:6;102:1 <b>benefits (1)</b> 89:5 <b>best (7)</b> 29:1;41:7;44:13;82:10; 99:12,17;111:18 <b>bet (1)</b> 4:21 <b>better (5)</b> 105:7,14;120:10;164:9; 183:15 <b>beyond (5)</b> 16:18;50:16;115:22; 131:11;181:20 <b>big (6)</b> 45:24;46:1;88:20; 143:15;144:13,14 <b>Bill (12)</b> 9:14;10:9;12:13,17; 47:14;78:3,5,6,18,19; 142:14;146:15 <b>bills (3)</b> 43:20;44:2;77:22	<b>Billy (2)</b> 140:7,9 <b>binder (1)</b> 144:14 <b>bit (5)</b> 60:15;108:6;125:23; 163:22;164:3 <b>black-lined (1)</b> 8:2 <b>blah (9)</b> 96:23,23,23;128:14,14, 14;129:2,2,2 <b>blanket (2)</b> 17:15;146:22 <b>blast (1)</b> 165:15 <b>bless (1)</b> 92:6 <b>BOARD (100)</b> 1:1;3:11,13;8:17,22;9:8, 10,12,21,23;10:16;11:18, 20,23,24;14:16;15:11,13, 19;17:11,14;18:13;19:3,6; 21:23;22:5,12;27:21;28:4; 29:24;35:14;36:2,3,5,9,12, 24,24;46:22;63:8,14,15; 64:7,13;69:12;75:8,12; 77:9,13,17;78:15;79:11,13; 82:2,3,13,22;83:3,4;99:16, 21;101:10;104:16;112:9; 113:13;114:5,6;123:24; 125:21;126:4;146:10; 147:20,23;150:9,14,24; 152:19;154:3,10,22; 155:13,18;156:13;157:3; 159:3;160:6,10;161:8; 163:19;164:2,18;169:13; 170:6;172:20;174:6;175:2; 178:3;182:6,8;183:21 <b>Board's (7)</b> 8:18;22:2;34:1;99:6; 146:12;154:18;182:1 <b>Bob (48)</b> 3:4;4:7,14,18;10:1; 20:14;22:8;38:6,9,13; 41:21;47:10;48:8;103:15; 106:21;108:10;109:10,14, 17;110:6;121:23;123:7; 127:6,8,12;129:13;130:6, 16;131:14;132:19;134:12, 15,23;140:8,9;143:12; 145:8;148:24;149:20; 150:8,10,12;151:1,2; 158:22;170:5,9;172:21 <b>Bob's (1)</b> 180:17 <b>boilerplate (1)</b> 136:15 <b>boils (1)</b> 62:19 <b>Bolingbrook (4)</b> 31:20,22,23;32:8 <b>bolt (1)</b>
<b>B</b>			

<p>50:9 <b>book (7)</b> 26:20;27:5;64:18;101:2; 132:5;139:14;145:5 <b>boom (2)</b> 71:21;89:13 <b>Borwey (1)</b> 60:6 <b>boss (1)</b> 120:15 <b>both (7)</b> 54:2;84:18;92:18; 112:14,15;167:24;173:14 <b>bottom (4)</b> 17:6;101:10;120:13,19 <b>bound (1)</b> 158:3 <b>bow (1)</b> 172:2 <b>bowing (1)</b> 42:22 <b>boy (2)</b> 57:23;151:21 <b>braille (1)</b> 45:14 <b>brake (1)</b> 95:5 <b>brakes (1)</b> 81:10 <b>brand (3)</b> 35:3,9;68:16 <b>break (2)</b> 95:6;126:10 <b>brief (1)</b> 4:6 <b>bring (5)</b> 8:22;85:20;124:5;136:6; 173:20 <b>bringing (2)</b> 75:24;186:7 <b>brings (1)</b> 26:11 <b>broken (1)</b> 141:9 <b>brought (14)</b> 16:11;31:8;50:15;64:9; 78:5;82:9;88:20;103:15,17; 109:1;122:23;126:4;178:9; 185:15 <b>build (1)</b> 32:18 <b>building (35)</b> 31:12,18;50:24;53:20; 54:4;59:8,8,11,12,13,17; 66:15;71:15;77:12,16;78:6; 86:19;89:6,20,21;99:1; 100:14,16,17,18,23,23; 101:7;109:3;110:17; 111:19;152:18;157:12; 162:1;181:10 <b>buildings (6)</b> 14:20;77:10;85:23;86:2, 11;99:2</p>	<p><b>built (4)</b> 39:16;91:20;100:10,10 <b>bumper (1)</b> 115:20 <b>bunch (2)</b> 63:5;154:13 <b>burden (2)</b> 85:24;86:1 <b>burdens (1)</b> 67:13 <b>burdensome (1)</b> 87:3 <b>burn (1)</b> 50:24 <b>bus (1)</b> 122:19 <b>business (16)</b> 4:17;5:5;7:18;53:14; 59:19;66:14;72:1,4;87:13, 17,19;124:15;151:17; 156:6;172:22;178:11 <b>button (3)</b> 79:7,8;111:23 <b>buy (2)</b> 46:24;89:14</p>	<p>5,12;22:8;24:13,14;25:3, 17;26:23;27:16;28:12,17; 29:7;31:19;33:14;35:12; 36:23,24;41:13;47:2,4; 48:15;49:21;51:21;52:15; 53:19;54:3;60:13;64:10; 65:2;67:16;68:14;69:19,23; 71:14;72:17;73:10;75:9,11; 76:2;77:6;78:14;83:1;89:3, 14,18;90:6;91:11;94:19,21, 22;95:10;99:16;100:2,3; 102:13;103:22;104:10,19; 106:4,8,8,12,16;107:1,23; 108:11,21;109:15,19; 110:6;111:23;113:1,2,12, 23;116:15;117:19;118:7,9, 10,19,24;119:1;120:1,10; 121:12,14,18;122:23; 123:8;124:15;126:16; 128:13;131:17;132:9; 133:16,21;135:3,4,20,22, 24;136:23;140:22;141:20, 21,23;142:8;143:1;146:6, 24;147:22;148:11;150:12, 13,15;151:2;152:13; 158:13,14;159:3,20; 160:16,20,21;161:3;162:2; 164:14;165:14,21;166:7; 168:21;169:2,4,13,24; 170:6;172:15;176:1,9,11; 180:8;181:23;182:6,8,19; 183:7;185:11 <b>Canada (2)</b> 55:21;71:6 <b>capability (1)</b> 31:14 <b>capacity (1)</b> 82:1 <b>Capital (4)</b> 14:16;15:11,13;46:21 <b>Capuani (115)</b> 3:4,6,18;4:7,19,20;5:3; 12:22;13:19;15:3;17:16,18; 20:24;30:23;31:22;32:3,6, 12,20;33:1,5,9,12,17,21,23; 35:24;38:6,11;40:15;43:10, 17,44;7:13;45:21;47:8,12; 48:9,12;55:4;60:23;67:9; 75:7,16;76:2,8,21,23;77:6; 78:12;81:1,14;88:14;92:7, 18,23;95:14;96:2;105:16, 24;106:24;109:21;110:2,8, 12,19;115:4;123:8,11,15, 21;126:18;129:16,18,24; 130:8;131:23;132:2,4,8,11, 17,19,21;133:7,11,14,20, 23;134:4,9,21;151:8;156:1; 158:19;160:9;161:15; 162:5;165:18,24;166:5,17, 20;169:8;170:16;173:17; 176:3,7;177:12;180:21,24; 181:4,7,12;182:8</p>	<p>26:15;50:3;58:3,5;81:10; 115:18;116:12;117:20; 138:13 <b>care (5)</b> 9:18;89:9;106:11; 143:19;167:16 <b>careful (1)</b> 163:23 <b>carry (2)</b> 26:14;172:11 <b>case (3)</b> 108:13;185:15;186:7 <b>case-by-case (2)</b> 17:13,17 <b>cases (1)</b> 87:11 <b>casting (2)</b> 99:9,13 <b>categories (1)</b> 52:10 <b>category (4)</b> 40:24;41:11,15;52:9 <b>caught (4)</b> 32:7,13;76:4;185:2 <b>cause (3)</b> 1:5;128:24;171:15 <b>caution (1)</b> 164:2 <b>CCed (1)</b> 127:12 <b>CD (1)</b> 143:17 <b>cell (1)</b> 133:15 <b>cell-rated (2)</b> 96:24;97:12 <b>Center (2)</b> 46:22;53:13 <b>centers (1)</b> 39:13 <b>central (3)</b> 69:20;70:14,15 <b>Certain (7)</b> 5:8;39:11;86:23;120:9; 136:20;158:22,23 <b>certainly (17)</b> 28:15;29:7;42:11,21; 47:1;61:23;63:7;64:8;66:8; 67:3;71:22;72:13;73:11; 74:4,10;181:21;182:4 <b>certainty (1)</b> 174:10 <b>certificate (4)</b> 43:14;180:17,18;181:2 <b>certificates (1)</b> 43:11 <b>certification (3)</b> 148:7;161:24;162:23 <b>Certified (5)</b> 1:6;98:16;140:10;142:9; 186:17 <b>certify (2)</b> 51:14;110:5</p>
<b>C</b>		<p><b>Canada (2)</b> 55:21;71:6 <b>capability (1)</b> 31:14 <b>capacity (1)</b> 82:1 <b>Capital (4)</b> 14:16;15:11,13;46:21 <b>Capuani (115)</b> 3:4,6,18;4:7,19,20;5:3; 12:22;13:19;15:3;17:16,18; 20:24;30:23;31:22;32:3,6, 12,20;33:1,5,9,12,17,21,23; 35:24;38:6,11;40:15;43:10, 17,44;7:13;45:21;47:8,12; 48:9,12;55:4;60:23;67:9; 75:7,16;76:2,8,21,23;77:6; 78:12;81:1,14;88:14;92:7, 18,23;95:14;96:2;105:16, 24;106:24;109:21;110:2,8, 12,19;115:4;123:8,11,15, 21;126:18;129:16,18,24; 130:8;131:23;132:2,4,8,11, 17,19,21;133:7,11,14,20, 23;134:4,9,21;151:8;156:1; 158:19;160:9;161:15; 162:5;165:18,24;166:5,17, 20;169:8;170:16;173:17; 176:3,7;177:12;180:21,24; 181:4,7,12;182:8 <b>car (9)</b></p>	<p><b>Cab (1)</b> 15:1 <b>cabs (1)</b> 14:21 <b>cage (1)</b> 120:22 <b>call (37)</b> 3:1;5:12,18;15:8;37:7; 54:16;56:14;59:10;70:9,11, 11;71:19;72:17;73:10; 76:10;83:7;106:8;113:2; 116:20;118:10;125:17; 132:19,24;133:18;135:20, 21;139:9;140:5;142:9; 161:10,11,11,11,16,23; 168:4;176:24 <b>called (5)</b> 4:10;39:20;104:6;124:6; 132:21 <b>calling (1)</b> 143:21 <b>calls (5)</b> 43:18;109:3,8;116:21; 118:9 <b>came (18)</b> 11:14;18:21,23;19:23; 20:12,13,17;21:14;30:14; 40:8;43:17;47:9;53:13; 82:13;110:16;123:13; 131:8;138:11 <b>camper (1)</b> 57:21 <b>can (156)</b> 11:24;15:14;16:20; 18:17,20;19:5;20:14;21:4,</p>

<p><b>cetera (4)</b> 49:18,18;55:6,20</p> <p><b>chain (1)</b> 56:18</p> <p><b>chair (1)</b> 157:19</p> <p><b>CHAIRMAN (212)</b> 3:1,11,16,20,23;4:2,4,13, 17;5:2,4,12,15,17;6:6,9,17, 21;7:1,3,8,10,12,15,17,21; 13:4;14:2;16:22;17:1,20; 23:2,5,8,12,14;25:8;26:17; 29:8,13,15,17,20,22;30:4,7; 37:2,10,23;38:5,15,19,23; 39:1,4,6;41:22;44:15; 46:10;48:6;53:5;55:3,14; 60:22,24;61:17;64:10,13; 69:3;75:4,7;76:15;79:18, 18,20,23;80:2,14,23;81:22, 24;82:5;83:6;85:16;92:24; 96:8;98:8;104:23;105:4; 107:2;109:17;114:13,17, 23;115:5;123:7;124:1,3,7, 9,13,17,19,23;125:14,17, 20;134:7,10,15,24;142:21; 143:1,4;145:20;146:2; 147:13,17,20;148:18,24; 149:3,7,19,24;150:2,5,7; 151:4,7,9,14;153:15,17,19; 154:17;156:3,7,21;157:1,5, 21;158:15,21;159:3,16; 160:3,6,22;161:7;162:12; 163:2,18;164:11,16;165:5, 8,11;166:16,22;167:8,17, 21;168:5,8,10,12,15,17,19; 169:20;170:2,24;173:3,6, 19,23;174:2,4,17;175:8,10, 12,15,17,20,22;176:18,21; 177:8;178:7,16;179:13,19, 22;181:8,11,19,22;183:7, 11,14,18,20;184:12;186:9; 187:17,19,22;188:2,4,7</p> <p><b>challenge (1)</b> 108:6</p> <p><b>chance (2)</b> 3:12;147:11</p> <p><b>change (9)</b> 20:20;24:22;25:5;31:21; 32:15;74:11;104:3;170:6; 177:5</p> <p><b>changed (1)</b> 179:24</p> <p><b>changes (15)</b> 13:23;18:17,19;19:14,19, 23;20:12,19;21:7;30:9,11; 49:21;56:23;71:10;150:11</p> <p><b>chapter (1)</b> 16:6</p> <p><b>charge (1)</b> 104:8</p> <p><b>charged (1)</b> 44:1</p> <p><b>chase (2)</b></p>	<p>111:6,7</p> <p><b>check (8)</b> 31:17;45:3,7,10,12,16; 46:23;163:15</p> <p><b>checked (1)</b> 81:10</p> <p><b>checklist (2)</b> 58:24;115:9</p> <p><b>chewed (1)</b> 108:19</p> <p><b>Chicago (12)</b> 55:1;59:6;80:11,15; 83:18;100:4,7,12;130:5; 153:24;154:2,6</p> <p><b>chief (6)</b> 4:14;60:1,6,7;143:11; 157:12</p> <p><b>chiefs (2)</b> 4:12;60:2</p> <p><b>child (3)</b> 80:6,16,20</p> <p><b>chooses (1)</b> 113:13</p> <p><b>chorus (10)</b> 4:1;6:24;7:14;29:19; 39:3;150:4;168:7;174:1; 175:19;188:6</p> <p><b>CHRISTENSEN (205)</b> 3:1,11,16,20,23;4:2,4,17; 5:2,4,12,15,17;6:6,9,17,21; 7:1,3,8,10,12,15,17,21; 13:4;14:2;16:22;17:1,20; 23:2,5,8,12,14;25:8;26:17; 29:8,13,15,17,20,22;30:4,7; 37:2,10,23;38:5,15,19,23; 39:1,4,6;41:22;44:15; 46:10;48:6;55:3;60:24; 64:10,13;69:3;75:4;76:15; 79:18,20,23;80:2,14,23; 81:22,24;82:5;83:6;85:16; 92:24;96:8;98:8;104:23; 105:4;107:2;109:17; 114:13,17,23;115:5;123:7; 124:1,3,7,9,13,17,19,23; 125:14,17,20;134:7,10,15, 24;142:21;143:1,4;145:20; 146:2;147:13,17,20; 148:18,24;149:3,7,19,24; 150:2,5,7;151:4,7,9,14; 153:15,17,19;154:17; 156:3,7,21;157:1,5,21; 158:15,21;159:3,16;160:3, 6,22;161:7;162:12;163:2, 18;164:11,16;165:5,8,11; 166:16,22;167:8,17,21; 168:5,8,10,12,15,17,19; 169:20;170:2,24;173:3,6, 19,23;174:2,4,17;175:8,10, 12,15,17,20,22;176:18,21; 177:8;178:7,16;179:13,19, 22;181:8,11,19,22;183:7, 11,14,18,20;184:12;186:9; 187:17,19,22;188:2,4,7</p>	<p><b>church (3)</b> 44:3,8,9</p> <p><b>churches (7)</b> 39:11;40:4,12,20;42:5; 43:18;44:10</p> <p><b>circle (3)</b> 100:21;101:4,9</p> <p><b>circulating (1)</b> 75:10</p> <p><b>citable (1)</b> 72:14</p> <p><b>citation (8)</b> 21:8;66:23;69:9;72:24, 24,24;103:10;155:4</p> <p><b>citations (7)</b> 36:4;63:1,13;64:8;104:4; 154:11;155:8</p> <p><b>cite (3)</b> 63:19;72:15,18</p> <p><b>cited (5)</b> 63:23;69:6;86:11;111:9; 155:6</p> <p><b>citing (1)</b> 66:17</p> <p><b>citizens (1)</b> 98:13</p> <p><b>City (3)</b> 100:6,11;154:2</p> <p><b>civil (3)</b> 15:4,6;46:6</p> <p><b>clarification (7)</b> 10:20;48:7;126:18,20; 131:9;172:22;173:18</p> <p><b>clarified (2)</b> 145:17;155:9</p> <p><b>clarifies (1)</b> 159:10</p> <p><b>clarify (6)</b> 126:14;159:8,9;162:7; 173:15,17</p> <p><b>clarifying (2)</b> 173:11,16</p> <p><b>class (3)</b> 148:16,17;149:15</p> <p><b>classes (1)</b> 150:21</p> <p><b>cleaned (1)</b> 116:13</p> <p><b>clear (13)</b> 26:23;27:16;62:2,9,11, 13;68:21;129:12;131:7; 143:3,6,9;159:24</p> <p><b>clearance (1)</b> 26:11</p> <p><b>clearly (4)</b> 48:17;83:22;86:6;102:17</p> <p><b>clock (1)</b> 113:7</p> <p><b>close (2)</b> 21:6;158:8</p> <p><b>closed (4)</b> 5:2,5,9;7:6</p> <p><b>closer (1)</b></p>	<p>123:19</p> <p><b>closing (1)</b> 115:21</p> <p><b>Code (208)</b> 4:9;8:16;15:24;16:3,9; 31:1;33:14;46:5,6,8;49:1,5, 6,12,15;50:11,22;51:12; 52:4,17;53:15;54:14;56:5, 5,6,7,8,13,15,17,20;57:2,4, 10,11,16;58:10;59:4,5,5,6, 8,8,9,11,12,13,15,17,18,21, 22;60:3,3,4,5,5,12,14,15; 62:9;64:2;65:3,4,13;66:4; 67:4,19,24;68:21;71:9,9,11, 20;72:10;73:15;74:2,7,20; 83:22;85:1,10,14,20;86:4,6, 13,18;88:24;89:3,4,5,8,10, 12;90:5,5,9,16;91:5,6,12, 22,23;92:21;93:9,10,10,12, 23;94:3,8,8,11,16;95:3,24; 97:2,15;100:3,6,7,14,19,21; 101:14,22;102:1,6,15,17, 22;103:1,10,13,18;104:7; 105:17;106:17;107:4,5,6,8, 9,18;108:22;110:4,9,9; 111:15;116:20,21;117:11; 118:13,21;119:11,13,17; 120:11;121:7,19,22;123:4; 125:9;126:2;127:15;128:7, 12,16;132:5,9;133:18,20, 24;134:3;135:5;139:17; 143:3,6;144:6,7;145:3,18; 146:7,7,13;147:6;148:18, 21;163:24;164:10;167:10; 168:21;170:4,7,10,14; 172:23;174:13,14,19; 175:1;178:2,21,24;179:2,4, 9</p> <p><b>coded (2)</b> 94:20,21</p> <p><b>codes (22)</b> 16:10;31:3,12,13,18,18; 48:11;50:11,22;59:7,20; 61:14;86:23;88:15;95:17; 96:5;100:5;120:9;127:16; 128:16;146:11;163:20</p> <p><b>code-writing (1)</b> 49:13</p> <p><b>codified (2)</b> 51:8;53:17</p> <p><b>codifying (1)</b> 35:18</p> <p><b>colleagues (1)</b> 98:20</p> <p><b>combined (1)</b> 59:9</p> <p><b>comfortable (10)</b> 20:22;135:1;140:15; 141:5;156:14;161:9,14; 162:7,15;163:13</p> <p><b>coming (6)</b> 26:18;44:4;103:20; 124:4;145:24;150:11</p>
--	--	---	--

