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ELEVATOR SAFETY REVIEW BOARD MEETING

June 11th, 2010

8:30 a.m.

The Report of Proceedings had in the meeting of the above-entitled cause, taken before PAMELA A MARZULLO, a Certified Shorthand Reporter and Notary Public in and for the County of Cook and State of Illinois, at 9511 West Harrison Street, Des Plaines, Illinois, on June 11th, 2010, at the hour of approximately 8:30 a.m.

1     PRESENT:

2             ELEVATOR SAFETY REVIEW BOARD

3             MR. FRANK J. CHRISTENSEN, Chairman

              MR. JOHN D. FINCHAM, Member

4             MR. MARK HERTSBERG, Member

              MR. RICHARD JANDORA, Member

5             MR. K. DOUGLAS JONES, Member

              MR. AL POPOWITS, Member

6             MR. GERALD WOLIN, Member

              MR. WILLIAM BOGDAN, Member

7             MR. KELLY WELLER, Member

              MR. DARREL SWIENTON, Member

8             MR. TOM JIRIK, Member

9

10            OFFICE OF THE STATE FIRE MARSHAL

11            MR. JOSEPH AUGUST, Deputy Director

              MR. JAMES AUBIN, Inspector

12            MR. ROBERT CAPUANI, Administrator

              MS. ELAINE DEL GRECO, Administrative Assistant

13            MR. JOSEPH DONNELLY, Consultant

14     ALSO PRESENT:

15            MR. ALEC MASSINA, General Counsel

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1 to take you through everything that is there.

2 I would suggest when you have a moment, to  
3 go ahead and take a look through there, and this  
4 will be informative for members of the Board about  
5 the standard.

6 I do have some areas highlighted to bring  
7 to your attention. If you look on the first page of  
8 the first sheet, the reason that we have a PBC is  
9 that A17.1 B44 doesn't have a uniform process for  
10 validating the compliance of new technology with  
11 safety requirements. That is a plain fact.

12 A17 is a very prescriptive code, and you  
13 shall do it this way. It does not really address  
14 the new technologies in a timely manner.

15 To give you an example, what is,  
16 quote-unquote, called the machine roomless  
17 elevators. It took seven years of development from  
18 beginning to end to cover that type of equipment in  
19 the prescriptive code.

20 With the way that businesses operate, and  
21 need to operate these days, that's just far too  
22 long; and on the other hand, when you're trying to  
23 get new safety requirements and the like, safety  
24 devices into the code, again, it's too, too long.

1                   So, that's why the A17 and A17 ASME  
2                   Committee decided to come up with a  
3                   performance-based code, in order to address the new  
4                   technologies, so that they can get to the  
5                   marketplace in a timely manner.

6                   As you know, the 2007 version of A17.1,  
7                   which is adopted by the State of Illinois,  
8                   recognizes compliance with A17.7 as being equivalent  
9                   to that standard, and that's covered in  
10                  Section 1.2.1 in the preface to the standards. So,  
11                  there's an established equivalency, in terms of  
12                  safety between the two standards.

13                  When we take a look at A17.7, just as a  
14                  brief overview, manufacturers must perform a risk  
15                  assessment to show compliance with the safety  
16                  standards for their designs.

17                  The designs are then reviewed and analyzed  
18                  by an accredited elevator/escalator certifying  
19                  organization and AECO; and the AECO certifies to the  
20                  safety code enforcing authorities that the elevator  
21                  meets the requirements of the PBC.

22                  There are three AECOs accredited  
23                  elevator/escalator certifying organizations. These  
24                  three organizations have been accredited by ANSI,

1 the American National Standards Institute,  
2 specifically to do this work, in terms of the  
3 evaluation of designs and equipment to the A17.7  
4 standard.

5 A17.7, itself, is an ANSI standard, just  
6 as A17 is. All of the procedures, all of the  
7 development of both of those standards in their  
8 entirety and application, are governed under the  
9 ANSI rules and guidelines.

10 Just taking a quick look at sheet two, the  
11 PBC provides government authorities a uniform  
12 procedure to assess an enforcement safety  
13 requirements on new technology.

14 The AECO is basically, to some degree,  
15 taking the burden of proof, if you will, with  
16 regards to the new technology. They are taking a  
17 look at the design.

