

In The Matter Of:
Elevator Safety Review Board Meeting

May 18, 2010

*Marzullo Reporting Agency
345 North LaSalle, 1605
Chicago, IL 60654*

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Min-U-Script® with Word Index

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1 ELEVATOR SAFETY REVIEW BOARD MEETING
 2 May 18th, 2010
 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 18th, 2010, at the hour of approximately 8:30 a.m.
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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, WILSON, Member
 7 MR. DAVID A. DATTILO, 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. CRAIG GRANT, Member
 16 MR. KELLY WELLER, Member
 17 MR. DARREL SWIENTON, Member
 18 MR. TOM JIRIK, Member
 19
 20 OFFICE OF THE STATE FIRE MARSHAL
 21 MR. JOSEPH AUGUST, Deputy Director
 22 MR. JAMES AUBIN, Inspector
 23 MR. THOMAS LEE, Inspector
 24 MR. ROBERT CAPUANI, Administrator
 MS. ELAINE DEL GRECO, Administrative Assistant
 MR. JOSEPH DONNELLY, Consultant
 ALSO PRESENT:
 MR. ALEC MASSINA, General Counsel

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1 CHAIRMAN CHRISTENSEN: We're going to call the
 2 meeting to order. Please rise for the pledge
 3 allegiance.
 4 Bob Capuani, could you lead us.
 5 MR. CAPUANI: Can we have a moment of silence
 6 for all our veterans who lost their lives in war and
 7 those fighting for our country right.
 8 (A moment of silence was had)
 9 CHAIRMAN CHRISTENSEN: Before we open it up to
 10 public comment, I would like to start off here by
 11 all the Board Members giving their names, so
 12 everybody knows who they are. We don't need your
 13 positions, or anything like that.
 14 I'm the Chairman. My name is Frank
 15 Christensen.
 16 MR. JANDORA: I'm Rick Jandora.
 17 MR. WILSON: Brian Wilson.
 18 MR. GILLES: Rod Gilles.
 19 MR. DATTILO: Dave Dattilo.
 20 MR. GRANT: Craig Grant.
 21 MR. GROSS: Gerald Gross.
 22 MR. FINCHAM: John Fincham.
 23 MR. JONES: Doug Jones.
 24 MR. POPOWITS: Al Popowits.

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1 MR. WOLIN: Jerry Wolin.
 2 MR. HERTSBERG: Mark Hertsberg.
 3 MR. SWIENTON: Darrell Swienton.
 4 MR. WELLER: Kelly Weller.
 5 MR. JIRIK: Tom Jirik.
 6 MS. DEL GRECO: Elaine DelGreco.
 7 MR. CAPUANI: Bob Capuani and Alec Messina.
 8 CHAIRMAN CHRISTENSEN: Alec is our general
 9 counsel here. First for public comment is Patty
 10 Young?
 11 MS. YOUNG: I did not specify item No. 3. I
 12 specified for 5 and 6. So, I don't think we can do
 13 that yet, Frank, because I'm not there yet. I know
 14 it is somewhat new.
 15 CHAIRMAN CHRISTENSEN: All right. Is there any
 16 public comment at this time?
 17 All right, I have one, Bill Rook. You
 18 want to come up here, Bill?
 19 MR ROOK: Good morning, my name is Bill Rook.
 20 I'm with Cook County. The name is spelled R-o-o-k.
 21 I'm not positive, but I heard a rumor that
 22 one of these rule changes that we are were going to
 23 be voted on, my concern stopping elevator
 24 contractors and mechanics from working on elevators

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1 with expired inspection certificates.
 2 Is that one of the items that would be
 3 voted on today?
 4 MR. CAPUANI: It will be discussed at this
 5 meeting, correct.
 6 MR ROOK: Okay. I would like to address that
 7 from a building owner's point of view what options
 8 to that rule.
 9 I'm not sure how it all reads. I haven't
 10 seen it, but we went along fine with the registering
 11 of conveyances. That's something that is directly
 12 under the building owner's control; but as far as
 13 when an inspector shows up for an inspection, or
 14 when the village or city or county gets around to
 15 sending the certificates, that's not really under
 16 our control.
 17 I don't understand how, you know, the
 18 state can step in between a contractual obligation
 19 with the elevator company and the county to service
 20 our elevators and give them safety tests and
 21 maintain them.
 22 I just believe if this does come into
 23 effect, we will have more unsafe elevators out there
 24 by not getting safety tests on, not to mention the

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1 state of industry right now will be putting more
 2 elevator mechanics out of work.
 3 I just wanted you to consider that when
 4 we're discussing this issue.
 5 MR. CAPUANI: I think if you listen to the
 6 discussion, you'll realize that there are options to
 7 it.
 8 MR ROOK: Okay.
 9 MR. CAPUANI: You might want to comment
 10 afterwards.
 11 MR. ROOK: Like if we have an inspection, and
 12 we haven't received certificates yet, we can post
 13 that on the machine?
 14 MR. CAPUANI: We will discuss that when it's
 15 presented to the Board.
 16 MR ROOK: Okay.
 17 CHAIRMAN CHRISTENSEN: Bill, my recommendation
 18 is if you are hearing rumors, that I know for a fact
 19 Bob Capuani is always available, give him a call and
 20 ask him about it.
 21 MR ROOK: Okay.
 22 CHAIRMAN CHRISTENSEN: Is there any more public
 23 comment? Craig?
 24 MR. GREGORY: What is the appropriate time for

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1 me do address what I handed you regarding continuing
 2 education?
 3 CHAIRMAN CHRISTENSEN: You know, there is --
 4 now we have handled it a little different. They
 5 have public comment in two areas here.
 6 MR. GREGORY: That's why I'm asking.
 7 CHAIRMAN CHRISTENSEN: You can bring it up now
 8 or later. It is up to you.
 9 MR. GREGORY: Whatever the pleasure of the
 10 Board.
 11 CHAIRMAN CHRISTENSEN: You can bring it up now.
 12 MR. GREGORY: Thank you. My name is Richard
 13 Gregory. I am a consultant, living in the City of
 14 Chicago. I serve on American Society of Mechanical
 15 Engineers A17.1 Standards Committee. We write the
 16 codes that you are enforcing. I do continuing
 17 education also.
 18 I'm applying for essentially blanket
 19 approval of continuing education held by Vertex
 20 Corporation, which is the company that I'm
 21 associated with, and I've given a note to you guys
 22 up there with my letter there; and if this would be
 23 approved for continuing education, meeting the
 24 requirements for elevator mechanics limited to

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1 elevator mechanics and inspectors.
 2 I will include in every session a minimum
 3 of two hours covering codes, because that turns out
 4 what I cover, but if it is two hours or less, it
 5 will have to be all codes.
 6 And if it's more than eight hours, then
 7 I'll appropriately add more codes. I cover the A17
 8 series of codes, which is A17.1 safety standards of
 9 elevators and escalators; A17.2 a guide for
 10 inspectors; A17.3 existing installations; A17.4, a
 11 guide for emergency personnel; A17.5 electrical
 12 requirements; A17.6 suspension means; and A17.7 new
 13 technology.
 14 Plus, I cover ASME B20.1 vertical
 15 reciprocating conveyors; American Society of Safety
 16 Engineers A10.4; and A10.5, National Electrical
 17 Code, Assessability Codes and Standards, all that.
 18 Most items are aimed at one thing or
 19 another, and you cannot teach all of that in -- one
 20 eight-hour day. That's impossible. So, it's
 21 structured to do an in-depth presentation of one
 22 section of the code.
 23 I ask for your -- well, that is one of two
 24 things. I'm asking this be approved for whatever

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1 classes we hold for our people. I also get approval
 2 from NAESA, the National Association of Elevator
 3 Safety Authorities; the Inspectors' Association; and
 4 I also get approval from EIWPF, the Elevator
 5 Industry Work Preservation Fund, where I am a member
 6 of the Ethics Committee.
 7 The second issue is I would like to apply
 8 retroactively for approval of a four-hour class that
 9 I presented at the Chicago Elevator Association on
 10 the 1st of April, and that covered inspections,
 11 because there's some big changes going on there.
 12 Upcoming code requirements and Section 8.6
 13 "Maintenance Repair and Replacement," that was a
 14 four-hour morning, and Joe Donnelly did the
 15 four-hour afternoon.
 16 Do you have any questions?
 17 CHAIRMAN CHRISTENSEN: So everybody knows,
 18 Richard Gregory is probably one of the most renown
 19 elevator consultants in the country, and he was on
 20 the Board for many years.
 21 So, he wants to teach classes here in
 22 Illinois. Is there a motion to allow '--
 23 MR. GREGORY: I teach classes in other states.
 24 Whether somebody from Illinois wants to come there,

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1 that's their money, you know.
 2 One other thing. When I was on the Board,
 3 I was prohibited from accepting a fee, because I was
 4 regulating, and I continued to do that; and the fee
 5 I charge is donated half to the Elevator Escalator
 6 Safety Foundation and half to the Boys and Girls
 7 Club of Chicago.
 8 CHAIRMAN CHRISTENSEN: Very nice.
 9 MR. GILLES: I would like to make a motion,
 10 Frank.
 11 CHAIRMAN CHRISTENSEN: A motion?
 12 MR. GILLES: Yes.
 13 CHAIRMAN CHRISTENSEN: Okay. To both?
 14 MR. GILLES: Yes.
 15 CHAIRMAN CHRISTENSEN: He made two requests.
 16 MR. GILLES: Yes.
 17 CHAIRMAN CHRISTENSEN: There is a motion. Is
 18 there a second?
 19 MR. HERTSBERG: I second.
 20 CHAIRMAN CHRISTENSEN: Any questions?
 21 MR. GANIERE: Point of order. Can we take
 22 action on this, if it is not on the agenda?
 23 CHAIRMAN CHRISTENSEN: I believe we can.
 24 MR. GANIERE: Do we have counsel here? That is

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1 a violation of the Meetings Act. Not that I don't
 2 want to do it, Dick, I really do.
 3 I hate to see it going out because we
 4 didn't follow proper procedure.
 5 CHAIRMAN CHRISTENSEN: Counsel has advised us
 6 that it should have been -- we should have had this
 7 on notice. Go ahead, Dick.
 8 MR. GREGORY: I E-mailed Bob Capuani of this,
 9 but I don't make the agenda. So, I mean, I can go
 10 through my E-mails and send them to you, but I did
 11 E-mail you this; and you E-mailed me back
 12 specifically you said, "Dick, you have to appear
 13 before the Board." That's what you sent me back.
 14 CHAIRMAN CHRISTENSEN: We're going to call a
 15 five-minute recess. Okay?
 16 MR. GREGORY: Should we all leave?
 17 CHAIRMAN CHRISTENSEN: No, you don't have to
 18 leave.
 19 (Recess taken.)
 20 CHAIRMAN CHRISTENSEN: It wasn't exactly a
 21 five-minute recess. I'm going to put the Board back
 22 together here.
 23 It does have to be on the agenda. Sorry
 24 about that, Dick. You did let Bob know, but we're

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1 going to have to put that back on the agenda. You
 2 also have to bring the proper paperwork that Bob has
 3 to have ahead of time.
 4 MR. GREGORY: Can Bob then send me the proper
 5 paperwork?
 6 CHAIRMAN CHRISTENSEN: Bob?
 7 MR. CAPUANI: No, you need just to send us
 8 the --
 9 CHAIRMAN CHRISTENSEN: Whatever you are going
 10 to do.
 11 MR. CAPUANI: -- a sample of your presentation.
 12 I apologize, Dick.
 13 MR. JANDORA: Can I make a point, talk about
 14 something real quick?
 15 I'm a under the impression, from a
 16 continuing education perspective, that this Board
 17 has already approved NAESA, any type of training
 18 through NAESA for the Elevator Industry Work
 19 Preservation Fund.
 20 So, if we've already approved those two
 21 groups as a means of obtaining your continuing
 22 education requirements, I think on the April 1st
 23 session, Dick is providing NAESA-approved training.
 24 Wouldn't that suffice? Wouldn't we just

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1 be able to accept that by fact that NAESA has
 2 approved this already, and that we're acknowledging
 3 NAESA as a continuing-education provider?
 4 MR. MESSINA: I think I have a less of a
 5 concern about whether or not there is sufficient
 6 evidence for him to provide the Board make that kind
 7 of a determination.
 8 I think the concern is any time the Board
 9 is going to take any kind of final action, that is
 10 something that has to be properly put on the agenda,
 11 so that if the public were to have an interest in
 12 that particular issue, they would have the
 13 opportunity to appear before the Board and provide
 14 comment, if they so chose to do so.
 15 But not having it on the agenda, I would
 16 argue prohibits the Board from taking that kind of
 17 final action. So, it is less a concern that I have
 18 with proving that education, and more assuring that
 19 we follow the proper procedure in doing so.
 20 CHAIRMAN CHRISTENSEN: Okay. Sorry about that,
 21 Dick. We'll just have to get it on the next agenda.
 22 MR. GREGORY: And the next training will have
 23 been done.
 24 MR. JANDORA: I guess I'm a little confused.

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1 We have already approved any training that's being
 2 provided through NAESA. It's already approved.
 3 So, if Dick is providing training through
 4 NAESA, if it is an approved NAESA class, that Board
 5 has already approved it. I don't think we have to
 6 act on this request today. I think it's already
 7 approved.
 8 Would somebody?
 9 CHAIRMAN CHRISTENSEN: Kelly?
 10 MR. WELLER: Wouldn't the distinction be who
 11 sponsors it? If Vertex is sponsoring it, then
 12 Vertex would have to have their curriculum approved,
 13 which is what we've done with many of the other
 14 curriculums.
 15 If he's teaching through a curriculum that
 16 we've already approved, then you are correct. If he
 17 came to Otis, and we've approved your training
 18 program, and Dick taught through that program, it is
 19 approved; but if he's doing it on his own and his
 20 own training program, then I think the proper
 21 procedure would be to have the Vertex training
 22 manual and then vote on it that way.
 23 It's a nuance, but it is -- we're
 24 authorizing Vertex, which is now a new or a new

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1 entity before us as a training program.
 2 MR. JANDORA: Well, let me just make one
 3 comment. The April 1st training, I attended that
 4 training, and it's a NAESA-sponsored training that
 5 Dick Gregory, Vertex, had sought approval through
 6 NAESA to provide that training.
 7 So, NAESA is giving its stamp of approval
 8 to count for continuing education for QEI
 9 certification.
 10 So, if Dick has gone through the effort to
 11 have NAESA review the syllabus to review the topics,
 12 to stamp it saying, "I'm going to recognize this as
 13 .4 CEUs, if NAESA gives that stamp of approval,
 14 we've already acknowledged NAESA as a training
 15 provider.
 16 So, if Dick went through NAESA, we, in a
 17 sense, have to accept it, being that we're
 18 acknowledging NAESA as a training entity.
 19 MR. WELLER: I would have to, on the surface,
 20 agree with that. Why are we then approving the
 21 Vertex or asking to approve this? It would be
 22 unnecessary.
 23 MR. JANDORA: And I would say, like, on the
 24 interim basis, April 1st, Dick already provided that

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1 training through NAESA, that he wouldn't even need
 2 to obtain approval for that; and on a going- forward
 3 basis, if Dick is providing training through NAESA,
 4 again, we would not need to approve it.
 5 But if he wants to go off and provide
 6 training on his own, without the backing of NAESA,
 7 then we would need to approve it.
 8 MR. WELLER: That I totally agree with, yes.
 9 MR. MESSINA: Again, I'm not concerned so much
 10 about the approval of the training, itself.
 11 It's just that -- I mean, the Board
 12 prepares an agenda for a reason, and that is
 13 obviously so the members of the public know that if
 14 there's an area that they are interested in, they
 15 need to show up. They could provide comment.
 16 One of the things you were talking about,
 17 while you were having a conversation, was, to the
 18 side here, was we could avoid problems, unfortunate
 19 problems like this, if there were to be a general
 20 agenda item that said, "Continuing education."
 21 So, that way, a member of the public would
 22 say, "Hum, perhaps I would be interested in this, so
 23 I need to be present when this is discussed."
 24 But, unfortunately, without having given

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1 the public any notice whatsoever, even if it makes
 2 complete sense, which from the sounds of it, it
 3 seemingly does, the issue is: Has the public been
 4 advised of that before the public action takes
 5 place? Unfortunately, that would be the case.
 6 MR. JANDORA: Okay.
 7 CHAIRMAN CHRISTENSEN: Any more discussion?
 8 MR. JONES: Just a question. In the Board
 9 meetings we've had previously, we approved NAESA.
 10 There is some documentation somewhere in the Open
 11 Meetings Act to approve NAESA.
 12 So, we've plowed that ground, pardon the
 13 expression. We don't need to put that approval on
 14 this agenda. He's already got that approval.
 15 MR. CAPUANI: Where is your certificate going
 16 to come from?
 17 MR. GREGORY: The certificate?
 18 MR. CAPUANI: Will it say NAESA? Does the
 19 certificate come from NAESA?
 20 MR. GREGORY: NAESA does not issue certificates
 21 anymore, period. Certificates will be issued by the
 22 organization.
 23 In the case of April 1st, it will issued
 24 by -- they have already been issued, you probably

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1 have yours, by the Chicago Elevator Association who
 2 sponsored that event.
 3 The event at Perdue University, which is
 4 the next one I'm teaching, an eight-hour all day,
 5 8:00 to 5:00, that is under the auspices of Elevator
 6 U, which is the association of elevator people from
 7 colleges and universities, and with the approval of
 8 NAESA and EIWPF, which is another QEI certification
 9 organization. Elevator U will issue certificates.
 10 Neither of those parent, let's say
 11 organizations, EIWPF or NAESA, will issue
 12 certificates. They just don't do it anymore.
 13 So, the organization who is going to, you
 14 know, sponsor it, issues the certificate. So, those
 15 two are at issue. Any other questions?
 16 MR. JANDORA: How do we link in the NAESA
 17 approval for that? There is an approval that NAESA
 18 issues for the Chicago Elevator Association training
 19 session as provided.
 20 MR. GREGORY: Yes.
 21 MR. JANDORA: Where is the nexus?
 22 MR. GREGORY: I can E-mail you the Dotty
 23 Stanlaske approval letter, or the guy who handled it
 24 for the Elevator Association, Tom Sybert, could

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1 E-mail it to you, because he handled all of the hard
 2 work, other than doing the actual class.
 3 CHAIRMAN CHRISTENSEN: I'm going to wait until
 4 the attorneys get done discussing this issue.
 5 MR. WOLIN: While we're waiting, what is it we
 6 approve for education? Are we approving the person
 7 who is doing the instructing, or are we approving a
 8 specific curriculum with all the things that are
 9 going to be taught?
 10 CHAIRMAN CHRISTENSEN: We're approving
 11 everything that is going to be taught.
 12 Is there a decision on this, or is it the
 13 same?
 14 MR. MESSINA: I think the distinction we
 15 discussed was whether or not it's been an
 16 approved -- you know, there's a blanket approval for
 17 a specific program, and the individuals working with
 18 that approved program provider, and there's not the
 19 issue that we're talking about today.
 20 It becomes different if that person is
 21 working outside of or separate from someone that
 22 we've already approved.
 23 CHAIRMAN CHRISTENSEN: Dick, is it mostly
 24 NAESA? What is it?