<p><b>comment (27)</b> 4:5,6;8:8;18:23;19:2,24; 20:5,17;45:23;61:2,6; 79:23;80:23;83:7,8,11; 89:3;93:2;115:7;122:13; 123:7;134:17;151:13,15; 176:9;183:8;187:23</p> <p><b>commented (1)</b> 126:11</p> <p><b>comments (6)</b> 18:22;19:12;20:13; 107:1;125:2;133:2</p> <p><b>Committee (17)</b> 4:16;11:9;26:4;52:5,6, 21;53:4,5,9;55:14;56:22; 61:16,17;62:11;64:6;138:4; 155:11</p> <p><b>committees (1)</b> 52:18</p> <p><b>common (1)</b> 152:16</p> <p><b>communities (1)</b> 176:14</p> <p><b>community (2)</b> 130:10;176:16</p> <p><b>companies (25)</b> 4:22;13:22;24:19;43:21, 23;56:11;70:16;87:14,15, 18;88:23;96:4;105:5,6; 128:14;138:12;143:16; 152:14;153:3;154:8; 160:14;162:6;184:7,7,10</p> <p><b>Companion (1)</b> 50:11</p> <p><b>company (39)</b> 60:9;84:3,22;89:7;92:5; 98:16;100:15,24;101:1; 105:10;107:13,14;121:3; 136:7;144:14;145:12; 152:6,24;153:14;156:11; 161:24;162:17,18;165:20; 184:14;185:16,21,23,24; 186:1,6,6,8,11,13,21;187:9, 9,14</p> <p><b>company's (2)</b> 43:22;86:15</p> <p><b>compassion (1)</b> 104:16</p> <p><b>compensation (1)</b> 51:3</p> <p><b>complaining (1)</b> 107:22</p> <p><b>complaint (4)</b> 34:8,9,10,15</p> <p><b>complete (2)</b> 84:19;100:21</p> <p><b>completely (4)</b> 14:12;65:11,12;97:1</p> <p><b>complexities (2)</b> 94:10;173:14</p> <p><b>complexity (1)</b> 94:2</p> <p><b>compliance (20)</b></p>	<p>65:8,10;71:5;86:3; 117:10;128:7,18,21,23; 129:6,22;154:12;155:4; 163:7;164:21;167:11; 171:12,15;172:7;185:9</p> <p><b>compliant (2)</b> 90:16;95:7</p> <p><b>complies (1)</b> 179:9</p> <p><b>comply (18)</b> 24:3,13,14;77:11,15,16; 78:1;93:12;94:16;97:10; 120:2;122:5;142:7;160:11; 163:6;174:24;175:3;179:4</p> <p><b>complying (2)</b> 27:18;48:24</p> <p><b>component (1)</b> 41:20</p> <p><b>components (1)</b> 175:4</p> <p><b>compromise (1)</b> 41:7</p> <p><b>computer (4)</b> 46:14;71:20;106:11; 162:3</p> <p><b>concentrated (1)</b> 58:18</p> <p><b>concern (4)</b> 10:21;27:13;75:17;90:16</p> <p><b>concerning (2)</b> 61:21;127:20</p> <p><b>concerns (9)</b> 10:13;21:16;39:10;40:3; 87:5,22;98:24;147:4; 171:23</p> <p><b>condition (4)</b> 64:24;85:6;137:16;185:9</p> <p><b>conditions (2)</b> 117:4;137:17</p> <p><b>condo (2)</b> 77:13,14</p> <p><b>conducted (1)</b> 127:14</p> <p><b>confidentiality (2)</b> 7:7;34:14</p> <p><b>confirm (8)</b> 24:16;117:23;119:16; 144:20;145:1,13;160:15; 164:22</p> <p><b>confirmation (1)</b> 126:18</p> <p><b>confirmed (1)</b> 24:17</p> <p><b>conflict (2)</b> 82:6;159:12</p> <p><b>conform (4)</b> 23:21;57:7,7,9</p> <p><b>conformance (1)</b> 145:3</p> <p><b>conforming (2)</b> 23:23;27:18</p> <p><b>confused (1)</b> 137:5</p>	<p><b>confusion (1)</b> 145:11</p> <p><b>Connect (3)</b> 58:14;70:10,11</p> <p><b>connected (1)</b> 70:18</p> <p><b>Connecticut (1)</b> 70:22</p> <p><b>conscious (1)</b> 106:19</p> <p><b>Consensus (1)</b> 49:6</p> <p><b>consequently (2)</b> 77:23;78:3</p> <p><b>consider (7)</b> 9:20;25:6;87:6;150:9; 156:21;157:2,3</p> <p><b>considerably (1)</b> 16:17</p> <p><b>consideration (4)</b> 42:4;88:12;90:17;99:24</p> <p><b>considered (3)</b> 14:14,24;74:20</p> <p><b>considering (2)</b> 13:19;131:4</p> <p><b>constituency (1)</b> 82:9</p> <p><b>constituents (4)</b> 39:11;132:22;133:8; 134:1</p> <p><b>constitute (1)</b> 161:22</p> <p><b>constituted (1)</b> 78:16</p> <p><b>construction (3)</b> 32:1,5;98:5</p> <p><b>constructor (1)</b> 151:16</p> <p><b>consultant (2)</b> 46:18;148:1</p> <p><b>consultants (2)</b> 52:10;154:8</p> <p><b>contact (2)</b> 66:13;165:16</p> <p><b>contain (2)</b> 48:20;73:17</p> <p><b>content (10)</b> 136:13;137:9,10,11,12; 140:16;141:6,13;146:20; 161:20</p> <p><b>contents (1)</b> 128:5</p> <p><b>contesting (1)</b> 102:8</p> <p><b>context (3)</b> 30:10;31:19;174:11</p> <p><b>continued (1)</b> 7:7</p> <p><b>continues (1)</b> 56:16</p> <p><b>Continuing (6)</b> 61:1;147:18;148:11; 149:4,8;150:21</p>	<p><b>contract (1)</b> 84:13</p> <p><b>contractor (1)</b> 163:8</p> <p><b>contractors (3)</b> 4:22;154:7;165:20</p> <p><b>contrary (1)</b> 99:14</p> <p><b>Control (76)</b> 48:7;55:7,9,19,22;56:18; 61:4,20,22;62:1,5,14;63:2; 64:15;66:5;69:19;70:3,7,9; 71:8;73:17,21;83:9,13,20, 23,24;85:15;92:22;96:10, 12,16,20;99:23;107:17; 116:2,6;121:1;124:18; 125:4,24;127:3;128:5; 129:21;136:13,19,22; 137:7,15;138:15,19;139:3, 16;140:10;142:13,20; 143:7,23;144:11;145:2,13; 147:5;151:11,15;154:19; 160:12,15,20;161:2; 164:18,23,24;168:24; 178:22;179:7;180:4</p> <p><b>controller (15)</b> 70:4,8;93:14,21;94:1; 102:19;107:16,18;116:4; 137:8;139:8;143:8;152:3; 160:19;165:2</p> <p><b>controllers (2)</b> 93:9;128:10</p> <p><b>controls (2)</b> 14:22,23</p> <p><b>controversial (1)</b> 88:13</p> <p><b>controversy (2)</b> 61:24;86:10</p> <p><b>conveyance (22)</b> 41:10;44:9;45:2;56:4,16; 67:13;69:15;90:23;93:6,16; 111:16;117:15,17;118:18; 119:2,14;121:17;126:24; 127:1,16;165:16;178:10</p> <p><b>conveyances (10)</b> 4:21;56:3;94:12;95:21; 113:10;117:3;127:19; 159:22;185:1;186:16</p> <p><b>Cook (1)</b> 1:7</p> <p><b>cooperation (1)</b> 110:19</p> <p><b>coordinate (1)</b> 41:13</p> <p><b>copied (1)</b> 131:16</p> <p><b>Copies (2)</b> 130:19;132:18</p> <p><b>copy (3)</b> 73:13;133:17;183:6</p> <p><b>copyright (1)</b> 133:15</p> <p><b>corner (2)</b></p>
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103:24;164:5 <b>Corporation (1)</b> 83:17 <b>corrected (9)</b> 171:14;172:7;177:3,4,4, 11,16;179:16;180:3 <b>correcting (1)</b> 128:22 <b>correction (2)</b> 6:21;179:16 <b>corrections (1)</b> 3:21 <b>corrective (2)</b> 70:5;165:3 <b>cost (3)</b> 75:20;77:15;78:2 <b>costs (1)</b> 76:3 <b>couched (1)</b> 174:10 <b>Council (5)</b> 4:11,15;54:14;59:9,24 <b>counter-productive (2)</b> 99:20;101:14 <b>country (3)</b> 3:8;47:22;54:19 <b>County (1)</b> 1:7 <b>couple (9)</b> 4:15;18:16,18;75:8; 126:1;127:9;129:10; 143:15;156:17 <b>course (15)</b> 11:18;29:4,5;38:17;54:7; 59:14;60:19;70:1;74:19; 79:19;81:3,13;86:22;148:4, 5 <b>courses (1)</b> 148:6 <b>court (2)</b> 126:16;151:19 <b>cover (2)</b> 58:14;154:14 <b>covered (8)</b> 15:23;16:1,2;57:2;64:17; 65:3;66:23;74:2 <b>crafted (2)</b> 40:18;147:4 <b>crafting (1)</b> 52:20 <b>create (2)</b> 40:10;43:5 <b>creates (2)</b> 86:9;185:15 <b>creating (3)</b> 62:6;63:5,17 <b>crime (1)</b> 58:15 <b>criminals (1)</b> 58:18 <b>crucial (1)</b> 56:17 <b>CSA (2)</b>	50:19,22 <b>cure (1)</b> 120:5 <b>current (6)</b> 4:13;64:2,3;153:24; 155:15;167:20 <b>currently (2)</b> 46:20;78:22 <b>curriculum (2)</b> 150:24;151:1 <b>custom (1)</b> 135:9 <b>customer (3)</b> 66:20,21;132:13 <b>customers (6)</b> 62:24;72:23;84:16; 120:4;132:8,11 <b>cycle (2)</b> 41:3,3 <b>cylinder (2)</b> 17:6;141:1	171:15;172:8;182:10 <b>DATTILO (20)</b> 6:8,8;12:12,15,19,21; 37:18,18;38:21;41:23;42:3, 12,15,19,24;44:5;165:10, 12;166:1;168:4 <b>Dave (2)</b> 6:8;41:22 <b>David (1)</b> 37:18 <b>day (12)</b> 42:14;97:24;127:6; 134:5,6;143:11,14;158:7; 166:17;172:12;179:3; 186:12 <b>days (23)</b> 22:21,23;105:7;114:4,14; 120:17,20;127:9;128:17, 20;129:6,11,22;142:7; 157:17;167:11;171:11; 176:22;177:2,6;179:13,21, 22 <b>day-to-day (2)</b> 67:10;81:17 <b>DC (1)</b> 50:4 <b>dead (1)</b> 44:17 <b>dead-end (1)</b> 101:4 <b>deal (3)</b> 47:22;76:13;167:19 <b>dealing (2)</b> 120:21;158:4 <b>deals (3)</b> 14:18,19;171:9 <b>dealt (1)</b> 105:21 <b>death (1)</b> 51:23 <b>debate (2)</b> 33:24;136:14 <b>debated (3)</b> 19:12,15;86:5 <b>decades (1)</b> 114:3 <b>decide (3)</b> 15:9;112:9;143:13 <b>decided (3)</b> 77:12;120:16;143:12 <b>decides (1)</b> 27:21 <b>decision (6)</b> 41:18;141:16;143:20; 146:18;180:12;182:8 <b>decisions (1)</b> 182:6 <b>declaration (1)</b> 68:7 <b>defined (1)</b> 86:6 <b>defines (1)</b> 83:22	<b>definitely (2)</b> 16:21;154:10 <b>degree (1)</b> 136:21 <b>DEL (6)</b> 47:10;115:13;166:6; 169:22;182:6,10 <b>delve (1)</b> 158:4 <b>denominator (1)</b> 152:17 <b>deny (2)</b> 23:3,9 <b>depending (1)</b> 93:11 <b>depends (2)</b> 28:12;51:21 <b>Des (1)</b> 1:8 <b>design (1)</b> 137:16 <b>designed (1)</b> 56:4 <b>designing (1)</b> 65:9 <b>designs (1)</b> 65:7 <b>desk (2)</b> 13:8;144:13 <b>detail (3)</b> 51:9;144:20;153:11 <b>details (1)</b> 128:7 <b>determination (5)</b> 65:16,22;67:5,6;144:15 <b>determinations (3)</b> 63:15;171:21;174:7 <b>determine (9)</b> 72:6;86:16;94:23; 101:22;119:8;121:15; 152:7;171:13;172:6 <b>determined (1)</b> 17:10 <b>determines (2)</b> 34:17;106:15 <b>develop (1)</b> 117:8 <b>developed (1)</b> 115:10 <b>Development (4)</b> 14:16;15:11,13;46:21 <b>deviation (1)</b> 26:21 <b>device (2)</b> 27:8;93:24 <b>devices (4)</b> 97:1,12,15;118:3 <b>diagram (5)</b> 87:20;128:11;170:4; 172:23;175:2 <b>diagrams (11)</b> 87:10,16,21;88:9;129:22; 147:5;167:10;168:22;
	<b>D</b>		
	<b>Dallas (1)</b> 70:23 <b>Dan (6)</b> 124:19,20,24;125:14; 153:17;187:17 <b>darndest (1)</b> 22:10 <b>Darrel (1)</b> 37:16 <b>data (68)</b> 74:20;85:14,20;86:4,13; 88:24;89:3,4,5,8,12;90:5,9; 91:12,23;92:16,21;94:11; 100:3,14,19,22,23;101:7, 15;102:1,6,13,15;103:1,13; 104:7,17,21;106:23;107:6, 9,18;108:23;110:9;111:4, 10,15;112:2,12;113:5,6,10, 18,22,24;114:3;119:13; 121:22;125:9,11;126:2; 128:12;147:6;167:10; 168:22;170:4,10,14; 172:23;175:1;178:21;179:4 <b>database (1)</b> 95:21 <b>date (39)</b> 9:6,24;12:24;13:6,15; 26:9;38:6,9,14,18,20; 88:19;91:4,19;94:22;95:16; 100:7;105:8,14;111:18; 113:8;126:23;128:20; 148:16;157:19,22,23,24; 158:22,23;159:4;166:4,15, 15;167:2;170:12,13; 171:11;176:17 <b>dated (1)</b> 126:17 <b>dates (8)</b> 13:18,19;38:7,8;128:23;		

170:11;178:22;179:5 <b>dial (1)</b> 116:7 <b>Dick (23)</b> 4:4;16:13;25:8;26:19; 46:10;48:10;55:14;62:3; 72:3,9;74:10;91:1;93:3; 97:3,7;102:9;107:2,23; 114:1;136:23;138:23; 143:4;144:4 <b>dictated (1)</b> 61:15 <b>died (1)</b> 53:24 <b>difference (5)</b> 21:2;68:16;85:24;86:9; 90:9 <b>differences (1)</b> 21:8 <b>different (39)</b> 24:17,23;28:18;31:2,2,3, 12;35:1,6;43:15;46:12; 50:10;53:16;57:15;65:8,11, 12;68:1;71:10;86:24;88:3, 8;93:8,17;94:4;97:1;113:7; 135:18;136:18,20,21; 138:14,18,24,24;139:18,21; 184:16;185:16 <b>differential (1)</b> 55:20 <b>differently (2)</b> 181:16;182:24 <b>difficult (5)</b> 86:16,20;87:4;135:17; 136:5 <b>difficulty (1)</b> 87:2 <b>direct (5)</b> 66:18;154:2;186:4,4; 187:12 <b>directer (1)</b> 154:5 <b>direction (6)</b> 113:14;122:15;156:19; 157:14;185:21;186:6 <b>directly (1)</b> 187:13 <b>Director (4)</b> 4:7,18;59:23;133:19 <b>Directors (1)</b> 154:4 <b>disagree (2)</b> 121:24;170:22 <b>disagreeing (2)</b> 119:12;146:15 <b>disciplinary (1)</b> 185:12 <b>disclosure (1)</b> 98:14 <b>disconnect (2)</b> 59:16;141:2 <b>discrepancies (1)</b> 48:21	<b>discuss (5)</b> 9:15;21:12,17;158:11; 169:3 <b>discussed (5)</b> 19:16;41:18;51:11; 67:18;150:9 <b>discussion (12)</b> 9:23;10:4;14:3,10;30:9; 43:1;92:21;125:23;157:20; 161:5;173:2;182:14 <b>discussions (5)</b> 10:17;11:17;87:6;126:3; 187:6 <b>disruptive (1)</b> 99:19 <b>distances (1)</b> 39:15 <b>distinction (3)</b> 19:1;67:2;187:11 <b>distributed (3)</b> 8:1;10:13;62:12 <b>district (1)</b> 83:16 <b>document (2)</b> 71:4;128:6 <b>documentation (14)</b> 51:18;57:8;73:6,20; 96:13,21;97:8,16;128:1; 161:1;180:6;182:1;184:24; 185:14 <b>documented (1)</b> 18:4 <b>documents (3)</b> 87:8;160:19;184:20 <b>dog (2)</b> 45:5,6 <b>Don (1)</b> 77:24 <b>Donahue (1)</b> 147:14 <b>done (27)</b> 17:7;25:22;26:16;28:12; 40:23;43:6;46:20;47:22; 51:21;52:17;53:23;54:1; 65:17,17;73:7;108:21,22; 111:7,8,8;114:18;116:11; 123:20;140:12;148:3; 154:15;168:1 <b>D-o-n-n-e-l-l (1)</b> 125:1 <b>DONNELLY (17)</b> 124:15,18;147:16,17,24, 24;148:20;149:2,12,14,17, 22;150:8,17,22;151:1,6 <b>D-o-n-n-e-l-l-y (1)</b> 148:1 <b>door (6)</b> 40:11;42:20;55:23;80:5, 9,21 <b>doors (3)</b> 115:20,20;116:11 <b>doorways (1)</b> 15:15	<b>doozy (1)</b> 153:23 <b>double (1)</b> 17:6 <b>doubts (1)</b> 99:13 <b>Doug (5)</b> 6:1;37:12;114:19; 126:10;130:10 <b>down (30)</b> 36:1;44:8;46:22;50:6; 51:1;54:9;62:19;63:24; 77:17;78:5;79:8;80:7,16, 20;86:12;87:5;90:18; 100:24;141:21,21,23; 142:1,2;152:5;156:15; 159:18;160:9,13;165:22; 176:24 <b>download (1)</b> 106:11 <b>downtown (1)</b> 83:18 <b>drawings (5)</b> 31:7,16;32:12;33:6,6 <b>Drive (1)</b> 152:5 <b>driven (2)</b> 136:24;138:2 <b>driver (2)</b> 57:18,24 <b>driving (2)</b> 104:8;147:12 <b>drop-dead (1)</b> 111:18 <b>dropped (1)</b> 78:4 <b>dual (1)</b> 43:6 <b>due (2)</b> 49:21;85:5 <b>dumb (1)</b> 53:6 <b>dumbwaiter (2)</b> 53:4,4 <b>during (6)</b> 53:12;54:18;73:14,15; 84:2;96:11 <b>dynamometer (2)</b> 27:9,9	71:13 <b>easily (1)</b> 165:17 <b>easy (4)</b> 51:16;87:16;102:10; 162:3 <b>eating (1)</b> 101:9 <b>echo (4)</b> 83:21;84:5,20;125:1 <b>Ed (3)</b> 151:14,16;183:20 <b>edition (10)</b> 49:7,16,17,19;50:13; 67:17,19,21,22;74:13 <b>editions (2)</b> 49:20,21 <b>Education (6)</b> 61:1;147:18;148:11; 149:4,8;150:21 <b>EEAG (2)</b> 77:6,7 <b>effect (4)</b> 11:21;16:16,17;121:24 <b>effective (15)</b> 9:6,24;10:2;12:5,5,7,24; 13:6,14,18;38:6;117:24; 165:10;166:7;170:11 <b>effectively (1)</b> 166:1 <b>efficient (2)</b> 24:18,20 <b>efficiently (1)</b> 27:15 <b>effort (3)</b> 95:12;102:12;130:9 <b>efforts (1)</b> 160:1 <b>either (11)</b> 13:20;15:14;35:22;46:7; 96:11;97:8;112:12;122:19; 130:21;135:23;176:14 <b>Elaine (1)</b> 165:24 <b>elected (1)</b> 98:19 <b>electrical (4)</b> 50:18,20,21;61:17 <b>electrically (1)</b> 50:23 <b>electronic (8)</b> 69:19;71:12;72:3;84:17; 118:3,6;142:19;183:5 <b>electronically (1)</b> 84:14 <b>ELEVATOR (96)</b> 1:1;4:9,17;8:15;14:22; 16:3;24:19;27:14;39:13; 40:14,15,17;43:3,9;46:11, 15,16;47:6;49:6;50:18; 51:2;54:24;58:10;59:15,17, 21,21;60:12;61:10,11,12; 67:11;71:4;78:22;79:11;
		<b>E</b>	
		<b>earlier (6)</b> 38:18;60:11;62:3;136:7; 150:9;178:9 <b>early (3)</b> 88:21;127:11;130:13 <b>ease (1)</b> 176:13 <b>easier (5)</b> 24:22;25:4;27:12; 157:24;185:13 <b>easiest (1)</b>	

81:18,20;83:16;85:7;89:7, 23,24;90:6;91:19,24;92:5; 95:2;96:18;98:15,16,21; 99:7,10;100:15,17,24,24; 101:11;104:9;106:19; 107:4,8,10,24;111:21; 112:22;113:13;117:6,6; 119:15;120:11;122:24; 136:11,20;137:23;138:12; 140:14,18,22;141:17,18; 147:24;151:16;152:8,11, 16,23;154:1,4,5,6,7;155:1, 13;164:22;178:1	93:17 <b>encourage (1)</b> 99:21 <b>encouraged (2)</b> 130:20;131:13 <b>end (13)</b> 11:14;28:17,18;32:19; 56:1;59:2;64:9;66:11; 130:12;141:8;143:24; 166:15;167:3 <b>ended (1)</b> 170:13 <b>ENF (1)</b> 97:10 <b>enforce (8)</b> 8:19;16:15;24:8;103:20; 106:2;122:20;128:15;159:2 <b>enforceable (1)</b> 106:3 <b>enforced (11)</b> 85:10;86:18;88:17;91:5; 96:1;105:17;110:10,13; 120:9;159:15;164:6 <b>enforcement (4)</b> 36:13;119:21;126:13; 185:12 <b>enforcer (1)</b> 133:20 <b>enforcing (7)</b> 15:6;88:24;96:4;101:2; 104:2;122:16;129:22 <b>engineer (5)</b> 31:6;32:17;33:16; 157:11,12 <b>Engineers (2)</b> 4:8;49:8 <b>enhance (1)</b> 49:23 <b>enough (2)</b> 33:8;134:19 <b>entertain (2)</b> 9:22;21:24 <b>entire (1)</b> 148:15 <b>entirety (1)</b> 8:19 <b>entities (2)</b> 42:8;163:10 <b>entity (1)</b> 15:21 <b>environmental (2)</b> 117:4;137:17 <b>equipment (33)</b> 17:8,9;50:19,21;51:20; 57:1;64:24;65:1,1,5;68:19; 86:16,17;87:5,12,13;88:10; 90:15,18;91:4;92:5;95:22, 23;99:8,14;115:17;116:10; 117:5,6,10;118:1;121:8,14 <b>equipment's (1)</b> 99:10 <b>equivalent (1)</b> 51:15	<b>escalator (4)</b> 26:8;50:18;61:11;107:24 <b>escalators (1)</b> 17:24 <b>essentially (7)</b> 10:19;15:11,12;20:4,9; 146:11;177:3 <b>establish (1)</b> 73:11 <b>established (2)</b> 10:6;146:8 <b>Estates (1)</b> 120:8 <b>et (4)</b> 49:17,18;55:6,20 <b>evacuate (1)</b> 54:2 <b>evacuating (1)</b> 54:1 <b>evacuation (2)</b> 53:18,19 <b>evaluated (2)</b> 64:21,23 <b>evaluating (1)</b> 181:14 <b>evaluation (1)</b> 66:1 <b>evaluations (1)</b> 65:14 <b>even (23)</b> 13:7,13;14:5,19,24;24:6, 11;33:15;45:21;50:6;58:7; 68:7;74:15;86:20;87:4,7; 93:24;94:9;95:6,19;111:4; 152:15,21 <b>eventually (1)</b> 81:11 <b>everybody (21)</b> 17:15;47:24;58:12; 60:21;63:6;66:4;79:12; 98:10;125:2;131:3,20; 138:8;146:21;147:19; 153:20;154:14,22;157:5; 161:13;163:15;166:12 <b>everybody's (1)</b> 135:9 <b>everyone (3)</b> 82:11;162:10;169:11 <b>everywhere (1)</b> 46:1 <b>evidence (2)</b> 72:8;121:9 <b>evident (1)</b> 79:12 <b>exact (3)</b> 15:24;99:9;144:6 <b>exactly (6)</b> 27:4;64:22;77:20;91:3,5; 146:8 <b>exaggeration (1)</b> 158:8 <b>examination (1)</b> 40:23	<b>examine (1)</b> 46:18 <b>example (8)</b> 26:11;27:6;58:19;66:16; 77:12;93:19;164:1;178:9 <b>Excellent (1)</b> 132:1 <b>except (3)</b> 68:1;79:7;156:14 <b>exception (6)</b> 38:2;108:11;109:9,11,15, 19 <b>exceptions (2)</b> 40:11;129:9 <b>excessive (1)</b> 78:19 <b>exclude (1)</b> 29:11 <b>excuse (1)</b> 172:6 <b>execution (1)</b> 83:22 <b>executive (3)</b> 5:11;6:13;171:4 <b>exempt (3)</b> 44:5,7;78:22 <b>exempted (1)</b> 39:24 <b>exemptions (1)</b> 10:14 <b>exercise (1)</b> 131:12 <b>exist (4)</b> 62:17;65:23;72:13;73:11 <b>existed (1)</b> 49:15 <b>existence (4)</b> 114:3,7;116:3;161:19 <b>existing (14)</b> 12:19;35:7,8,10;44:19, 20;50:12;52:21,23;68:8; 81:6,7;150:24;177:12 <b>exists (7)</b> 65:22;68:7;72:6,9;121:8; 160:15;164:23 <b>exorbitant (1)</b> 39:16 <b>expense (1)</b> 39:17 <b>expensive (2)</b> 77:10;78:4 <b>experience (1)</b> 41:4 <b>expertise (1)</b> 79:12 <b>experts (1)</b> 28:4 <b>explain (16)</b> 7:23;25:14;30:1;75:9,11; 76:2;132:9,9,13,14;133:2, 12,16,21,24;134:2 <b>explained (1)</b> 133:9
--	---	--	---