18 They are taking a look at all of the  
19 requirements associated with a design and its  
20 compliance with A17.7, to assure that it does  
21 comply; and at the end of that process, then, the  
22 they issue a certificate.

23 If you will, I'm taking you all the way to  
24 the fifth page in the handout, and there's a flow

1 chart that you'll see there, to give you an idea of  
2 the process within A17.7.

3           So, you have this new product design. If  
4 the entire system satisfies A17.1, you are basically  
5 done with regards to A17.7. It's not even a matter  
6 or an issue; and you notice you go directly to the  
7 AHJ, in terms of submitting the equipment for  
8 approval.

9           If the entire system doesn't comply, but  
10 it partly satisfies A17.1. Then you'll notice the  
11 left branch basically says "Identify A17.1  
12 compliance."

13           So, you take a look at the entire system,  
14 and you have to identify everything in there that  
15 complies with A17.1; and ergo, identify everything  
16 that doesn't comply with A17.1.

17           And then if you notice the branch to the  
18 right, "Identify applicable GESRs related to those  
19 areas that do not comply." Now, what is a GSR? GSR  
20 is a global essential safety requirement.

21           The standard A17.7 has got about 60 or 70  
22 of these global essential safety requirements.  
23 Those are the essence of A17.7, in terms of what the  
24 equipment must be demonstrated to comply with and

1 satisfy, in terms of those safety requirements.

2           That's done through a process of risk  
3 analysis and the use of what's called safety  
4 parameters. When you think about A17.1, a  
5 prescriptive code, there is many parameters that are  
6 used with regards to forced clearances and so on and  
7 so forth, capacities, and the like, all kind of  
8 safety-related parameters.

9           Those are basically pulled over from  
10 A17.1. They appear in A17.7 as safety parameters;  
11 and where you have a design that relates to a  
12 specific safety parameter, those safety parameters  
13 have to be put.

14           So, again, you got that equivalence  
15 between A17.1 around A17.7. Nevertheless, you'll  
16 see a risk analysis is performed. The SPC safety  
17 parameters and other protective measures are  
18 identified.

19           The risk must be mitigated, so this is an  
20 iterative process. You go through and you basically  
21 take a look at the risk. If the risk measures are  
22 not satisfactory, then the appropriate thing needs  
23 to be done, with regards to the design, in order to  
24 mitigate the risk.

1           There is a standard ISO 14798 that  
2 establishes the exact process, in terms of the risk  
3 assessment, and defines at the point at which the  
4 risk has been mitigated to an appropriate level.

5           If you don't get to that level, you've got  
6 to keep working on the design until, again, the risk  
7 is mitigated to the appropriate level.

8           Once all of the risk have been mitigated,  
9 all of the appropriate testing has been done, then  
10 the AECO has reviewed all of this, agrees not only  
11 with the analysis, but agrees that all of the  
12 requirements within A17.7 are taken care of; and  
13 these things include things like the inclusion of  
14 the appropriate maintenance, inspection and testing  
15 requirements that go along with the new technology.

16           Once all of that is done, then basically  
17 the AECO will go ahead and put out a certificate of  
18 conformance. Along with that certificate of  
19 conformance, there usually will be an accompanying  
20 report.

21           That accompanying report will cover the  
22 application of the certificate. For example, if the  
23 new technology is designed and to be used only for a  
24 specific elevator duty, for example, capacity or

1 speed or a particular configuration, all of that  
2 will be included in the certificate of conformance.

3 That technology may not be used except  
4 under those appropriate conditions and in the  
5 certificate of conformance.

6 Just to give you an example, when we,  
7 Kone, basically came to the Board with our  
8 certificate of conformance for the smaller steel  
9 wire suspension ropes, we gave -- we submitted to  
10 the Board the certificate, itself, from the Lift  
11 Institute, which is one of the three AECOs, the  
12 accompanying report, as well as the inspection  
13 guidelines, with regards to the suspension, so that  
14 the inspectors would know how to inspect the  
15 equipment appropriately, and it has the retirement  
16 criteria built right into it as well.

17 If you noticed on the flow chart, we come  
18 all the way down here, the AECO verifies  
19 conformance. If they don't, it goes back and again,  
20 the appropriate mitigations have to be done,  
21 testing, whatever is necessary, ultimately to  
22 satisfy the AECO that, indeed, the new technology in  
23 this application satisfies and complies with A17.7.