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1 MR. GREGORY: I always get approval from both,
 2 because those are the two largest organizations who
 3 certify inspectors, NAESA and EIWPF.
 4 CHAIRMAN CHRISTENSEN: That's already been
 5 approved?
 6 MR. GREGORY: Yes, by them. Because for an
 7 inspector to take the course, without their
 8 certification organization approving it, is a waste
 9 of their time and money.
 10 I mean, I always get it approved by them.
 11 I'm looking for approval for the State of Illinois
 12 people, in essence, for their continuing education,
 13 because inspectors may come from anywhere to get
 14 continuing education.
 15 MR. CAPUANI: When do you need this? This is
 16 for, like, the June 30th deadline for QEI?
 17 MR. GREGORY: For some people, it probably will
 18 be. For some people, it probably will be, but I
 19 need it for the class that I'll be teaching at
 20 Perdue in June, which I will have to look up the
 21 date, that Wednesday, June 9th, is when that class
 22 will be taught.
 23 MR. CAPUANI: When was this class, April 1st?
 24 MR. GREGORY: The previous class was the 1st of

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1 April, and as you recall, I sent you an E-mail
 2 saying so on and so forth.
 3 And you said, "You've got to appear before
 4 a Board meeting, and it was in Springfield, and it
 5 was too close for me to get there.
 6 MR. CAPUANI: So, this has to be approved by
 7 April 1st?
 8 MR. GREGORY: No, the next class is June,
 9 Wednesday, June 9th.
 10 MR. CAPUANI: June 9th?
 11 MR. GREGORY: In West Lafayette, Indiana, at
 12 Perdue University.
 13 CHAIRMAN CHRISTENSEN: Go ahead.
 14 MR. GRANT: Can I ask a question?
 15 Because we do have an item 9,
 16 "Variances/Appeals" on the agenda, is there any
 17 possibility that this could properly be considered a
 18 variance request for approval of a retroactive
 19 course that was offered for approval?
 20 It's continuing education and at the same
 21 time include the Vertex approval, requesting that
 22 action from the Board?
 23 MR. CAPUANI: You know what, Dick, let us come
 24 back at the second part of public comment. Alec is

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1 going to look up a few things.
 2 MR. GREGORY: Sounds good to me.
 3 CHAIRMAN CHRISTENSEN: Is there any other
 4 public comment?
 5 MR. HEMMING: John Hemming from Mercy Harvard
 6 Hospital, Harvard, Illinois. I'm here regarding --
 7 CHAIRMAN CHRISTENSEN: Can you come up, please?
 8 MR. HEMMING: John Hemming, J-o-h-n
 9 H-e-m-m-i-n-g. We're looking for a variance on our
 10 main elevator, and I sent the paperwork and some
 11 pictures in.
 12 MR. CAPUANI: You would have to wait. You'll
 13 come up under variance. We'll call you up under
 14 variance. We got it right here.
 15 CHAIRMAN CHRISTENSEN: Mike Gibbs?
 16 MR. GIBBS: I submitted the form.
 17 CHAIRMAN CHRISTENSEN: I'll find it.
 18 MR. GIBBS: G-i-b-b-s. My name is Mike Gibbs.
 19 I'm here representing Anderson Elevators. The
 20 topic -- well, let me start out by thanking everyone
 21 on the Board for their commitment to the citizens of
 22 the State of Illinois, and I would like to thank you
 23 for the opportunity to speak this morning on the
 24 topic of witnessing tests.

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1 I think we can all agree that the goal of
 2 the testing procedures is that the testing gets done
 3 on an annual basis and done properly and completely.
 4 In the past, the state had allowed what I'll refer
 5 to this morning as in-house witnessing.
 6 What I've given you in front of you is a
 7 breakdown of -- the first page is what I'm going to
 8 go through. The pages that follow it are the lists
 9 of the companies and all the inspectors that work
 10 for those companies.
 11 So, let me start out with the first page
 12 shows Cook County and all the collar counties and
 13 the units, according to the Fire Marshal's website,
 14 that need to be inspected in those counties, which
 15 is 20,382 roughly. Math was never always my
 16 greatest thing.
 17 So, if we add those, if we think of those
 18 as inspections on a once a year as required by the
 19 state, the witnessing is also required as well. So,
 20 that doubles the time that has to be spent in the
 21 building.
 22 At least 50 percent of the towns that are
 23 inspected require twice-a-year-semi-annual
 24 inspections. So, that's the next 10,191 units.

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1 So, for the sake of discussion this
 2 morning, total visits to the units per year is
 3 50,855 visits to the units in the collar counties in
 4 Cook County.
 5 There are approximately 44 inspectors
 6 working for the two major inspection companies that
 7 service these areas, some of those inspectors being
 8 part-time retired elevator mechanics, to name the
 9 sources, fellows that have been in the industry for
 10 a good long time.
 11 50,000 plus and the 44 inspectors, it
 12 roughly comes out to 1156 units per year per guy
 13 have to be taken care of.
 14 That rounds out, in a working year, that
 15 has 20,000 or 2,080 working hours in a year. Each
 16 inspector has to complete nearly five inspections a
 17 day every day with no vacation and no travel time
 18 allowed.
 19 There are 226 licensed inspectors in the
 20 state. The overwhelming majority, myself included,
 21 cannot perform the duties that we've been licensed
 22 by the State of Illinois to perform, simply because
 23 we work for contractors and not inspection
 24 companies.

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1 My firm, Anderson Elevator, holds licenses
 2 in elevator inspections and elevator contractors. I
 3 can't witness tests because in the past, the state
 4 allowed in-house witnessing, and then the state
 5 changed their mind and basically gave monopolies to
 6 the inspection companies that serve the
 7 municipalities.
 8 The problem that the state acknowledged
 9 over a year ago was that there are not enough
 10 inspectors. The scenario that I put before you is:
 11 If a handful of companies sign agreements with the
 12 majority of all the municipalities, and those
 13 companies do not have the manpower to perform the
 14 inspections, the state has to declare that there
 15 aren't enough inspectors.
 16 If one company goes in and bids low and
 17 gets all of the municipalities, and those
 18 municipalities say, "No, you can't use outside guys,
 19 you have to use this company," and that company
 20 cannot provide the services to the citizens of the
 21 state.
 22 I'm asking this Board to realize that's a
 23 problem. My bold type at the bottom of the first
 24 page brings in the new rules for the City of

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1 Chicago, which brings in consultants and all that.
 2 So, the reason I didn't cloud those
 3 numbers with the City of Chicago is some of the
 4 consultants are going to do those big giant
 5 buildings downtown that have 100 elevators. They
 6 are going to take care of those.
 7 But my numbers don't take into
 8 consideration any of the 11,000 more units in the
 9 central business district of Chicago that is going
 10 to require outside inspections. So, if the 44 guys
 11 that I list start doing things downtown, that makes
 12 their day even busier.
 13 The third example that I have in
 14 highlights shows the exact code that I'm
 15 referencing. I'll simply read it, "Under 8.11.1.1,
 16 "Persons authorized to make periodic inspections and
 17 tests."
 18 The next line highlighted, "Periodic
 19 inspections shall be made by an inspector employed
 20 by the authority having jurisdiction, or by a person
 21 authorized by the authority having jurisdiction."
 22 This Board is the authority having
 23 jurisdiction. It is well within your means to
 24 provide this request, or at least discuss this

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1 request for a later date to consider seriously.
 2 The tests are not getting done. One
 3 example that I'll use is I requested a test to be
 4 performed at a Federal Aviation Administration
 5 building in March. The date that I was given for
 6 the appointment was in May.
 7 CHAIRMAN CHRISTENSEN: Can I ask you a
 8 question? Is this for any kind of inspections.
 9 MR. GIBBS: No, I'm simply asking for the
 10 witnessing. I'm not asking for companies who
 11 witness their own, who inspect their own facilities
 12 that they maintain. I'm not going there.
 13 CHAIRMAN CHRISTENSEN: I think that needs to be
 14 clear to the Board.
 15 MR. GIBBS: Thank you for asking that. I'm
 16 simply asking for licensed inspectors, no matter who
 17 they work for, to be able to be the professional
 18 eyes that they've been licensed to be, to witness a
 19 test, and then make sure the test is accurately
 20 documented, and that the unit is tagged properly, so
 21 when the inspector that's responsible for the
 22 inspections can clearly see the test has been
 23 provided and the proper people have participated in
 24 the test, and that they can make their notations on

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1 their inspection forms to that fact.
 2 The other notes that I have is there a
 3 have been questions about the possibility of the
 4 conflict of interest in this. Okay?
 5 If I was to witness my mechanic performing
 6 a pressure test on a hydraulic elevator, there are
 7 four licenses on the line in that situation: The
 8 contractor license, the mechanic's license, my
 9 inspector's license, and the company inspectional
 10 firm license.
 11 In the event that test fails, that
 12 pressure test fails, the company is not financially
 13 responsible for the repairs. There's no benefit at
 14 all for the company to falsify pressure test.
 15 So, there is no conflict. Why would any
 16 elevator company, or any individual for that matter,
 17 put themselves in a situation when there is
 18 absolutely no gain at all to do so; and in the
 19 meantime, losing the company's license in the State
 20 of Illinois for the sake of a pressure test?
 21 It just doesn't make sense that the
 22 conflict of interest would be both. I'm not
 23 criticizing any elevator inspection firm. Okay?
 24 That is new process.

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1 I'm simply asking we go back to where we
 2 were a couple years ago when the state allowed the
 3 witnessing. This is not a criticism of the
 4 inspection firms. There are 224, 226 inspectors in
 5 the state. Arguably, I think we can all agree these
 6 inspectors are very busy.
 7 CHAIRMAN CHRISTENSEN: Mike I think originally
 8 the conflict of interest was, and we all know
 9 throughout the elevator industry, that years go with
 10 full load safety tests, supervisor or management
 11 personnel used to say, "Just sign off on these
 12 things," the five-year test.
 13 MR. GIBBS: Right.
 14 CHAIRMAN CHRISTENSEN: That was the conflict of
 15 interest. Now that we are licensed, we didn't want
 16 that to happen.
 17 You are asking for a whole different
 18 thing. You are talking about the witnessing of the
 19 test.
 20 MR. GIBBS: I'm simply talking about the
 21 witnessing of the test.
 22 CHAIRMAN CHRISTENSEN: I'll call for it, but go
 23 ahead, I'm sorry.
 24 MR. GIBBS: The last page that I have --

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1 CHAIRMAN CHRISTENSEN: Bob, did you have
 2 something?
 3 MR. CAPUANI: It's still in effect that a
 4 company can witness a test outside municipalities.
 5 MR. GIBBS: Right.
 6 MR. CAPUANI: I would have to turn to the
 7 attorneys, but they signed -- a municipality signed
 8 an agreement with the state.
 9 MR. GIBBS: But the municipalities agreement, I
 10 can only go by what those municipalities put out to
 11 bid. Okay, the overwhelming majority of the bid
 12 processes are from years back, and they didn't talk
 13 about inspectional fees.
 14 I've purposely not brought up the benefit
 15 financially to the buildings to have more
 16 competition on the street. This Board is wise
 17 enough to realize if more people can do it, the
 18 burden on the building owners is going to be
 19 reduced. Okay? That's a given.
 20 Now, you bring up the point with the
 21 contracting. The previous attorney for this Board
 22 had stated, when the question was brought up by
 23 Mr. Gregory, that the bills should be sent to the
 24 building owners. Okay?

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1 And Mr. Fennell, the previous
 2 representative to the Board, had stated that that's
 3 a contracting issue, that's not a board issue. That
 4 if the bills are to be sent to the building, a
 5 contract should be arranged ahead of time stating
 6 that. Okay?
 7 So, my final sample in the packet that
 8 I've given you shows the contract that Anderson
 9 Elevator came up with, and it states the building,
 10 the building address, the company that is going to
 11 do the inspection.
 12 And regrettably at the bottom in bold
 13 print, "Building ownership listed above shall be the
 14 recipient of any invoices relating to the provided
 15 services." Okay?
 16 In this case, Thompson Elevator Inspection
 17 Service stamped at the bottom that "Anderson
 18 Elevator company shall be invoiced Thompson
 19 inspectional Services directly provided," even
 20 though this is a contract stating that I'm acting as
 21 an agent for the building.
 22 So, the recommendation from Mr. Fennell
 23 was about, basically notwithstanding useless to me,
 24 because I understand it's easier to send Anderson

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1 Elevator a bill for a dozen elevator inspections
 2 than it is to send a dozen buildings a bill for one.
 3 So, again, by allowing in-house
 4 witnessing, this whole situation is eliminated
 5 completely. I thank you for your time.
 6 CHAIRMAN CHRISTENSEN: We're going to have to
 7 go to counsel on this.
 8 MR. GIBBS: Okay. The overwhelming safety
 9 concern is the tests aren't getting done in a timely
 10 fashion.
 11 MR. CAPUANI: I do not believe, and this is my
 12 opinion, that we, as a Board, can over step the
 13 municipality that they have been assigned to us.
 14 It's the municipality's responsibility to
 15 hire an inspection company. I do see your concerns.
 16 MR. GIBBS: But this is the authority having
 17 jurisdiction, Bob.
 18 MR. CAPUANI: They are the authority having
 19 jurisdiction.
 20 MR. GIBBS: You're now washing your hand of the
 21 program.
 22 MR. CAPUANI: The municipality agreement, quote
 23 me if I'm wrong, states that they run the program to
 24 our standards.