<p><b>explains (1)</b> 128:11</p> <p><b>explicit (3)</b> 127:23;128:3,9</p> <p><b>expressed (1)</b> 39:10</p> <p><b>expressly (2)</b> 41:20;63:13</p> <p><b>extend (4)</b> 128:23;149:14;171:14; 172:7</p> <p><b>extension (3)</b> 130:11;131:13,18</p> <p><b>extensions (1)</b> 130:20</p> <p><b>extensive (2)</b> 19:7;20:15</p> <p><b>extent (3)</b> 19:5;177:23;183:1</p> <p><b>eyeballs (1)</b> 41:9</p> <p><b>eyes (1)</b> 41:6</p>	<p>185:6</p> <p><b>falsehood (1)</b> 163:12</p> <p><b>familiar (2)</b> 85:13;126:22</p> <p><b>far (6)</b> 15:22;24:11;39:12; 67:20;108:23;125:9</p> <p><b>fashion (2)</b> 8:19;145:1</p> <p><b>fast (1)</b> 115:21</p> <p><b>faster (2)</b> 54:2,4</p> <p><b>fatter (1)</b> 58:2</p> <p><b>fault (1)</b> 43:22</p> <p><b>favor (10)</b> 3:24;6:23;7:12;29:18; 39:1;150:2;168:6;173:24; 175:17;188:4</p> <p><b>fax (4)</b> 106:10;113:2;125:7; 162:1</p> <p><b>faxed (1)</b> 135:23</p> <p><b>FBN (1)</b> 92:5</p> <p><b>fear (1)</b> 172:16</p> <p><b>federal (2)</b> 15:4,8</p> <p><b>fee (2)</b> 63:22;155:24</p> <p><b>feel (5)</b> 35:16;110:12;119:13; 121:6,7</p> <p><b>feeling (3)</b> 39:17;75:21;138:6</p> <p><b>feels (1)</b> 145:12</p> <p><b>fees (4)</b> 39:16,17;41:5;86:2</p> <p><b>felt (2)</b> 78:19;79:3</p> <p><b>FEO (1)</b> 54:11</p> <p><b>few (3)</b> 120:24;145:17;162:5</p> <p><b>fiduciary (1)</b> 82:12</p> <p><b>field (6)</b> 87:24;99:4;118:2; 152:20;153:1;166:12</p> <p><b>fight (4)</b> 42:13,14;54:18;143:15</p> <p><b>fighting (1)</b> 3:8</p> <p><b>figure (7)</b> 43:12;47:8;79:13; 111:12;165:21;174:21; 178:15</p>	<p><b>figured (1)</b> 53:6</p> <p><b>figuring (1)</b> 54:1</p> <p><b>file (1)</b> 9:4</p> <p><b>filing (1)</b> 155:24</p> <p><b>fill (3)</b> 84:11;102:12;183:15</p> <p><b>filling (1)</b> 184:19</p> <p><b>filter (2)</b> 35:2;36:1</p> <p><b>filters (1)</b> 28:3</p> <p><b>final (7)</b> 22:19;30:12;32:7,8,13, 21;63:15</p> <p><b>finalized (2)</b> 22:18;76:18</p> <p><b>finally (3)</b> 8:3,8;72:22</p> <p><b>financial (1)</b> 86:1</p> <p><b>FINCHAM (9)</b> 5:14,16,16;6:2,2;37:11, 11;101:3;188:1</p> <p><b>find (12)</b> 26:15;67:17,21;85:8; 91:3,4;100:19;102:10; 114:21;140:24;186:1;187:8</p> <p><b>fine (5)</b> 29:3;32:10,17;106:6; 134:23</p> <p><b>finish (2)</b> 79:14;124:15</p> <p><b>Fire (21)</b> 16:14;31:13,17,17;41:6; 54:6,18,21,24;62:12;63:8; 109:23;123:18;126:12; 129:4;133:19;170:19; 181:24;184:4;187:4,5</p> <p><b>fired (2)</b> 118:24;119:1</p> <p><b>firefighter (1)</b> 54:19</p> <p><b>firefighters (6)</b> 17:5;52:2,3;54:11,13,18</p> <p><b>fires (1)</b> 53:12</p> <p><b>first (21)</b> 7:22;19:20;28:20,20; 33:3;44:24;49:5,16;54:7; 58:3;61:5;67:19;110:14; 124:15;141:3;152:9;153:1, 21;167:18;173:19;182:10</p> <p><b>fits (1)</b> 115:1</p> <p><b>five (6)</b> 44:11;141:1;179:21,22; 183:22;184:1</p> <p><b>fix (6)</b></p>	<p>32:24;145:19,20,22; 156:24;158:13</p> <p><b>fixed (3)</b> 110:16,18;178:6</p> <p><b>flat-coded (1)</b> 51:5</p> <p><b>flexibility (1)</b> 92:12</p> <p><b>flexible (1)</b> 157:23</p> <p><b>floating (1)</b> 57:8</p> <p><b>floor (6)</b> 11:8;14:21;42:18;50:7; 167:16;168:2</p> <p><b>floors (1)</b> 54:21</p> <p><b>Fly (1)</b> 92:6</p> <p><b>folder (2)</b> 139:11;144:12</p> <p><b>folks (3)</b> 41:12;54:19;179:11</p> <p><b>follow (6)</b> 25:11;27:3;48:2;49:13; 58:12;114:12</p> <p><b>followed (1)</b> 103:23</p> <p><b>following (2)</b> 144:5,6</p> <p><b>follow-up (1)</b> 96:19</p> <p><b>force (1)</b> 90:2</p> <p><b>forced (1)</b> 186:19</p> <p><b>forcing (2)</b> 164:4;186:22</p> <p><b>Forest (3)</b> 77:8;98:20;118:5</p> <p><b>forever (2)</b> 81:10;122:17</p> <p><b>form (3)</b> 75:10;101:4;161:1</p> <p><b>formal (3)</b> 155:9,12;185:23</p> <p><b>formally (1)</b> 155:14</p> <p><b>format (3)</b> 69:19;71:13;84:17</p> <p><b>formed (1)</b> 78:21</p> <p><b>forms (1)</b> 184:20</p> <p><b>forth (9)</b> 8:5;34:12;40:7;52:20; 70:24;134:8,18;135:17; 137:18</p> <p><b>forum (4)</b> 19:20;21:15;30:8;72:3</p> <p><b>forward (6)</b> 9:3;34:22;126:7;127:5; 158:14;179:4</p>
<b>F</b>			
<p><b>facie (1)</b> 72:8</p> <p><b>facility (1)</b> 103:10</p> <p><b>fact (22)</b> 10:17,18;62:10;64:3; 67:20;72:18;73:11;74:6; 82:3;85:2,8;86:10;90:4,17; 91:1;104:3;106:4;108:12; 148:13;172:15;178:20; 187:3</p> <p><b>facts (1)</b> 62:1</p> <p><b>fail (11)</b> 101:5;104:9;111:12; 127:1;141:17;142:6,8; 166:13;177:1;180:16,20</p> <p><b>failed (7)</b> 99:5;111:12,22;136:2; 142:10;166:24;176:10</p> <p><b>failing (5)</b> 99:2;101:7,11;130:17; 185:7</p> <p><b>fails (2)</b> 17:8;167:20</p> <p><b>failure (5)</b> 17:9;95:5;111:20; 113:11,18</p> <p><b>failures (3)</b> 99:8,16;129:7</p> <p><b>fair (3)</b> 8:5;33:8;166:11</p> <p><b>fairly (5)</b> 30:18;82:15;137:4,20,20</p> <p><b>falls (1)</b> 100:18</p> <p><b>false (1)</b></p>			

<p><b>forwards (1)</b> 34:19</p> <p><b>found (6)</b> 55:20;82:14;128:13; 178:1;185:3,17</p> <p><b>Foundation (1)</b> 154:4</p> <p><b>four (20)</b> 44:12;77:19;85:22; 103:21;121:1;126:21,22, 24;133:5;139:22;145:8; 148:21,22;158:9;180:11; 181:15,20;183:22;184:1,2</p> <p><b>four-story (1)</b> 152:18</p> <p><b>Frank (3)</b> 17:22;124:6;176:9</p> <p><b>frankly (1)</b> 79:7</p> <p><b>fraudulent (1)</b> 185:5</p> <p><b>Friday (1)</b> 166:18</p> <p><b>friendly (1)</b> 167:24</p> <p><b>front (1)</b> 125:22</p> <p><b>fulfill (2)</b> 87:20;123:4</p> <p><b>full (7)</b> 98:14;128:17,21;129:6; 162:18;167:11;171:12</p> <p><b>fully (1)</b> 172:10</p> <p><b>function (2)</b> 15:21;119:14</p> <p><b>functioning (4)</b> 115:17;116:11;118:18; 119:9</p> <p><b>further (5)</b> 22:14;34:20;35:15; 82:19;128:13</p> <p><b>future (4)</b> 68:15;126:9;148:16; 171:6</p>	<p>115:19;127:23;150:21</p> <p><b>generally (1)</b> 26:19</p> <p><b>generate (1)</b> 162:2</p> <p><b>generic (1)</b> 65:3</p> <p><b>genesis (2)</b> 114:16;138:15</p> <p><b>geographic (1)</b> 83:17</p> <p><b>Gerald (2)</b> 37:17;48:2</p> <p><b>gets (4)</b> 84:14;123:19;129:10; 152:11</p> <p><b>Gibbs (31)</b> 98:8,10,11,15;100:2; 101:24;102:6;103:8,13; 104:14;105:20;106:21; 107:23;110:21,23;111:10, 19;112:1,7,9,16,23;113:4, 12,17;114:1,12;115:3; 139:8;171:2;181:9</p> <p><b>G-i-b-b-s (1)</b> 98:12</p> <p><b>GILLES (5)</b> 5:22,22;37:15;149:5; 175:16</p> <p><b>Gills (1)</b> 37:15</p> <p><b>given (16)</b> 10:2,18;16:14;34:10; 90:17;100:7;102:16; 122:15;129:4;130:21; 131:11;136:10;145:12; 173:13;179:15;185:14</p> <p><b>gives (3)</b> 14:1;146:10;166:2</p> <p><b>giving (2)</b> 92:14;114:18</p> <p><b>goal (4)</b> 99:11,13,15,20</p> <p><b>God (1)</b> 92:6</p> <p><b>goes (10)</b> 18:15;28:9;44:3;63:20; 66:6;68:6;89:10;98:5; 108:23;115:22</p> <p><b>good (23)</b> 25:19;57:23,23;82:6; 83:14;93:19;96:6;98:10; 106:19;116:12;117:20; 125:19,21;128:24;131:5,6; 139:2,3;140:22;165:13,23; 171:15;187:21</p> <p><b>goodness (1)</b> 139:10</p> <p><b>got-you (1)</b> 99:18</p> <p><b>govern (1)</b> 171:22</p> <p><b>government (2)</b></p>	<p>39:21;48:19</p> <p><b>governor (3)</b> 13:4;27:7;51:3</p> <p><b>governor's (1)</b> 13:8</p> <p><b>grace (2)</b> 119:23;125:10</p> <p><b>graduated (1)</b> 132:7</p> <p><b>grant (12)</b> 33:5;91:11;99:21; 108:11;109:11,15,18,19; 131:14;135:16;136:22; 146:10</p> <p><b>granted (5)</b> 33:3;109:9;130:11; 131:18;172:3</p> <p><b>granting (3)</b> 131:12;157:16;170:7</p> <p><b>great (4)</b> 26:13;27:19;49:4;99:2</p> <p><b>greatest (1)</b> 91:22</p> <p><b>greatly (1)</b> 75:20</p> <p><b>GRECO (6)</b> 47:10;115:13;166:6; 169:22;182:6,10</p> <p><b>green (1)</b> 135:12</p> <p><b>GREGORY (49)</b> 4:6;15:2,4;25:2,9;38:18; 46:11,16;48:11,13;55:5; 60:23;69:22;70:1,71:14; 80:13;81:23;89:3;90:14; 91:8,17;93:18;96:24;97:4, 12,19;100:1;107:1,3,24; 112:14;137:2,5,10,12,22; 138:3;139:1,13;143:3,6; 144:5;147:16;164:13,15; 166:7;167:15,23;168:18</p> <p><b>Gregory's (1)</b> 48:10</p> <p><b>GROSS (28)</b> 5:20;14:3,7,11,21;15:1; 16:6,16;22:13,16,18;29:14; 37:17,17;44:16,21,23;45:6, 24;46:3,15;47:4,20;69:5, 12;71:12;149:6,6</p> <p><b>ground (1)</b> 155:21</p> <p><b>grounds (4)</b> 34:13,18;186:7,24</p> <p><b>group (16)</b> 52:8,12;53:11,22,23; 55:9,23;71:8;74:12;76:18; 78:20,22;95:12;104:15; 140:6;154:7</p> <p><b>groups (1)</b> 53:7</p> <p><b>guarantee (1)</b> 38:16</p> <p><b>guess (9)</b></p>	<p>32:15;37:6;42:3;63:10; 88:11;90:11;115:11; 144:19;167:21</p> <p><b>guidance (2)</b> 104:16;126:20</p> <p><b>guide (29)</b> 17:23;23:17,18;24:7,23, 24;25:10,11,14,18,19,19, 20,22,24;26:6,7,16,19; 27:10;48:17,17,20,22;49:2; 51:24,24,24;52:2</p> <p><b>guideline (1)</b> 29:4</p> <p><b>guidelines (4)</b> 16:19,19;85:5,22</p> <p><b>guides (1)</b> 24:21</p> <p><b>gun (1)</b> 107:14</p> <p><b>guru (1)</b> 15:24</p> <p><b>guy (1)</b> 89:15</p> <p><b>guys (13)</b> 28:4;48:14;51:18;70:17; 80:4,8;96:18;107:7;134:17; 151:2;155:18;169:10;172:1</p>
<b>H</b>			
<p style="text-align: center;"><b>G</b></p>			
<p><b>game (1)</b> 20:18</p> <p><b>GANIERE (22)</b> 3:17;5:10;6:3,3,12;7:5; 23:10,10;28:6,6,15;29:1; 37:9;73:3,3,14;96:9,19; 97:2,5,18;98:6</p> <p><b>gather (1)</b> 125:11</p> <p><b>gave (2)</b> 12:21;38:7</p> <p><b>genealogy (1)</b> 100:5</p> <p><b>general (6)</b> 54:20;56:24;97:3;</p>			
			<p><b>hallways (2)</b> 15:15,16</p> <p><b>hand (2)</b> 81:23;133:14</p> <p><b>handful (2)</b> 120:14,21</p> <p><b>handicap (1)</b> 43:19</p> <p><b>handicapped (1)</b> 15:7</p> <p><b>handle (1)</b> 72:3</p> <p><b>handling (1)</b> 48:21</p> <p><b>handrails (1)</b> 15:16</p> <p><b>Hang (1)</b> 92:24</p> <p><b>happen (5)</b> 32:1,34:4;70:20;77:13; 126:13</p> <p><b>happened (3)</b> 32:20;68:13;176:10</p> <p><b>happens (3)</b> 34:21;89:17;144:2</p> <p><b>happy (4)</b> 57:21;76:6,8;77:2</p> <p><b>hard (4)</b> 113:8;145:9;157:22,24</p> <p><b>Harmon (2)</b> 76:1;77:24</p> <p><b>Harrison (1)</b> 1:8</p>

<p><b>hate (1)</b> 155:23</p> <p><b>hats (1)</b> 108:3</p> <p><b>havoc (2)</b> 63:6,18</p> <p><b>hear (12)</b> 25:3;26:18;35:14;36:11, 18;55:8;85:14;121:23; 152:13;167:5;168:20,21</p> <p><b>heard (9)</b> 8:8;13:12;114:19;127:8; 151:24;153:6;155:19; 156:10,10</p> <p><b>hearing (4)</b> 34:4;124:16;127:5;129:9</p> <p><b>hears (1)</b> 36:3</p> <p><b>heartache (2)</b> 61:24;62:7</p> <p><b>heights (2)</b> 14:22;15:1</p> <p><b>held (4)</b> 53:3;135:4;184:7,22</p> <p><b>help (12)</b> 20:15;25:15;94:20; 95:13,14;96:5;113:21; 119:24;122:1;151:3;170:3, 15</p> <p><b>helper (1)</b> 50:2</p> <p><b>helpful (2)</b> 49:2;89:13</p> <p><b>helping (2)</b> 50:3;58:16</p> <p><b>helps (1)</b> 26:7</p> <p><b>Hertsberg (6)</b> 6:4,4,19,19;37:22,22</p> <p><b>Hey (10)</b> 32:21,24;66:22;78:1; 81:16;95:5;104:20;116:23; 117:20;130:18</p> <p><b>high (2)</b> 130:7;132:7</p> <p><b>high-rise (2)</b> 152:17,21</p> <p><b>highway (1)</b> 58:21</p> <p><b>Hines (1)</b> 136:17</p> <p><b>historical (1)</b> 51:5</p> <p><b>historically (1)</b> 71:6</p> <p><b>history (5)</b> 67:16;86:22;118:10; 119:3;120:9</p> <p><b>hit (1)</b> 175:24</p> <p><b>Hoffman (1)</b> 120:8</p> <p><b>hoist (3)</b></p>	<p>80:7,16,20</p> <p><b>hold (4)</b> 106:1;159:18;185:13,24</p> <p><b>holds (1)</b> 106:3</p> <p><b>honest (3)</b> 45:22;78:10,14</p> <p><b>honestly (1)</b> 79:9</p> <p><b>hope (8)</b> 42:11;55:24;82:11,13,18; 107:11;131:15;154:22</p> <p><b>hopefully (2)</b> 53:17;184:23</p> <p><b>horse (1)</b> 44:17</p> <p><b>hour (4)</b> 1:9;43:23;106:14;113:3</p> <p><b>hours (11)</b> 43:23,24;106:14;148:18, 21,21,22,22;169:22,23; 170:2</p> <p><b>house (1)</b> 42:18</p> <p><b>housekeeping (2)</b> 115:19;116:12</p> <p><b>huge (2)</b> 81:21;93:21</p> <p><b>Huh-huh (1)</b> 90:7</p> <p><b>hungry (1)</b> 169:8</p> <p><b>hunk (1)</b> 144:13</p> <p><b>hydraulic (3)</b> 117:7;152:18,23</p>	<p><b>imagine (1)</b> 106:20</p> <p><b>immediate (1)</b> 122:22</p> <p><b>immediately (2)</b> 71:18;76:11</p> <p><b>impact (3)</b> 9:2;32:4;179:12</p> <p><b>impaired (7)</b> 45:2,3,8,8,9,11,16</p> <p><b>implementation (1)</b> 65:7</p> <p><b>implicate (1)</b> 187:13</p> <p><b>implied (1)</b> 153:3</p> <p><b>importance (1)</b> 90:10</p> <p><b>important (4)</b> 90:12;116:22;118:2; 119:13</p> <p><b>impose (1)</b> 113:8</p> <p><b>imposed (2)</b> 75:23;77:9</p> <p><b>impress (1)</b> 120:15</p> <p><b>impression (1)</b> 136:8</p> <p><b>impressions (1)</b> 99:1</p> <p><b>improbability (1)</b> 186:13</p> <p><b>improve (2)</b> 49:23;77:11</p> <p><b>i-n (1)</b> 151:22</p> <p><b>inadequate (2)</b> 66:7,19</p> <p><b>inches (3)</b> 43:19;44:3,5</p> <p><b>incident (2)</b> 118:12;144:1</p> <p><b>incidentally (1)</b> 63:21</p> <p><b>incidents (1)</b> 183:23</p> <p><b>include (3)</b> 18:9;41:19;71:1</p> <p><b>included (1)</b> 171:16</p> <p><b>includes (1)</b> 36:24</p> <p><b>including (1)</b> 41:11</p> <p><b>incoming (1)</b> 52:23</p> <p><b>incomplete (1)</b> 141:17</p> <p><b>incorporate (6)</b> 45:20;46:4,8;47:5,17,21</p> <p><b>incorporated (2)</b> 16:6;61:11</p>	<p><b>incorporating (2)</b> 14:11;21:21</p> <p><b>incorrect (1)</b> 90:13</p> <p><b>increase (2)</b> 75:20;76:3</p> <p><b>incurring (1)</b> 39:15</p> <p><b>independent (3)</b> 82:15;184:6;185:20</p> <p><b>Indiana (1)</b> 59:21</p> <p><b>indicates (1)</b> 161:2</p> <p><b>indicating (3)</b> 72:4;155:15;160:19</p> <p><b>individual (14)</b> 34:15;39:21;64:20; 86:21;152:15;184:14,15, 17;185:13;186:5,15,19; 187:10,15</p> <p><b>individuals (4)</b> 35:1;42:23;145:18;154:7</p> <p><b>Industry (10)</b> 61:10,11;62:23,24;63:12; 87:9;98:21;122:1;155:1; 174:16</p> <p><b>influence (1)</b> 82:23</p> <p><b>inform (1)</b> 121:7</p> <p><b>informal (1)</b> 185:22</p> <p><b>information (36)</b> 48:3,20;84:4,15;91:23; 93:4;95:13;100:19;101:8, 12,13;102:12,19,20; 104:18;108:8;109:1,5; 113:5;116:7;118:11;119:7, 22;120:1,3,6,7,8;122:4,9, 11;125:7,11,12;128:13; 182:2</p> <p><b>informing (1)</b> 41:24</p> <p><b>inherent (1)</b> 137:17</p> <p><b>initial (4)</b> 39:23;56:12;171:3,7</p> <p><b>Initially (1)</b> 55:11</p> <p><b>initiative (1)</b> 129:8</p> <p><b>injury (1)</b> 40:6</p> <p><b>input (2)</b> 20:1;84:12</p> <p><b>inquiry (1)</b> 159:12</p> <p><b>inspect (19)</b> 28:20,21;89:10;101:19, 22;102:3;103:5;104:11,12; 105:13;106:16,20;112:22; 119:3,11;134:1;186:13,16,</p>
	<b>I</b>		
<p><b>I17 (1)</b> 155:10</p> <p><b>IBC (6)</b> 16:9,10;31:1,2;46:7,8</p> <p><b>idea (3)</b> 25:19;58:9;96:6</p> <p><b>ideas (1)</b> 157:6</p> <p><b>identical (1)</b> 15:12</p> <p><b>ie (1)</b> 64:2</p> <p><b>ignored (1)</b> 185:9</p> <p><b>Illinois (27)</b> 1:7,8;15:10,10;39:20; 40:5;46:21,24;47:2;50:13; 57:13,19;59:4,5;62:1; 98:14;103:18;127:19; 143:18;148:2,10;149:11; 150:19;155:16,17;164:21; 183:24</p> <p><b>illustrate (1)</b> 48:24</p>			