24 That certificate of conformance is issued.

1 If you'll notice, that certificate of conformance  
2 then goes to the AHJ. This is the process that has  
3 occurred here at the Board in at least two  
4 instances.

5 One might ask, "Who is the AHJ?" If you  
6 look at the very last page in the handout, I have an  
7 excerpt from Senate Bill 149. At the bottom you'll  
8 notice the last paragraph there, it says, "Board  
9 shall make determinations authorized by this Act  
10 regarding the installation of new technology. Such  
11 determination shall have a binding precedential  
12 effect throughout the State regarding equipment  
13 structure or the enforcement of code, unless limited  
14 by the Board to the fact-specific issues."

15 So, when we take a look at Illinois, with  
16 regards to the issue of new technology, the law  
17 basically governs that the Board is the AHJ, when we  
18 take a look at the flow chart from A17.7.

19 A17.7 is working in the State of Illinois.  
20 There's been at least two applications with regards  
21 to that, in terms of providing the Board with these  
22 certificate of conformances.

23 The equipment has been installed in many  
24 locations throughout the state. There's really been

1 no issues, in terms of safety issues or safety  
2 considerations, with regards to the equipment, and  
3 that goes for the rest of the country; and, in fact,  
4 in many cases, we're talking about throughout the  
5 world.

6 I know in our case, with the smaller  
7 diameter suspension ropes, the eight millimeter  
8 suspension and the six meter governor rope, the fact  
9 is that, quote, new technology has actually been in  
10 use in Europe and Asia for over 50 years.

11 It just happens to be new in this  
12 application in the U.S. Will the prescriptive codes  
13 catch up? Yes, sooner or later. In terms of  
14 suspension issues, the 2010 edition of A17 will be  
15 catching up with regards to that technology, if you  
16 will.

17 As time goes on -- but realize one thing,  
18 that technology started to be used some 10 years  
19 ago. So, it's taken, again, a very, very long time  
20 for the prescriptive code to actually address it.

21 In the meantime, the public and businesses  
22 and the governments have actually lost out on the  
23 use of that new technology and its benefits,  
24 particularly in terms of building efficiency and the

1 whole green concept, which those kinds of things  
2 inherently bring to the table.

3           So again, I would basically really urge  
4 the Board to do what's necessary to maintain A17.7  
5 and its use in the State of Illinois. This is only  
6 something that is going to continue to grow and grow  
7 across the country and the North America, and is  
8 going to be a benefit to everyone.

9           So, I would entertain any questions that  
10 the Board might have.

11           CHAIRMAN CHRISTENSEN: Go ahead.

12           MR. POPOWITS: First of all, sir, Andy, I would  
13 like to compliment you on your site. Your site is  
14 really professionally done. I'm really impressed by  
15 it.

16           MR. JUHASZ: Thank you.

17           MR. POPOWITS: Particularly the flow chart that  
18 you have there with the explanations. When you put  
19 the arrow on them, that is really a highly  
20 professional job, and really makes it really clear  
21 something that is very complicated, particularly to  
22 us who are not in the industry, to make it fairly  
23 clear even for us.

24           So, I want to thank you for that.

1 MR. JUHASZ: You are very welcome.

2 MR. POPOWITS: I have a couple questions. I  
3 don't quite understand, what I see is a  
4 contradiction between your statement about  
5 jurisdictions and what you have on your own website.

6 According to one page on the website here,  
7 the following jurisdictions have adopted 17.7:  
8 Chicago, Illinois, Iowa, Nevada, and I see no other  
9 state listed.

10 Then the other places listed are provinces  
11 of Canada, and that's it. How do you explain that?

12 MR. JUHASZ: There's a few more than what you  
13 have there.

14 MR. POPOWITS: That was on your Kone.

15 MR. JUHASZ: Kentucky is also in there. The  
16 fact of the matter is, this is taking some time.

17 Like anything else, it's new, and people  
18 don't like to necessarily take on new things. So,  
19 it's certainly part of the battle. The other part  
20 of the battle is the adoption new codes and  
21 standards.