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1 MR. GIBBS: Your standards, four to six weeks
 2 for an inspection.
 3 MR. CAPUANI: They are the authority having
 4 jurisdiction for Schaumburg. Schaumburg is the
 5 authority having jurisdiction to our minimum
 6 standards.
 7 CHAIRMAN CHRISTENSEN: Kelly?
 8 MR. WELLER: This question is not directed to
 9 anybody, it is just a question.
 10 What Mike I believe is asking for is for
 11 us to expand the rule that we already have to
 12 include municipalities, which allows contractors to
 13 do pressure witnessing.
 14 MR. GIBBS: I'm not even calling it
 15 contractors. I would like all licensed inspectors
 16 to be able to provide witnessing.
 17 MR. CAPUANI: But you are talking about the
 18 contractors, because the inspectors are already
 19 doing it, right?
 20 So, the people -- who else would you be
 21 including in that, other than contractors and --
 22 MR. GIBBS: Consultants, contractors, everybody
 23 that is a licensed inspector.
 24 MR. CAPUANI: Wouldn't that do that if they

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1 municipal agreement provides for, to see what
 2 ability we have to work out disputes that may arise,
 3 or what authority that we have given to them in that
 4 agreement.
 5 MR. GIBBS: Okay. For the sake of a ridiculous
 6 analogy, if an inspectional firm is one guy, and he
 7 low bids Downers Grove with 800 elevators, the state
 8 needs to realize that is a problem. So, that's
 9 where we are at.
 10 CHAIRMAN CHRISTENSEN: Okay.
 11 MR. GIBBS: Thank you, everyone.
 12 MR. CAPUANI: Thanks.
 13 CHAIRMAN CHRISTENSEN: Greg Zomchek, you want
 14 to speak?
 15 MR. ZOMCHEK: Yes.
 16 CHAIRMAN CHRISTENSEN: Can you come up?
 17 MR. ZOMCHEK: I'm Greg Zomchek, Colley
 18 Elevator. Last name Z-o-m-c-h-e-k.
 19 For your review, it's our safety program
 20 with two-hours code. Every Monday we do a safety
 21 meeting going over pertinent safety information,
 22 using multiple resources outlined on the first page
 23 here.
 24 Let me pass them out for your review, the

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1 could make money on it? The only people who really
 2 can't do it right now by conflict are the
 3 contractors, the installers.
 4 MR. GIBBS: Conflict was never the reason. The
 5 reason was that the municipalities have the
 6 agreement.
 7 My argument is the municipalities don't
 8 have contractual agreements to do the witnessing.
 9 They have contractual agreements to do the
 10 inspections; and by default, they've turned over the
 11 witnessing as well. This whole witnessing thing is
 12 only two years old.
 13 Many of these inspectional contracts with
 14 the municipalities are decades old. So, I would
 15 argue before this Board that the municipalities have
 16 agreements with inspectional companies to do
 17 inspections. They don't have agreements to do
 18 witnessing. It's two totally different processes.
 19 CHAIRMAN CHRISTENSEN: Mike, we're going to
 20 table this for now. We're going to have our
 21 attorneys go through it. At the next meeting, we
 22 will address this.
 23 MR. MESSINA: Just to provide you, one of the
 24 things we need to look at is exactly what the

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1 Elevator Industry Field Employee Safety Handbook,
 2 coupled with our assurance carrier excel specialties
 3 for workman's comp and general liability, OSHA
 4 requirements.
 5 MR. CAPUANI: Are you guys asking for approval
 6 for a program?
 7 MR. ZOMCHEK: Our construction partners general
 8 contractors safety program and best practices within
 9 the construction industry for safety.
 10 CHAIRMAN CHRISTENSEN: As we just found out
 11 before, this has to be put on the agenda. So, what
 12 we can do is review this, and get back to you at the
 13 next meeting.
 14 MR. ZOMCHEK: That's fine.
 15 CHAIRMAN CHRISTENSEN: This will be on the
 16 agenda for the next meeting.
 17 MR. ZOMCHEK: Do you want to take the books and
 18 go over it at the next meeting?
 19 CHAIRMAN CHRISTENSEN: We're going to have to
 20 review it, so we would like to keep the books.
 21 MR. ZOMCHEK: Of course. Coupled with a
 22 two-hour minimum code training, which is outlined in
 23 here for everyone.
 24 CHAIRMAN CHRISTENSEN: Thank you. Okay, is

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1 there anybody else for public comment? Dick, hang
 2 on one second.
 3 MR. TEVZ: John Tevz, T-e-v-z.
 4 CHAIRMAN CHRISTENSEN: John, did you fill out a
 5 public comment?
 6 MR. TEVZ: Yes, I did. Good morning, thank you
 7 for giving me the opportunity to speak before you
 8 guys.
 9 I represent Access Elevator. We are
 10 headquartered in Wisconsin. I'll pass these out.
 11 We currently have an office here in Illinois.
 12 Our main business is providing handicap
 13 access. That's all we do from residential to have
 14 commercial wheelchair lifts and residence elevators.
 15 I'm here today to ask for a petition, I
 16 guess, to be able to be licensed here in Illinois to
 17 provide license or limited-use license, actually, to
 18 be able to install handicapped wheelchair lifts in
 19 commercial buildings.
 20 In the portfolio I just handed you is
 21 basically all my qualifications. We are licensed in
 22 Wisconsin. We usually follow the CAT. We took all
 23 those exams, myself as well as all of my
 24 technicians. Basically we want to be able to work

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1 in the state.
 2 CHAIRMAN CHRISTENSEN: Are you asking for a
 3 contractor's license or a mechanic's license, a
 4 helper's license?
 5 MR. TEVZ: Mechanic's license, with a limited
 6 use, only for the handicapped products is what we
 7 want.
 8 MR. CAPUANI: Is your company doing business in
 9 Illinois right now?
 10 MR. TEVZ: No.
 11 MR. CAPUANI: No?
 12 MR. TEVZ: Our office just opened, residential,
 13 chair lifts. We're not doing anything commercial
 14 work at this point. All of our stuff is in
 15 Wisconsin.
 16 CHAIRMAN CHRISTENSEN: Is there a reason that
 17 you do not want to take the mechanic's test that is
 18 certified here in Illinois?
 19 MR. TEVZ: CAT?
 20 CHAIRMAN CHRISTENSEN: Yes.
 21 MR. TEVZ: We're more than willing to do that
 22 as well. I believe it is the same test we've taken
 23 in Wisconsin previously; but if that's what is
 24 required here, we have no problem with that.

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1 CHAIRMAN CHRISTENSEN: We don't call it the
 2 CAT, it is the Illinois Mechanic's Test.
 3 MR. CAPUANI: It's the CAT. It is exactly the
 4 test he's going to take for limited license.
 5 MR. TEVZ: Correct. From what I've been told,
 6 it's the same test we've taken in Wisconsin.
 7 MR. CAPUANI: He's going to take an Illinois
 8 limited license test. You want a limited license,
 9 right? Only handicap lifts, correct?
 10 MR. TEVZ: Correct.
 11 CHAIRMAN CHRISTENSEN: In your book, it says
 12 residential elevators. That is not a limited
 13 license for a residential elevator.
 14 MR. TEVZ: I was told differently then. I was
 15 told --
 16 MR. CAPUANI: Well, we don't regulate
 17 residential building elevators.
 18 MR. TEVZ: There's still a permit process that
 19 is through Thompson, I believe, in the area that
 20 we're in, and they do an inspection.
 21 CHAIRMAN CHRISTENSEN: If he's willing to sit
 22 for the test, what do we have to make a motion on?
 23 Kelly?
 24 MR. CAPUANI: I think he was asking to

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1 grandfather in his work experience for a mechanic's
 2 license. Am I correct?
 3 MR. TEVZ: If that's a possibility, yes; if
 4 not, if we have to take it, we will sit for the
 5 exam. That isn't an issue as well.
 6 CHAIRMAN CHRISTENSEN: I have a question, Bob,
 7 can you answer? Have you had other mechanics that
 8 are experienced sit for the test?
 9 MR. CAPUANI: Yes.
 10 CHAIRMAN CHRISTENSEN: Yes?
 11 MR. CAPUANI: Yes.
 12 CHAIRMAN CHRISTENSEN: Okay. All right. It's
 13 up to the Board. I don't know about -- we've
 14 already had grandfathering date.
 15 MR. WELLER: Mr. Chairman?
 16 CHAIRMAN CHRISTENSEN: Yes.
 17 MR. WELLER: First question, aren't we
 18 confusing two difference things?
 19 We're talking about -- you're looking to
 20 be a qualified installer, a qualified, let's see
 21 what the right word is, contractor's license, would
 22 that be what you are asking for, and then your
 23 employees would be looking for a license?
 24 MR. TEVZ: Correct.

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1 MR. CAPUANI: He needs a mechanic's license to
 2 obtain his contractor's license.
 3 MR. WELLER: One comes before the other?
 4 MR. CAPUANI: Yes, because he has to be
 5 designee for his company.
 6 MR. WELLER: One of the these employees -- so,
 7 just as a question, one of his employees is going to
 8 have to be Illinois certified for him to get the
 9 contractor's license?
 10 MR. CAPUANI: Correct, yes.
 11 MR. TEVZ: Does that mean taking the CAT; is
 12 that correct?
 13 MR. CAPUANI: It's up to the Board.
 14 CHAIRMAN CHRISTENSEN: Rod?
 15 MR. GILLES: Just my opinion, that what I would
 16 be in favor of taking the test. I've had mechanics
 17 that didn't meet the qualifications under the law.
 18 The only way they could obtain a license
 19 was to take the test. So, just my opinion.
 20 CHAIRMAN CHRISTENSEN: Are you making a motion
 21 he needs to take the test?
 22 MR. GILLES: No.
 23 CHAIRMAN CHRISTENSEN: Yes?
 24 MR. GROSS: On page 3, "Public Buildings," I

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1 mean, it's not only saying homes and residential,
 2 but any public buildings; in other words, for new
 3 ones, possibly for like a new elevator.
 4 MR. TEVZ: Possibly, yes. The manual majority
 5 of our stuff is wheelchair lifts, though. New ones
 6 fall under the handicap code.
 7 CHAIRMAN CHRISTENSEN: Is there a motion by the
 8 Board either to have him take the test or not have
 9 him take the test?
 10 MR. WELLER: I think the motion is pretty
 11 straightforward. There's no way we can exempt him
 12 from not taking the test.
 13 MR. CAPUANI: If you read the act for
 14 qualifications for mechanic's exam, he can appear
 15 before the Board with experience.
 16 MR. WELLER: Yeah, but it also says right below
 17 that "Satisfactory completion of a written
 18 examination administered by the Board."
 19 So, yeah, we can grant the license, but --
 20 I mean, we can look at the experience and say,
 21 "Yeah, that gets you to the dance," but it still
 22 says you got it take the test.
 23 MR. TEVZ: Well, yeah, we were told, you
 24 know -- it was never told it was supposed to be on

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1 the agenda.
 2 We were told basically to come here before
 3 the Board for public comment and, you know, to prove
 4 our experience and leave it up to you guys to
 5 decide, you know, what happens. We're more than
 6 qualified. We do it in Wisconsin.
 7 CHAIRMAN CHRISTENSEN: Again, this is not on
 8 the agenda. As we're told by our attorney,
 9 everything has got to be on the agenda.
 10 MR. TEVZ: I guess I would appreciate -- I
 11 asked that, and it wasn't --
 12 CHAIRMAN CHRISTENSEN: My recommendation is to
 13 you, the Board hasn't made a motion or anything.
 14 MR. TEVZ: What is the next step?
 15 CHAIRMAN CHRISTENSEN: It will be two months
 16 before we meet again. I would sit for the test.
 17 MR. TEVZ: So, sit for the test prior to the
 18 next meeting? Are you allowing us to do that, I
 19 guess?
 20 That's what I was told to come here to be
 21 able to get the approval to sit for the test if we
 22 wanted to even go that route.
 23 MS. DEL GRECO: John, you didn't need approval
 24 to sit for the test. You were going to come here to

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1 ask for your work experience to be accepted.
 2 MR. SWIENTON: Instead of taking the test?
 3 MS. DEL GRECO: Instead of taking the test,
 4 right. That is why you were appearing before the
 5 Board, and that was the conversation that we had.
 6 MR. TEVZ: I misunderstood.
 7 MS. DEL GRECO: Anybody can sign up to take the
 8 mechanic's test, and you don't need prior approval
 9 for that.
 10 MR. TEVZ: So, how do I find out specifics on
 11 this? Do I call you guys again?
 12 CHAIRMAN CHRISTENSEN: The qualifications to
 13 sit for the test?
 14 MS. DEL GRECO: The specifics are on the
 15 website. There is a section for limited mechanic's
 16 test, and a section for regular mechanic's test,
 17 because it is two different ones that are given.
 18 One is CAT one is CET.
 19 MR. TEVZ: Correct.
 20 MS. DEL GRECO: So, the locations where the
 21 tests are given, and the dates are listed on the
 22 website, the application form to take the test is on
 23 the website.
 24 That gets handled through a different

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1 office in our -- through a different agency in our
 2 Springfield office. What's your name?
 3 MS. ALLEN: My name is Tonya Allen, on behalf
 4 of Access Elevator. It also says that the
 5 experience has to be of this state, and that's what
 6 we're asking for, that the out-of-state experience
 7 be accepted, in order to take the test here, so that
 8 we can obtain our license, because you can't take
 9 the test without in-state experience.
 10 MS. DEL GRECO: It was three years of work
 11 experience.
 12 MS. ALLEN: In this state is what the
 13 application says.
 14 CHAIRMAN CHRISTENSEN: Three years of work
 15 experience working in this state. So, have any one
 16 of them --
 17 MS. DEL GRECO: With the mechanic's test.
 18 Wait.
 19 MR. TEVZ: We're qualified to take the test.
 20 There is no issue at this point. Wait until the
 21 next meeting?
 22 MR. JANDORA: It seems Section 45,
 23 qualifications for elevator mechanic's license,
 24 explains the outlets which you can obtain a license.

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1 I believe you'll find it under Section 45
 2 item C1, there's an acceptable combination, which is
 3 work experience, and then satisfactory completion of
 4 the written examination administered by the Elevator
 5 Safety Review Board, which is our CET or CAT; is
 6 that correct, Bob?
 7 MR. WELLER: Yes.
 8 CHAIRMAN CHRISTENSEN: Okay.
 9 MS. ALLEN: So, we're approved to go ahead and
 10 submit to take that test, then?
 11 CHAIRMAN CHRISTENSEN: It's already the law.
 12 MS. ALLEN: When I tried to apply, we were told
 13 we would be denied because it was out-of-state
 14 experience, that is why we're here.
 15 CHAIRMAN CHRISTENSEN: Who told you you were
 16 going to be denied?
 17 MS. ALLEN: I spoke to Elaine.
 18 MR. CAPUANI: We wanted in-state experience.
 19 They are trying to present their out-of-state
 20 experience be accepted for the test.
 21 MR. WELLER: As a condition to take the test,
 22 does the code specifically state it has to be
 23 in-state experience?
 24 MS. DEL GRECO: Yes, "An acceptable combination

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1 of documented experience and education credits
 2 consisting of: A, not less than three years work
 3 experience in the elevator industry, construction,
 4 maintenance or service and repair, as verified by
 5 current and previous employers licensed to do
 6 business in this state or in another state, if the
 7 Board deems that out-of-state experience
 8 equivalent."
 9 MR. JONES: That is the key then.
 10 MS. DEL GRECO: That is why we asked them to
 11 come before the Board.
 12 MR. WELLER: Just for point of clarification,
 13 there's two points. We can look at their
 14 out-of-state experience as a condition to take the
 15 exam, or you can look at their out-of-state
 16 experience in a condition to waive their other
 17 requirements and just to be licensed.
 18 I would say I would be more inclined to
 19 waive the experience for education to allow them to
 20 take -- the experience to take the exam rather than
 21 waive the whole program. That would be my thought.
 22 MR. WOLIN: Right.
 23 CHAIRMAN CHRISTENSEN: Do we have documentation
 24 on the work they've done?