<p>20 <b>inspected (8)</b> 95:22;104:13;108:5; 111:17;113:10;127:17; 157:18;158:16 <b>inspecting (8)</b> 90:22;95:20;97:19; 101:23;104:24;105:5; 119:14;177:24 <b>Inspection (74)</b> 4:22;13:22;28:19;32:7,8, 13,21;39:24;40:5;41:16; 43:20,21,22;56:11;58:20; 69:8;73:15,19,22;74:3; 84:2;90:24;91:7;92:15; 96:3,11,12,14,97:9,9; 101:21;105:3,6,9;111:21; 112:3;114:20;121:3; 122:15;127:2,4;128:14,21; 129:15;132:17;133:3; 135:22;136:3;141:10; 143:23;145:11;152:6; 156:11;157:17,23;158:18; 160:14;162:5,17;165:19; 171:12;176:3,8;180:11,13, 15,22;181:1,5;184:6,7,20; 186:8;187:15 <b>inspectional (1)</b> 95:20 <b>inspections (23)</b> 10:14;17:23;23:17; 25:13,14;26:4;41:1;56:10; 58:11;90:20,22;95:23; 96:23;99:3;111:7;127:14; 133:1;144:23;158:19; 162:12;166:21;171:9; 186:22 <b>inspector (68)</b> 25:15;26:14;41:13; 45:12;62:18;63:18;65:20, 21,24;66:2,8,16;67:2;71:2; 72:5,15;73:4,16;84:2,21, 24;85:2;89:5,9,10,21;90:1, 21;95:4;96:11,20;97:20; 98:16;100:13,22;101:24; 102:13;103:4,9;104:5; 106:7,14;112:3,20;113:21; 114:10;115:8;118:24; 119:1,1,2,8;123:1;129:10; 132:23;135:20;141:19; 153:5,8;161:10,16;162:17; 164:8;184:18;185:14; 186:11,15,17 <b>Inspectors (44)</b> 4:23;15:5,14;23:19; 24:20;25:18;26:7,12;39:13; 48:18;49:3;56:11,17;58:21; 63:7;89:13;99:19;114:12, 13,14,18;117:19;120:14, 21;122:18;126:11;128:15; 132:4;133:8,24;135:6,12; 139:2;148:6,23;164:22; 181:9;183:23;184:3,6,8,18;</p>	<p>185:18;186:2 <b>inspector's (8)</b> 97:24;115:9,15,15; 118:16;133:2;144:18;186:5 <b>inspects (1)</b> 85:3 <b>install (3)</b> 90:15;93:16;94:5 <b>installation (31)</b> 32:11;56:12;57:11; 62:16,22;63:3,19,20;64:20; 65:14,18;66:3,8,12,18; 67:7;68:11,14,16;69:11; 74:2,6,18;91:4;94:22; 95:15;118:22;119:17; 126:23;174:8;178:14 <b>installations (6)</b> 52:21,24;67:24;68:9; 125:13;164:9 <b>installed (15)</b> 26:8;56:5,7;86:17;87:12; 90:1;93:7,21,22,24;94:12, 13;108:9;119:19;120:11 <b>installing (1)</b> 93:23 <b>installs (1)</b> 107:4 <b>instance (1)</b> 186:1 <b>instances (3)</b> 86:4,10;171:16 <b>instead (1)</b> 91:2 <b>instigated (1)</b> 34:8 <b>instigators (1)</b> 78:21 <b>Institute (1)</b> 49:11 <b>instruction (4)</b> 128:4;145:13;164:10; 165:2 <b>instructions (9)</b> 70:2,4;72:11,17;137:6; 143:7;144:7;163:24;164:24 <b>insure (9)</b> 40:21;42:22;56:12; 58:21;85:1;86:3;115:16; 116:2;118:18 <b>insures (1)</b> 67:10 <b>insuring (1)</b> 115:20 <b>integral (1)</b> 9:9 <b>integrity (1)</b> 97:13 <b>intended (3)</b> 48:17,18,23 <b>intensive (1)</b> 22:6 <b>intent (11)</b> 8:7;20:20;22:10;131:2;</p>	<p>136:23;137:24;138:3,6; 139:17;144:9;162:16 <b>intention (3)</b> 23:20;65:24;182:24 <b>interest (6)</b> 52:8,9;79:15;82:6,10; 99:17 <b>interested (1)</b> 78:16 <b>interesting (1)</b> 8:11 <b>internal (2)</b> 10:2;13:21 <b>International (4)</b> 54:14;59:9,10,13 <b>Internet (1)</b> 70:18 <b>interplay (1)</b> 174:15 <b>interpret (4)</b> 146:7;159:14;160:11; 164:18 <b>interpretation (37)</b> 8:7;62:10,13;64:5;99:22; 121:2;135:2;142:12,13,17, 20;145:23,24;146:12,13; 155:3,10,13,14;156:18,22; 157:3;158:3;159:6,7; 166:10;167:6;171:19; 172:11,14,21;173:9; 174:11,12;176:6;177:5; 180:6 <b>interpretations (2)</b> 99:4;174:8 <b>interpreted (3)</b> 178:2;179:2;180:2 <b>interpreting (2)</b> 173:10,13 <b>interrupt (2)</b> 71:15;147:3 <b>intersection (1)</b> 58:4 <b>into (33)</b> 5:4,11;9:21;16:9;21:22; 24:5;25:9;26:5;31:19;38:3; 39:17;42:4;47:5,14;49:14; 51:10;59:9;67:16;77:21; 88:8;89:21;92:21;97:14; 102:23,24;109:1;115:1; 119:2,5;137:16;153:10; 158:4;164:4 <b>intricacy (1)</b> 86:8 <b>investigate (1)</b> 187:7 <b>investigated (2)</b> 184:3,10 <b>investigation (5)</b> 33:19;34:4,13,20;187:1 <b>investigations (7)</b> 34:7,8;35:15,21,22; 36:21;37:1 <b>investment (2)</b></p>	<p>81:20,21 <b>involved (6)</b> 10:16;47:3;87:2;94:2; 173:14;182:13 <b>involves (1)</b> 63:22 <b>Iowa (2)</b> 60:5,7 <b>issue (47)</b> 16:4;28:3;31:20;32:8; 36:14;45:24;46:1,7;61:3; 62:6,19;63:5,13,24;64:8; 71:7;74:15;88:20;95:8; 105:18;106:21;110:15,20; 113:7;122:23,24;123:16; 125:13;141:7;155:14; 156:13;158:6;159:6,8; 167:7,13;170:9,15;178:4; 180:18,20,21;181:2,4; 182:4,6;183:4 <b>issued (14)</b> 8:12;59:10,16;91:9; 100:4;103:9;104:4;120:4; 142:14;158:7;169:5;170:5; 176:11,24 <b>issues (16)</b> 35:16;40:4;53:8,10;54:8; 65:11;88:13;108:19; 123:17;127:20;139:19,21, 22;158:5,14;172:12 <b>item (6)</b> 97:4;156:9;169:14; 171:6;172:22;181:23 <b>items (19)</b> 78:4;103:21;115:12,16; 116:1;121:1,21;126:21,22, 24;129:19;133:5;145:8; 158:9;169:3;173:15; 180:11;181:16,17</p>
<b>J</b>			
<p><b>Jack (2)</b> 143:11,14 <b>Jandora (59)</b> 6:5,5;14:15;23:4,7,16; 24:1,12;26:18;28:24;29:10; 35:10;37:21,21,47;13:9;3:2, 19;115:7,14;116:21;119:4, 12;120:24;126:6;144:17, 22;145:6,10;149:9,13,16, 18;156:9,17,23;158:6; 159:5,18;160:8,10;161:1; 164:14,17;165:23;167:13; 168:14,16;169:2,12,17; 173:5,5,10,12;174:20; 175:6,9;181:23;188:3 <b>January (9)</b> 3:13;7:3,6;13:20,24; 38:12,16;88:21;113:9 <b>January's (1)</b> 38:20 <b>J-CAR (20)</b></p>			

7:18,19;8:3,6,12;9:1; 11:17;18:8;19:7;20:7,15; 21:17,21;22:1,5,22;23:11; 27:22;28:9;29:24	<b>jurisdiction (3)</b> 33:15;46:12,13	152:5	147:21;156:5
<b>J-CAR's (2)</b> 17:2;23:9	<b>jurisdictions (2)</b> 4:12;35:1	<b>landings (2)</b> 40:18;44:12	<b>left (1)</b> 57:9
<b>jeopardizes (1)</b> 17:9	<b>K</b>	<b>language (11)</b> 10:22;22:11;35:19; 45:22;46:4;47:9;52:20; 179:6;182:20,21;183:3	<b>legislated (1)</b> 75:23
<b>Jerry (9)</b> 3:19;5:18;6:7;37:19; 75:13;76:10,15,16;149:6	<b>keep (7)</b> 7:5;46:3;70:15;71:24; 117:10;140:18;160:24	<b>lapse (1)</b> 23:1	<b>legislation (11)</b> 10:6;11:3,22;12:9;15:17; 18:1,11;75:22;82:23; 103:19;105:20
<b>Jersey (1)</b> 70:22	<b>keeper (1)</b> 151:3	<b>lapses (1)</b> 40:6	<b>legislative (4)</b> 12:1,2;27:24;28:9
<b>Jesse (1)</b> 57:22	<b>keeping (2)</b> 26:2;153:7	<b>laptop (1)</b> 135:15	<b>legislatively (3)</b> 10:7,22;18:5
<b>Jim (1)</b> 60:6	<b>keeps (1)</b> 101:9	<b>laptops (1)</b> 135:7	<b>legislature (2)</b> 28:13;77:24
<b>Jirik (5)</b> 5:24,24;37:13,13;178:15	<b>Kelly (14)</b> 5:23;18:15;30:7;37:14; 104:20,23;115:8;134:24; 138:21;155:21;158:24; 162:21;166:22;177:8	<b>large (1)</b> 70:16	<b>legit (2)</b> 16:13;126:5
<b>job (33)</b> 43:24;84:10,10,12,12; 85:3;88:1,2,3;115:8,15,15; 118:16,17,23;120:10,17; 121:4,17;132:12;133:23; 134:2,4,5;139:5,5;145:2; 152:17;153:6,12;160:18; 161:2;165:23	<b>Kelly's (1)</b> 35:24	<b>Larry (6)</b> 60:7;114:24;142:22; 154:20,24;156:2	<b>legitimate (1)</b> 174:16
<b>jobs (3)</b> 23:19;78:17;87:10	<b>kept (4)</b> 66:12;69:20;70:14,19	<b>LaSalle (2)</b> 55:3,5	<b>length (1)</b> 49:4
<b>Joe (7)</b> 132:11;147:14,17,24; 149:9;151:7,8	<b>keys (1)</b> 151:3	<b>last (18)</b> 13:11;18:16;19:17; 20:13;34:1;36:6;61:7; 90:23;91:7;104:13;119:7; 122:12;132:10;147:12; 155:2;157:23;179:13; 187:19	<b>less (1)</b> 44:6
<b>John (13)</b> 5:16;6:2;37:11;83:12,15; 85:17;89:15,18;93:1;96:8; 98:6;183:11,14	<b>kicking (1)</b> 52:16	<b>late (1)</b> 20:17	<b>letter (19)</b> 29:24;48:7;91:9;92:7,10; 95:16;109:22;130:16; 142:15;145:7,23;170:5,9; 171:7;172:21;176:11,15; 182:14,18
<b>Jones (36)</b> 6:1,1;10:5,9,21;11:1; 17:22;18:4,7,11,14;36:8,13, 16,18;37:12,12;43:1,8; 74:19,24;75:3;108:2; 109:19,24;110:5,11,14,20, 22;111:1;122:13;123:13, 16,23;126:11	<b>kid (1)</b> 50:6	<b>later (4)</b> 10:12;38:14;63:21;127:9	<b>letters (9)</b> 92:19;130:19;131:4,5,17; 170:22;181:14,15;182:23
<b>judgment (1)</b> 103:7	<b>kill (1)</b> 118:5	<b>latest (2)</b> 49:7;91:21	<b>level (5)</b> 50:16;96:17;97:13; 170:6;186:16
<b>Juhasz (18)</b> 15:24;52:5;61:6,8,8; 64:12,16;67:15;69:9,16,24; 71:22;73:8,23;74:22;75:2, 6;163:22	<b>kind (15)</b> 15:18;28:22;30:21; 35:14;42:19;43:3;58:1,9; 68:5;89:22;97:15;111:21; 115:1;138:18,23	<b>law (24)</b> 12:8;15:5,6;28:1,10,13; 29:2;64:3;74:7;77:15; 80:15;121:19;128:16; 129:24;131:12;143:13; 170:8;176:2;178:20,20,21; 179:1,2;180:1	<b>levels (1)</b> 40:16
<b>J-u-h-a-s-z (1)</b> 61:9	<b>kindly (1)</b> 127:8	<b>lawyers (1)</b> 22:8	<b>liability (4)</b> 144:3;162:16,19;163:14
<b>July (1)</b> 52:14	<b>kissing (1)</b> 48:14	<b>lay (1)</b> 25:15	<b>liable (3)</b> 144:2;163:6,10
<b>jump (2)</b> 129:13;136:23	<b>knew (4)</b> 91:20;94:17;132:1;155:2	<b>layer (1)</b> 170:20	<b>library (2)</b> 26:15;144:14
<b>jumped (1)</b> 139:7	<b>knowledge (1)</b> 85:4	<b>laying (2)</b> 50:7;155:21	<b>license (3)</b> 43:6;148:12;185:7
<b>jumping (1)</b> 139:9	<b>known (1)</b> 110:15	<b>lead (2)</b> 3:4;114:12	<b>Licensed (9)</b> 4:22,23;31:6;57:18; 163:8;164:22;184:18; 185:16;186:6
<b>June (1)</b> 166:2	<b>knows (2)</b> 47:24;186:14	<b>leading (1)</b> 158:10	<b>licensure (1)</b> 43:6
	<b>Kone (6)</b> 15:24;61:12,15;70:9; 71:16;161:11	<b>leads (1)</b> 141:10	<b>life (2)</b> 59:2;100:21
	<b>Krupp (1)</b> 70:23	<b>learned (2)</b> 49:22;57:19	<b>lift (2)</b> 44:3,5
	<b>L</b>	<b>least (7)</b> 41:9;44:8;50:16;110:10; 114:19;146:21;184:2	<b>lifts (3)</b> 16:16;43:19,19
	<b>labor (1)</b> 52:11	<b>leave (6)</b> 7:6;28:4;84:12;136:2;	<b>light (1)</b> 114:8
	<b>lag (1)</b> 59:18		<b>lights (1)</b> 120:18
	<b>Lake (1)</b>		<b>likely (2)</b> 12:23;54:17

<p><b>likes (1)</b> 44:17</p> <p><b>limit (6)</b> 30:17,19;35:13;58:13; 60:1;99:16</p> <p><b>limited (5)</b> 27:4;34:7;40:13,15,17</p> <p><b>limits (1)</b> 52:15</p> <p><b>line (6)</b> 88:10;100:15;101:10; 120:13,19;130:24</p> <p><b>link (1)</b> 186:5</p> <p><b>list (5)</b> 49:19;65:15;96:2,3; 115:12</p> <p><b>Listen (1)</b> 135:22</p> <p><b>listened (1)</b> 158:9</p> <p><b>listening (2)</b> 151:18;152:12</p> <p><b>litigation (1)</b> 46:1</p> <p><b>little (16)</b> 39:8;57:21;60:15,18; 77:4;92:12;102:11;108:6; 110:12;138:24;139:7; 164:3;170:7;182:24; 183:15;185:16</p> <p><b>live (1)</b> 40:9</p> <p><b>lives (2)</b> 3:7;89:15</p> <p><b>local (36)</b> 15:8;17:11,14;30:22; 31:9,12,17,18;33:14;34:11, 16,17,19,21;35:22;36:22; 108:11;109:14,18,20,24; 125:7;130:6,14,17;131:1, 13;151:18;159:23;170:17, 20;171:22;172:3,17; 176:11;181:14</p> <p><b>locally (1)</b> 30:20</p> <p><b>located (7)</b> 39:12;63:20;121:4; 160:20,21;161:4;164:20</p> <p><b>locating (4)</b> 70:2;137:6;143:7;164:24</p> <p><b>location (5)</b> 63:14;69:21;70:14,15; 125:5</p> <p><b>logbook (1)</b> 71:6</p> <p><b>logistics (1)</b> 91:3</p> <p><b>long (17)</b> 8:4;22:6;28:21;30:16; 39:14;53:3,24;80:13;82:20, 21;111:3;134:19;156:7; 157:13;162:15;171:16;</p>	<p>180:5</p> <p><b>longer (4)</b> 87:13;109:10;178:4,11</p> <p><b>longevity (1)</b> 81:19</p> <p><b>look (42)</b> 16:21;28:16;47:14;62:2; 64:16,19;65:13;69:17; 74:14;76:16,20,24;82:13; 88:3,7;96:12;103:6;104:5; 107:11,19;110:6;117:3,4, 20;118:7,9,10,17;121:13, 14;123:19;126:8;127:5; 140:22;144:11;150:16,20; 154:10;170:1;172:19; 177:20;187:22</p> <p><b>looked (9)</b> 50:4;51:17;77:21;91:19; 107:12,15;119:8;123:3; 144:18</p> <p><b>looking (15)</b> 54:12;90:11;106:19; 115:18,18,19,19,20;125:10; 126:19;140:4,14,21; 146:21;161:21</p> <p><b>looks (3)</b> 42:12;44:17;117:21</p> <p><b>lost (2)</b> 3:7;4:21</p> <p><b>lot (28)</b> 9:2;13:23;18:21,22;26:7; 35:11;43:18;51:9,9,10; 52:22;54:4;55:17;58:17; 60:9;61:23;63:17;90:2; 93:7;95:9,12;98:4;101:17; 106:1;108:8;148:20,23; 157:6</p> <p><b>Lots (2)</b> 20:1;56:2</p> <p><b>lubricated (2)</b> 116:14;117:22</p>	<p><b>maintainers (1)</b> 63:6</p> <p><b>maintaining (2)</b> 75:20;138:16</p> <p><b>maintenance (179)</b> 39:14;40:5,21,23;41:8, 11,14;48:7;50:2,2;53:1; 55:7,9,14,18,22;56:20,20, 22;57:1,6;58:11,19,23; 61:3,19,22,24;62:4,4,8,14, 15;63:2;64:15;65:11,23; 66:1,5,6,19;67:17,18;68:2, 4,10,12,22;69:6,18,20;70:3, 7,9,13;71:8,16,18;73:5,7, 16,20;75:18;76:3;81:1,8,9, 13;83:9,13,20,20,23,24; 84:18;85:6,15;86:15;88:23; 92:21,22;96:10,12,16,17, 20;97:3;98:9;99:23;107:13, 14,17,20;115:23;116:2,6, 10,15;118:1,7;121:1,10,11; 123:17;124:18;125:4,24; 127:3,20,23,24,24;128:4,6; 129:20,21;136:10,13,22; 137:6,15;138:7,11,15,18, 19;139:3,16;140:7,10,16; 141:12;142:12,13,18,20; 143:7,14,23;144:11;145:1, 13;147:4,6,15;151:10,15, 17;152:1,4,5,7,18;153:11, 12;154:8,19;157:9;160:12, 12,15,16,20;161:2,3; 162:18;164:18,19,20,23,24; 165:1;168:24;178:22,23; 179:7,7;180:4,5</p> <p><b>maintenanced (1)</b> 141:19</p> <p><b>major (1)</b> 92:3</p> <p><b>majority (2)</b> 52:17;155:8</p> <p><b>makes (10)</b> 36:5;46:19;58:2;63:15; 67:6;73:1;85:5;136:5; 144:15;177:10</p> <p><b>making (5)</b> 18:7;34:15;67:5;73:5; 134:16</p> <p><b>malfeasance (1)</b> 187:14</p> <p><b>man (1)</b> 153:12</p> <p><b>manage (1)</b> 158:1</p> <p><b>manager (2)</b> 61:14;83:16</p> <p><b>manager's (1)</b> 157:11</p> <p><b>mandatory (2)</b> 14:8;40:23</p> <p><b>manifestly (1)</b> 20:20</p> <p><b>manner (2)</b></p>	<p>66:12;185:12</p> <p><b>Manning (4)</b> 151:11,13;183:18,19</p> <p><b>manpower (1)</b> 31:15</p> <p><b>manual (1)</b> 155:8</p> <p><b>manufactured (3)</b> 49:22;56:6;93:6</p> <p><b>manufacturer (2)</b> 87:12;178:11</p> <p><b>manufacturers (10)</b> 13:22;52:10;65:8;87:17; 92:3;93:3,5,8;94:15;155:6</p> <p><b>manufacturing (1)</b> 65:9</p> <p><b>many (18)</b> 28:18;49:17;55:12;59:6; 86:1,21;87:11,14,18;98:20; 99:2;109:8;116:1;138:5; 154:1;155:5;181:15;186:23</p> <p><b>March (14)</b> 5:7;6:10,14,14;14:8; 88:19;109:22;126:19; 127:6,9,11;130:13;171:8, 20</p> <p><b>Mark (4)</b> 6:4,19;37:22;102:11</p> <p><b>Marshal (10)</b> 16:15;62:12;123:18; 126:12;129:5;133:19; 170:19;181:24;184:4;187:5</p> <p><b>Marshal's (3)</b> 41:6;63:8;187:5</p> <p><b>Martial (1)</b> 109:23</p> <p><b>Martin (3)</b> 4:13;59:22,24</p> <p><b>MARZULLO (1)</b> 1:6</p> <p><b>matter (10)</b> 8:9;28:21;64:1;67:20; 99:24;123:5;125:3,5;155:2; 159:1</p> <p><b>May (41)</b> 1:2,8;4:20;5:7;6:16;8:20; 15:8,9;25:5,6;30:10;42:12, 13;59:24;65:12;74:11,13; 75:15;87:22;93:21;100:9; 111:4;120:15;123:24; 128:23;131:16;140:16; 152:15;166:16;170:11; 172:7,11,12;175:8,9; 176:17;177:19;185:20,20, 22;186:24</p> <p><b>maybe (18)</b> 10:17;15:23;28:6;29:1; 34:24;47:14;53:8;69:12; 96:21;97:5;98:3;115:12,14; 143:12,13;158:7;160:13; 185:9</p> <p><b>MCP (23)</b> 63:14,19;65:22;66:11,23;</p>
<b>M</b>			
<p><b>locally (1)</b> 30:20</p> <p><b>located (7)</b> 39:12;63:20;121:4; 160:20,21;161:4;164:20</p> <p><b>locating (4)</b> 70:2;137:6;143:7;164:24</p> <p><b>location (5)</b> 63:14;69:21;70:14,15; 125:5</p> <p><b>logbook (1)</b> 71:6</p> <p><b>logistics (1)</b> 91:3</p> <p><b>long (17)</b> 8:4;22:6;28:21;30:16; 39:14;53:3,24;80:13;82:20, 21;111:3;134:19;156:7; 157:13;162:15;171:16;</p>	<p><b>machine (12)</b> 70:16;71:24;72:11;88:5, 8;102:22;125:8;135:16; 143:15,16;157:9;162:1</p> <p><b>mad (1)</b> 89:16</p> <p><b>magically (1)</b> 101:12</p> <p><b>main (2)</b> 30:5;166:9</p> <p><b>mainly (1)</b> 20:21</p> <p><b>maintain (6)</b> 22:10;116:5,24;118:14, 15;148:12</p> <p><b>maintained (9)</b> 56:8,16;57:3;68:21; 118:19,20;123:1;128:2; 178:23</p>	<p><b>maintainers (1)</b> 63:6</p> <p><b>maintaining (2)</b> 75:20;138:16</p> <p><b>maintenance (179)</b> 39:14;40:5,21,23;41:8, 11,14;48:7;50:2,2;53:1; 55:7,9,14,18,22;56:20,20, 22;57:1,6;58:11,19,23; 61:3,19,22,24;62:4,4,8,14, 15;63:2;64:15;65:11,23; 66:1,5,6,19;67:17,18;68:2, 4,10,12,22;69:6,18,20;70:3, 7,9,13;71:8,16,18;73:5,7, 16,20;75:18;76:3;81:1,8,9, 13;83:9,13,20,20,23,24; 84:18;85:6,15;86:15;88:23; 92:21,22;96:10,12,16,17, 20;97:3;98:9;99:23;107:13, 14,17,20;115:23;116:2,6, 10,15;118:1,7;121:1,10,11; 123:17;124:18;125:4,24; 127:3,20,23,24,24;128:4,6; 129:20,21;136:10,13,22; 137:6,15;138:7,11,15,18, 19;139:3,16;140:7,10,16; 141:12;142:12,13,18,20; 143:7,14,23;144:11;145:1, 13;147:4,6,15;151:10,15, 17;152:1,4,5,7,18;153:11, 12;154:8,19;157:9;160:12, 12,15,16,20;161:2,3; 162:18;164:18,19,20,23,24; 165:1;168:24;178:22,23; 179:7,7;180:4,5</p> <p><b>maintenanced (1)</b> 141:19</p> <p><b>major (1)</b> 92:3</p> <p><b>majority (2)</b> 52:17;155:8</p> <p><b>makes (10)</b> 36:5;46:19;58:2;63:15; 67:6;73:1;85:5;136:5; 144:15;177:10</p> <p><b>making (5)</b> 18:7;34:15;67:5;73:5; 134:16</p> <p><b>malfeasance (1)</b> 187:14</p> <p><b>man (1)</b> 153:12</p> <p><b>manage (1)</b> 158:1</p> <p><b>manager (2)</b> 61:14;83:16</p> <p><b>manager's (1)</b> 157:11</p> <p><b>mandatory (2)</b> 14:8;40:23</p> <p><b>manifestly (1)</b> 20:20</p> <p><b>manner (2)</b></p>	