22 As you know, I'm sure, for example, it was  
23 just last month the City of Chicago went all the way  
24 from 1996 to 2007. There's a lot of localities that

1 get, I would call, rather stuck in the mud, in terms  
2 of moving forward. That's another reason, I  
3 believe, in terms of having the performance-based  
4 code.

5           If you have a prescriptive code, and you  
6 don't move that along, in terms of the development  
7 is certainly one issue in terms of trying to catch  
8 up with new technology, but in the code adoption  
9 process, if an authority sits back and they decide,  
10 "Well, we're not going to bother going ahead and  
11 moving forward and adopting new editions," and that  
12 kind of stuff, again, that area becomes locked, if  
13 you will, in terms of technology and business  
14 development and everything else.

15           Whereas, if you do have the PBC in effect,  
16 again, the new technologies and that kind of stuff  
17 can still come in very safely under the PBC, without  
18 continuing to push along the prescriptive code,  
19 although we certainly want the prescriptive code to  
20 march on as well.

21           You have before you as well today, I  
22 believe, on the agenda the adoption of the 1A 2008  
23 and the 1B 2009 addenda to the 2007 edition. So,  
24 it's being very progressive, in terms of trying to

1 get those new safety requirements into effect in the  
2 State of Illinois, and I certainly very, very much  
3 encourage that.

4           Again, it's taking time. There is  
5 certainly the basic reluctance to change, in terms  
6 of adoption of A17.7. People are kind of, in some  
7 cases, wait and see.

8           Those, I would say as well, those areas  
9 that have been most involved in the development of  
10 the standard are very much the first ones that have  
11 gone out and adopted them. A big evidence of that  
12 is all of the provinces in Canada.

13           MR. POPOWITS: Right.

14           MR. JUHASZ: Many of those provinces were  
15 directly involved in the development of the  
16 standard. They know what it is.

17           They know what their requirements are, and  
18 they don't have necessarily the inherent fears that  
19 other people do, and they were one of the first ones  
20 that immediately went out and adopted it.

21           I hope that answers your question.

22           MR. POPOWITS: I have another question, if I  
23 may.

24           MR. CAPUANI: Can I intervene, because you

1 E-mailed me yesterday about what states?

2 MR. POPOWITS: I did not.

3 MR. CAPUANI: Jerry did, I'm sorry.

4 MR. WOLIN: I was the one.

5 MR. CAPUANI: I have a list of the states that  
6 have adopted it.

7 MR. POPOWITS: Are there more than just --

8 MR. CAPUANI: It is Chicago, Illinois, Iowa,  
9 Kentucky, Nevada.

10 MR. POPOWITS: Who else?

11 MR. CAPUANI: New Hampshire, North Carolina and  
12 Utah.

13 MR. POPOWITS: That should be on your -- okay.  
14 Another -- I just want to clarify something.

15 I was under the impression that when these  
16 tests were being performed, at least in the past,  
17 that the company that introduced the new technology  
18 basically told the testing companies what parameters  
19 they were to test.

20 Are you saying under PBC, that the company  
21 no longer -- no, the company does not do that, but  
22 rather there's a group of standards or a group of  
23 tests that will be performed, regardless of the  
24 company's preferences, or does the company still

1 decide what parameters decide what will be tested?

2 MR. JUHASZ: The answer to your question is I  
3 don't know.

4 MR. POPOWITS: That's no answer.

5 MR. JUHASZ: Let me explain. All of the normal  
6 inspection and testing that is required in A17.1,  
7 not related to the technology, are still absolutely  
8 performed and required.

9 MR. POPOWITS: Not related to the technology?

10 MR. JUHASZ: Right. Now, the testing for the  
11 new technology, if it is required and needed to be  
12 any different than what's required in A17.1, is  
13 required under A17.7 to be included, in terms of  
14 what to test, how to test it, how to maintain it, et  
15 cetera, et cetera.

16 That is all confirmed and part of the --  
17 part and parcel of the package within A17.7 that is  
18 verified by the AECO.

19 Did I lose you?

20 MR. POPOWITS: Who decides what parameters will  
21 be tested, the company, or the testing agency with  
22 the new technology?

23 MR. JUHASZ: Basically, I would say the  
24 company, but that has to be agreed upon and verified

1 by the AECO as being the appropriate and correct  
2 testing.