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1 MS. DEL GRECO: That is what they just passed
 2 out. Is there a motion?
 3 MR. JONES: I was going to move we allow Dave
 4 and his company to use their out-of-state experience
 5 in order to allow them to take the test. The test
 6 will be required.
 7 CHAIRMAN CHRISTENSEN: Is there a second?
 8 MR. GRANT: Second.
 9 MR. GANIERE: Unless we're calling it a
 10 variance, which is on the agenda for later.
 11 I'm not trying to be a trouble maker. If
 12 we do this, and somebody down the road says, "Look,
 13 it wasn't on the agenda," it's thrown out. It's not
 14 me, it's the state law. It's the Open Meetings Act.
 15 MR. TEVZ: I can appreciate that. I was wasn't
 16 informed of that.
 17 MR. CAPUANI: Let me make a suggestion to this
 18 Board. Due to the confusion at this Board meeting
 19 today, I opt that we have an emergency meeting, the
 20 Board pick a date within, like, say the next week or
 21 two weeks, just to discuss continuing education and
 22 this licensing issue.
 23 MR. GANIERE: Sounds like a great idea.
 24 MR. CAPUANI: We need nine members, I believe,

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1 for a quorum. So, if we could come up with a date,
 2 that's my suggestion to the Board.
 3 CHAIRMAN CHRISTENSEN: All right. Our answer
 4 to you right now is we can't come up with a
 5 decision, because it was not on our agenda. We're
 6 sorry about that.
 7 I believe the Board is going to approve an
 8 emergency meeting that we can get this on the agenda
 9 for you.
 10 MR. TEVZ: When we will be aware of that? When
 11 we will with we know that?
 12 CHAIRMAN CHRISTENSEN: Today.
 13 MR. CAPUANI: Do they have to appear at this
 14 emergency meeting, since they already presented
 15 their program? Can we just make a motion at that
 16 meeting and notify them? Is that okay?
 17 MR. TEVZ: We appreciate it.
 18 CHAIRMAN CHRISTENSEN: Is there a motion?
 19 MR. JONES: I withdraw my motion first? Do I
 20 have to withdraw it?
 21 MR. WOLIN: Probably.
 22 MR. JONES: So I have to withdraw the motion I
 23 made previously, since it doesn't comport with
 24 having it on the agenda. So, I'll withdraw that, so

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1 we can allow another motion.
 2 CHAIRMAN CHRISTENSEN: Okay. There's actually
 3 two here, right? We just started. Okay. First, do
 4 we have a vote to have an emergency meeting?
 5 MR. WOLIN: I'll make that motion.
 6 CHAIRMAN CHRISTENSEN: Okay. Then we'll decide
 7 the date. There's been a motion made to have an
 8 emergency meeting. Is there a second?
 9 MR. HERTSBERG: I'll second it.
 10 CHAIRMAN CHRISTENSEN: Any questions on that?
 11 All in favor, say "aye."
 12 (A chorus of ayes.)
 13 CHAIRMAN CHRISTENSEN: All those against?
 14 (No response.)
 15 CHAIRMAN CHRISTENSEN: Ayes have it. The
 16 second motion, suggestion, is that do they have to
 17 be present.
 18 MR. GANIERE: I don't know if that takes a
 19 motion. Nobody has to be present. If somebody
 20 wants to submit a variance to us in writing, they
 21 don't have to be present.
 22 MR. CAPUANI: They have to be present, yes.
 23 MR. SWIENTON: To answer questions.
 24 MR. GANIERE: That would be their risk, you

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1 know what I'm saying. If they presented it without
 2 being present, we're going on what they've written
 3 for us.
 4 MR. JIRIK: Do you plan on being here?
 5 MR. TEVZ: I can be there.
 6 CHAIRMAN CHRISTENSEN: If they plan on being
 7 there, we don't need a motion. We'll decide the
 8 date when everybody looks at their calendars. Thank
 9 you.
 10 Dick, public comment?
 11 MR. GREGORY: An observation. I get around to
 12 a lot of buildings, and this observation has to do
 13 with Mike Gibbs' request, but looking at some
 14 buildings, hydraulic elevators maintained by I'll
 15 call them intergalactic companies, but you'll all
 16 forgive for that, I'm looking at there is paperwork
 17 sitting on these elevators that that company has
 18 done the pressure test and self-witnessed.
 19 It doesn't happen to be under your
 20 jurisdiction, but they are doing them. I was at a
 21 meeting in the building in this very suburb, and it
 22 was an Anderson-maintained building; and the
 23 Anderson guy, one of the Anderson guys there, is a
 24 licensed inspector, and this was a really important

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1 meeting, I mean, really crucial because the building
 2 owner was madder than a wet hat, and the license
 3 inspector gets up and runs out.
 4 "I said, "Wait a minute, you can't do
 5 that." He says, "I have to go witness a test. I'm
 6 not allowed to not be there to witness a test," and
 7 he was gone. So, some people are believers.
 8 CHAIRMAN CHRISTENSEN: Okay. Thank you, Dick.
 9 No other public comment?
 10 MR. PERKINS: Right here. John Perkins
 11 Complete Elevators Service. We obviously have an
 12 agenda issue, so I'm sure I'm going to fall in that
 13 category.
 14 CHAIRMAN CHRISTENSEN: We'll put you on that
 15 emergency issue.
 16 MR. PERKSIN: If you guys would like to take
 17 one of each, and I'll take any spares left.
 18 Basically, Complete Elevator Service is
 19 seeking the approval of this Board to include our
 20 continued education, with respect to current code
 21 updates for full CEUs as required by this office, in
 22 addition to our previously-approved continuing
 23 education program.
 24 CES has eventually, within the last couple

<p style="text-align: right;">Page 53</p> <p>1 of years, expanded our portfolio to include elevator 2 inspections to clients whom are not currently 3 customers of our contracting division. We conduct 4 elevator inspections regularly. 5 I am a QEI certified state license 6 elevator inspector. My continuing education program 7 was approved last year as an outside seminar by 8 NAESA. 9 This year's edition, which you all will 10 see there, includes A17.1 2007, part two, electric 11 elevators; and part A, general requirements within 12 an exam upon completion of our study sessions. 13 CES incorporated six hours of code 14 education for 2010; three hours in April, which is 15 already passed us; three hours in June. 16 And CES, once again, believes 17 multiple-education classes within a year truly 18 defines continued education; and with that said, 19 there's no disrespect to any other program that the 20 state has already approved. 21 So, we're looking to get approved for 22 these two extra hours. 23 CHAIRMAN CHRISTENSEN: We will put this on our 24 emergency meeting.</p>	<p style="text-align: right;">Page 55</p> <p>1 You can absolutely stop by. Our agenda is there. 2 As for the continued education, if you 3 notice that has always been ongoing. Codes we've 4 always included, but we need to obviously have it 5 recognized by the state. You will see that the next 6 one is in, I believe, July. 7 So, you know, please give a call ahead, 8 but we'll make sure we have plenty of room. We have 9 a conference room in our office. So, it is all 10 classroom environment in a conference table. 11 It's conducted by me, with some assistance 12 of my business associate, Tom Steinbacher, as well. 13 So, you guys are more than welcome to stop by. I'm 14 going to go ahead and take these extras. 15 CHAIRMAN CHRISTENSEN: Is that it for public 16 comment? 17 Okay, we'll wait for Bob Capuani to come 18 back. We'll take a five-minute recess. 19 (Recess taken.) 20 CHAIRMAN CHRISTENSEN: We're going to call the 21 meeting to order. I believe we have a date for the 22 emergency meeting. That will be June 8th, at 9:30 23 here, the same place, but we don't have that okayed 24 by the state yet.</p>
<p style="text-align: right;">Page 54</p> <p>1 MR. PERKSIN: That will be posted on your 2 website? 3 CHAIRMAN CHRISTENSEN: Yes. 4 MS. DEL GRECO: Now that we know what programs 5 will be on, we'll send you written notice to them. 6 MR. PERKSIN: I just want to make note of 7 something minor. The front page of the book has a 8 typo. It is continued education, it says 9 "continue." 10 So, it is hard to find good help nowadays, 11 but it is there. Are there any remaining books that 12 I can take with me? Make sure you guys have a copy 13 of our agenda as well. 14 MS. DEL GRECO: There's a few in here, John. 15 Does everybody have a copy? 16 MR. DATTILO: I need a copy. 17 CHAIRMAN CHRISTENSEN: I have one question. Do 18 you have any problem with Schindler and some of the 19 other companies that when you are doing your 20 continuing education, do you have any problem with 21 the Fire Marshal's Office, any of the Board Members, 22 doing a spot check? 23 MR. PERKSIN: As long as you bring doughnuts, 24 we are okay with that. That's fine, absolutely.</p>	<p style="text-align: right;">Page 56</p> <p>1 MS. DEL GRECO: We're waiting for confirmation. 2 CHAIRMAN CHRISTENSEN: So, we're waiting for 3 confirmation. 4 MR. GREGORY: Do I have to be there, because I 5 will be at Perdue? 6 CHAIRMAN CHRISTENSEN: No, Dick, you don't. 7 MR. POPOWITS: You did say 9:30 not 8:30? 8 MR. CAPUANI: We will post it on the website. 9 MR. WOLIN: Going back to what Alec just said, 10 we have to approve both the company and the 11 curriculum. We have to get a copy of Dick's 12 curriculum. 13 CHAIRMAN CHRISTENSEN: All right. Old 14 business. Elevator safety program progress report 15 from Bob Capuani. 16 MR. CAPUANI: As of May 14th, 2010, registered 17 elevators active, 31,000 -- Mr. Chairman, we need to 18 go back to the agenda. We have to approve the 19 minutes. 20 CHAIRMAN CHRISTENSEN: You are correct. Has 21 everybody had a chance to review the minutes of 22 March 9th, 2010? 23 (A chorus of ayes.) 24 MS. DEL GRECO: Open session.</p>

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1 CHAIRMAN CHRISTENSEN: Is there a motion to
 2 accept minutes as read, or is there additions or
 3 corrections?
 4 MR. WOLIN: So moved.
 5 MR. JONES: Second.
 6 CHAIRMAN CHRISTENSEN: Is there any additions
 7 or corrections to the minutes?
 8 (No response.)
 9 CHAIRMAN CHRISTENSEN: All those in favor say,
 10 "aye."
 11 (A chorus of ayes.)
 12 CHAIRMAN CHRISTENSEN: All those against?
 13 (No response.)
 14 CHAIRMAN CHRISTENSEN: Now old business.
 15 Elevator safety program progress report from Bob
 16 Capuani.
 17 MR. CAPUANI: As of May 14th, 2010, registered
 18 conveyance active 31,180. Licensed contractors,
 19 limited contractors, 96. Inspection companies, 51.
 20 License inspectors, 209. License mechanics, limited
 21 mechanics, 1600. Licensed apprentices, 710.
 22 Municipalities with agreement, 174.
 23 Permits issued to date, 1,250. Certificates issued
 24 to date, 9,199. Certificates issued in 2009, 5,923.

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1 CHAIRMAN CHRISTENSEN: Good job.
 2 MR. POPOWITS: With the municipalities with
 3 agreements, is that total as of today or right now,
 4 or is this just for the last year?
 5 MR. CAPUANI: As of May 14th.
 6 MR. POPOWITS: That's total we have in the
 7 state as of May 14th?
 8 MR. CAPUANI: Yes.
 9 CHAIRMAN CHRISTENSEN: Is there anything else,
 10 Bob?
 11 MR. CAPUANI: No.
 12 CHAIRMAN CHRISTENSEN: Okay. Moving on to new
 13 business. A, Board acceptance of two amendments to
 14 the rules.
 15 MR. CAPUANI: Can I make a statement here? The
 16 Office of State Fire Marshal has received opposition
 17 from local code officials and state representatives
 18 about adopting A17.7 to the rules, and I ask that
 19 this be tabled at a future date.
 20 CHAIRMAN CHRISTENSEN: You're not asking for us
 21 to pass this, you want this tabled?
 22 MR. CAPUANI: I am just stating that the Office
 23 of the State Fire Marshal has received opposition to
 24 adopting this rule at this time.

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1 CHAIRMAN CHRISTENSEN: Okay, but you said
 2 "table"?
 3 MR. CAPUANI: It's a recommendation of the
 4 Office of State Fire Marshal to have it tabled to a
 5 future date.
 6 MR. WOLIN: I'll move to table it.
 7 CHAIRMAN CHRISTENSEN: Okay. Is there a
 8 second?
 9 MR. JONES: Second.
 10 CHAIRMAN CHRISTENSEN: Any questions on this?
 11 MR. DATTILO: Can you give us an idea of the
 12 duration you would like?
 13 CHAIRMAN CHRISTENSEN: They are asking for an
 14 idea.
 15 MR. CAPUANI: This is a Board decision. You
 16 can go ahead. That is a Board decision, not mine.
 17 I'm just giving you some --
 18 MR. DATTILO: But you tabled it. You obviously
 19 are going to bring it back.
 20 MR. CAPUANI: I cannot table it. I'm just
 21 telling you there is opposition from the state.
 22 Maybe I'll clarify this. I'm just telling
 23 you that there is opposition at the State Fire
 24 Marshal's Office we received on this.

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1 Ultimately it is the Board's decision to
 2 discuss this and rule on it today.
 3 MR. POPOWITS: You are just making a
 4 suggestion?
 5 MR. CAPUANI: Yes.
 6 MR. MESSINA: If the Board were to choose to
 7 table it at this time, that would provide for an
 8 opportunity for further discussion.
 9 The Board may decide, after some
 10 discussion, that they are fine with the proposal
 11 that you've reviewed, the draft that you've already
 12 reviewed, and not table it and move forward.
 13 If you decide to table and allow for those
 14 conversations, it's the Board's decision what
 15 direction you want to go in, whether you want to
 16 give more time for those discussions, how long.
 17 I'm sure these rules have been a long time
 18 coming up to this point, you know. That's probably
 19 an under statement. So, obviously the Board can
 20 give guidance as well to that in that regard,
 21 saying, "Well, we're fine with some discussion, but
 22 we're going to revisit this at the next Board
 23 meeting or next emergency Board meeting."
 24 It is really for you folks to discuss and

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1 whatever you decide.
 2 CHAIRMAN CHRISTENSEN: If we accept to table
 3 this, I would say we bring it up at the next
 4 emergency Board meeting. Is that a part of the
 5 agenda?
 6 MR. JANDORA: What are we tabling? What is the
 7 issue that we're tabling?
 8 CHAIRMAN CHRISTENSEN: Just A17.7.
 9 MR. MESSINA: The concerns that the office has
 10 received at this point are limited to the inclusion
 11 of A17.7. That's it.
 12 MR. JANDORA: The performance-based code, there
 13 is opposition to adding the performance-based code
 14 to the rulings, even though it's already in the
 15 rules from two years ago? I don't understand.
 16 MR. MESSINA: Well, Bob is going to have to do
 17 a better job of explaining this than I will, but
 18 which shouldn't be difficult.
 19 But I think part of the reason for the
 20 suggestion to table it at this time is to get a
 21 better sense of these concerns, and that I think is
 22 at least part of the difficulty that Bob is having,
 23 and I'm having some, exactly what we're dealing
 24 with.

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1 I understand the question that you are
 2 asking, unfortunately I don't know if either one of
 3 us is totally capable of answering it right now.
 4 MR. JANDORA: Okay.
 5 MR. GROSS: Is this because of the use of using
 6 elevator as an egress? I mean, is this where -- can
 7 you kind of tell us what direction we're going?
 8 MR. CAPUANI: A17.7 is a way to bring new
 9 technology into the state. It's a process. There's
 10 been some opposition from local code officials that
 11 we're bringing new technology into the state.
 12 MR. JIRK: You want to elaborate on that?
 13 MR. JANDORA: I'm a little confused, because
 14 our standard that we have adopted at the state is
 15 ASME A17.1.
 16 In order to comply with the requirements
 17 of A17.1, you either need to -- there's a section in
 18 the beginning of the code, you either need to: A,
 19 fully comply with everything that is in ASME A17.1;
 20 B, comply with some components of A17.1 and A17.7,
 21 the performance-based code; or C, comply with the
 22 performance-based code which is A17.7.
 23 So, in order to comply with the
 24 nationally-recognized standard that we've adopted in

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1 the state, you would have to comply with A17.1 or
 2 A17.7, or a combination of the two. From my
 3 perspective, that is what our standard is.
 4 MR. MESSINA: Let me try and add one little --
 5 one other little bit of information you may want to
 6 consider.
 7 I think part of the concern that has been
 8 expressed to us, obviously I think we all know that
 9 before the Board, the new Board were to adopt any
 10 new regulation that has statutory authority to adopt
 11 that regulation, and I think that some of the
 12 opponents, if you will, have expressed a concern
 13 that that authority in our act does not give the
 14 Board that ability to adopt A17.7.
 15 I don't know, I'm not sure I would
 16 necessarily agree with that, but I think I will be
 17 diplomatic. I think that is part of the reason why
 18 the offices asked for some additional time to try
 19 and wade through that particular issue and anything
 20 else that is related to it.
 21 Again, that's the Board's decision. I can
 22 see the wisdom in going in any one of a different
 23 direction.
 24 CHAIRMAN CHRISTENSEN: Kelly?

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1 MR. WELLER: So, am I -- I'm trying to
 2 understand this.
 3 There's a faction out there that is
 4 opposing us subscribing to the code that applies to
 5 all elevators and escalators put into the State of
 6 Illinois? I'm thoroughly against that. I don't
 7 know how we can view it any other way.
 8 MR. JONES: What I've heard, you know, I'm just
 9 as dark as everybody else is, the A17.1 is in the
 10 legislation, but not A17.7.
 11 As a Board, we need to consider whether or
 12 not the legislation allows us to do or adopt or use
 13 as part of the rules A17.7.
 14 MR. WELLER: Wouldn't the code -- wouldn't all
 15 new elevators put up have to follow the code?
 16 MR. JONES: 17.7 is related to new technology.
 17 MR. WELLER: Okay.
 18 MR. JONES: As opposed to A173, which is
 19 existing and so forth. As a Board, I think we need
 20 to consider carefully whether or not the legislation
 21 that was passed gives us the authority to do or
 22 adopt or use, I guess, as per the rules A17.7.
 23 That's what I've heard.
 24 Again, I'm not an expert in that. I would

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1 like to take -- have the Board take the time to
 2 review that to see whether or not we do or can.
 3 MR. MESSINA: If the Board wants to have that
 4 discussion, obviously the office has taken a look at
 5 that in advance of today's Board meeting, whether or
 6 not that authority exists, then I would be happy to
 7 discuss that and give you my two cents.
 8 Again, we obviously take our direction
 9 from everyone here.
 10 CHAIRMAN CHRISTENSEN: I would like your two
 11 cents from you, obviously.
 12 MR. MESSINA: Unfortunately, I have a law
 13 degree, it would be more like 35 cents. It is not
 14 worth that, it just takes that long.
 15 MR. WELLER: I would like to ask do we have the
 16 motion to table?
 17 CHAIRMAN CHRISTENSEN: We have a motion.
 18 MR. WELLER: And it was seconded, and we're
 19 discussing.
 20 CHAIRMAN CHRISTENSEN: Right, we are under
 21 discussion.
 22 MR. WELLER: I just want to make sure. If
 23 we're going to table it, I don't think this is an
 24 emergency item that needs to come up. This should

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1 be on our regular agenda.
 2 MR. POPOWITS: I agree.
 3 MR. WELLER: That's my opinion.
 4 MR. POPOWITS: I think the whole Board should
 5 be present for that.
 6 MR. CAPUANI: The whole Board is present.
 7 MR. POPOWITS: No, at the emergency session,
 8 all we need is a quorum.
 9 CHAIRMAN CHRISTENSEN: At the emergency
 10 session, pretty much the whole Board is going to be
 11 here.
 12 MR. MESSINA: You're saying if we hold this
 13 issue until that? I'm just trying to understand. I
 14 didn't hear what you said.
 15 MR. WELLER: If we table it, to me, we're
 16 having the emergency session to handle some agenda
 17 items that because of a new interpretation, which I
 18 get it, we're having to kind of act on.
 19 Is this an emergency item that we
 20 absolutely have to act on before the next?
 21 CHAIRMAN CHRISTENSEN: Kelly, we want these
 22 rules passed. We need to get these rules, and this
 23 is part of the rules.
 24 MR. WELLER: Then let's vote on them now.