67:9;74:4,16,17,19,21; 75:1;98:22;99:3;112:7; 115:23;135:2,20;139:23; 154:12;155:5,7;158:4	93:3;130:7;149:13	185:7	38:21;48:6;83:6,10; 124:9;126:7;158:14; 174:23,24;183:7
<b>mean (38)</b> 11:23;14:19;15:17; 20:10;21:7;22:4;24:7,10, 14;27:4;28:2,11;37:5; 42:17,18;45:15,24;47:1,23; 54:24;56:1,21;57:14;59:2; 60:6;69:13,23;74:9;95:24; 106:3;107:20;114:6;146:7; 147:2;166:9;183:1;184:15; 185:13	<b>merit (2)</b> 64:21,23	<b>miss (1)</b> 41:21	<b>moved (6)</b> 3:15;6:19,20;47:11;70:1; 188:1
<b>meaning (2)</b> 24:23;40:13	<b>messed (1)</b> 161:4	<b>missed (4)</b> 44:23;122:17;185:2,10	<b>movement (1)</b> 53:22
<b>means (5)</b> 23:18,22;27:18;103:24; 180:16	<b>met (2)</b> 95:3;148:12	<b>missing (2)</b> 90:18;186:24	<b>mover (1)</b> 167:23
<b>meant (2)</b> 20:16;95:6	<b>metal (2)</b> 86:5;89:17	<b>Missouri (2)</b> 60:5,7	<b>moving (3)</b> 17:24;43:19;44:15
<b>meat (1)</b> 24:5	<b>method (3)</b> 48:24;54:20;106:9	<b>misstatement (1)</b> 68:6	<b>MRLs (2)</b> 137:4,14
<b>mechanic (6)</b> 50:8;152:9,20;153:1; 163:8,9	<b>methodologies (1)</b> 24:17	<b>mobility (6)</b> 45:2,7,8,9,11,15	<b>much (17)</b> 35:19;38:14;46:12;54:2; 80:3;90:9;92:2;93:3; 103:15;109:1;130:12; 152:24;154:17;164:3; 169:11,20;171:3
<b>Mechanical (3)</b> 4:8;49:8;98:17	<b>methods (4)</b> 24:15,21;73:18;127:24	<b>modernization (1)</b> 56:15	<b>muddle (1)</b> 22:7
<b>mechanics (5)</b> 4:23;58:23;116:23; 148:4,10	<b>meting (1)</b> 153:21	<b>modifications (1)</b> 150:23	<b>multiple (1)</b> 89:14
<b>mechanism (3)</b> 120:5;135:13,18	<b>metropolitan (1)</b> 130:5	<b>moment (2)</b> 3:6;74:12	<b>multiplier (2)</b> 27:8,12
<b>meet (9)</b> 56:4,5,6,7,8,17;91:21; 95:7;121:6	<b>Michael (2)</b> 98:11,15	<b>money (7)</b> 46:23;58:6,7;59:14;78:2; 80:19;90:2	<b>Municipalities (16)</b> 4:24;31:3,5,9,11;59:7; 86:21;92:8,11,14;94:7,19; 95:17;96:4;111:3;119:24
<b>MEETING (26)</b> 1:1,5;3:2,13;4:16;34:1; 47:15;76:17;93:9,10,10,11; 125:17;134:19;140:17; 147:9,9;151:5;158:11,13; 166:14;169:3,7,15;171:6; 182:7	<b>Michigan (3)</b> 55:2,4,5	<b>month (3)</b> 117:14,16;131:5	<b>municality (12)</b> 86:23;91:5,10;93:22; 94:4;100:13,22;101:1,6; 111:2;130:21;180:19
<b>meetings (9)</b> 18:17;55:12,12,15,16; 138:5;158:3,10;169:12	<b>middle (2)</b> 39:12;42:7	<b>months (17)</b> 63:1;91:12;92:9;104:19, 21;106:22;111:17,18; 113:9;119:6;122:5,7; 129:14;131:22;158:20; 170:14;182:3	<b>must (6)</b> 45:1;49:13;52:7;72:10; 95:3;112:2
<b>meets (6)</b> 51:15;56:12,15;118:20; 119:16;141:5	<b>might (11)</b> 26:3;44:17;63:23;69:16; 70:5;101:3;135:16;157:10, 11,24;165:3	<b>more (28)</b> 14:1;24:18,20;27:15; 29:17;44:16;51:10;52:8; 54:17;55:8;58:7,17;76:13; 78:2,4,16;85:21;86:20; 98:4;108:6;115:13,14; 116:7;127:9;137:24; 148:20;168:5;183:19	<b>myself (4)</b> 88:6;113:12;130:16; 157:6
<b>mega (1)</b> 44:10	<b>Mike (5)</b> 98:8;115:4;139:8; 170:24;181:8	<b>morning (6)</b> 61:9;83:14;98:10; 125:19,19,21	
<b>member (3)</b> 52:5,6;98:17	<b>Mike's (1)</b> 136:17	<b>Morristown (1)</b> 70:21	<b>N</b>
<b>members (7)</b> 52:7;75:8,12,18;78:23; 154:1;155:18	<b>mind (5)</b> 67:15;68:24;147:21; 153:7,8	<b>most (5)</b> 18:18;54:19;78:14;89:4, 6	<b>NAESA (3)</b> 148:5,5,7
<b>membership (1)</b> 82:2	<b>minds (2)</b> 39:15;40:10	<b>motion (61)</b> 3:14;5:10;6:10,12,17;7:5, 22,24;17:1,21;21:24;23:3, 6,8,10;29:6,9,11;30:5;37:3, 5,6,23;38:6,8,19;93:20,20; 145:21;149:3,5;155:20; 157:19;159:16,20;160:7,8, 10;162:14;163:23;164:3, 12,17,17;167:12,15,22; 168:1,13,14;169:2;172:19, 20;173:3,8,20,21;174:18; 182:9,11;187:24	<b>name (16)</b> 5:15;37:10;60:6;61:7,7, 8;70:10;75:13;83:15; 98:15;120:18;124:5; 133:15;151:20;153:22; 163:3
<b>men (1)</b> 84:9	<b>minimum (2)</b> 13:24;92:9	<b>motioning (1)</b> 162:10	<b>namely (1)</b> 39:11
<b>mentality (1)</b> 99:18	<b>Minneapolis (1)</b> 60:4	<b>mounted (1)</b> 160:18	<b>names (1)</b> 3:18
<b>mentioned (3)</b>	<b>Minnesota (1)</b> 60:4	<b>move (10)</b>	<b>narrow (2)</b> 51:20;120:11
	<b>minor (3)</b> 21:7;128:24;171:17		<b>narrowing (1)</b> 164:3
	<b>minus (1)</b> 130:5		<b>narrowly (2)</b> 40:18;147:4
	<b>minute (1)</b> 132:21		<b>national (7)</b> 8:16;49:6,10,11;61:10;
	<b>minutes (8)</b> 3:12,14;5:6;6:11,13;7:4; 56:2;169:6		
	<b>mirrors (1)</b> 16:9		
	<b>misconceptions (1)</b> 82:18		
	<b>misinterpretation (1)</b> 155:9		
	<b>misrepresentation (1)</b> 69:2		
	<b>misrepresentations (1)</b>		

<p>127:15;155:1 <b>nationally-recognized (1)</b> 49:12 <b>nay (1)</b> 168:10 <b>neatly (1)</b> 26:12 <b>NEC (1)</b> 150:12 <b>necessarily (6)</b> 65:2;73:9,12;74:9;79:20; 91:11 <b>necessary (9)</b> 40:21;41:11;70:5;96:10; 123:2;156:24;160:17; 161:4;165:4 <b>need (74)</b> 5:12;9:19;23:21;47:17; 48:14;50:9;54:10;56:9,10; 58:19,20;67:5;76:19,24; 81:13;89:8,22;94:11;95:5; 96:15;99:17;100:14;102:4, 6,7;103:13,14;112:14; 115:24;116:18;117:2,3,8, 15,17;118:13;119:7,11,22, 23,24;120:7,8,8,121:7,10, 20,22;122:4;123:3;126:6; 135:12,13;136:1;138:18, 18;141:14;143:20;145:1; 159:1,24;160:13,17; 163:22;164:22;166:15; 167:2,12,13;170:5;173:15; 178:18;181:9;183:2 <b>needed (2)</b> 53:5;64:14 <b>needs (13)</b> 14:13;24:16;27:1;47:2; 67:3;101:1;108:9;121:3; 135:11,18;140:17;146:17; 153:8 <b>negligence (1)</b> 187:14 <b>negotiate (1)</b> 44:14 <b>negotiating (1)</b> 22:4 <b>negotiations (1)</b> 19:7 <b>NEII (6)</b> 61:10,21;130:23;154:21; 155:2,3 <b>neither (2)</b> 62:14;103:10 <b>neutral (1)</b> 83:2 <b>new (41)</b> 7:17;10:3;13:23;14:3,7; 16:19;21:10;26:5;33:20; 35:3,9,20;44:20;49:20,20; 60:10,19;67:24;68:8,16; 70:21;73:24;74:1;118:4,24; 119:1;124:15;125:12; 136:24;137:13,20,21;</p>	<p>138:11,12,16;150:12; 172:22;174:9;176:5; 180:12;181:6 <b>newer (1)</b> 137:24 <b>newly (1)</b> 53:16 <b>news (1)</b> 127:9 <b>next (36)</b> 8:24;9:3;11:16;12:2,3; 29:23;47:15;60:24;92:10, 15;105:11,13;108:19; 111:17;112:2,3;113:3; 114:4,20;117:16;124:10, 10,22,23;127:6;129:15; 130:19;151:5,11;157:17; 158:17;169:4;176:3,7; 183:14;187:17 <b>nice (1)</b> 166:17 <b>Night (1)</b> 92:6 <b>Nobody (4)</b> 73:8;81:12;103:23;119:5 <b>none (2)</b> 3:23;65:2 <b>non-for-profit (1)</b> 42:8 <b>non-local (1)</b> 130:3 <b>non-mobility (1)</b> 45:2 <b>nor (1)</b> 33:14 <b>Norm (3)</b> 4:13;59:22,24 <b>normal (2)</b> 97:23;152:13 <b>normally (1)</b> 39:19 <b>North (1)</b> 61:15 <b>Notary (1)</b> 1:6 <b>note (4)</b> 57:22;66:9;127:3;153:9 <b>noted (1)</b> 48:21 <b>notes (1)</b> 140:9 <b>not-for-profits (1)</b> 39:24 <b>notice (5)</b> 142:5;169:10,19,20; 179:16 <b>notification (4)</b> 165:12,14,15;171:3 <b>notify (1)</b> 185:8 <b>November (1)</b> 6:14 <b>nowadays (1)</b></p>	<p>162:3 <b>nowhere (2)</b> 42:7;119:20 <b>number (27)</b> 28:2;50:23;63:1;73:10, 23;84:13;106:8;107:10; 115:21;116:8;125:7;130:7; 131:22;133:16;134:13; 135:19;136:8;139:10; 140:5;142:9;143:21;144:1; 145:17;152:10;158:11; 171:15;187:6 <b>numbers (2)</b> 15:23;16:1 <b>numerous (1)</b> 63:1</p> <p style="text-align: center;"><b>O</b></p> <p><b>Oak (1)</b> 77:8 <b>obligation (4)</b> 65:20,21;72:5,9 <b>observations (1)</b> 116:10 <b>obtain (1)</b> 178:12 <b>obviously (3)</b> 12:2;72:8;73:9 <b>occupant (1)</b> 53:18 <b>occur (1)</b> 41:1 <b>occurred (1)</b> 129:7 <b>occurring (2)</b> 40:22;131:14 <b>occurs (2)</b> 41:16;118:13 <b>o'clock (1)</b> 147:22 <b>October (4)</b> 13:20,24;38:10,11 <b>odd (1)</b> 98:1 <b>O'Donnell (4)</b> 124:20,22,24,24 <b>off (17)</b> 5:19;13:5;31:7;32:10; 33:13;80:12;100:3;106:5; 113:24;135:4;143:10,22; 144:2,16;153:9;162:16; 163:15 <b>offense (1)</b> 72:14 <b>offhand (1)</b> 16:8 <b>Office (11)</b> 63:8;125:7;135:23; 136:4;138:13;157:11; 180:17,17;181:24;184:4; 187:5 <b>official (4)</b></p>	<p>64:5;98:19;108:4;109:4 <b>offshoots (1)</b> 126:1 <b>often (1)</b> 56:14 <b>oftentimes (2)</b> 86:14,14 <b>Ohio (3)</b> 4:14;59:21;60:3 <b>oil (1)</b> 141:1 <b>Old (4)</b> 4:17;5:5;16:18;111:2 <b>older (1)</b> 137:23 <b>once (9)</b> 19:11;21:19;22:19; 41:10;82:11;130:15;139:6; 141:1;158:16 <b>One (87)</b> 4:10;9:13;10:11;12:19, 21;17:3,12,19;15:20;11; 22:3;28:17;33:18;34:24; 37:7;38:8;40:13,15,17; 44:8,16;46:8;50:22;51:16; 52:15;55:24;56:1;59:9; 61:5;64:19;67:3;68:1,17; 72:6;73:11,23;77:24;78:21; 79:3,23;80:17;84:22;85:21; 92:17,24;93:2,9,9,10,10,21; 95:18,18;96:9;102:4,8; 107:7;112:11;115:24; 122:13;129:10,10,10,11; 130:11;131:15;132:8,11; 136:6;137:12,24;139:4,6,7; 150:8;151:11;155:2; 156:15;164:8;167:15; 168:15;172:9;174:19; 181:23;185:18;186:11; 187:17,19 <b>one-half (1)</b> 9:17 <b>ones (2)</b> 175:23;176:9 <b>one-third (1)</b> 52:8 <b>one-year (2)</b> 125:10;175:3 <b>ongoing (1)</b> 42:9 <b>ongoing-forward (1)</b> 159:11 <b>online (5)</b> 69:13,14;125:7;135:7,11 <b>only (34)</b> 9:19;24:4,14;28:12,17; 29:5;34:7;45:20;46:16; 48:23;52:15;55:12;62:23; 68:8,14;91:1,1;95:6;100:6; 113:12;120:17;131:5,10; 142:6,12,17;146:5;147:4; 148:4,5;158:4;164:22; 180:11;182:2</p>
--	--	--	--

<p><b>onset (1)</b> 137:3</p> <p><b>onslaught (1)</b> 99:8</p> <p><b>onto (2)</b> 82:13;83:10</p> <p><b>open (14)</b> 5:11;129:13;130:2; 139:14;147:9;158:3; 159:22;169:12,14;170:12, 16;171:21;172:1;173:1</p> <p><b>open-ended (1)</b> 167:5</p> <p><b>opening (2)</b> 42:19;55:23</p> <p><b>open-meeting (1)</b> 168:22</p> <p><b>opens (1)</b> 40:11</p> <p><b>operate (1)</b> 138:13</p> <p><b>operates (1)</b> 118:1</p> <p><b>operating (1)</b> 121:16</p> <p><b>operation (5)</b> 43:11;53:18;54:12; 70:11;140:16</p> <p><b>operations (1)</b> 53:16</p> <p><b>opinion (6)</b> 85:18,24;88:2;141:19; 157:6;160:4</p> <p><b>opportunity (3)</b> 125:22;182:13,20</p> <p><b>opposed (4)</b> 41:3;44:12;112:1;122:16</p> <p><b>opposite (1)</b> 99:9</p> <p><b>options (2)</b> 94:20,21</p> <p><b>orange (1)</b> 142:16</p> <p><b>order (14)</b> 3:2;10:3;21:5;40:21; 46:23;49:11;65:17;84:11; 96:13;125:18;155:24; 171:4,5;174:24</p> <p><b>ordinance (1)</b> 64:3</p> <p><b>organic (1)</b> 19:5</p> <p><b>organization (3)</b> 51:14;77:7;101:6</p> <p><b>organizations (1)</b> 10:15</p> <p><b>organized (1)</b> 77:9</p> <p><b>original (4)</b> 37:3;50:14;165:7;168:13</p> <p><b>originally (2)</b> 91:14;126:17</p> <p><b>OSFM (27)</b></p>	<p>8:6,9,17,19;10:2;22:4,9, 20;34:11,19,23;35:23;36:2, 16;43:2;119:23;126:19; 127:4;128:15,23;144:9; 146:6;159:7;171:19; 172:10;174:13;185:11</p> <p><b>OSFM's (1)</b> 34:2</p> <p><b>others (3)</b> 130:24;149:19;151:24</p> <p><b>otherwise (3)</b> 26:14;72:23;182:2</p> <p><b>Otis (13)</b> 70:12,22;91:15,17,18,19, 21;125:9;136:15;138:8; 140:10;161:11,16</p> <p><b>Otis' (1)</b> 51:5</p> <p><b>ought (1)</b> 64:2</p> <p><b>Ours (1)</b> 99:11</p> <p><b>ourselves (2)</b> 79:4;134:22</p> <p><b>out (93)</b> 3:7;5:11;6:10;8:12;11:8; 13:21;20:15;21:5,11;24:8; 25:2,15;26:15,22;35:16; 37:8;39:12;42:7;43:13; 45:17;47:4,8,10;48:9; 50:17;53:13;54:4;57:9; 62:3;72:10;74:10,13;81:14; 84:11;85:11;86:20;87:24; 88:18;89:10,17;91:3,4; 92:7,10;93:15;102:12; 103:20;104:8;105:5; 108:24;109:23;111:13; 117:3,13,19;118:17; 119:20;121:2;122:23; 130:21;133:14;134:6; 138:23;139:1;140:24; 145:22,23;146:14;151:3; 153:21;157:17;162:6; 164:8;165:14,19,21;166:3, 8,12;170:5,9;171:8;172:21; 174:21;177:24;178:15; 179:20;182:18;183:2,15; 184:18,19;187:22</p> <p><b>outcome (3)</b> 82:23,24;174:20</p> <p><b>outgoing (1)</b> 53:2</p> <p><b>outline (1)</b> 148:15</p> <p><b>outlying (3)</b> 30:24;31:11;92:8</p> <p><b>outraged (1)</b> 77:21</p> <p><b>outside (4)</b> 70:23;72:19;139:12; 154:2</p> <p><b>outstanding (1)</b> 179:10</p>	<p><b>over (26)</b> 19:17;20:12;23:1;32:14; 33:6;47:22;48:22;49:18; 52:5,13;61:24;63:1;68:17; 86:15,22;87:14,15;93:17; 94:9;99:10;107:12;108:19; 158:9,10;183:22;184:1</p> <p><b>overall (1)</b> 85:6</p> <p><b>overlooked (1)</b> 123:18</p> <p><b>override (1)</b> 33:11</p> <p><b>own (12)</b> 31:17;60:12;64:21,23; 88:1;100:17;136:16,16,17, 17;164:14;171:22</p> <p><b>owner (11)</b> 62:18;66:14;71:15;89:6, 21;100:19;109:5;111:19; 128:17;163:6;185:8</p> <p><b>owners (12)</b> 52:10;63:6;67:13;79:2; 99:1,4;100:16;110:17; 128:20;134:3;165:16; 171:10</p>	<p>140:12;182:15</p> <p><b>partially (1)</b> 85:5</p> <p><b>particular (4)</b> 43:9;85:3;103:21;148:4</p> <p><b>particularity (1)</b> 34:12</p> <p><b>particularly (1)</b> 64:4</p> <p><b>parties (1)</b> 166:9</p> <p><b>partnership (4)</b> 119:23;122:2,6;126:6</p> <p><b>parts (3)</b> 25:12;68:1,2</p> <p><b>party (3)</b> 36:4;70:6;165:4</p> <p><b>pass (3)</b> 11:7,10;38:7</p> <p><b>passed (11)</b> 8:11;11:3,8;13:2;18:11; 19:8;78:4;80:15;136:2; 168:18;180:14</p> <p><b>passenger (1)</b> 47:20</p> <p><b>passengers (1)</b> 52:3</p> <p><b>passes (1)</b> 168:12</p> <p><b>past (11)</b> 15:12;62:13;63:1;90:19; 126:7,8;148:3;178:4; 179:11;183:22;184:1</p> <p><b>path (1)</b> 87:7</p> <p><b>Patty (12)</b> 124:10,22;125:18; 127:13;135:1;142:21; 143:3;147:13;151:24; 167:8;179:19;183:8</p> <p><b>Patty's (1)</b> 171:2</p> <p><b>Paul (1)</b> 60:5</p> <p><b>pay (1)</b> 78:18</p> <p><b>paying (1)</b> 66:24</p> <p><b>PDAs (1)</b> 118:6</p> <p><b>penthouse (1)</b> 152:2</p> <p><b>people (28)</b> 25:2;39:19;53:21,22,24; 54:1,2,6,7,8,19;57:17; 60:10;77:14,21;78:20;79:5; 91:11;95:12;106:22; 109:12;122:15;126:5; 138:10;143:10;156:15; 166:12,24</p> <p><b>Peoria (1)</b> 108:17</p> <p><b>per (2)</b></p>
<b>P</b>			
	<p><b>package (1)</b> 21:9</p> <p><b>page (4)</b> 45:7;129:3;162:10; 182:17</p> <p><b>pages (1)</b> 46:14</p> <p><b>paid (1)</b> 155:24</p> <p><b>pain (1)</b> 176:13</p> <p><b>painful (1)</b> 110:24</p> <p><b>PAMELA (1)</b> 1:5</p> <p><b>paper (5)</b> 135:9,10;142:18;160:23; 162:4</p> <p><b>paperwork (5)</b> 13:21;64:14;84:7;96:1; 149:1</p> <p><b>parade (1)</b> 104:15</p> <p><b>paragraph (2)</b> 147:12;155:3</p> <p><b>Pardon (1)</b> 76:22</p> <p><b>Park (1)</b> 77:8</p> <p><b>part (22)</b> 10:19;17:24;28:20,20; 44:24;46:5,5;50:7;52:2; 63:4,10;66:24;74:4,16,20; 75:1,17,22;87:11;132:10;</p>		