3 MR. POPOWITS: Okay. So, it's quite possible  
4 that there would be some parameters out there that  
5 the company never thought of, such as with Isis and  
6 with other experiences we've had with another  
7 elevator company, that they may not even know that  
8 if a coding on a band will be degraded by sunlight,  
9 never thought of that, and it wasn't tested?

10 So, there are still things that can go  
11 wrong with this new technology, because nobody ever  
12 thought of the parameters.

13 MR. JUHASZ: Well, let me stop you there for a  
14 moment. The technology that you were referring to  
15 from a specific manufacturer, number one, never went  
16 through this process.

17 MR. POPOWITS: Okay.

18 MR. JUHASZ: It never went through the rigors  
19 of A17.7 and the purview and overview of an AECO.

20 Even the manufacturer of that equipment  
21 has come forward and said, "Hey, if A17.7 had  
22 existed at the time, and we were required to go  
23 through that process, this product never would have  
24 gone through."

1 MR. POPOWITS: Okay.

2 MR. JUHASZ: A17.7, in the rigors of the  
3 analysis, testing and all that kind of stuff, it  
4 would have been stopped and/or it would have been  
5 designed in a different way.

6 So, kind of apples and oranges there, so  
7 to speak.

8 MR. POPOWITS: Okay. I have more questions,  
9 Mr. Chairman, but are I know others may want to  
10 speak, so I'll give way.

11 MR. WELLER: This is on the agenda for C,  
12 correct, under new business or old business, rather?

13 CHAIRMAN CHRISTENSEN: Yes.

14 MR. WELLER: You've given us some new language  
15 that you want us to talk about, which is the new  
16 technology.

17 Is this the first time I've seen this?

18 MS. DEL GRECO: Yes.

19 MR. WELLER: All of this conversation is  
20 probably going to be fairly directed towards this  
21 old business item in this blue language.

22 MS. DEL GRECO: Is that 190?

23 MR. WELLER: Yes, you handed this out today.

24 MS. DEL GRECO: Right, in the meeting package.

1 MR. WELLER: This new blue section.

2 CHAIRMAN CHRISTENSEN: What is your suggestion?

3 MR. WELLER: Continue this dialogue. When we  
4 actually get to this item, this will probably  
5 address it.

6 CHAIRMAN CHRISTENSEN: What we did hear, Kelly,  
7 we decided to have two public comments. We have to  
8 open up the public comment. We can't change the  
9 meeting.

10 MR. WELLER: That's fine. The public comment  
11 is great. I don't know we need to -- I would rather  
12 have the public comment, and we can discuss it; and  
13 if we have more questions, we can direct it back,  
14 right?

15 MR. POPOWITS: I concur with the gentleman.

16 MR. WELLER: Unless you want to bring it up  
17 right now and go right to the agenda.

18 MR. POPOWITS: I concur.

19 MR. WOLIN: Kelly is 100 percent correct in  
20 public comment, the public speaks. There really is  
21 no discussion. The comments are very good and very  
22 apropos at this point.

23 MR. POPOWITS: I agree.

24 MR. WOLIN: We have an agenda.



1 Marshal's Office on the changes to the law a  
2 year-and-a-half ago in Springfield, and the Illinois  
3 law is looked upon as a model law in the United  
4 States.

5           On your list of states that have adopted  
6 17.7, Illinois should be on that list, because of  
7 the way that this was drafted in consultation with  
8 the Fire Marshal's Office, and the references in the  
9 state statute to 17.1, and adopting the remarks of  
10 the prior witness, the references to 17.7 under  
11 17.1.

12           I come here today to tell you that your  
13 current rule gives you the broadest authority, both  
14 to you and to the local administrators, to be able  
15 to impact new technology, as it's brought into this  
16 state.

17           And I believe the current rule should be  
18 maintained in its current form, that any amendment  
19 actually is weakening your authority and weakening  
20 the local administrators.

21           If you wish to have further discussion on  
22 this, I would suggest more of the kinds of meeting  
23 we had when the law was being rewritten, which were  
24 broader discussion groups with all of the parties in

1 the room at the same time.

2 But I again just emphasize we believe the  
3 current rule gives you the broadest authority, and  
4 is the rule that protects the people, and it should  
5 not be changed. Thank you.