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1 CHAIRMAN CHRISTENSEN: I agree.
 2 MR. WELLER: Call the motion.
 3 MR. CAPUANI: Now, there is two sections. The
 4 other one is dealing with certificates of operation.
 5 CHAIRMAN CHRISTENSEN: Hang on. We're now at
 6 A17.7. Let's not confuse us any more than they are.
 7 Okay, is there any more questions on --
 8 MR. JONES: I just think we need Alec to look
 9 at this carefully. My recommendation is to get
 10 corporate counsel.
 11 CHAIRMAN CHRISTENSEN: He's already got an
 12 opinion on it, correct? Can we hear your opinion on
 13 it?
 14 MR. JONES: You've already done that.
 15 MR. MESSINA: Uh-huh.
 16 MR. SWIENTON: Then let's hear it.
 17 MR. MESSINA: I think if you look at the two
 18 sections of the act, Section 5 is the general
 19 purpose section that essentially provides that the
 20 act, and I'm not going to give you a direct quote,
 21 but generally the act is not intended to prevent the
 22 use of systems, methods or devices of equivalent or
 23 superior quality, provided that there is technical
 24 documentation.

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1 Since it is a very general grant of
 2 authority to the Board, I think when you read that,
 3 in conjunction with Section 35, now I think
 4 Section 35 does reference some specific sections
 5 there, including A17.1 as well as others.
 6 But it says, "The Board shall adopt rules
 7 consistent with the provisions of this act." Not
 8 the ones specifically delineated, listed out here,
 9 consistent with.
 10 So, I think that when you look at those
 11 two sections, along with there is general language
 12 found within A17.1, itself, which references A17.7,
 13 it gives you a direction, if you will, when to refer
 14 and use A17.7. I think when you look at the
 15 totality of those two sections and A17.1, the Board
 16 does have that authority.
 17 Now, that's in argument. A big difference
 18 between an argument and having it written in black
 19 letter law here in this stack of papers.
 20 So, I think that the Board would have to
 21 weigh the opposition at this point that has been
 22 expressed, and whether that opposition would kind
 23 of, you know, may work to derail this process
 24 through the rule-making process, which anyone has

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1 the ability to do.
 2 Weigh that against the fact that there is
 3 an argument to be made that the Board does have this
 4 authority, short of something specific that says,
 5 "The Board shall adopt A17.7."
 6 That's really it. It's not -- I can't
 7 give you a yes-or-no answer.
 8 MR. JONES: Just one of the things that was
 9 expressed to me as a concern was the fact that if we
 10 did use as one of the rules A17.7, it would be --
 11 any new technology would have to come before the
 12 entire Board; is that correct?
 13 CHAIRMAN CHRISTENSEN: Yes.
 14 MR. JONES: Any new technology would have to
 15 come before the Board in total, right?
 16 CHAIRMAN CHRISTENSEN: As we've been doing.
 17 MR. WELLER: We've always done that. So far
 18 we've done that.
 19 MR. JONES: I'm just letting you know, Kelly,
 20 some felt that it would not be a full Board
 21 decision. That I don't think is what the intent of
 22 that is.
 23 I'm not defending what those people said.
 24 I'm just saying the thinking was it would not be a

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1 full Board decision for new technology. That was
 2 their concern. Outside of that, I don't see there's
 3 an issue.
 4 MR. GRANT: Mr. Chairman?
 5 CHAIRMAN CHRISTENSEN: Go ahead.
 6 MR. GRANT: A quick question. If this is a
 7 similar relationship, as in almost all model codes
 8 in national standards, as to whether or not the
 9 performance-based A17.7 is inherently enactable
 10 under A17.1 as an element thereof that's considered
 11 approved and equivalent, if you follow that process
 12 to A17.1, is it not?
 13 MR. CAPUANI: Correct.
 14 MR. GRANT: Really the question before us is if
 15 you get an approval for new technology under A17.7,
 16 it may not come to this Board for specific approval.
 17 It would only be if you can demonstrate
 18 that you will have met the minimum Board
 19 requirements for the State of Illinois for that
 20 elevator or that equipment. So, I believe that is a
 21 valid point that that changes this.
 22 Have you determined if A17.7 is
 23 automatically brought -- it's not an optional thing
 24 that you have to specifically adopt, in addition to

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1 A17.1; but, in fact, is a reference alternative
 2 method for approval?
 3 If that's the case, I don't think there is
 4 any question that the Board could do -- co-enact
 5 A17.7 in our adopted rules, because we have the
 6 authority to adopt or amend or whatever. It's just
 7 a question of whether it stands apart from A17.1, to
 8 me.
 9 I guess that is what I'm just trying to
 10 find out. Do you think it's embedded within A17.1
 11 as an alternate method for approval?
 12 MR. MESSINA: I specifically have not looked at
 13 that up to this point. I don't know.
 14 Could you repeat that, please?
 15 MR. GRANT: I don't have A17.1 with me;
 16 otherwise, I would try to -- we could just simply
 17 look at the document?
 18 CHAIRMAN CHRISTENSEN: We will. They are
 19 looking that up.
 20 MR. WOLIN: Bob Capuani and I exchanged some
 21 E-mails on this subject also. I think part of the
 22 question has to do with the wording in Section 35,
 23 and I think the wording in Section 35 can be
 24 interpreted a couple of ways.

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1 You know, perhaps legislators didn't make
 2 the wording as clear as they should. One
 3 interpretation of Section 35, and the way I read it,
 4 is the only thing that they could act on is the
 5 code.
 6 They specifically mentioned and A17.7 is
 7 not one of them. I think that is one valid
 8 interpretation in Section 35.
 9 MR. MESSINA: I agree.
 10 MR. WOLIN: Okay. So, I think the prudent
 11 course of action is to go back to Senator Harmon,
 12 who is the major sponsor on this and get
 13 clarification, because my understanding was they
 14 were very specific in limiting it, for whatever
 15 reason.
 16 I would suggest it's prudent to table it,
 17 going back to Senator Harmon and get clarification.
 18 I don't think Section 35 is worded clearly.
 19 CHAIRMAN CHRISTENSEN: Kelly?
 20 MR. WELLER: Mr. Chairman, how did we handle
 21 the Kevlar ropes and belts and some of the other
 22 things over the last five, four five years?
 23 We've seen at least four or five
 24 technologies come in front of us that we've approved

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1 or denied.
 2 CHAIRMAN CHRISTENSEN: We have the Gen 2 come
 3 in, Isis in.
 4 MR. WELLER: When we had problems with one,
 5 we've been okay with the other four, we've always
 6 documented. We voted on the process of bringing the
 7 technology in.
 8 We made them tell us on record where each
 9 one of those conveyances was going to be; and we've
 10 only had problems, I believe, with just one in the
 11 whole time we've done that. How is this changing?
 12 I mean, does this recognize that the
 13 opponents' concern that new technology is going to
 14 come in?
 15 I guess if you wouldn't mind me just
 16 asking, Dick, because there was some quasi-period
 17 there, wasn't it, where they were approved under one
 18 methodology and not proved under the other?
 19 CHAIRMAN CHRISTENSEN: To be honest, I wouldn't
 20 mind asking Dick.
 21 MR. WELLER: Dick, I know you were on the Board
 22 with this. Can you give us some clarity on how we
 23 handled that?
 24 MR. GREGORY: Yes, new technology has always

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1 been an issue in the elevator industry.
 2 Historically, A17.1 gives -- right in 1.2,
 3 gives the authority having jurisdiction which is
 4 you, the authority to accept equivalent safety.
 5 That was fine, and that's what we did with
 6 Kevlar ropes, coated steel belts; but the reality
 7 was from a national point of view, where I sit on
 8 the code committee that writes these codes, we felt
 9 that was not enough satisfactory, because where is
 10 all of your elevator expertise.
 11 I can see one guy there, I can see one guy
 12 there, I can see the back of one head here, I see a
 13 couple guys over there.
 14 I mean, so I spent a whole life in the
 15 elevator industry, and we felt that this needed
 16 better action; and hence, A17.7, new technology,
 17 which it took us like ten years to write.
 18 And it has a very involved -- in other
 19 words, what can you hang your hat on if some guy
 20 comes, like I got this wonderful widget, or let's
 21 take coated steel belts, what can I hang -- what can
 22 you guys hang your hat on that says, "We are
 23 approving excellent technology"?
 24 If you are to design a whole elevator in

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1 accordance with A17.7, and go through the entire
 2 hazardous assessment that you have to go through,
 3 would take you 20 years; but if you make an
 4 incremental change, i.e., the coated steel belts,
 5 you can go to a certifying organization, of which
 6 UL, TUB, there's a couple of them, there is -- I
 7 believe there's like four now, who are accredited
 8 elevator conformance groups, and you take all your
 9 documentation to them and they decide, "Is this
 10 coated steel belt really just a rubber band with gum
 11 on it, or is it really a suspension means?"
 12 And they -- it is a hugely involved
 13 process. The coated steel belt people have done
 14 that, and they have actually the first conformance
 15 document that was issued, the very first one.
 16 Of course they've been working on it for
 17 ten years, so they knew what to do, and they have it
 18 issued. That's covered.
 19 So you could build an elevator that meets
 20 A17.1, everything but one item, and then you get
 21 that accepted by AECO, Accredited Elevator
 22 Conformance Organization, and you have just that one
 23 little part, but that's been gone through an
 24 unbelievably rigorous process, and A17.1 directly

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1 affects that.
 2 The issue that usually comes out, and this
 3 also comes in A17.1, what code applies. The issue
 4 that people are usually having heartburn about is
 5 A17.3, the safety code for existing elevators,
 6 because it's retroactive.
 7 And everybody says, "Oh, we're going to
 8 cost the building too much money." A17.1 does not
 9 adopt A17.3. It says you do A17.1. You do -- you
 10 can show conformance to A17.7, and then it says,
 11 "A17.3, if the authority adopts it."
 12 It's like a sideline, okay? It's been
 13 that way, and I've been on the A17.3 committee since
 14 some time in the '80s. I think I got a 20-year pin,
 15 but so that's the thing.
 16 The A17.7, the idea is -- just think of
 17 the one, the only one that I can think of right now,
 18 coated steel belts under A17.7, coming along in the
 19 fourth quarter will be the new elevator code and
 20 A17.6, which is suspension means. Coated steel
 21 belts will be in the code in A17.6.
 22 And the new A17.1, which I recall your
 23 rules require you to adopt the latest code, which is
 24 within one year, okay. If you adopt that latest,

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1 the latest A17.1, which is coming out if the fourth
 2 quarter, you're going to have to adopt A17.6,
 3 because there will be no reference -- actually,
 4 A17.1 will say you have to look at A17.6, and A17.6
 5 suspension means if you wanted to use coated steel
 6 belts covered steel wire ropes six ways from Sunday,
 7 standards on steel wire ropes that we never had in
 8 the past, and people say they never break.
 9 Well, I can give you pictures of broken
 10 steel wire ropes, and I can give you pictures of the
 11 dead people; but you don't want to see them, and I
 12 didn't bring my computer anyway.
 13 So, it covers steel wire ropes ten ways
 14 from Sunday, and then the Aramid ropes that did not
 15 go through the process, there was the issue they did
 16 not go through the A17.7 process.
 17 Had they, the problem would not have
 18 occurred. I think that within the rules, A167.1
 19 says in -- 1.2 says you guys can decide whether it's
 20 a good new technology, or you can rely on A17.7, and
 21 I recommend relying on A17.7. It is a very
 22 rigorous, Rigorous process.
 23 MR. WELLER: Dick, just one quick question, if
 24 I could. Does this only apply to new elevators

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1 being built?
 2 MR. GREGORY: A17.7 can only apply to new
 3 elevators.
 4 MR. WELLER: It is not retroactive, it is only
 5 forward looking?
 6 MR. GREGORY: Yes.
 7 MR. WELLER: You believe that this A17.7, and I
 8 know your answer, is a better way of reviewing
 9 technology than our way of half layman/half elevator
 10 people making this decision?
 11 MR. GREGORY: It gives you something that you
 12 can point at that you have. A17.7 forces very
 13 rigorous examination of the new technology, and then
 14 it gets an independent laboratory like Underwriters
 15 to say that you actually did what you said you are
 16 going to do, and you actually did assess it and
 17 provide for all the rigorous safety.
 18 That's the crucial issue. Let me tell you
 19 there's, unrelated to you guys, in many respects,
 20 but wind towers, okay. There is elevators in those
 21 wind towers, and those elevators do not meet the
 22 code.
 23 They are working diligently to find a way
 24 to: A, meet the code. We're writing a new section

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1 in the code for wind towers; but in the meantime,
 2 they are trying to write conformance documents where
 3 they can get A17.7 approval after they make some
 4 necessary radical changes in those elevators.
 5 And you don't want to be here when the
 6 first one of those falls with a person in it,
 7 because they've already fallen, and then say, "Why
 8 didn't you guys do something?" A17.7 will put the
 9 nail into that idea, too.
 10 CHAIRMAN CHRISTENSEN: All right.
 11 MR. MESSINA: I'll just add one more item. I
 12 alluded to it, since Bob was kind enough to give it
 13 to me, I'll read it, just for your information and
 14 your consideration.
 15 But this A17.1 in the preface says, and I
 16 will read it, "This addition of ASME A17.1
 17 recognizes ASME 17.7 provides a structured method
 18 for establishing the safety of design and products,
 19 and that compliance with ASME A17.7 is equivalent to
 20 compliance with the requirements in ASME A17.1." If
 21 that helps.
 22 CHAIRMAN CHRISTENSEN: Is there any more
 23 questions on this?
 24 MR. POPOWITS: I have a comment. I have great

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1 admiration for the gentlemen here who have worked in
 2 the elevator industry. They bring a great deal of
 3 experience and knowledge to the Board, which
 4 certainly I can't even compare.
 5 I represent mostly consumers, and we're
 6 looking at the situation as consumer, not as expert,
 7 okay? And I know for a fact that this Board could,
 8 with the variance process, could include new --
 9 could bring in new technology.
 10 Now, I've heard these testing agencies,
 11 like UL and so on, refer to it with great reference,
 12 and they do a great job, but they are not perfect.
 13 For example, we all know what happened
 14 with Otis Elevator when they had a component that
 15 was approved by UL, but it was approved within the
 16 parameters set forth by Otis Elevator, which just so
 17 happened that it was installed in glass elevators,
 18 and if it was affected by sunlight, it deteriorated,
 19 and there were problems with that.
 20 So, I'm saying that these testing agencies
 21 do have their place. They do have expert background
 22 and so on, but they are not perfect.
 23 I would also, if something failed, if a
 24 component fails in my building, my condo building,

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1 who pays for that? We know that ThyssenKrupp set an
 2 excellent example, very honorable company when their
 3 product the Isis failed, they paid for it, but they
 4 did not have a legal obligation to do so.
 5 They could have walked away, but they
 6 didn't. They were very honorable about it.
 7 However -- let me finish my point. Now I would not
 8 want to depend on every company being a
 9 ThyssenKrupp.
 10 Also, there is a problem if the technology
 11 fails, you are stuck with that company because
 12 nobody is going to want to touch that product. So,
 13 you're stuck with the company that put in the
 14 technology that failed. You've got to work with
 15 them.
 16 I would much prefer, personally, which
 17 tells you how I'm going to vote, that we go through
 18 a variance process, and that we put the obligation,
 19 the financial obligation, on the company that is
 20 putting in the technology and not maybe stick the
 21 building owner or stick the condo owner, which is
 22 quite possible, with the cost.
 23 MR. JANDORA: I would just like to make one
 24 comment. As a consumer, when new technology is