33:5;111:15 <b>perceived (1)</b> 58:15 <b>percent (3)</b> 86:3;88:10;98:3 <b>perfect (2)</b> 74:10;124:12 <b>perform (1)</b> 41:10 <b>performance (3)</b> 67:10;81:17;96:17 <b>performance-based (1)</b> 51:12 <b>performed (3)</b> 40:24;116:15;118:8 <b>performing (3)</b> 24:16,21;125:4 <b>perhaps (5)</b> 26:23;27:17;88:9; 145:16;159:9 <b>period (5)</b> 109:16,20;119:23; 125:10;175:3 <b>periodic (3)</b> 25:14;96:23;144:23 <b>permissible (1)</b> 33:14 <b>permit (8)</b> 30:17,22;31:10,11;33:3, 5;45:1,1 <b>permits (2)</b> 31:2;44:18 <b>person (6)</b> 15:7;36:23,23;89:4; 124:10;136:2 <b>personal (2)</b> 77:12;88:2 <b>personally (1)</b> 150:18 <b>personnel (3)</b> 52:1,1;71:4 <b>perspective (5)</b> 87:23;88:4,6,8;118:17 <b>pestered (1)</b> 127:8 <b>petition (5)</b> 75:12;81:14;82:1,4,24 <b>phone (3)</b> 113:2;133:15;181:17 <b>phones (1)</b> 70:18 <b>phrase (1)</b> 112:23 <b>physically (11)</b> 62:16,20,22;63:3;69:10; 93:16;121:3;144:10; 161:23;164:20;177:5 <b>pick (1)</b> 138:8 <b>picked (1)</b> 153:23 <b>piece (2)</b> 82:23;162:3	<b>pieces (1)</b> 94:23 <b>pile (1)</b> 107:20 <b>pilots (1)</b> 58:23 <b>pinch (1)</b> 39:18 <b>pit (2)</b> 115:19;116:13 <b>place (26)</b> 33:4;41:8;85:2;86:19; 93:17;94:9;109:12;112:2; 116:6,22;117:13,24;121:9; 139:24;140:7,11;141:5; 145:9,14;153:6,8;161:3,23; 162:19;185:23;186:21 <b>placed (1)</b> 79:11 <b>places (2)</b> 89:14;108:18 <b>Plaines (1)</b> 1:8 <b>plan (3)</b> 117:2,2,8 <b>planning (1)</b> 131:1 <b>plate (66)</b> 74:20;85:14,20;86:4,6, 13;89:4,4,5,9,12;90:5,11, 18;91:23;92:21;94:24; 100:3,14,20,23;101:5,8,11, 13,15;102:2,6,13,15;103:2, 10,14,16;104:7;106:17; 107:6,9,19;108:23;110:9; 111:4,15;112:2,12;113:5,6, 10,19,22,24;114:4;119:13; 121:22;125:9;126:2; 128:12;147:6;167:10; 168:22;170:4,10,14; 172:23;175:1;179:5 <b>plates (16)</b> 88:24;90:9,20;91:12; 94:11;95:11;100:22; 104:17,18,21;106:23; 111:10;119:22;125:12; 174:19;178:21 <b>Please (7)</b> 3:2,18;75:12,15;85:12; 116:7;136:9 <b>Pledge (3)</b> 3:2,5,9 <b>plenty (1)</b> 105:15 <b>plight (1)</b> 42:9 <b>point (14)</b> 21:11;76:7,12;84:5;90:8; 102:2;104:4;111:16; 119:10;136:24;141:16; 155:23;177:22;187:6 <b>pointed (3)</b> 62:3;72:10;74:10	<b>pointing (2)</b> 138:23;139:1 <b>points (1)</b> 111:20 <b>police (2)</b> 58:16,20 <b>policies (1)</b> 186:20 <b>policy (1)</b> 185:23 <b>politically (2)</b> 79:4,6 <b>poor (1)</b> 95:2 <b>Popowits (32)</b> 6:6,20;7:9,9;12:23;13:2, 8,11,16;37:20,20;38:13,17; 75:9,15,17;76:4,12,19;77:2, 7;78:13;79:19,22;80:1,22; 81:3,12;82:16;83:5;168:3; 173:18 <b>populate (4)</b> 94:11;95:11;119:22; 125:11 <b>portions (1)</b> 21:16 <b>pose (2)</b> 129:1;171:17 <b>posed (1)</b> 20:14 <b>position (9)</b> 29:24;53:3;79:1;82:22; 83:3,4;126:20;154:9; 174:12 <b>possibility (1)</b> 71:22 <b>possible (9)</b> 3:12;18:24;40:19;41:7; 99:12;119:3;131:16;183:2; 186:23 <b>possibly (3)</b> 11:16;93:6;170:18 <b>post (1)</b> 88:22 <b>posted (3)</b> 58:13,14;161:14 <b>potential (3)</b> 13:17;30:2;41:17 <b>power (2)</b> 59:12;146:10 <b>powers (1)</b> 16:14 <b>practice (2)</b> 26:20;155:15 <b>practices (2)</b> 99:12;155:16 <b>preclude (1)</b> 74:5 <b>preface (1)</b> 67:22 <b>present (4)</b> 62:16;69:10;127:1;180:7 <b>presentation (4)</b>	48:10;59:3;62:3;112:18 <b>president (2)</b> 75:13;153:24 <b>presidential (2)</b> 171:4,5 <b>pressure (1)</b> 42:23 <b>presumably (3)</b> 41:4,12;57:19 <b>pretty (7)</b> 21:6;35:19;92:2;130:12; 131:6;152:24;162:3 <b>prevent (1)</b> 73:12 <b>previous (4)</b> 77:9;82:17;106:18; 166:20 <b>previously (2)</b> 76:6;79:5 <b>prima (1)</b> 72:8 <b>primarily (1)</b> 73:24 <b>print (2)</b> 178:10,12 <b>prints (3)</b> 88:6;174:19;178:9 <b>prior (4)</b> 33:15;73:4;96:11;101:20 <b>private (1)</b> 42:6 <b>privy (1)</b> 182:15 <b>Probably (12)</b> 13:1;37:7;52:22;55:17; 89:8;93:15;109:10;110:6; 115:11;135:16;138:12; 186:12 <b>problem (16)</b> 15:7;26:2;32:22;35:2; 83:5;86:13;94:18;119:20; 122:8;136:1;149:22; 156:12,24;157:13,16; 158:12 <b>problems (1)</b> 40:20 <b>procedurally (1)</b> 19:10 <b>procedure (1)</b> 185:23 <b>procedures (6)</b> 30:19;48:22;73:18; 96:22;128:1;186:21 <b>Proceedings (3)</b> 1:4;5:8;188:8 <b>process (26)</b> 8:4,23,24;9:9;12:1;19:5; 20:8;22:7;27:24;28:10; 30:15;34:3;36:1;40:8; 49:13;53:14;85:13;87:2; 103:2;110:21,22,23;141:6, 10,24;152:7 <b>proclamation (2)</b>
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<p>67:23;171:24 <b>procure (1)</b> 72:12 <b>procurement (1)</b> 173:14 <b>produce (4)</b> 69:7;121:13,18,20 <b>product (2)</b> 73:18;97:22 <b>profits (1)</b> 78:16 <b>Program (107)</b> 4:18;41:8;48:7;55:7,19; 61:1,4,20;62:1,5,7,14;63:2; 64:15;66:1,5;69:19;70:3,7, 9;71:8;73:5,17,21;83:10, 13,20,23,24;84:18,22;85:2, 3,15;92:22;96:10,13,16,21; 98:9;99:23;102:17;107:17; 116:2,6,22;117:13,24; 121:1;125:4,24;127:4; 128:5;129:21;130:3; 136:13,19,22;137:7,15; 138:16,19;139:3,16,24; 140:7,17,23;141:12; 142:14,20;143:8,14,24; 144:12;145:2,14;147:5,18; 148:2,3,9,9,14,16;149:10, 15;150:11,13;151:11,15; 152:1,19;153:3,7;154:19; 160:12,15,21;161:2,22; 162:19;164:19,23;165:1; 179:7;180:4 <b>Programs (11)</b> 55:10,22;61:22;124:18; 150:10,18;152:15;153:4; 161:3;169:1;178:22 <b>progress (1)</b> 4:18 <b>project (1)</b> 15:18 <b>projector (1)</b> 48:13 <b>proof (2)</b> 66:10;162:20 <b>proper (3)</b> 65:14;96:13;125:12 <b>properly (14)</b> 66:23;94:24;111:8,8; 115:17;116:11,14;117:10, 21;118:18,19;119:9; 141:18;152:11 <b>property (2)</b> 128:19;171:10 <b>proposal (3)</b> 18:2;39:23;40:9 <b>propose (1)</b> 9:10 <b>proposed (3)</b> 9:23;44:21,22 <b>protect (7)</b> 56:2,19;79:2,14;82:9,10; 144:3</p>	<p><b>protected (2)</b> 90:4,7 <b>protecting (2)</b> 81:5,19 <b>protest (1)</b> 75:10 <b>provide (15)</b> 65:9;84:4,15;100:18; 101:8,12;118:13;121:9; 125:6;156:19;159:5;169:9; 176:13;181:24;182:3 <b>provided (16)</b> 8:14;35:18;40:1;62:18; 70:3;96:18;102:18;125:8; 127:15;128:24;135:13; 137:7;143:8;144:7;160:16; 165:1 <b>provider (5)</b> 41:14;66:14,22;71:23; 72:2 <b>providers (3)</b> 27:14;39:14;86:15 <b>provides (3)</b> 34:14;35:21;128:3 <b>providing (2)</b> 66:7;90:21 <b>provision (1)</b> 35:20 <b>Public (45)</b> 1:6;17:10;18:22,22;19:2, 11,20,24;20:5,17,22:5; 40:2;42:22;45:23;49:24; 56:3,19;61:2,5;66:13; 68:20;78:17;79:10,13,14; 83:7,8,11;88:7;92:16;99:2, 7,18;121:17;124:16;129:1; 134:3;141:14;156:10; 168:23;169:18,21;171:17; 183:8;187:23 <b>public's (1)</b> 111:20 <b>published (2)</b> 128:21;171:11 <b>pudding (1)</b> 66:10 <b>pulled (1)</b> 107:3 <b>pull-through (1)</b> 27:7 <b>purpose (1)</b> 22:10 <b>pursuant (1)</b> 34:11 <b>purview (3)</b> 14:15,17;172:10 <b>push (2)</b> 34:22;111:23 <b>pushed (4)</b> 40:1;80:2,4,16 <b>put (43)</b> 10:18,20;22:2;26:5; 30:23;31:19;45:18,22; 68:17;69:14;70:7;72:22;</p>	<p>77:17;80:6;86:1;87:21; 92:5,7;95:2,6,15;97:14; 100:12;101:13;102:13; 105:17;107:7,8;116:5; 117:12;119:15;120:18; 127:3;131:17;138:17; 140:9,24;143:16;165:17, 18;169:10;172:12;174:19 <b>putting (9)</b> 6:10;10:7;41:9;67:12; 94:23;119:24;131:23; 134:13;159:21  <b>Q</b>  <b>QEI (9)</b> 132:16;148:6;153:7; 183:23;184:3,5,8,18; 186:17 <b>qualified (1)</b> 48:18 <b>quality (4)</b> 28:19;56:18;84:22; 137:17 <b>quick (2)</b> 98:5;153:20 <b>quickly (1)</b> 165:14 <b>quit (1)</b> 48:14 <b>quite (4)</b> 79:7,8;99:19;125:23 <b>quote (1)</b> 89:1  <b>R</b>  <b>rain (1)</b> 118:5 <b>raised (3)</b> 10:17;174:14;175:23 <b>ramble (1)</b> 98:11 <b>ran (1)</b> 152:5 <b>range (1)</b> 93:12 <b>rather (6)</b> 68:6;75:23;79:13,14; 88:1,2 <b>rattle (1)</b> 120:22 <b>reaching (1)</b> 59:24 <b>read (10)</b> 42:3;44:24;69:23;98:11; 123:8,10;132:5;147:11; 154:24;155:2 <b>readily (3)</b> 135:6,14;138:21 <b>reading (3)</b> 13:11;97:4;172:9 <b>ready (3)</b></p>	<p>10:3;20:9;135:7 <b>re-aim (1)</b> 48:15 <b>real (5)</b> 11:15;67:1;93:19;98:5; 153:20 <b>realize (3)</b> 26:1;50:12;91:14 <b>really (35)</b> 9:1,19;19:20;26:13; 28:20;35:6,43;21;46:6; 54:10;57:23;62:2;63:9,17; 64:16,17;65:23;66:15;67:4; 68:10,22;71:23;72:1,4,19; 73:23;80:9;81:4;104:2; 116:17,18;120:5,16;122:5; 136:24;158:16 <b>Rearick (1)</b> 89:15 <b>reason (8)</b> 79:16;85:20;87:11; 108:24;120:15,23;141:13; 146:4 <b>reasonable (10)</b> 34:18;106:9,13,15; 108:24;112:20,23;130:15; 131:11;135:4 <b>reasonableness (1)</b> 109:13 <b>reasons (1)</b> 64:19 <b>receive (3)</b> 155:10;167:5;182:19 <b>received (1)</b> 148:24 <b>receives (1)</b> 34:16 <b>receiving (4)</b> 62:24;77:22;126:11; 155:12 <b>recent (2)</b> 118:9;137:4 <b>recess (2)</b> 125:15,16 <b>recharge (1)</b> 105:11 <b>recited (1)</b> 3:10 <b>recognized (2)</b> 49:9,12 <b>recognizing (2)</b> 19:15;130:14 <b>recommend (5)</b> 25:21;29:2;38:13,15; 172:14 <b>recommendation (28)</b> 7:19;8:13,13;9:1,4,10,11, 17;11:13;17:2;18:3,8,21; 20:7;21:21;22:24;24:13; 25:7;27:3,22,23;28:8,8; 30:1;38:3;48:4;106:22; 109:10 <b>recommendations (5)</b></p>
---	---	---	--

<p>9:8;22:22;23:11;38:2; 48:23 <b>recommended (2)</b> 23:22;27:17 <b>recommending (1)</b> 92:10 <b>record (5)</b> 123:10;149:21;154:16; 170:23;183:6 <b>records (67)</b> 62:8,15;65:23;69:6,20; 70:13,19,19;71:18,24; 83:21,24;84:8,17,18;85:4; 92:22;94:14,15;95:11,21, 23;101:21;103:3,11;104:6, 12;106:5,10,18;107:20; 112:13,17,19;113:22,24; 115:23;116:17,18;118:1, 13,14,15;121:10,11,18,20; 123:2;125:5;127:24;128:6, 8;129:20;135:2,21;141:4; 142:13,18;147:6;157:10; 160:13,16;164:19;165:1; 178:23;179:8;180:5 <b>rectify (1)</b> 176:23 <b>red-lined (1)</b> 8:2 <b>reexamine (1)</b> 184:23 <b>reference (4)</b> 14:4;45:19;59:15;137:12 <b>references (1)</b> 8:21 <b>referred (1)</b> 12:12 <b>reflect (1)</b> 47:23 <b>reflected (1)</b> 47:24 <b>regard (2)</b> 111:10;180:4 <b>regarding (5)</b> 99:22;125:24;126:21; 174:7;178:10 <b>regardless (1)</b> 126:23 <b>regards (8)</b> 63:2,11,13;65:12,15; 66:17;129:2;178:8 <b>register (1)</b> 43:2 <b>registered (4)</b> 4:21;43:3,8;127:19 <b>registration (2)</b> 43:10,15 <b>regular (1)</b> 83:11 <b>regulated (1)</b> 174:15 <b>regulations (2)</b> 48:19;77:17 <b>Regulatory (4)</b></p>	<p>4:11,15;59:23;171:22 <b>reinspect (3)</b> 63:21;87:6;181:10 <b>reinspecting (2)</b> 177:24;184:24 <b>reinspection (8)</b> 73:1,1;86:2;105:7,12; 113:18;114:15;177:14 <b>reinspections (1)</b> 99:17 <b>reiterating (1)</b> 32:16 <b>reject (5)</b> 9:1;20:10;22:1,21,24 <b>rejecting (2)</b> 9:4;30:1 <b>rejection (1)</b> 42:16 <b>relate (1)</b> 73:18 <b>relates (2)</b> 23:16;124:2 <b>relating (1)</b> 73:24 <b>relatively (2)</b> 87:15;92:2 <b>release (2)</b> 6:13;52:3 <b>reliability (4)</b> 67:11;81:18;99:10,14 <b>relief (3)</b> 41:4;72:21;176:13 <b>religious (1)</b> 10:14 <b>remember (8)</b> 15:23;16:7;55:1;57:13; 70:10;77:20;91:17;114:10 <b>remembers (1)</b> 15:24 <b>rep (1)</b> 151:18 <b>repair (3)</b> 53:1;57:1;127:20 <b>repaired (1)</b> 56:8 <b>repairs (1)</b> 57:6 <b>repeat (3)</b> 38:9;151:10;168:13 <b>repeated (1)</b> 148:14 <b>repercussions (1)</b> 184:9 <b>replace (1)</b> 17:9 <b>replacement (3)</b> 53:1;57:1;127:21 <b>replacements (1)</b> 57:6 <b>Report (16)</b> 1:4;4:18;47:14,16;70:5; 127:4;128:21;143:23; 154:14;165:3;171:12;</p>	<p>180:11,22;181:1,5,6 <b>Reporter (3)</b> 1:6;126:16;151:19 <b>reports (4)</b> 48:21;88:23;132:17; 133:3 <b>represent (4)</b> 20:19;100:16;107:23; 133:22 <b>representative (1)</b> 39:20 <b>represented (1)</b> 107:13 <b>representing (4)</b> 61:10;89:8;108:7;155:1 <b>reprimanded (1)</b> 184:3 <b>request (14)</b> 34:16;36:5,24;84:1,7; 98:23;99:22;102:18; 130:23;140:21;147:14; 154:9;156:17;159:7 <b>requested (3)</b> 8:14;62:19;148:1 <b>requesting (3)</b> 142:15;154:21,23 <b>requests (6)</b> 35:21;36:12,20,21;40:12; 155:3 <b>require (6)</b> 58:10,11;64:3,4;128:17; 164:1 <b>required (30)</b> 17:5;40:22;52:13;62:5, 15,21;63:24;64:18;65:7,10; 67:4;68:4;70:13;71:6;74:4, 7;75:19;89:24;107:6;128:4, 8,10,11,15;139:2;145:18; 146:12;160:14;180:6; 186:17 <b>requirement (5)</b> 69:1;74:23;87:21;121:6; 145:6 <b>requirements (26)</b> 25:11;26:5,9;40:1;49:1; 51:15;56:24;57:11;69:17; 72:20;74:15;75:19;83:23; 97:3;98:22;99:23;118:21; 127:23;148:11;155:7; 160:11;170:7;172:24; 174:13;175:1,2 <b>requires (6)</b> 56:20;118:14;121:19,19; 128:6;163:24 <b>requiring (2)</b> 81:15;114:3 <b>rescind (1)</b> 171:5 <b>research (2)</b> 31:15;95:9 <b>researched (1)</b> 91:13 <b>researches (1)</b></p>	<p>89:16 <b>reserve (1)</b> 156:19 <b>reside (3)</b> 62:8;154:2;160:17 <b>residing (1)</b> 63:3 <b>resistance (1)</b> 84:3 <b>resolve (5)</b> 45:18;88:12;156:13; 158:14;169:5 <b>respect (2)</b> 101:17;113:7 <b>respectful (1)</b> 101:16 <b>respond (1)</b> 76:11 <b>responded (2)</b> 127:6,12 <b>response (23)</b> 3:22;4:3;7:2,11,16; 16:24;29:16,21;38:24;39:5; 77:3,5;95:18,18;132:22; 150:1,6;159:12;168:9,11; 173:7;174:3;175:21 <b>responses (1)</b> 92:14 <b>responsibilities (2)</b> 83:17;144:18 <b>responsibility (8)</b> 82:12;84:21,24;99:6; 102:1;136:12;145:15; 162:18 <b>responsible (6)</b> 57:16;70:6;73:4;163:7; 165:4;185:24 <b>rest (3)</b> 122:3;130:4;172:13 <b>restatic (1)</b> 50:4 <b>restrict (2)</b> 24:19;27:14 <b>restricted (1)</b> 55:23 <b>restrictions (1)</b> 31:2 <b>restrictors (3)</b> 80:5,10,21 <b>result (6)</b> 28:17,18;66:11,18; 185:22;186:20 <b>resulted (1)</b> 40:6 <b>results (1)</b> 166:15 <b>retain (1)</b> 121:19 <b>retraining (1)</b> 14:22 <b>retroactive (4)</b> 68:5;69:1;127:18;176:2 <b>REVIEW (11)</b></p>
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<p>1:1;3:12;5:6;73:15; 92:10,15;115:16;121:5; 172:20;182:16,20 <b>reviewed (1)</b> 19:15 <b>reviewing (2)</b> 145:3;182:14 <b>revisions (1)</b> 19:12 <b>rewritten (1)</b> 19:16 <b>Rick (27)</b> 6:5;23:6,15;26:17;28:7, 16,23;29:3,8;37:21;93:1; 100:9;102:9;114:2;115:6; 122:23;126:5;136:7,9; 142:9;145:4;149:8;162:9; 163:17;168:13;174:18; 182:12 <b>Rick's (1)</b> 140:5 <b>ride (1)</b> 152:12 <b>rides (1)</b> 56:3 <b>riding (7)</b> 49:24;56:19;66:13;88:7; 99:1,18;111:20 <b>right (78)</b> 6:9;13:9,13;18:10;22:2; 23:2,18;25:20;27:7;32:20; 33:5,8;36:10,20;42:18; 44:13,22;46:1;57:20;58:5, 5;61:2;68:14;69:24;72:15; 73:10;74:20;75:2;82:8,20; 85:14;91:15;92:23;93:7,20; 103:2,8,22;104:3,9;109:15; 110:11;111:1;114:13; 115:9;116:19;118:4;121:2; 123:9,20;126:10;131:12, 23;136:3,11;139:24;140:3; 141:22;143:19,20;145:4; 146:9,23;147:14;149:23; 154:19;156:18,19;160:22; 165:21;166:13,22;168:5, 19;173:20;179:18;181:1; 182:4 <b>right-of-way (1)</b> 58:4 <b>rights (5)</b> 15:4,6;32:23;35:14;46:7 <b>rise (1)</b> 3:2 <b>River (2)</b> 77:8;98:20 <b>Road (1)</b> 57:20 <b>robust (2)</b> 54:14,15 <b>rock (1)</b> 145:9 <b>Rockford (1)</b> 108:17</p>	<p><b>Rod (3)</b> 5:22;37:15;175:15 <b>role (1)</b> 9:9 <b>roll (4)</b> 5:12,18;37:7;54:9 <b>room (12)</b> 70:16;71:24;72:11;88:5, 8;102:22;125:8;130:24; 135:16;143:15,17;157:9 <b>rope (2)</b> 95:5,6 <b>ropes (1)</b> 51:4 <b>rough (1)</b> 111:5 <b>round (1)</b> 51:4 <b>route (2)</b> 151:17;152:5 <b>row (1)</b> 50:3 <b>rule (3)</b> 86:8,9;107:5 <b>rule-making (1)</b> 9:9 <b>Rules (48)</b> 7:18;8:3;9:2,6;10:4; 13:23;15:12;16:16;20:7,8, 9,11;21:24;22:15,20,22,24; 24:6,6,22;25:1,5,16;26:24; 27:2,17;29:3;35:7,10,20; 38:7;44:20,20;45:11;46:21, 24;47:3,5;49:13;57:20; 58:12,14;77:10,16;85:22; 88:15;127:13;185:11 <b>ruling (1)</b> 23:9 <b>run (2)</b> 54:17;117:10 <b>running (4)</b> 15:5,14;70:17;140:18 <b>rural (2)</b> 39:12;43:18 <b>rush (1)</b> 87:20</p>	<p>13;108:1;112:13;122:23, 24;127:15;129:1;141:14; 152:19;153:4;154:4; 155:13;171:18 <b>same (24)</b> 25:23;28:19;32:16; 41:16;42:9;43:11,16;45:6; 54:20;57:6;58:5;87:1,17; 93:15;101:6;105:2;108:2; 122:8;129:3;148:3;162:10; 174:18;182:17;184:8 <b>sat (2)</b> 56:21;138:3 <b>satisfies (1)</b> 139:17 <b>Save (1)</b> 81:6 <b>saving (1)</b> 81:7 <b>savings (1)</b> 41:17 <b>saw (2)</b> 112:18;139:8 <b>saying (21)</b> 11:20;18:8;28:16;32:10; 67:9;81:6,15;91:10;105:6, 10;110:18;112:3;135:5; 136:11;144:4;154:20; 162:2;164:7;166:11; 168:19;177:2 <b>SB (1)</b> 12:24 <b>SB2037 (1)</b> 39:7 <b>Schaumburg (5)</b> 108:4,15;109:4;110:3; 120:7 <b>Schindler (6)</b> 70:21;83:16;92:4;94:14; 136:16;161:11 <b>school (4)</b> 85:11;132:7;139:11; 144:12 <b>schools (1)</b> 42:6 <b>scope (3)</b> 40:13;57:2;72:20 <b>screen (2)</b> 15:19;69:22 <b>seated (1)</b> 4:14 <b>second (34)</b> 3:16,17;5:13,14;6:18,20; 7:8,9;9:15;11:19;23:12,13; 29:13,14;32:22,24;38:22; 43:6;89:6,20;92:24;140:13; 149:6,6;156:16;161:5; 165:6,7;173:4,5;175:10,11; 188:2,3 <b>secondary (1)</b> 140:20 <b>seconded (3)</b> 149:7;161:7;175:12</p>	<p><b>second (1)</b> 167:24 <b>Secretary (2)</b> 9:5;22:20 <b>Section (46)</b> 8:15,20;9:14,21;16:1; 17:4;19:12;21:22;27:1; 29:11;30:17;33:19,19;34:5, 15;35:19;38:4;41:19;46:15, 17;47:4,6,6,10,11;56:21; 62:4;67:18;107:5;127:13, 16,18,22;128:3,5,9,11,19; 144:19,23;156:20;169:24; 171:8,10;174:6;185:4 <b>sections (3)</b> 9:13;21:10;47:18 <b>securing (1)</b> 185:7 <b>seeing (6)</b> 30:11;73:6;97:14; 140:14;143:21;152:2 <b>seeking (1)</b> 19:21 <b>seems (11)</b> 18:19;30:18;71:12; 114:7;130:15;145:10,16; 157:24;159:5;177:9,21 <b>sees (1)</b> 73:9 <b>sell (2)</b> 51:20;93:11 <b>selling (1)</b> 94:7 <b>Senate (4)</b> 9:14;10:9;12:17;78:3 <b>Senator (3)</b> 39:9;40:7;76:1 <b>send (7)</b> 43:20;117:13;140:22; 165:15,19,24;182:9 <b>sending (2)</b> 73:13;145:22 <b>sense (6)</b> 46:19;73:2;102:24; 176:20;177:10,21 <b>sent (8)</b> 92:10;109:23;126:17; 142:15;145:23;161:24; 171:7;172:21 <b>separate (3)</b> 15:20,21;74:22 <b>September (1)</b> 6:15 <b>sequence (1)</b> 100:5 <b>series (1)</b> 18:17 <b>serious (2)</b> 40:2,6 <b>seriously (1)</b> 82:12 <b>serve (6)</b> 48:19;52:15,21;61:16;</p>
	<b>S</b>		
	<p><b>sad (1)</b> 57:10 <b>safe (6)</b> 50:24;51:10;66:7,12; 68:20;121:17 <b>safely (2)</b> 52:3;121:16 <b>SAFETY (44)</b> 1:1;4:18;8:15;17:10; 40:2;42:22;49:23,23;50:11, 21,21;51:12,15;58:21;65:7, 18;66:3,17;67:7;68:11; 78:8,17;80:4,5,19;85:7; 87:22;88:6,97:13;99:7,11,</p>		