6 CHAIRMAN CHRISTENSEN: Okay. Patricia Young?

7 MS. YOUNG: Not for this. I put in the top the  
8 second public comment.

9 CHAIRMAN CHRISTENSEN: Richard Gregory?

10 MR. GREGORY: You have me on the agenda for  
11 this topic and also for my continuing education  
12 class. You want to do both of those in their proper  
13 order on the agenda?

14 CHAIRMAN CHRISTENSEN: We're going to go with  
15 you got the public comment on A17.7. As the agenda  
16 comes down, after the public comment, then we will  
17 hear your other one with continuing education.

18 MR. GREGORY: I should not make any comment --  
19 I should not make a comment now, we should wait  
20 until you get to it on the agenda?

21 CHAIRMAN CHRISTENSEN: Would you like to hold  
22 off until we get to that item?

23 MR. GREGORY: I'm very happy to do that and  
24 make things come in order.

1           CHAIRMAN CHRISTENSEN: Sounds good. Thank you.  
2     Since there is no more public comment, we will move  
3     to old business.

4           John Tavz, Access Elevator, seeking to  
5     approve the past work experience, in order to obtain  
6     a mechanic's license for himself and employees and  
7     an Illinois contractor's license.

8           If the Board remembers, we received the  
9     paperwork that he handed in. Bob, you have the  
10    rules on this.

11          MR. CAPUANI: It's up to the Board, if you want  
12    to do out-of-state experience equivalent.

13          CHAIRMAN CHRISTENSEN: So, the question is if  
14    we allow them, they -- they're looking to be allowed  
15    to sit for their employees to take the mechanic's  
16    test, the state mechanic's test.

17          MS. DEL GRECO: They can take the test. Their  
18    out-of-work experience has to be accepted by the  
19    Board.

20          CHAIRMAN CHRISTENSEN: Okay.

21          MR. CAPUANI: To take the test, you have to  
22    approve their out-of-state work experience.

23          CHAIRMAN CHRISTENSEN: Does everybody  
24    understand that?

1 MS. ALLEN: Tonya Allen, A-l-l-e-n. I'm here  
2 on behalf of Access Elevator.

3 CHAIRMAN CHRISTENSEN: I have a question for  
4 you. What's a mechanic helper?

5 MS. ALLEN: It is similar to your  
6 apprenticeship license in the State of Wisconsin.

7 CHAIRMAN CHRISTENSEN: So, they are not  
8 mechanics, they are apprentices or helpers?

9 MS. ALLEN: Yes.

10 CHAIRMAN CHRISTENSEN: Okay. So, they are not  
11 looking to sit for test, then, correct?

12 MS. ALLEN: No, they are not.

13 CHAIRMAN CHRISTENSEN: So, you have one person  
14 here that wants to sit for the test?

15 MS. ALLEN: We have four people actually  
16 scheduled to take the test. We were approved to  
17 take the test.

18 We are looking for approval so that once  
19 the test is taken, that you accept our out-of-state  
20 experience, in order to submit for the application  
21 for licensing.

22 CHAIRMAN CHRISTENSEN: But I see only one  
23 person on here.

24 MS. ALLEN: John Tavz, Greg Kutsch.

1 CHAIRMAN CHRISTENSEN: Okay.

2 MS. ALLEN: And we wanted to add two sales reps  
3 to take that test as well.

4 CHAIRMAN CHRISTENSEN: Sales reps are?

5 MS. ALLEN: They also do some service work as  
6 well, and they will be doing some installations, but  
7 if they could be approved for John and Greg.

8 CHAIRMAN CHRISTENSEN: Maybe the Board has some  
9 questions here.

10 MR. CAPUANI: Can I ask a question? Are you  
11 applying for a full contractor's license, or a  
12 limited contractor's?

13 MS. ALLEN: Limited. We only deal with --

14 MR. CAPUANI: This was brought up at the last  
15 time you appeared before us. Nothing was mentioned  
16 about salespeople becoming mechanics, correct?

17 MS. ALLEN: No, it wasn't. We were told at the  
18 last meeting that we are able to take the test.

19 Then once we pass the test, then we have  
20 to submit for the application, and that's why we're  
21 here. We haven't taken the test yet.

22 We're scheduled to, but we have an  
23 Illinois guy who has also done technician work, as  
24 well as moved into sales, but I'm more concerned

1 about John and Greg being able to get the licensing  
2 in the company.