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1 being released, because we sell to the consumers,
 2 and they review our products, and they are a little
 3 nervous about this is new technology, we are
 4 uncomfortable with it.
 5 They have a choice. They have a choice to
 6 not buy our product and go with the technology that
 7 they feel is the more comfortable option for them.
 8 MR. POPOWITS: Right.
 9 MR. JANDORA: So, I hear what you're saying,
 10 but from my perspective, there is a choice that
 11 everybody has up front. They don't necessarily have
 12 to purchase it.
 13 As far as the UV lighting, our certificate
 14 that we receive through Underwriters Laboratories
 15 has a condition of acceptance, and the condition of
 16 acceptance is the coated steel belts must be
 17 protected from exposure to UV lighting, which is
 18 item No. 1.
 19 So, it was a known problem, and it's a
 20 condition of us installing through A17.7, as we
 21 cannot put it in UV exposure.
 22 MR. POPOWITS: Okay, thank you. Maybe I can
 23 make a retort, please. You're right, your consumer
 24 does have -- can make a choice, but is it an

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1 informed choice?
 2 For example, let's take a real live
 3 situation. You have a condo building. They got a
 4 condo Board. They all serve without pay, et cetera,
 5 et cetera, made up of a variety of people with a
 6 variety of backgrounds.
 7 Chances of them having any expertise
 8 whatsoever in elevator technology is remote to
 9 non-existence. We know that. Okay? So they have a
 10 choice to make.
 11 I would say that if they are smart, they
 12 could hire a consultant, if they wanted to spend the
 13 money, et cetera, et cetera; but I don't think that
 14 the average building owner or the average condo
 15 association can really differentiate between new
 16 technology and what's there.
 17 And I, personally, would not like to see
 18 our citizens in Illinois being guinea pigs for new
 19 technology. You say, "Well, wait a minute now, we
 20 do have these agencies, they are going to inspect
 21 this, and they're going to test it, and they're
 22 going to give it a stamp of approval," et cetera.
 23 And I understand that, but what are they
 24 testing? They are testing a component. They are

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1 not testing a whole elevator. They are just testing
 2 a component that's going to go into this elevator.
 3 Okay?
 4 So, all I'm saying is I admire expertise,
 5 and all the education that people have the
 6 experience they have, but we all know that's not
 7 perfect. If some -- I would prefer other states use
 8 their citizens as Guinea pigs, and after it's been
 9 -- let's face it, how long does it take technology
 10 to really have all the bugs worked out?
 11 I'm told by people in the elevator
 12 industry, who I know my contacts, two to three years
 13 before you really get all the bugs out. All right,
 14 so I got a building with failed technology in it.
 15 Okay?
 16 Now I got to work with the company. I'm
 17 repeating myself, I'm sorry, but I got to work with
 18 that company that put in the failed technology,
 19 because your company won't touch it with a ten-foot
 20 poles. So, I got to work with these guys, right?
 21 Isn't that a nice situation to be in? I'm
 22 sorry.
 23 CHAIRMAN CHRISTENSEN: Kelly?
 24 MR. WELLER: I respect and hear everything you

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1 are saying. My challenge is: Who is better
 2 equipped to make a determination on safety, the four
 3 or five elevator safety people who might sit on this
 4 Board, who by the way the laymen on the Board out
 5 number, or the Standards Committee that regulates
 6 all elevators across the country?
 7 I feel a whole lot more comfortable,
 8 personally, and tell you how I'm going to vote,
 9 putting my liability on them instead of on me.
 10 MR. POPOWITS: What I would just like to do,
 11 and I agree with you, but what I would like to do is
 12 by going through the variance process, what we can
 13 do is we can say, "Okay, we'll approve your
 14 technology. We got this expertise and so on, but
 15 should it fail, that you will be financially liable
 16 for that failure."
 17 CHAIRMAN CHRISTENSEN: We can't make decisions
 18 about law. You've talked about three or four times
 19 on the subject.
 20 MR. POPOWITS: I know. Excuse me, I'm sorry.
 21 You go right ahead.
 22 CHAIRMAN CHRISTENSEN: Any other members, Board
 23 Members, would like to talk on this?
 24 MR. WILSON: I would just ask the question how

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1 long have we been working on getting this through at
 2 this point?
 3 CHAIRMAN CHRISTENSEN: The rules?
 4 MR. WILSON: Yes, this particular issue we're
 5 talking about.
 6 CHAIRMAN CHRISTENSEN: This issue or the rules?
 7 MR. WILSON: The rules.
 8 CHAIRMAN CHRISTENSEN: The rules have been a
 9 while.
 10 MR. CAPUANI: June of last year.
 11 CHAIRMAN CHRISTENSEN: June of last year. They
 12 need to get in. The rules need to get those.
 13 MR. WILSON: Also being the new guy to the
 14 Board, it just seems to me that we've got some
 15 opposition out there that I think possibly we can
 16 answer some of the questions and some of the issues
 17 and some of the concerns, given a little bit of
 18 time.
 19 If the Fire Marshal's Office has requested
 20 time to resolve those issues, what are we talking?
 21 We're talking in the worst case scenario, two
 22 months; and in best case scenario, at the emergency
 23 meeting in less than a month.
 24 Personally, I don't see any reason why we

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1 couldn't, we have come this long, it's been since
 2 June of last year, I have no problem in moving
 3 forward trying to get rules through.
 4 I understand that, but when there is an
 5 opposition to something out there, and the public,
 6 apparently from what I'm hearing, has got some
 7 questions on this, I think it's our duty to answer
 8 those questions. That's my opinion.
 9 MR. JONES: I was going to basically say what
 10 he said. It's been a long time. I think even if we
 11 did it at the next emergency meeting, we should have
 12 some additional -- because this actually came to my
 13 attention this week, okay, the last day or two.
 14 I haven't really had time to absorb
 15 exactly all the parameters of it. I would like to
 16 have a little bit of time, if the Board would allow,
 17 to table this, like Bob said, for at least maybe
 18 until the next emergency meeting, at the very
 19 earliest.
 20 MR. GANIERE: I have a question on the
 21 question. What actually are we tabling? Are we
 22 tabling the entire document Section 1000.6, or are
 23 we tabling just 1,000.6 A1A, which references A17.7?
 24 CHAIRMAN CHRISTENSEN: Which one, Bob?

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1 MR. CAPUANI: A, that's all. We voted on the
 2 other changes already.
 3 CHAIRMAN CHRISTENSEN: We've already voted on
 4 those changes.
 5 MR. GANIERE: What changes?
 6 CHAIRMAN CHRISTENSEN: The other changes for
 7 the rules. I don't remember them.
 8 MR. GANIERE: I guess I'm still not clear.
 9 CHAIRMAN CHRISTENSEN: So, read off A for us,
 10 please, Bob.
 11 MR. CAPUANI: Safety codes for elevators and
 12 escalators A17, the change we made is
 13 performance-based safety code for elevator and
 14 escalators A17, 1 was slashed out and 7 put in.
 15 It's a clerical error.
 16 MR. JANDORA: Real quick, I know this has gone
 17 on for a long time, but I have meeting minutes from
 18 a couple years ago where this Board adopted A17.7,
 19 and the rules from over a year ago have A17 -- well,
 20 it has the performance-based safety code for
 21 elevators and escalators, and it's just not
 22 referenced properly, because it goes on to say A17
 23 2007 forward/CAAB 44.7, which is the right
 24 reference.

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1 So, all we're doing is just a clerical
 2 correction. We made a mistake over a year ago when
 3 this was entered in here. So, it's already been
 4 adopted. Do we have to adopt it again? I guess I'm
 5 confused.
 6 MR. MESSINA: Well, I think it needs to be -- I
 7 think given the fact that this is a new rule package
 8 that we submitted to go through that regulatory
 9 process, and I think you have to approve that whole
 10 package.
 11 I think individual Board Members may think
 12 that is pretty telling information that you
 13 provided, based on earlier minutes from earlier
 14 Board meetings, and maybe that will direct each
 15 individual Board Member to accept this as merely
 16 fixing a clerical error or typo that shouldn't have
 17 happened in the first place.
 18 But I do think given this is kind of a new
 19 action that, yeah, I would say I think that's good
 20 information for the Board to consider as well.
 21 CHAIRMAN CHRISTENSEN: You called for the vote,
 22 correct?
 23 MR. DATTILO: Yes, sir.
 24 CHAIRMAN CHRISTENSEN: There's been a call for

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1 the vote.
 2 MR. FINCHAM: On a motion to table?
 3 CHAIRMAN CHRISTENSEN: Correct. I think we
 4 should take it by each person and say your vote,
 5 instead of everybody saying --
 6 MR. JANDORA: The thing we're voting on is the
 7 motion to table it?
 8 CHAIRMAN CHRISTENSEN: Correct.
 9 MR. WOLIN: That's what we're voting on?
 10 CHAIRMAN CHRISTENSEN: Correct. If you table
 11 it, we've got to decide what date we want to bring
 12 it back.
 13 Do we want to bring it back to the
 14 emergency, or do we want to bring it back to the
 15 next meeting, okay? All right. Doug, you want to
 16 start?
 17 MR. JONES: The motion has been made. Has it
 18 been seconded at all?
 19 CHAIRMAN CHRISTENSEN: Yes.
 20 MR. JONES: I would vote in favor of tabling
 21 it.
 22 MR. POPOWITS: Table.
 23 CHAIRMAN CHRISTENSEN: Please state your name,
 24 so she can get it down.

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1 MR. JONES: Doug Jones.
 2 MR. POPOWITS: Al Popowits, table.
 3 MR. WOLIN: Jerry Wolin, table, but hopefully
 4 Alec can get with Senator Harmon's office and verify
 5 the wording in Section 35.
 6 CHAIRMAN CHRISTENSEN: You just got to give
 7 your vote.
 8 MR. HERTSBERG: Mark Hertsberg, table.
 9 MR. SWIENTON: Darrel Swienton, no.
 10 MR. WELLER: I'll vote to table.
 11 MR. JIRIK: Tom Jirik, no.
 12 CHAIRMAN CHRISTENSEN: I can't vote on it
 13 unless there is a tie.
 14 MR. JANDORA: No.
 15 MR. WILSON: Yes, table.
 16 MR. GANIERE: Gainer, yes, table.
 17 MR. GILLES: Yes.
 18 MR. DATTILO: Yes.
 19 MR. GRANT: Grant, yes.
 20 MR. GROSS: Gross, no.
 21 MR. FINCHAM: Fincham, yes.
 22 CHAIRMAN CHRISTENSEN: I think there is more
 23 yeses than nos. So, I don't have to vote. So, it's
 24 tabled.

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1 We've got to decide is there a motion to
 2 have it at the next emergency meeting, or have it at
 3 the next meeting?
 4 MR. POPOWITS: I've been getting some E-mails
 5 on this subject. I would like a little more time to
 6 really familiarize myself. I got a lot of
 7 information at the last minute.
 8 So, I would prefer we do it at the next
 9 meeting, not the next emergency meeting, but next
 10 meeting. I think by then I feel I'll have the
 11 information I need.
 12 CHAIRMAN CHRISTENSEN: Is there any other
 13 comments?
 14 MR. GRANT: I would like to ask that it be
 15 considered to be extended to the next regular
 16 meeting as well.
 17 The point I would like to ask is in
 18 addition to this, can we find out why we need to
 19 even do this? A17.1 is already included in our A17
 20 -- A17.7 is already part of A17.1. I don't
 21 understand why we even have to do this.
 22 I would like to know if that makes -- if
 23 there are ways to make this entire element of this.
 24 MR. FINCHAM: I don't know if it would be

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1 appropriate. Can you give kind of a breakdown as to
 2 why we're at this point?
 3 I'm hearing it's a typo. We don't have
 4 written authority. It's already been documented
 5 previously. I'm hearing a lot of things for the
 6 first time today, you know.
 7 So, I would like, again, to have the time
 8 to be able to, you know, absorb all that information
 9 and understand what the issues really are; and I
 10 don't know if it would be appropriate to have Bob
 11 prepare something that would say, "Here is a little
 12 bit of the history what's occurred," and allow us to
 13 better understand.
 14 MR. CAPUANI: Can I make a suggestion, Mr.
 15 Chairman?
 16 CHAIRMAN CHRISTENSEN: Yes.
 17 MR. CAPUANI: I suggest you assign a committee
 18 here from the Board, and have the committee do their
 19 investigation on A17.7. That's my suggestion.
 20 CHAIRMAN CHRISTENSEN: But if it is a typo, we
 21 won't even have to have -- we need to find out what
 22 the stance is.
 23 MR. CAPUANI: That we could find out. If
 24 you're looking for more information, I think the

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1 Board should have a committee do this, my
 2 recommendation.
 3 CHAIRMAN CHRISTENSEN: All right.
 4 MR. GROSS: Just for clarification, if you're
 5 going to alleviate A17.7, you're not only going to
 6 just take that out, but you're going to take out the
 7 performance-based safety code, right?
 8 You're going to take -- you've got to take
 9 the whole section out. Performance-based safety
 10 code for elevators and escalators is a typo that is
 11 referring to that performance base.
 12 So, if you voted down on it and say, "Hey,
 13 now we're just going to go with A17.1," there is no
 14 performance-based issues. We're taking out a whole
 15 section. It is a typo. It is a clerical mistake.
 16 It's always been in performance-based
 17 safety code for elevators and escalators. It was
 18 just typed .1 in lieu of .7. That's the only issue.
 19 It's not -- there is no issue. All we're doing is
 20 voting on a clerical portion on this.
 21 CHAIRMAN CHRISTENSEN: Kelly?
 22 MR. WELLER: Having kind of agreed with the
 23 other side that maybe we should spend some more time
 24 on it, my inclination is to defer to you. I think I

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1 agree, I think we need to get this done.
 2 It sounds like it is a minor issue. Let's
 3 not spend a lot of time on it. Let's put it on our
 4 emergency agenda and get on it. I make a motion we
 5 put this on our emergency agenda,
 6 CHAIRMAN CHRISTENSEN: That's the first motion.
 7 MR. GROSS: I second.
 8 CHAIRMAN CHRISTENSEN: There's been a motion
 9 made and seconded to have it on the emergency agenda
 10 that would be June 8th.
 11 MR. WELLER: June 8th or 9th?
 12 CHAIRMAN CHRISTENSEN: I think it is the 8th,
 13 it is a Tuesday.
 14 MS. DEL GRECO: 8th, Kelly.
 15 CHAIRMAN CHRISTENSEN: It's been seconded. You
 16 got a question about the date?
 17 MR. WOLIN: No, not a question about the date.
 18 I got a couple of suggestions.
 19 CHAIRMAN CHRISTENSEN: But this is for the
 20 date.
 21 MR. WOLIN: Okay.
 22 CHAIRMAN CHRISTENSEN: Is there any questions
 23 on that to have this up at the next emergency Board
 24 meeting?

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1 (No response.)
 2 CHAIRMAN CHRISTENSEN: None being, all those in
 3 favor say "aye."
 4 (A chorus of ayes.)
 5 CHAIRMAN CHRISTENSEN: All those against?
 6 (No response.)
 7 CHAIRMAN CHRISTENSEN: Ayes have it. You want
 8 to go --
 9 MR. WOLIN: Two things. I think there is a
 10 legal question and a technical question. From a
 11 legal standpoint, you're going to check and get
 12 clarification on the wording in 35.
 13 From a technical standpoint, we do have a
 14 technical consultant. Would it make sense to have
 15 the technical consultant give his viewpoint on A17.7
 16 versus the procedure that's been used for variances
 17 in the past?
 18 CHAIRMAN CHRISTENSEN: He's going to be at the
 19 meeting. I'm sure Bob is going to be with him when
 20 they are going to be discussing it.
 21 MR. WOLIN: Okay. I would like to have a
 22 report from a technical consultant at the next
 23 meeting.
 24 CHAIRMAN CHRISTENSEN: Now we're on the second

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1 part of this. The second part of this is
 2 clarification.
 3 MR. CAPUANI: All right. As I stated in the
 4 progress report, we got 31,180 conveyances. Under
 5 state rule right now, we have 12,099. Certificates
 6 issued so far in 2009 are 5900. So, we're about
 7 6,000 away from an annual test. It's not going to
 8 happen. Okay?
 9 So, what I put into the rules is a
 10 suggestion to the Board for the rules, was that
 11 effective immediately, and to avoid penalty, no
 12 license contractor, mechanical inspector, may work
 13 on or inspect a conveyance if it is not registered,
 14 does not have a current certificate of operation.
 15 A 60-day one-time extension may be
 16 attained from the administrator so that a conveyance
 17 owner can schedule an inspection in order to obtain
 18 a certificate of operation.
 19 Let me explain this extension. This comes
 20 to me in an E-mail. I monitor this seven days a
 21 week. The longest anyone has ever waited was
 22 probably about five hours for an extension. Okay?
 23 It's monitored on holidays, every day. Even though
 24 I don't get paid for it, it is monitored. Okay?