66:21;154:3 <b>service (6)</b> 27:14;71:23;83:16; 87:14;98:13;100:18 <b>session (10)</b> 5:2,5,9,11,11;6:13;11:14, 16;12:2,3 <b>set (4)</b> 19:19;34:12;87:21;88:9 <b>sets (1)</b> 19:14 <b>seven (1)</b> 52:9 <b>several (6)</b> 4:9;5:6;19:16;68:1; 109:3;182:3 <b>shadow (1)</b> 99:9 <b>shall (16)</b> 57:2,7;70:3,14;127:14; 128:6,20;135:6;137:7; 143:8;144:7;160:21; 171:10,13;172:5;174:6 <b>Shanklin (8)</b> 153:15,16;162:24;163:4, 4;178:8;187:20,21 <b>S-h-a-n-k-l-i-n (1)</b> 163:4 <b>shape (3)</b> 116:12;117:21;136:11 <b>sheet (5)</b> 100:1;133:15;134:13; 157:14;160:23 <b>shoddy (1)</b> 186:23 <b>Shore (1)</b> 152:5 <b>Shorthand (1)</b> 1:6 <b>Shortly (1)</b> 129:8 <b>shoulders (2)</b> 122:3;163:15 <b>show (4)</b> 19:5;21:2;104:5;143:1 <b>showed (1)</b> 137:4 <b>showing (1)</b> 48:16 <b>shows (1)</b> 117:24 <b>shut (7)</b> 86:12;87:5;90:18; 141:21,21,23;176:24 <b>shutting (2)</b> 141:24;142:2 <b>side (1)</b> 26:10 <b>sign (15)</b> 13:5;31:6,10,10;33:13, 16;70:8;103:23,24;104:1; 107:16;139:7,8;143:22; 153:9	<b>signage (1)</b> 45:14 <b>signed (3)</b> 31:23;32:10;144:2 <b>significant (1)</b> 18:19 <b>signing (2)</b> 82:24;144:16 <b>signs (2)</b> 32:17;58:7 <b>silence (1)</b> 3:6 <b>simplify (1)</b> 180:8 <b>single (1)</b> 136:19 <b>sit (1)</b> 82:3 <b>site (26)</b> 69:7;84:8;85:4;87:10; 97:16,17,21;98:1;101:21; 103:4,11;104:6,8;106:6; 112:16,18,19;113:24; 121:4;135:3,4;141:5;142:1, 3;145:14;164:20 <b>sites (1)</b> 160:18 <b>sitting (3)</b> 139:15;144:13;151:18 <b>situation (4)</b> 7:24;64:20;108:3;170:3 <b>six (13)</b> 91:11;92:9;104:19,20; 106:22;111:17,18;113:9; 119:5;129:14;131:22; 158:20;170:14 <b>size (1)</b> 15:15 <b>skip (1)</b> 61:2 <b>sledgehammer (1)</b> 103:20 <b>slightly (1)</b> 143:11 <b>sloppy (1)</b> 186:23 <b>small (4)</b> 39:11;44:2;86:1,8 <b>Smith (1)</b> 132:12 <b>sneak (1)</b> 85:21 <b>Society (3)</b> 4:8;49:8;98:17 <b>software (3)</b> 93:14,17;138:1 <b>sold (1)</b> 94:6 <b>solution (2)</b> 41:7;91:2 <b>solve (1)</b> 122:6 <b>somebody (9)</b>	29:6;53:5;57:9;60:19; 64:1;73:13;78:18;112:5; 143:24 <b>somebody's (1)</b> 144:13 <b>somehow (1)</b> 159:11 <b>someone (6)</b> 41:9;79:14;82:24;87:24; 108:23;110:7 <b>Sometime (1)</b> 25:9 <b>sometimes (3)</b> 102:10,11;182:23 <b>somewhere (2)</b> 47:7;100:15 <b>son (1)</b> 107:14 <b>soon (3)</b> 13:1,2;183:2 <b>Sorry (11)</b> 17:22;21:4;25:4;71:14; 132:10;143:5;147:17; 151:21;161:4;167:9;169:10 <b>sort (6)</b> 8:2;23:1;112:23;146:4; 172:2;187:3 <b>sounds (6)</b> 14:13,18;16:13;120:14; 146:20;172:10 <b>South (3)</b> 55:4,5;118:5 <b>speak (14)</b> 22:8;61:5;66:10;83:19; 85:11,16;98:21,24;113:12; 124:20,21;125:22;151:12; 163:21 <b>SPEAKER (1)</b> 156:5 <b>speakers (1)</b> 104:15 <b>specific (20)</b> 8:17;21:16;36:12;40:20; 43:3;47:18;49:13;53:8,10; 69:17;73:17;74:14;84:17; 85:10;97:22;152:16;167:7; 170:13;179:8;187:3 <b>specifically (11)</b> 10:20,22;64:18;83:19; 84:9;111:14;146:9;163:23; 168:24;169:4;170:10 <b>specifics (1)</b> 111:11 <b>specify (2)</b> 9:5;45:1 <b>speed (3)</b> 58:13;108:14;186:22 <b>speeders (1)</b> 58:17 <b>spell (2)</b> 61:7;151:19 <b>spelled (1)</b> 61:9	<b>spend (2)</b> 35:11;90:2 <b>Spheres (1)</b> 98:18 <b>spoken (1)</b> 76:5 <b>spot (1)</b> 102:11 <b>Springfield (1)</b> 108:17 <b>square (2)</b> 20:11;22:2 <b>Sr (1)</b> 183:20 <b>St (1)</b> 60:4 <b>stab (1)</b> 174:23 <b>stairs (3)</b> 15:16;54:10,22 <b>stairwells (1)</b> 54:3 <b>stakeholders (3)</b> 40:8;182:13,16 <b>stamp (1)</b> 94:24 <b>stamped (1)</b> 32:12 <b>stand (1)</b> 90:6 <b>stand-alone (1)</b> 142:19 <b>standard (5)</b> 31:1;49:10;51:2;155:11; 184:22 <b>standardized (1)</b> 114:22 <b>Standards (10)</b> 4:16;14:16;46:8;49:11; 52:4,20;61:14,16;184:8,14 <b>standing (2)</b> 71:17;106:18 <b>standpoint (5)</b> 8:18;18:9;122:22;147:9; 168:23 <b>stands (1)</b> 121:8 <b>Star (1)</b> 50:4 <b>start (10)</b> 5:19;20:11;23:1;37:8; 48:9;94:22;122:16;166:8, 15;167:2 <b>started (6)</b> 50:1,17;67:23;68:9; 130:10;131:14 <b>starting (3)</b> 102:2;175:8,9 <b>State (49)</b> 1:7;3:18;4:14;5:1,15;9:5; 10:16;11:21;15:10,10; 16:14;22:20;23:22;30:22; 31:1;37:10;39:21;40:5;
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<p>41:6;46:13;50:12;57:19; 58:16,20;61:7;62:12;63:8; 65:10;76:1;77:23;88:15; 94:3;98:14;106:21;109:23; 121:15;123:18;126:12; 129:4;130:4;133:19; 143:11,17,18;159:10; 170:19;175:7;181:24; 183:23 <b>stated (4)</b> 73:4;92:8;102:16;127:13 <b>statement (7)</b> 17:15;75:11;90:13; 123:8,9,11;172:16 <b>statements (2)</b> 84:20;185:6 <b>states (4)</b> 59:20;73:16;145:8;185:4 <b>statute (4)</b> 24:23;25:5,7;27:2 <b>stay (4)</b> 83:8,9;134:20;154:18 <b>steel (2)</b> 51:4,5 <b>step (4)</b> 8:24;9:3;26:10;29:23 <b>steps (1)</b> 15:15 <b>stick (2)</b> 26:6;58:1 <b>sticker (18)</b> 116:5;117:12;139:11; 144:10;160:18,23,24; 161:22;162:2,15,16,24; 163:5,11,16,24;164:1,9 <b>still (26)</b> 25:19,24;27:23;33:1; 37:3;43:10,12;52:16;63:22; 83:8;87:17;103:24;122:8; 124:17;125:19;142:11; 151:10;156:4,9;167:11; 177:14;178:17;180:15,20; 183:8,12 <b>stole (1)</b> 153:18 <b>stop (7)</b> 58:7,17;85:12;103:23,23; 104:1;113:8 <b>stoplights (1)</b> 58:8 <b>stored (2)</b> 84:8,14 <b>story (1)</b> 92:1 <b>straightforward (2)</b> 30:18;92:2 <b>strategies (1)</b> 54:5 <b>Street (1)</b> 1:8 <b>strict (1)</b> 119:21 <b>strictly (1)</b></p>	<p>142:17 <b>studies (1)</b> 53:21 <b>stuff (10)</b> 26:12,15;58:1;68:5; 89:16;90:3;105:1;108:21; 137:13;154:13 <b>sub (1)</b> 85:10 <b>subgroups (2)</b> 4:10,10 <b>subject (3)</b> 134:20;147:7;151:10 <b>subjects (1)</b> 183:16 <b>submit (2)</b> 31:16;184:24 <b>submits (1)</b> 22:20 <b>submitted (1)</b> 159:7 <b>submitting (1)</b> 184:20 <b>subsections (1)</b> 127:22 <b>subsequent (1)</b> 171:8 <b>suburb (1)</b> 59:11 <b>suburbs (2)</b> 83:18;86:24 <b>sudden (5)</b> 68:3;88:19;99:8;103:19; 133:5 <b>suffice (3)</b> 160:21;163:1,6 <b>sufficient (3)</b> 140:17;161:19;169:9 <b>Suffredin (5)</b> 114:24;142:22;154:21, 24;156:2 <b>suggested (1)</b> 29:4 <b>suggestion (4)</b> 46:2,3;167:4;171:2 <b>Sullivan (2)</b> 12:12;39:9 <b>Sullivan's (1)</b> 9:16 <b>supplement (1)</b> 60:16 <b>supplements (1)</b> 49:17 <b>support (3)</b> 98:23;101:14;140:6 <b>supposed (5)</b> 25:11;62:8;103:12; 115:22;119:18 <b>sure (26)</b> 14:19;15:19;21:23; 35:13;37:8;45:21;62:19; 64:12;73:5;75:16;96:5; 117:19;123:19;129:3,12;</p>	<p>131:7;132:3;133:17;139:6, 6;153:22;160:2;164:15; 170:17;182:16,21 <b>surprise (1)</b> 76:13 <b>surprised (1)</b> 24:6 <b>surrounding (1)</b> 83:18 <b>suspend (2)</b> 64:8;154:10 <b>suspending (2)</b> 154:11;155:4 <b>suspension (2)</b> 51:3;63:12 <b>swept (1)</b> 116:13 <b>swell (1)</b> 113:14 <b>SWIENTON (4)</b> 5:21;37:16,16;120:13 <b>switch (1)</b> 50:3 <b>Sybert (3)</b> 153:19,20,22 <b>S-y-b-e-r-t (1)</b> 153:22 <b>Synagogues (1)</b> 42:5 <b>synchronization (2)</b> 26:2,3 <b>syntax (2)</b> 20:16,21 <b>system (1)</b> 65:9 <b>systematic (2)</b> 35:2,16 <b>systems (1)</b> 51:3</p>	<p>24:21;51:16;53:7,11,22, 23;55:8,9,23;71:8;74:11 <b>tasking (1)</b> 84:13 <b>tasks (1)</b> 118:7 <b>technical (1)</b> 140:5 <b>technically (1)</b> 179:16 <b>technologies (1)</b> 137:18 <b>technology (5)</b> 73:24;74:1;137:1;138:1; 174:9 <b>telephone (1)</b> 134:13 <b>telling (6)</b> 22:6;31:4,15;80:18; 81:16;186:2 <b>tells (6)</b> 64:18;70:24;102:2; 144:24;157:9,14 <b>templets (1)</b> 66:11 <b>temporary (2)</b> 155:3,14 <b>ten (4)</b> 68:18;94:6;95:4;169:6 <b>ten-hour (2)</b> 148:2,9 <b>term (5)</b> 52:14,15,16;54:13;60:1 <b>terminals (1)</b> 84:9 <b>terminology (1)</b> 112:1 <b>terms (16)</b> 62:7;63:14,19;64:5,23; 65:8;67:2;68:10,14;72:11; 76:6;85:24;86:2;140:15; 164:2,5 <b>territories (3)</b> 129:14;171:21;172:1 <b>territory (3)</b> 130:2;159:23;170:16 <b>Terry (5)</b> 153:15;163:3,4;178:7; 187:19 <b>T-e-r-r-y (1)</b> 163:5 <b>test (1)</b> 41:15 <b>testing (2)</b> 53:2;171:9 <b>tests (7)</b> 24:16;40:24;41:11; 56:10;57:7;96:23;127:14 <b>Texas (2)</b> 89:15,16 <b>Thanks (7)</b> 96:8;98:6;115:2,4; 125:14;151:7,8</p>
<b>T</b>			
		<p><b>table (3)</b> 100:4;142:24;159:21 <b>tagged (1)</b> 179:11 <b>tail (1)</b> 11:14 <b>talk (6)</b> 61:19;134:21;148:8,13; 153:16;183:16 <b>talked (3)</b> 49:3;59:22;187:4 <b>talking (14)</b> 16:10;17:5;25:23;34:6; 44:19;45:5;74:6,24;105:21; 108:10;123:23;130:4; 137:9;179:14 <b>talks (1)</b> 17:4 <b>target (1)</b> 130:12 <b>task (11)</b></p>	

<p><b>thereafter (1)</b> 129:8</p> <p><b>thereby (1)</b> 186:23</p> <p><b>therefore (4)</b> 27:11;78:20;86:17;93:23</p> <p><b>thinkers (1)</b> 82:15</p> <p><b>third (2)</b> 13:11;17:12</p> <p><b>Thompson (1)</b> 46:22</p> <p><b>thoroughly (1)</b> 106:4</p> <p><b>though (6)</b> 33:15;93:24;95:6; 152:15,21;170:18</p> <p><b>thought (6)</b> 30:15;42:4;80:19;82:14; 124:22;165:23</p> <p><b>thoughts (2)</b> 10:1;33:20</p> <p><b>threat (2)</b> 129:1;171:17</p> <p><b>three (15)</b> 41:1,14;43:12,23,24; 44:11,12;57:22;59:8,16; 77:19;129:19;163:10,11; 169:4</p> <p><b>three-year (3)</b> 41:2;52:14,16</p> <p><b>throughout (2)</b> 94:3;175:6</p> <p><b>throw (3)</b> 40:19;45:9;122:18</p> <p><b>thunder (1)</b> 153:18</p> <p><b>Thyssen (1)</b> 70:23</p> <p><b>ticket (3)</b> 180:13,15,19</p> <p><b>ticking (1)</b> 113:8</p> <p><b>tie (2)</b> 112:8,9</p> <p><b>tied (2)</b> 51:18;137:13</p> <p><b>tight (1)</b> 51:19</p> <p><b>timeframe (1)</b> 130:13</p> <p><b>timeline (2)</b> 94:20,21</p> <p><b>times (7)</b> 19:16;62:22;86:24; 87:14;93:7;120:10;145:17</p> <p><b>timing (1)</b> 59:17</p> <p><b>today (33)</b> 12:5,6;20:4;61:19;63:5; 68:7,15,23;71:12;74:7,8, 15;94:11,17;98:22;122:10; 125:1,24;145:17;158:11;</p>	<p>159:14;165:11;166:4,6,7, 12;177:24;178:3,21;179:1; 180:2,12;182:1</p> <p><b>today's (1)</b> 182:7</p> <p><b>together (12)</b> 26:12;41:13,14;78:20; 94:23;95:13;112:8,10; 120:1;126:6,7;131:23</p> <p><b>token (1)</b> 87:18</p> <p><b>told (1)</b> 157:1</p> <p><b>Tom (7)</b> 5:24;37:8,13;151:11; 153:19,22;183:18</p> <p><b>Tommy (1)</b> 136:16</p> <p><b>tomorrow (1)</b> 68:23</p> <p><b>Tom's (1)</b> 29:10</p> <p><b>ton (1)</b> 15:17</p> <p><b>took (3)</b> 47:10;95:22;171:20</p> <p><b>tool (2)</b> 24:3;26:13</p> <p><b>top (3)</b> 115:18;117:20;154:3</p> <p><b>topic (5)</b> 85:14;98:22;100:4; 127:10;143:10</p> <p><b>topics (1)</b> 182:14</p> <p><b>tops (1)</b> 116:12</p> <p><b>torque (2)</b> 27:7,12</p> <p><b>total (1)</b> 50:10</p> <p><b>totally (4)</b> 26:3;88:3;126:5;147:10</p> <p><b>touched (1)</b> 119:5</p> <p><b>toward (1)</b> 56:1</p> <p><b>track (1)</b> 100:24</p> <p><b>tracked (1)</b> 35:20</p> <p><b>traction (1)</b> 117:7</p> <p><b>trade (4)</b> 50:1;53:13;151:17; 152:10</p> <p><b>traditionally (2)</b> 135:8,10</p> <p><b>trained (2)</b> 152:10;153:2</p> <p><b>trapped (1)</b> 52:3</p> <p><b>travel (5)</b></p>	<p>32:14;33:6;39:14,16; 43:23</p> <p><b>treasure (1)</b> 102:10</p> <p><b>treated (2)</b> 171:3;181:16</p> <p><b>tried (3)</b> 68:19;102:9;120:21</p> <p><b>truly (1)</b> 122:1</p> <p><b>trunk (1)</b> 138:13</p> <p><b>truth (1)</b> 82:19</p> <p><b>try (8)</b> 7:21;19:4;40:19;50:14; 52:19;156:13,24;180:8</p> <p><b>trying (16)</b> 28:22;43:12;47:8;55:21; 59:4;95:14;102:23;104:4; 111:12;113:15,17;114:21; 120:10;122:19;170:3; 174:21</p> <p><b>Tuesday (1)</b> 127:11</p> <p><b>turn (4)</b> 48:13;73:22;92:20;100:1</p> <p><b>turned (4)</b> 39:21;68:17;77:23; 156:15</p> <p><b>two (32)</b> 11:2;13:19;19:14;34:24; 38:7;40:15,18;44:12;53:16; 54:21;58:4;65:8;68:13; 78:4;80:12;106:14;107:1, 10,10;108:3;121:21; 139:18,21,22,23;148:18,20, 22;160:1;175:4;184:13; 187:12</p> <p><b>type (8)</b> 16:4;64:24;65:4;71:20; 84:2;117:5;137:13;148:17</p>	<p>18;23;6;31;22;34:4;40:1; 44:18,24;45:11;47:7,7; 55:22;59:23;61:3;62:3; 64:14;83:8,13;97:2,2; 107:5,8;110:3,8;122:19; 144:22;146:12;156:20; 158:19;172:3,22;173:8; 175:2;187:8</p> <p><b>underneath (1)</b> 53:9</p> <p><b>Unfortunately (3)</b> 87:9;147:2;154:14</p> <p><b>UNIDENTIFIED (1)</b> 156:5</p> <p><b>uniform (1)</b> 94:3</p> <p><b>unintended (2)</b> 93:20,20</p> <p><b>unique (3)</b> 73:17;97:22,23</p> <p><b>unit (2)</b> 119:4,5</p> <p><b>University (1)</b> 148:2</p> <p><b>unless (3)</b> 17:7;21:18;124:19</p> <p><b>unlucky (1)</b> 166:17</p> <p><b>unnecessary (1)</b> 63:9</p> <p><b>unpopular (1)</b> 78:10</p> <p><b>up (73)</b> 4:11;8:22;16:11;24:24; 35:2;40:8;44:2,11;47:11; 48:2;50:15;51:19;52:7; 54:21,23;61:6;71:23;79:7; 81:23;83:7;85:9,20;88:10; 90:2;101:13;103:14,15,17; 104:5,21;105:8,14;107:3; 108:14,19;110:16;118:7,9; 124:4,5,13,14;130:11,18; 131:17;132:12;133:6; 136:14;137:4;138:8;141:8; 147:8,13,18,23;148:8; 150:11;152:5,6;153:13; 157:18;158:10;160:6; 161:4,15;167:1;172:1; 173:2,20;178:9;180:13; 181:12;184:21</p> <p><b>Update (3)</b> 39:6;42:1,2</p> <p><b>upgrade (2)</b> 67:13,14</p> <p><b>upgrades (1)</b> 81:16</p> <p><b>upon (7)</b> 20:13;22:11,11;84:1,6; 102:18;155:8</p> <p><b>urban (1)</b> 39:13</p> <p><b>usage (2)</b> 117:5;137:17</p>
		<b>U</b>	
		<p><b>Uh-oh (1)</b> 60:12</p> <p><b>UL (1)</b> 50:19</p> <p><b>ultimate (1)</b> 99:11</p> <p><b>unaware (2)</b> 14:12;76:4</p> <p><b>unbelievably (1)</b> 51:19</p> <p><b>uncomfortable (1)</b> 110:13</p> <p><b>uncontrolled (1)</b> 58:3</p> <p><b>undeniable (1)</b> 62:5</p> <p><b>under (40)</b> 5:5;14:7,15,17;16:2,6,9,</p>	

<p><b>use (13)</b> 25:18;27:8,11,12;53:11; 54:2;58:24;82:2;83:3;91:6; 118:3;121:17;152:23</p> <p><b>used (6)</b> 24:9;53:19;60:11;74:1; 96:2,3</p> <p><b>useful (2)</b> 24:3;49:3</p> <p><b>using (4)</b> 24:20;54:5;82:22;136:8</p>	<p><b>view (4)</b> 78:9,14;90:8;111:20</p> <p><b>Village (3)</b> 98:20;108:4;109:4</p> <p><b>villages (1)</b> 108:7</p> <p><b>violate (1)</b> 87:5</p> <p><b>violated (2)</b> 185:3,4</p> <p><b>violating (1)</b> 155:6</p> <p><b>violation (28)</b> 34:18;108:1;120:6; 128:16;132:12,13;158:17; 175:24;177:11,13,14,15; 178:1,3,4,6;179:17,23; 180:3;181:1;185:11,19; 186:3,3,10,18;187:2,8</p> <p><b>violations (13)</b> 57:24;85:9,22;120:4; 128:22,24;158:7;169:5; 171:14,17;172:6;180:22; 184:21</p> <p><b>vis-a-vis (2)</b> 27:22;174:13</p> <p><b>vote (14)</b> 5:18;11:11,20;12:5; 19:11;20:3,6;21:19,20; 22:13;30:4;111:13;168:3; 169:13</p> <p><b>voted (10)</b> 13:14;18:16;20:13,20; 21:2,5;22:11,11;30:10,12</p> <p><b>voting (1)</b> 25:6</p>	<p>58:6,7</p> <p><b>watching (1)</b> 152:12</p> <p><b>water (2)</b> 106:1,3</p> <p><b>Watson (1)</b> 60:7</p> <p><b>wave (1)</b> 58:15</p> <p><b>way (23)</b> 9:2;11:15;23:21;24:4,14; 28:12,16,17;32:18;39:12; 45:20;58:6;71:13;78:15; 80:7,17,20;82:3;101:22; 111:4;128:12;138:1;139:13</p> <p><b>ways (4)</b> 24:15,18;28:18;30:2</p> <p><b>wear (2)</b> 108:3;137:16</p> <p><b>website (9)</b> 88:22;92:18,19;95:15; 100:12;128:14;131:17; 165:17,18</p> <p><b>week (1)</b> 60:11</p> <p><b>weeks (3)</b> 4:15;68:13;169:4</p> <p><b>weigh (1)</b> 20:14</p> <p><b>welcome (1)</b> 4:7</p> <p><b>welfare (1)</b> 17:10</p> <p><b>Weller (105)</b> 5:23,23;18:15,15,24; 19:10,19,23;20:1,3,22;21:4, 13,19;30:6,8;31:19;32:1,9, 15,21;33:3,8,11,13,18,22, 24;34:21,24;35:8,11;36:6; 37:14,14;82:1,8,17;101:16; 102:4,23;103:9,22;105:2; 106:1;111:6,11,23;112:5,8, 11,17;113:1,6,15,20;114:9, 16,21;116:20;118:24; 119:10;135:1,19;139:18, 21;140:2,4,20;141:18,24; 142:4,8;149:20;155:23; 156:2,14;157:4,20,22; 159:1,19;161:5,6,8,21; 162:22;165:7;166:24; 167:19;169:24;172:18,18; 173:8,16,22;175:14; 176:22;177:2,9,15,21; 178:5;179:15;180:9</p> <p><b>weren't (4)</b> 21:9;30:12;94:8;156:16</p> <p><b>West (1)</b> 1:8</p> <p><b>Western (3)</b> 148:2,10;149:10</p> <p><b>What's (13)</b> 15:2;17:4;33:23;64:17, 18;65:16;67:5;111:18;</p>	<p>112:6;145:18;146:12; 164:5;166:4</p> <p><b>wheelchairs (2)</b> 54:8,9</p> <p><b>whenever (2)</b> 107:7;170:12</p> <p><b>WHEREUPON (1)</b> 3:9</p> <p><b>wherever (1)</b> 70:19</p> <p><b>wherewithal (1)</b> 42:7</p> <p><b>White (1)</b> 57:22</p> <p><b>whole (11)</b> 26:14;51:9;52:19;56:18; 62:19;72:23;107:20; 112:18;114:18;138:14; 154:13</p> <p><b>wholly (1)</b> 95:7</p> <p><b>who's (1)</b> 131:21</p> <p><b>wide (1)</b> 108:18</p> <p><b>widget (1)</b> 89:23</p> <p><b>width (1)</b> 15:15</p> <p><b>widths (1)</b> 15:1</p> <p><b>willie-nillie (1)</b> 146:6</p> <p><b>willingly (1)</b> 58:22</p> <p><b>window (5)</b> 177:7,10,17,18;180:9</p> <p><b>wire (3)</b> 51:4;87:21;147:5</p> <p><b>wireless (1)</b> 135:17</p> <p><b>wires (1)</b> 51:4</p> <p><b>wiring (16)</b> 85:21;87:8,10,16,20; 128:10,10;129:21;167:10; 168:22;170:4,10;172:23; 175:1;178:21;179:5</p> <p><b>Wisconsin (1)</b> 60:3</p> <p><b>wish (1)</b> 76:5</p> <p><b>within (7)</b> 22:1;57:2;112:20;129:6; 135:15;167:11;172:10</p> <p><b>without (9)</b> 8:8;73:6;78:7;80:21; 104:24;119:2;122:6; 141:21;150:13</p> <p><b>WOLIN (32)</b> 3:15,19,19;6:7,7;11:2,5, 7,10,12,19;12:4,9,11;17:3, 17,19;23:13,13;32:4;37:19,</p>
<p style="text-align: center;"><b>V</b></p> <p><b>valid (2)</b> 24:10;126:3</p> <p><b>value (2)</b> 59:2;103:6</p> <p><b>variance (25)</b> 33:2,10;61:20;63:10; 98:23;99:22;112:6;114:24; 115:6;141:4;142:22;146:3, 5,11,18,24;147:3,8;154:11, 20;155:4,15;156:15,23; 157:2</p> <p><b>variances (3)</b> 51:7;146:10;174:8</p> <p><b>variety (1)</b> 108:18</p> <p><b>various (3)</b> 4:12;53:7;126:4</p> <p><b>vendors (1)</b> 154:8</p> <p><b>verbatim (2)</b> 183:3,6</p> <p><b>verbiage (2)</b> 8:7;21:8</p> <p><b>verification (1)</b> 141:6</p> <p><b>verify (2)</b> 135:20;161:19</p> <p><b>verifying (1)</b> 136:4</p> <p><b>version (9)</b> 8:2;19:6;21:2,5;30:12; 57:5,15;172:4;183:5</p> <p><b>versions (1)</b> 30:12</p> <p><b>versus (5)</b> 19:6;27:8;34:2;131:21; 187:9</p> <p><b>veterans (1)</b> 3:7</p> <p><b>via (1)</b> 164:23</p> <p><b>vibrating (2)</b> 116:14;117:22</p> <p><b>vice-chair (1)</b> 52:14</p> <p><b>vice-chairman (3)</b> 52:23;53:2;55:13</p> <p><b>vice-president (1)</b> 75:14</p>	<p><b>view (4)</b> 78:9,14;90:8;111:20</p> <p><b>Village (3)</b> 98:20;108:4;109:4</p> <p><b>villages (1)</b> 108:7</p> <p><b>violate (1)</b> 87:5</p> <p><b>violated (2)</b> 185:3,4</p> <p><b>violating (1)</b> 155:6</p> <p><b>violation (28)</b> 34:18;108:1;120:6; 128:16;132:12,13;158:17; 175:24;177:11,13,14,15; 178:1,3,4,6;179:17,23; 180:3;181:1;185:11,19; 186:3,3,10,18;187:2,8</p> <p><b>violations (13)</b> 57:24;85:9,22;120:4; 128:22,24;158:7;169:5; 171:14,17;172:6;180:22; 184:21</p> <p><b>vis-a-vis (2)</b> 27:22;174:13</p> <p><b>vote (14)</b> 5:18;11:11,20;12:5; 19:11;20:3,6;21:19,20; 22:13;30:4;111:13;168:3; 169:13</p> <p><b>voted (10)</b> 13:14;18:16;20:13,20; 21:2,5;22:11,11;30:10,12</p> <p><b>voting (1)</b> 25:6</p>	<p>58:6,7</p> <p><b>watching (1)</b> 152:12</p> <p><b>water (2)</b> 106:1,3</p> <p><b>Watson (1)</b> 60:7</p> <p><b>wave (1)</b> 58:15</p> <p><b>way (23)</b> 9:2;11:15;23:21;24:4,14; 28:12,16,17;32:18;39:12; 45:20;58:6;71:13;78:15; 80:7,17,20;82:3;101:22; 111:4;128:12;138:1;139:13</p> <p><b>ways (4)</b> 24:15,18;28:18;30:2</p> <p><b>wear (2)</b> 108:3;137:16</p> <p><b>website (9)</b> 88:22;92:18,19;95:15; 100:12;128:14;131:17; 165:17,18</p> <p><b>week (1)</b> 60:11</p> <p><b>weeks (3)</b> 4:15;68:13;169:4</p> <p><b>weigh (1)</b> 20:14</p> <p><b>welcome (1)</b> 4:7</p> <p><b>welfare (1)</b> 17:10</p> <p><b>Weller (105)</b> 5:23,23;18:15,15,24; 19:10,19,23;20:1,3,22;21:4, 13,19;30:6,8;31:19;32:1,9, 15,21;33:3,8,11,13,18,22, 24;34:21,24;35:8,11;36:6; 37:14,14;82:1,8,17;101:16; 102:4,23;103:9,22;105:2; 106:1;111:6,11,23;112:5,8, 11,17;113:1,6,15,20;114:9, 16,21;116:20;118:24; 119:10;135:1,19;139:18, 21;140:2,4,20;141:18,24; 142:4,8;149:20;155:23; 156:2,14;157:4,20,22; 159:1,19;161:5,6,8,21; 162:22;165:7;166:24; 167:19;169:24;172:18,18; 173:8,16,22;175:14; 176:22;177:2,9,15,21; 178:5;179:15;180:9</p> <p><b>weren't (4)</b> 21:9;30:12;94:8;156:16</p> <p><b>West (1)</b> 1:8</p> <p><b>Western (3)</b> 148:2,10;149:10</p> <p><b>What's (13)</b> 15:2;17:4;33:23;64:17, 18;65:16;67:5;111:18;</p>	<p>112:6;145:18;146:12; 164:5;166:4</p> <p><b>wheelchairs (2)</b> 54:8,9</p> <p><b>whenever (2)</b> 107:7;170:12</p> <p><b>WHEREUPON (1)</b> 3:9</p> <p><b>wherever (1)</b> 70:19</p> <p><b>wherewithal (1)</b> 42:7</p> <p><b>White (1)</b> 57:22</p> <p><b>whole (11)</b> 26:14;51:9;52:19;56:18; 62:19;72:23;107:20; 112:18;114:18;138:14; 154:13</p> <p><b>wholly (1)</b> 95:7</p> <p><b>who's (1)</b> 131:21</p> <p><b>wide (1)</b> 108:18</p> <p><b>widget (1)</b> 89:23</p> <p><b>width (1)</b> 15:15</p> <p><b>widths (1)</b> 15:1</p> <p><b>willie-nillie (1)</b> 146:6</p> <p><b>willingly (1)</b> 58:22</p> <p><b>window (5)</b> 177:7,10,17,18;180:9</p> <p><b>wire (3)</b> 51:4;87:21;147:5</p> <p><b>wireless (1)</b> 135:17</p> <p><b>wires (1)</b> 51:4</p> <p><b>wiring (16)</b> 85:21;87:8,10,16,20; 128:10,10;129:21;167:10; 168:22;170:4,10;172:23; 175:1;178:21;179:5</p> <p><b>Wisconsin (1)</b> 60:3</p> <p><b>wish (1)</b> 76:5</p> <p><b>within (7)</b> 22:1;57:2;112:20;129:6; 135:15;167:11;172:10</p> <p><b>without (9)</b> 8:8;73:6;78:7;80:21; 104:24;119:2;122:6; 141:21;150:13</p> <p><b>WOLIN (32)</b> 3:15,19,19;6:7,7;11:2,5, 7,10,12,19;12:4,9,11;17:3, 17,19;23:13,13;32:4;37:19,</p>
<p style="text-align: center;"><b>V</b></p> <p><b>valid (2)</b> 24:10;126:3</p> <p><b>value (2)</b> 59:2;103:6</p> <p><b>variance (25)</b> 33:2,10;61:20;63:10; 98:23;99:22;112:6;114:24; 115:6;141:4;142:22;146:3, 5,11,18,24;147:3,8;154:11, 20;155:4,15;156:15,23; 157:2</p> <p><b>variances (3)</b> 51:7;146:10;174:8</p> <p><b>variety (1)</b> 108:18</p> <p><b>various (3)</b> 4:12;53:7;126:4</p> <p><b>vendors (1)</b> 154:8</p> <p><b>verbatim (2)</b> 183:3,6</p> <p><b>verbiage (2)</b> 8:7;21:8</p> <p><b>verification (1)</b> 141:6</p> <p><b>verify (2)</b> 135:20;161:19</p> <p><b>verifying (1)</b> 136:4</p> <p><b>version (9)</b> 8:2;19:6;21:2,5;30:12; 57:5,15;172:4;183:5</p> <p><b>versions (1)</b> 30:12</p> <p><b>versus (5)</b> 19:6;27:8;34:2;131:21; 187:9</p> <p><b>veterans (1)</b> 3:7</p> <p><b>via (1)</b> 164:23</p> <p><b>vibrating (2)</b> 116:14;117:22</p> <p><b>vice-chair (1)</b> 52:14</p> <p><b>vice-chairman (3)</b> 52:23;53:2;55:13</p> <p><b>vice-president (1)</b> 75:14</p>	<p style="text-align: center;"><b>W</b></p> <p><b>wait (7)</b> 11:10;30:6;32:22,24; 97:7;132:21;158:19</p> <p><b>waited (1)</b> 78:6</p> <p><b>walk (5)</b> 34:3;50:6;103:1;106:7; 119:4</p> <p><b>walkers (1)</b> 54:9</p> <p><b>walking (1)</b> 152:1</p> <p><b>walks (1)</b> 17:24</p> <p><b>wallet (1)</b> 58:1</p> <p><b>wants (5)</b> 29:6;72:2;89:18;122:1; 153:21</p> <p><b>Wars (1)</b> 50:5</p> <p><b>Washington (2)</b> 143:12,17</p> <p><b>waste (2)</b></p>	<p>58:6,7</p> <p><b>watching (1)</b> 152:12</p> <p><b>water (2)</b> 106:1,3</p> <p><b>Watson (1)</b> 60:7</p> <p><b>wave (1)</b> 58:15</p> <p><b>way (23)</b> 9:2;11:15;23:21;24:4,14; 28:12,16,17;32:18;39:12; 45:20;58:6;71:13;78:15; 80:7,17,20;82:3;101:22; 111:4;128:12;138:1;139:13</p> <p><b>ways (4)</b> 24:15,18;28:18;30:2</p> <p><b>wear (2)</b> 108:3;137:16</p> <p><b>website (9)</b> 88:22;92:18,19;95:15; 100:12;128:14;131:17; 165:17,18</p> <p><b>week (1)</b> 60:11</p> <p><b>weeks (3)</b> 4:15;68:13;169:4</p> <p><b>weigh (1)</b> 20:14</p> <p><b>welcome (1)</b> 4:7</p> <p><b>welfare (1)</b> 17:10</p> <p><b>Weller (105)</b> 5:23,23;18:15,15,24; 19:10,19,23;20:1,3,22;21:4, 13,19;30:6,8;31:19;32:1,9, 15,21;33:3,8,11,13,18,22, 24;34:21,24;35:8,11;36:6; 37:14,14;82:1,8,17;101:16; 102:4,23;103:9,22;105:2; 106:1;111:6,11,23;112:5,8, 11,17;113:1,6,15,20;114:9, 16,21;116:20;118:24; 119:10;135:1,19;139:18, 21;140:2,4,20;141:18,24; 142:4,8;149:20;155:23; 156:2,14;157:4,20,22; 159:1,19;161:5,6,8,21; 162:22;165:7;166:24; 167:19;169:24;172:18,18; 173:8,16,22;175:14; 176:22;177:2,9,15,21; 178:5;179:15;180:9</p> <p><b>weren't (4)</b> 21:9;30:12;94:8;156:16</p> <p><b>West (1)</b> 1:8</p> <p><b>Western (3)</b> 148:2,10;149:10</p> <p><b>What's (13)</b> 15:2;17:4;33:23;64:17, 18;65:16;67:5;111:18;</p>	<p>112:6;145:18;146:12; 164:5;166:4</p> <p><b>wheelchairs (2)</b> 54:8,9</p> <p><b>whenever (2)</b> 107:7;170:12</p> <p><b>WHEREUPON (1)</b> 3:9</p> <p><b>wherever (1)</b> 70:19</p> <p><b>wherewithal (1)</b> 42:7</p> <p><b>White (1)</b> 57:22</p> <p><b>whole (11)</b> 26:14;51:9;52:19;56:18; 62:19;72:23;107:20; 112:18;114:18;138:14; 154:13</p> <p><b>wholly (1)</b> 95:7</p> <p><b>who's (1)</b> 131:21</p> <p><b>wide (1)</b> 108:18</p> <p><b>widget (1)</b> 89:23</p> <p><b>width (1)</b> 15:15</p> <p><b>widths (1)</b> 15:1</p> <p><b>willie-nillie (1)</b> 146:6</p> <p><b>willingly (1)</b> 58:22</p> <p><b>window (5)</b> 177:7,10,17,18;180:9</p> <p><b>wire (3)</b> 51:4;87:21;147:5</p> <p><b>wireless (1)</b> 135:17</p> <p><b>wires (1)</b> 51:4</p> <p><b>wiring (16)</b> 85:21;87:8,10,16,20; 128:10,10;129:21;167:10; 168:22;170:4,10;172:23; 175:1;178:21;179:5</p> <p><b>Wisconsin (1)</b> 60:3</p> <p><b>wish (1)</b> 76:5</p> <p><b>within (7)</b> 22:1;57:2;112:20;129:6; 135:15;167:11;172:10</p> <p><b>without (9)</b> 8:8;73:6;78:7;80:21; 104:24;119:2;122:6; 141:21;150:13</p> <p><b>WOLIN (32)</b> 3:15,19,19;6:7,7;11:2,5, 7,10,12,19;12:4,9,11;17:3, 17,19;23:13,13;32:4;37:19,</p>

<p>19:38;22,22;75:9,13;76:9, 17,22,24;175:11,11 <b>wondering (1)</b> 35:3 <b>word (7)</b> 13:21;57:9;111:20; 126:12;135:10,11;167:6 <b>words (5)</b> 18:18;51:4;57:5,15; 144:6 <b>work (12)</b> 48:3;51:9;54:1;103:2; 111:24;126:7;146:24; 155:22;184:6,19,23;186:24 <b>worked (3)</b> 87:24;91:14,18 <b>working (7)</b> 22:9;35:1;52:18;116:19; 118:19;166:8;176:14 <b>World (1)</b> 53:13 <b>worried (1)</b> 58:15 <b>worthy (1)</b> 180:17 <b>wow (1)</b> 111:21 <b>write (9)</b> 4:9;29:23;85:9;90:2; 103:14;159:18;160:9,13; 182:15 <b>writers (1)</b> 59:8 <b>writes (1)</b> 28:13 <b>writing (6)</b> 52:17;53:14;104:21; 131:4;152:2;184:21 <b>written (24)</b> 20:5;34:8,10;52:4;65:3; 67:24;85:23;100:6;128:4; 133:6;135:10,11;137:15, 18,19;144:6;163:24; 164:10;165:22;180:13; 181:6;182:1,2,24 <b>wrong (11)</b> 85:9;89:1;91:9;103:22; 104:3;122:14;123:20; 136:9;163:13;180:2;185:19 <b>wrote (5)</b> 56:22;64:6;95:16; 132:12;138:4</p>	<p>149:15;157:17;158:22,23; 159:4;172:1;178:15;179:4; 180:3 <b>year-and-a-half (1)</b> 78:6 <b>yearly (1)</b> 158:17 <b>years (23)</b> 41:2,15;43:12;49:18; 52:22;57:22;59:16;68:18; 77:19;90:19;93:13;94:6; 95:4;103:24;104:24;105:5; 122:12;141:1;151:17; 152:4,10;183:22;184:1 <b>Yep (1)</b> 140:6 <b>yesterday (3)</b> 68:13,17,23 <b>York (5)</b> 60:10,20;138:11,12,16 <b>YOUNG (84)</b> 123:24;124:2,5,8,12; 125:18,19,21;129:17,19; 130:2,9;132:1,3,6,10,15,20; 133:4,9,13,17,22;134:2,5, 12,23;135:5;136:1;137:3,9, 11,20,23;138:20;139:11,14, 20;140:1,3,19;141:16,23; 142:2,6,11,23;143:19; 144:9,21;145:4,7;146:8,15, 17,20,24;147:10,19; 159:20;160:5;162:14; 163:14;166:11;167:2,10; 169:6;170:3,18;176:9,20; 177:1,18,22;178:17;180:8, 10;181:3,6,13,20;182:12, 23;183:10</p>		
<b>Y</b>	<b>Z</b>		
<p><b>year (40)</b> 19:17;41:2,10;61:18; 80:12;86:17,18,23;90:22; 92:15;93:5;94:4;95:22; 100:9,10,11;101:2;105:10, 14,14;108:20;114:18,20; 120:20;129:11,17;130:12, 15,19;131:21;148:12;</p>	<p><b>zoning (1)</b> 108:3</p>		