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1 But I do monitor this. It comes directly
 2 to my E-mail when it's submitted; and when I return
 3 it, it comes back in a PDF. I had some opposition
 4 on this, so I added a few more.
 5 Should a situation occur where a licensee
 6 has been contacted to remove a trapped or injured
 7 person from a conveyance, or render the conveyance
 8 out of service for safety reasons, the licensee may
 9 perform such work, but must notify our division
 10 within 24 hours of the action. All right?
 11 Then I had more opposition, so I added
 12 another one. Authority will be given to a licensed
 13 mechanic to work on a conveyance with an expired
 14 certificate of operation, if there is a final
 15 inspection report not older than 30 days posted in
 16 the equipment room, prior to conveyance owner
 17 applying for and receiving their annual certificate
 18 of operation.
 19 Because we know if you get it inspected
 20 today, you're not going to have it by June 1st.
 21 Okay? So, you can post a copy of the inspector's
 22 inspection certificate, and you can work on it for
 23 30 days.
 24 So, this is what I'm suggesting to the

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1 Board, and the reason why I'm suggesting this is
 2 that there is no way we're going to get all of these
 3 units to have a certificate of operation. This kind
 4 of forces the building owner.
 5 And a couple examples, I went out to a
 6 hospital in McHenry, 19 elevators. Last time it was
 7 inspected, I think it was three years ago.
 8 You'll see a variance come up that an
 9 elevator has been running, I believe, since '93, and
 10 you'll see why he's asking for a variance; and if it
 11 was inspected, this would have never passed. So,
 12 theres a lot.
 13 I have an accident right now in Oblong,
 14 Illinois. I don't know if the person is still in
 15 the hospital from Christmas Eve, but we had a
 16 failure, let's put it this way, a failure on an
 17 elevator that wasn't inspected.
 18 I had one down in Decatur where it wasn't
 19 inspected since 1987, I believe. The mechanic was
 20 on top of the car, he came down with, I believe, a
 21 25,000 freight car pound freight car.
 22 MR. GREGORY: 5,000.
 23 MR. CAPUANI: 5,000 pound freight car and broke
 24 his back. These are just a few examples of why I'm

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1 asking the Board to approve this. With that --
 2 CHAIRMAN CHRISTENSEN: Before we go onto the
 3 question, is there a motion to accept?
 4 MR. WOLIN: So moved.
 5 CHAIRMAN CHRISTENSEN: Is there a second?
 6 MR. JONES: So seconded.
 7 CHAIRMAN CHRISTENSEN: Okay. On the question?
 8 MR. GRANT: I'm just asking about what
 9 information he received from Anderson Elevator
 10 company today? Do these statistics point out a
 11 problem with the reality of these inspections being
 12 done because of this shortage of inspectors?
 13 MR. CAPUANI: The facility we contacted, and
 14 our inspectors have gone out to, they have never
 15 contacted an inspection company, and we send out a
 16 letter.
 17 Actually this hospital in McHenry, it was
 18 like, "Were you notified, because we send a letter
 19 out 90 days in advance and 30 days after?" He goes,
 20 "Well, yeah, I do have your letter here. It's been
 21 sitting in the drawer, but we're trying to
 22 coordinate here."
 23 This is what I get all the time, "Yeah, we
 24 did receive your letter, but they haven't followed

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1 through on it. It got lost." This is what's
 2 happening out there.
 3 I haven't heard that it's taken a long
 4 time to get an inspector. What I've come across is
 5 that they've never even contacted an inspector, or
 6 they didn't know about it.
 7 MR. JANDORA: We have a record of all the
 8 registered units; and under state jurisdiction, we
 9 have a record of when we last issued a certificate
 10 of operation, right? So we already know right now
 11 who's not complying.
 12 MR. CAPUANI: Right, and the letters go out.
 13 How many letters did we send out? We sent out
 14 12,000 letters last year.
 15 MR. JANDORA: You know what, I'm just going to
 16 say my peace. I've mentioned this before. I'm not
 17 going to go into all the details.
 18 This is an owner function, and the person
 19 that this is having a large impact on, there is a
 20 couple people, entities, that this is having a large
 21 impact on, and that's companies performing a
 22 service, keeping the elevators operational, are
 23 being compensated for that service, and then the
 24 riding public.

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1 There's a group out there who has no
 2 intention of ever having their elevator inspected,
 3 at least they are having it serviced or looked on a
 4 periodic basis to insure it's operating the best
 5 that it can.
 6 Now you're going to withhold that part of
 7 it. Now you got an elevator out there that the
 8 riding public is riding on, it's now not being
 9 inspected, because they never did, and now it's not
 10 being serviced by qualified elevator individuals.
 11 To me, it sounds like we're creating a
 12 larger problem. I think Anderson Elevator, you
 13 know, the report that they furnished to us earlier
 14 really is they've got 32,000 units in this state and
 15 how many inspectors to do that.
 16 It just seems what we're asking, what this
 17 new rule does is, in my opinion, every elevator will
 18 be not compliant every year because what is required
 19 by the law is an annual inspection.
 20 So, every year somebody has to inspect it,
 21 and then a certificate of operation be issued and
 22 then posted for me to have confirmation for an
 23 elevator personnel to have confirmation that it's
 24 inspected.

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1 The administrative timeline from when it
 2 gets inspected, let's say there is a minor failure
 3 per the law, per the legislation, we have 30 days in
 4 which to cure. So, now we're on the 13th month.
 5 The inspector comes back, confirms
 6 conformation, goes back to the administrative
 7 component; and then the municipality may issue a
 8 certificate, mail it to an owner, who then in turn
 9 gets it to the building that is off site and gets it
 10 in the certificate frame.
 11 That, in itself, could take 14, 15 months.
 12 So, if the certificate of operation is more than 12
 13 months past due. It's going to happen in almost
 14 every case.
 15 MR. CAPUANI: We're giving them the 90-day
 16 notice. They have three months to get it inspected,
 17 violations cleared and apply for a certificate. I
 18 believe three months is more than enough time.
 19 And we're giving them an extra month,
 20 because we're allowing them to put the
 21 certificate -- actually, we're giving them four
 22 months.
 23 MR. JANDORA: That's after someone goes out
 24 there.

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1 MR. CAPUANI: Correct.
 2 MR. JANDORA: An elevator maybe shut down
 3 between the second and third floor. I can't look at
 4 the certificate of operation. How am I supposed to
 5 know?
 6 MR. CAPUANI: That is why we built it in in
 7 emergency situations, you can work on it.
 8 MR. JANDORA: But if there is no entrapment,
 9 it's just shut down, I have to work on it to get
 10 access to the car to see if it's -- I'm not getting
 11 into all the -- I'm sorry, it's -- we could talk
 12 about hypotheticals all day long.
 13 MR. CAPUANI: Here, "Remove a trapped or
 14 injured person from a conveyance, or render the
 15 conveyance out of service for reasons of safety."
 16 which means if that car was stuck, you get that car
 17 unstuck, secure it.
 18 All they have to do is apply for an
 19 authorization, and they'll get to work on it.
 20 CHAIRMAN CHRISTENSEN: Bob, I think they need
 21 to know the definition of a safety issue. If there
 22 is one elevator in a building, they've got to do the
 23 best to get that elevator running, because you don't
 24 know if there's a handicap person or anything like

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1 that.
 2 As long as you get notification, that is
 3 what you are saying.
 4 MR. CAPUANI: Within 24 hours, right. Come on,
 5 we're not going to penalize a mechanic that goes out
 6 to a handicap lift and says, "We can't work on it,"
 7 and leave the guy in the elevator. I mean, there
 8 you got to be reasonable here and use common sense.
 9 CHAIRMAN CHRISTENSEN: I think the elevator
 10 division has really bent over backwards to try to
 11 make something happen here. The way they had it,
 12 they changed several sentences on there to conform,
 13 and some people are still not happy with it.
 14 So, that's where we're at. Is there
 15 anymore questions on this?
 16 (No response.)
 17 CHAIRMAN CHRISTENSEN: None being, all those in
 18 favor, say "aye."
 19 (A chorus of ayes.)
 20 CHAIRMAN CHRISTENSEN: All those against?
 21 (No response.)
 22 CHAIRMAN CHRISTENSEN: Ayes have it.
 23 Appearance by Kone, this is something that would
 24 have to go into closed session.

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1 We actually have several things that need
 2 to in closed session. Should we do that all at
 3 once?
 4 MR. GROSS: I got one question. On the
 5 adoption of the national recognized safety codes, we
 6 really only addressed -- we talked about the one
 7 issue.
 8 Are we going to come back and address
 9 these, or are we just continuing everything for the
 10 emergency session A on down? We only talked about
 11 A.
 12 CHAIRMAN CHRISTENSEN: What am I missing?
 13 MR. CAPUANI: B.
 14 CHAIRMAN CHRISTENSEN: Bob, you want to talk
 15 about B, Board discussion and decision of possession
 16 of the key for escalator error code reset?
 17 MR. CAPUANI: Joe Donnelly and I got to Adams
 18 Elevator Supply.
 19 CHAIRMAN CHRISTENSEN: We have new Board
 20 Members. You might want to tell them who Joe
 21 Donnelly is.
 22 MR. CAPUANI: Joe Donnelly is our elevator
 23 consultant to the Board. Joe and I got invited out
 24 to Adams Elevator products to look at their new key

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1 switch. It is a key switch. It is an upgrade key
 2 switch for a Schindler elevator -- or escalator, I'm
 3 sorry.
 4 What it does is it erases the fault for
 5 your, I believe, the handrails speed switch, and
 6 your handrail entry at the bottom and the top.
 7 Right now, there's really nothing in the
 8 code that gives where this key should be, if it
 9 should be authorized personnel.
 10 So, right now, we got janitors or anyone
 11 can reset these faults. So, what I'm suggesting to
 12 the Board is that this key be restricted to elevator
 13 personnel only, until it's identified in the code.
 14 This is not the key to start the
 15 escalator. You could still start the escalator.
 16 This is the key to erase the fault from the
 17 escalator.
 18 CHAIRMAN CHRISTENSEN: What you are saying if
 19 there was an accident with an escalator, they are
 20 able to reset the codes, you possibly would not know
 21 what happened there?
 22 MR. CAPUANI: If there was a problem with the
 23 handrail entry at the top or bottom, or the speed of
 24 that handrail, yes, the average person would not

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1 know what that fault was.
 2 MR. JANDORA: That's the only purpose of the
 3 key?
 4 MR. CAPUANI: Yes, it erases the fault.
 5 MR. JIRIK: I wouldn't want to see that key in
 6 anybody's hand.
 7 MR. SWIENTON: Would fire rescue have any
 8 reason to use this key or have access to?
 9 MR. CAPUANI: No, it is not the key to start
 10 up. In the code, there are start-up procedures for
 11 escalators and moving walks.
 12 MR. HERTSBERG: This is strictly escalator,
 13 correct?
 14 MR. CAPUANI: Yes, this is for the Schindler
 15 product, it is CLQ3603, customer reset upgrades that
 16 are sold by Adams.
 17 CHAIRMAN CHRISTENSEN: Is there a motion by a
 18 member?
 19 MR. JONES: Can I a question before the motion?
 20 CHAIRMAN CHRISTENSEN: Usually you have a
 21 motion, and then you ask question.
 22 MR. JONES: Go ahead, then, motion.
 23 CHAIRMAN CHRISTENSEN: Is there a motion?
 24 MR. WOLIN: So moved.

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1 MR. WILSON: Second.
 2 CHAIRMAN CHRISTENSEN: On the question?
 3 MR. JONES: When you say this is just a reset,
 4 this is for Schindler's escalators? You are able to
 5 identify the fault, or whatever fault was, by using
 6 this key?
 7 MR. CAPUANI: Yes.
 8 MR. JONES: That's all it does?
 9 MR. CAPUANI: It resets that fault. I guess
 10 there's a readout, am I correct, Joe, there's a
 11 readout that gives you numbers, code 23?
 12 MR. JONES: This is what happened.
 13 MR. CAPUANI: Right.
 14 MR. JONES: It doesn't affect necessarily the
 15 continuous operation of the escalator necessarily,
 16 correct?
 17 MR. CAPUANI: No, but it will tell you why that
 18 escalator shut down.
 19 MR. JANDORA: The escalator will shut down?
 20 MR. CAPUANI: It will shut down. What you are
 21 doing is resetting the fault and then start the
 22 escalator up.
 23 MR. HERTSBERG: In other words, it allows
 24 unqualified personnel to reset the shutdown and get

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1 the unit back in service.
 2 MR. SWIENTON: And the mechanic does come in,
 3 he doesn't know what went wrong with it.
 4 MR. CAPUANI: Correct.
 5 MR. WELLER: Or if there was a major
 6 malfunction.
 7 MR. CAPUANI: Right. And it doesn't -- in the
 8 code, it doesn't classify that key. So, what I'm
 9 asking is it be classified as restricted for
 10 elevator personnel, until it is identified in the
 11 code.
 12 CHAIRMAN CHRISTENSEN: And that's a
 13 recommendation by Joe, too, correct?
 14 MR. DONNELLY: Yes.
 15 MR. CAPUANI: Correct.
 16 CHAIRMAN CHRISTENSEN: Our consultant.
 17 MR. SWIENTON: Elevator personnel being
 18 licensed mechanic or inspector?
 19 MR. CAPUANI: Yes.
 20 CHAIRMAN CHRISTENSEN: Anymore questions?
 21 (No response.)
 22 CHAIRMAN CHRISTENSEN: All those in favor, say
 23 "aye."
 24 (A chorus of ayes.)

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1 CHAIRMAN CHRISTENSEN: All those against?
 2 (No response.)
 3 CHAIRMAN CHRISTENSEN: Ayes have it.
 4 MR. CAPUANI: Thank you.
 5 CHAIRMAN CHRISTENSEN: Is there a
 6 representative from Kone Elevator? Do we want to go
 7 into closed session?
 8 Can you please come up?
 9 MR. LAMB: My name is Ron Lamb. I'm from Kone
 10 Elevator.
 11 MR. CAPUANI: Here is basically what happened.
 12 As you know, we go out with third-party inspectors.
 13 This happened, unlucky for Ron, we go out to a job
 14 at 479 County Farm Road. It's in Wheaton.
 15 We were out there to inspect three
 16 modernized elevators that had alterations were
 17 performed on it. As we got there, all three
 18 elevators were running. I did talk to the
 19 maintenance man. I guess they've been running since
 20 September. Okay?
 21 I did go in the machine room, found the
 22 building permit. Now, this work was in September of
 23 '09. The building permit was issued 4-28-2010. So,
 24 they were installed without a permit, and they were

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1 never inspected. Okay? That's the violation for
 2 Kone.
 3 CHAIRMAN CHRISTENSEN: Does everybody
 4 understand it was installed without a permit, and
 5 they were never inspected elevators?
 6 What we're going to do, advice from our
 7 counsel, is, Ron, we're going to give you your say,
 8 and then we're going to go into closed session and
 9 discuss how we're going to handle this. Okay?
 10 MR. LAMB: He's correct, they were installed.
 11 There was some confusion. It was part of the County
 12 of Wheaton, so we did install them and turned them
 13 on without a formal inspection.
 14 CHAIRMAN CHRISTENSEN: Okay. That's it?
 15 MR. LAMB: That's it. We did obtain a permit
 16 when we realized that they weren't and got them
 17 inspected, and they are in service.
 18 CHAIRMAN CHRISTENSEN: Okay. Thank you. We're
 19 going to go --
 20 MR. MESSINA: I think we before we go into
 21 closed, I think you should identify for the public
 22 what other items that are going to be discussed very
 23 generally in closed session. In addition to Kone,
 24 there are two other items.

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1 MR. CAPUANI: Yes. In closed session, we will
 2 be discussing Kone, the review of possible action in
 3 the closed-session meetings of March 9th, and the
 4 minutes of closed-session meetings of November 12th,
 5 2009.
 6 CHAIRMAN CHRISTENSEN: And March 9th, 2010.
 7 MR. CAPUANI: Correct.
 8 CHAIRMAN CHRISTENSEN: Is there a motion?
 9 MR. GRANT: Are we dealing with the complaint
 10 regarding the inspector?
 11 CHAIRMAN CHRISTENSEN: We're going to do all
 12 three in closed session.
 13 MR. GRANT: That is part of the closed session.
 14 CHAIRMAN CHRISTENSEN: Is there a motion to go
 15 into closed session?
 16 MR. GROSS: So moved.
 17 CHAIRMAN CHRISTENSEN: Is there a second?
 18 MR. WOLIN: Second.
 19 CHAIRMAN CHRISTENSEN: Any questions? All
 20 those in favor, say "aye."
 21 (A chorus of ayes.)
 22 CHAIRMAN CHRISTENSEN: All those against?
 23 (No response.)
 24 CHAIRMAN CHRISTENSEN: Ayes have it.

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1 (Certain proceedings were had in
 2 closed session.)
 3 (WHEREUPON, the following
 4 proceedings were had in open
 5 session.)
 6 MR. WELLER: Could we do the easy one first?
 7 CHAIRMAN CHRISTENSEN: After the closed
 8 session, is there a motion to have a hearing over
 9 the Kone issue?
 10 MR. GANIERE: I'll make a motion to authorize
 11 the general counsel to enter into discussions with
 12 Kone concerning this issue, and to set a hearing
 13 date, if necessary.
 14 MR. WILSON: I will second.
 15 CHAIRMAN CHRISTENSEN: Joe August, could I ask
 16 you a question, please?
 17 MR. AUGUST: Go ahead.
 18 CHAIRMAN CHRISTENSEN: On closed-session
 19 minutes, do we have to have them separate?
 20 MR. AUGUST: Yes, sir, you announce each one
 21 separately.
 22 CHAIRMAN CHRISTENSEN: For the closed-session
 23 minutes for March 9th, 2010, is there a motion to
 24 accept the minutes?

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1 MR. GANIERE: You have a motion on the floor
 2 for Kone.
 3 CHAIRMAN CHRISTENSEN: I'm sorry. I am losing
 4 it, guys. On the motion on Kone, it's been motioned
 5 and seconded. Any questions on that?
 6 (No response.)
 7 CHAIRMAN CHRISTENSEN: All those in favor, say
 8 "aye."
 9 (A chorus of ayes.)
 10 CHAIRMAN CHRISTENSEN: All those against?
 11 (No response.)
 12 CHAIRMAN CHRISTENSEN: Ayes have it. Now,
 13 number one, review and possible action on
 14 closed-session minutes of March 9th, 2010, meeting,
 15 is there a motion to accept the minutes?
 16 MR. WOLIN: So moved.
 17 CHAIRMAN CHRISTENSEN: Is there a second?
 18 MR. GROSS: Second.
 19 CHAIRMAN CHRISTENSEN: Any questions, any
 20 additions or corrections?
 21 (No response.)
 22 CHAIRMAN CHRISTENSEN: Being none, all those in
 23 favor say "aye."
 24 (A chorus of ayes.)

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1 CHAIRMAN CHRISTENSEN: All those against?
 2 (No response.)
 3 CHAIRMAN CHRISTENSEN: Ayes have it. For
 4 review for release of the minutes of the closed
 5 session held on November 12th, 2009. Kelly?
 6 MR. WELLER: I would like to make a motion that
 7 we, for confidential reasons, confidentiality
 8 reasons, retain those minutes for another six
 9 months.
 10 CHAIRMAN CHRISTENSEN: Is there a second?
 11 MR. GROSS: Second.
 12 CHAIRMAN CHRISTENSEN: It's been seconded. Any
 13 additions or corrections?
 14 (No response.)
 15 CHAIRMAN CHRISTENSEN: No questions? All those
 16 in favor, say "aye."
 17 (A chorus of ayes.)
 18 CHAIRMAN CHRISTENSEN: All those against?
 19 (No response.)
 20 CHAIRMAN CHRISTENSEN: Ayes have it. Now we
 21 move back on to public comment. Is there any public
 22 comment at this time?
 23 (No response.)
 24 CHAIRMAN CHRISTENSEN: None being, we will

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1 adjourn the meeting, and move on to variances and
 2 appeals.
 3 MR. WOLIN: We need a motion to adjourn.
 4 CHAIRMAN CHRISTENSEN: Yes.
 5 MR. WOLIN: So moved.
 6 CHAIRMAN CHRISTENSEN: Okay. Is there a
 7 second?
 8 MR. DATTILO: Second.
 9 CHAIRMAN CHRISTENSEN: Any questions?
 10 (No response.)
 11 CHAIRMAN CHRISTENSEN: All those in favor, say
 12 "aye."
 13 (A chorus of ayes.)
 14 CHAIRMAN CHRISTENSEN: Ayes have it.
 15 Variances.
 16 MR. CAPUANI: We have one variance. John
 17 Hemming, Mercy Harvard hospital, Harvard, Illinois.
 18 MR. HEMMING: John Hemming, Mercy Harvard
 19 Hospital maintenance supervisor there.
 20 We're looking at a variance for the refuse
 21 space on top of our elevator in our hospital,
 22 portion of our hospital.
 23 MR. CAPUANI: Just for the Board, Tom Lee and
 24 myself went out to a job out in Harvard, it is a

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1 hospital. It is a two-stop elevator.
 2 The problem is they installed, what is it
 3 like, an air duct system?
 4 MR. HEMMING: First there was a fireproofing
 5 for the elevator shaft, itself, a two-hour fire
 6 rating, and then an air-handling unit was installed
 7 on top of that later.
 8 MR. CAPUANI: When they put the ceiling on,
 9 when you run this elevator to the top floor, okay,
 10 you've got five-and-a-half inches from the top of
 11 the door operator to the ceiling.
 12 You got three-and-three-quarter inches
 13 from the top of the light fixture to the ceiling.
 14 You got 27 inches from the car top to the ceiling,
 15 and from the cross end you have 14-and-a-quarter
 16 inches.
 17 When it reaches the top floor, there is no
 18 run-by in the elevator. You cannot perform the
 19 pressure test. They are looking for a variance to,
 20 I believe, install the new cylinder.
 21 MR. HEMMING: Uh-huh.
 22 MR. CAPUANI: But you would still not achieve
 23 the run-by.
 24 CHAIRMAN CHRISTENSEN: Where is the limits?

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1 MR. CAPUANI: The limits are set basically at
 2 floor level at the top.
 3 MR. HERTSBERG: There is a no run-by there?
 4 MR. CAPUANI: No, there is no run-by.
 5 MR. JIRIK: This is new construction.
 6 MR. CAPUANI: The door operator would be in the
 7 ceiling.
 8 MR. JIRIK: This is new construction?
 9 MR. CAPUANI: No, this has been since '93 you
 10 said?
 11 MR. HEMMING: The elevator was installed in
 12 '55.
 13 MR. CAPUANI: When did they put the ceiling in?
 14 MR. HERTSBERG: How about the duct?
 15 MR. HEMMING: The ceiling was in the '90s.
 16 MR. HERTSBERG: When was the duct installed?
 17 MR. HEMMING: Probably 2004, 2003.
 18 CHAIRMAN CHRISTENSEN: What town is this in?
 19 MR. CAPUANI: This is in Harvard.
 20 CHAIRMAN CHRISTENSEN: There is a municipality
 21 agreement?
 22 MR. CAPUANI: No.
 23 MR. GRANT: Could I ask what this duct is for?
 24 MR. HEMMING: It supplies air to our outpatient

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1 surgery, emergency room and main lobby.
 2 MR. JIRIK: It's not even supposed to be in the
 3 hoist room.
 4 MR. CAPUANI: It's not in the hoistway. What
 5 they did is they put it above the hoistway, and then
 6 they put ceiling on.
 7 MR. SWIENTON: And the work was done before
 8 anybody checked with you and everything?
 9 MR. CAPUANI: The work was done in 2004. So,
 10 really --
 11 MR. HEMMING: Yes.
 12 MR. WELLER: We're just now catching it, or
 13 they are wanting to do something different? I guess
 14 I'm having --
 15 MR. HEMMING: We want to replace the cylinder
 16 so that would create just a three-inch run-by
 17 because --
 18 MR. SWIENTON: I would have to defer to my
 19 elevator people.
 20 CHAIRMAN CHRISTENSEN: How can anybody ever get
 21 on top into the overhead there?
 22 MR. GRANT: You can't do a pressure test.
 23 MR. CAPUANI: You can't do a pressure test.
 24 You got 27 inches of refuse space. So a fireman

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1 with his equipment could not get in there. He would
 2 have to lay flat on the top.
 3 MR. SWIENTON: So, if they got rid of this air
 4 duct, would there be enough room?
 5 MR. JIRIK: Instead of spending the money on a
 6 new jack, I would get rid of that ceiling and duct
 7 work.
 8 MR. SWIENTON: Can you move the duct word
 9 around?
 10 MR. HEMMING: For \$250,000.
 11 MR. JIRIK: To move the duct work?
 12 MR. HEMMING: The whole air-handling unit has
 13 to moved.
 14 MR. GRANT: This is a 17.3 issue. It is not a
 15 violation of A17.3.
 16 MR. CAPUANI: It is a safety issue.
 17 MR. GRANT: And the pressure test. The reason
 18 he's got to a problem, he's got to deal with the
 19 clearance to replace the jack.
 20 MR. JANDORA: This is an A17.1 issue. The
 21 elevator is to be inspected on an annual basis, to
 22 insure conformance with the code at the time of
 23 existing, at the time of installation, which in
 24 1955 -- I don't have 1955 a code, but I have to say

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1 there were overhead clearance requirements.
 2 So, to me, this is something that took
 3 place after the fact that should not be in the
 4 hoistway and an annual inspection normally would --
 5 CHAIRMAN CHRISTENSEN: I'm going to refer to
 6 Joe Donnelly, our consultant, right now. Joe?
 7 MR. DONNELLY: As far as the code?
 8 CHAIRMAN CHRISTENSEN: The requirements in
 9 1953. How is that, to start off with?
 10 MR. DONNELLY: The code did have requirements
 11 for overhead clearance. When the elevator is
 12 installed, they obviously have now modified the
 13 hoistway since that point that now created a
 14 violation of what would have been the code at the
 15 time.
 16 What alternatives they have, I haven't had
 17 a chance to go out there and review what
 18 alternatives we have to address those issues, but
 19 that might be something we might want to consider.
 20 There's a concern, especially the fact you
 21 can't even do a pressure test, because you will
 22 strike the ceiling in the hoistway with your
 23 equipment. That is definitely a code violation.
 24 CHAIRMAN CHRISTENSEN: Guys, again, I am going

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1 to tell you guys we had something before with
 2 overhead, and you got to think besides being
 3 elevator construction, you can't get the firemen in
 4 with all his equipment on.
 5 MR. HEMMING: Can I ask why a fireman would be
 6 on top of an elevator on a two-level with multiple
 7 exits at grade on both?
 8 CHAIRMAN CHRISTENSEN: I'm just thinking of
 9 overhead with the equipment.
 10 MR. SWIENTON: Every scenario is different. We
 11 look at the public safety, the maintenance and the
 12 rescue people.
 13 All right, the public generally is safe in
 14 the elevator. It goes up and down. It's
 15 maintenance and the rescue people we got to be
 16 worried about now. There is no room.
 17 MR. CAPUANI: There could be a situation if
 18 there was a stuck entrapment, when they got to go
 19 through the top, maybe run that elevator up is when
 20 something happens. The elevator goes up, swish.
 21 MR. WELLER: Mr. Chair?
 22 CHAIRMAN CHRISTENSEN: Yes.
 23 MR. WELLER: I think what we kind of talked
 24 about last time was when we had these kind of

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1 situations where we had doubts, we asked our
 2 consultant to go out and take a look at it, work
 3 with the conveyance request and see if there's some
 4 solution that they can bring back.
 5 I think for you, for my personal opinion,
 6 I like to see an architect or engineer, whoever
 7 advice you had to do this the first time, I would
 8 like to see that.
 9 I would like to see some way that maybe
 10 this can be resolved, without that much of a
 11 violation of the code. But why don't we start with
 12 kind of the process first, and then develop some
 13 more information, and then get us something to
 14 really think about whenever we go to vote on this.
 15 MR. CAPUANI: Can I make a suggestion?
 16 MR. WELLER: Sure.
 17 MR. CAPUANI: In the meantime, within a week, I
 18 would give them a week, I suggested that to
 19 Schumacker also, is to put a limit so when that car
 20 is on inspection, we add another limit which would
 21 stop that car with at least 43 inches of refuse
 22 space.
 23 MR. WELLER: That would not affect normal use,
 24 only during inspection?

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1 MR. CAPUANI: Yes. Just in the meantime, until
 2 we come to a resolution with this Board, just in
 3 case someone gets on top of that car.
 4 CHAIRMAN CHRISTENSEN: Good idea.
 5 MR. CAPUANI: Can we give them a timeline to do
 6 this?
 7 MR. JIRIK: You want a threshold limit set
 8 below the floor?
 9 MR. CAPUANI: So when you flip it on
 10 inspection, you activate that different limit to
 11 stop it 43 inches from the ceiling.
 12 MR. WELLER: Could that be a permanent fix?
 13 MR. JIRIK: No.
 14 MR. WELLER: Why don't we go let the consultant
 15 take a look, and we'll go from there.
 16 MR. SWIENTON: But in the meantime?
 17 MR. CAPUANI: In the meantime?
 18 MR. WELLER: With your recommendation.
 19 MR. CAPUANI: Give them a timeline to have this
 20 done. I don't believe it's -- how long would it
 21 take you to install that.
 22 MR. KUKER: We can get it done in a matter of a
 23 week.
 24 MR. SWIENTON: Ten days?

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1 MR. CAPUANI: Give them a date. June 1st. How
 2 is that, June 1st?
 3 MR. SWIENTON: Good.
 4 CHAIRMAN CHRISTENSEN: You want a motion on
 5 that?
 6 MR. CAPUANI: Yes.
 7 CHAIRMAN CHRISTENSEN: Do we have a motion on
 8 them putting a limit? Anybody want to give a
 9 motion?
 10 MR. JONES: I'll do it. Get a limit on it by
 11 June 1st for safety purpose.
 12 CHAIRMAN CHRISTENSEN: Is there a second?
 13 MR. GILLES: I'll second.
 14 CHAIRMAN CHRISTENSEN: Any questions?
 15 (No response.)
 16 CHAIRMAN CHRISTENSEN: All those in favor, say
 17 "aye."
 18 (A chorus of ayes.)
 19 CHAIRMAN CHRISTENSEN: The ayes have it.
 20 MR. CAPUANI: Do you want him brought up at the
 21 next meeting or at the next scheduled meeting?
 22 CHAIRMAN CHRISTENSEN: I would say next
 23 scheduled meeting.
 24 MR. WELLER: I would propose we do not do

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1 variances. That's why we have regularly-scheduled
 2 meetings. We have a variance or special meeting,
 3 for a special meeting.
 4 Unless there is some -- this thing looks
 5 like it's going to be here for a while.
 6 MR. CAPUANI: I think he wanted to proceed with
 7 replacing the cylinder, so we would be holding up
 8 replacing the cylinder.
 9 MR. WELLER: That might not be the best
 10 strategy. We don't know yet.
 11 MR. SWIENTON: He's got to work that out with
 12 the consultant.
 13 MR. CAPUANI: Will we be out there before
 14 June 1st, Joe? It's up to the Board.
 15 CHAIRMAN CHRISTENSEN: I said next regular
 16 meeting.
 17 MR. GRANT: Is he behind on his pressure test
 18 because he can't do them? I assume that is what the
 19 issue is, right?
 20 We have reason to believe we need this
 21 thing running with the limit switch. When is the
 22 last time a pressure test was done on this machine?
 23 It couldn't have been done since '04, right?
 24 MR. CAPUANI: Right.

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1 MR. JIRIK: I take that is the original jack in
 2 there from '55?
 3 MR. HEMMING: Yes.
 4 MR. GRANT: You want to go regular meeting or
 5 what?
 6 CHAIRMAN CHRISTENSEN: I think maybe it should
 7 be in the emergency meeting.
 8 MR. GANIERE: I'm just asking.
 9 CHAIRMAN CHRISTENSEN: It is up to the Board.
 10 As a Chairman, I cannot make a motion. If you guys
 11 want to put something on, you want a motion, go
 12 ahead.
 13 MR. JONES: Can you have him report back to Joe
 14 by the emergency meeting?
 15 MR. CAPUANI: Can you have a report back by the
 16 emergency meeting, Joe? Let me know when you go out
 17 there, I'll accompany you.
 18 MR. DONNELLY: Okay.
 19 MR. JONES: So moved to putting this on the
 20 agenda for the June 8th emergency meeting.
 21 CHAIRMAN CHRISTENSEN: Okay.
 22 MR. WOLIN: I'll second.
 23 CHAIRMAN CHRISTENSEN: It's been seconded. Any
 24 questions?

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. HEMMING: All right.
 9 CHAIRMAN CHRISTENSEN: Is there any more public
 10 comment?
 11 MR. CAPUANI: You are done with public comment.
 12 CHAIRMAN CHRISTENSEN: That is it?
 13 MR. HERTSBERG: That's it.
 14 CHAIRMAN CHRISTENSEN: There is a motion to
 15 close the meeting.
 16 MR. HERTSBERG: So moved.
 17 CHAIRMAN CHRISTENSEN: Is there a second?
 18 MR. WOLIN: Second.
 19 CHAIRMAN CHRISTENSEN: All those in favor, say
 20 "aye."
 21 (A chorus of ayes.)
 22 CHAIRMAN CHRISTENSEN: Ayes have it.
 23 (WHICH WERE ALL THE PROCEEDINGS HAD.)
 24

1 STATE OF ILLINOIS)
 2 COUNTY OF C O O K) SS:
 3
 4 PAMELA A. MARZULLO, C.S.R., being first duly sworn,
 5 says that she is a court reporter doing business in the city
 6 of Chicago; that she reported in shorthand the proceedings
 7 had at the Proceedings in the above-entitled cause; that the
 8 foregoing is a true and correct transcript of her shorthand
 9 notes, so taken as aforesaid, and contains all the
 10 proceedings of said meeting.
 11
 12 PAMELA A. MARZULLO
 License No. 084-001624
 13
 14 SUBSCRIBED AND SWORN TO
 before me this _____ day
 15 of _____, 2010.
 16 _____
 17 Notary Public
 18
 19
 20
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 24

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