3 MR. JIRIK: I'm really concerned with -- I  
4 mean, he's either a salesman, or he's an elevator  
5 mechanic. That's my answer.

6 MS. ALLEN: I can omit that.

7 CHAIRMAN CHRISTENSEN: So the Board has an  
8 understanding, you just put handicap lifts in or  
9 LULAs?

10 MS. ALLEN: Yes, we do not do any passenger air  
11 freight.

12 CHAIRMAN CHRISTENSEN: No passenger?

13 MS. ALLEN: No.

14 CHAIRMAN CHRISTENSEN: I have a concern, too,  
15 about the salesman/technicians. I've actually  
16 really never heard of it before.

17 MS. ALLEN: Okay.

18 MR. MESSINA: There are two people listed here.  
19 I don't know if these are the two people that you  
20 are looking to add, Gilbert Bermudez and Andy  
21 Beattie, those are the two people?

22 MS. ALLEN: No.

23 MR. MESSINA: I guess one of the concerns I  
24 would just share with the Board is that, you know,

1 obviously they are required to make some kind of a  
2 determination as to the equivalency, if you will, of  
3 the out-of-state work experience.

4 I don't know if the Board has any  
5 information up to this point on that experience from  
6 those two people. Obviously you provided for Greg  
7 and John, but they may not have the information  
8 before them now on that out-of-state experience for  
9 these other two people.

10 MS. ALLEN: Correct.

11 MS. DEL GRECO: Tonya, you originally submitted  
12 applications for John Tavz and Gregory Kutsch to be  
13 mechanics?

14 MS. ALLEN: Right.

15 MS. DEL GRECO: Then you wanted Andrew Beattie,  
16 Shawn McGomery, risk analysis, and Gilbert Bermudez  
17 to be apprentices.

18 Those were the applications submitted  
19 originally, so that is what these are supposed to be  
20 based on apprentices.

21 MS. ALLEN: Which is fine, you can slash the  
22 other two, I don't have a problem with that.

23 MR. MESSINA: Until she presents other  
24 information.

1           MR. WELLER: I think it's irrelevant what they  
2 call their people internally. It is what they  
3 present to the Board. They can call them mechanic,  
4 salesperson, I don't care.

5           That is an internal issue. It's not an  
6 internal issue, it is the qualifications they bring  
7 for us to recognize the out-of-state experience.

8           So, you know, I'm comfortable with what  
9 we've already agreed to, which is allow to take the  
10 test, they pass the test. When they pass the test,  
11 I would say we look at that experience and say "yes"  
12 or "no" at that time.

13          MS. ALLEN: The reason -- let me clarify. The  
14 reason why this all came about is because the actual  
15 license application, the recent one, says that it  
16 has to be Illinois experience; and the old one I  
17 submitted off the website said Illinois or any other  
18 state.

19          So, then, where the whole question came  
20 up, at the application process for applying for the  
21 license, it asks at that point for the proof of  
22 experience and qualification at the licensing point  
23 of it.

24          So, that's why we're just here to say can

1 you -- if I supply the proof, can that be submitted  
2 to apply for the license is basically it? I have no  
3 problem of putting the burden of proof on us to  
4 demonstrate where the experience and the education  
5 and the qualifications come into play.

6 That's basically all this is about. We've  
7 already been approved to take the test. That's  
8 already scheduled. We just want to be in legalities  
9 with this license application that it is okay for  
10 the State of Illinois to accept out-of-state  
11 experience and proof of that experience and  
12 education, which I have that.

13 We just want to be approved to do that.

14 MR. WELLER: He hear what it says, and we can  
15 always refer back to exactly what it requires, "Must  
16 demonstrate one of the following requirements." All  
17 right?

18 So, you've got to do one of these five  
19 things that are listed, and we've already given you  
20 authority or the ability to take the test.

21 So, we've recognized that you can come in  
22 and take the test. Once you take the test, you've  
23 met one of the five requirements.

24 MS. DEL GRECO: You have to meet that, plus

1 three years of work experience for an Illinois  
2 license company, Kelly.

3 MR. JIRIK: As an elevator mechanic.

4 MR. CAPUANI: Under one, there's two.

5 MR. JIRIK: I see a lift technician.

6 MS. ALLEN: They call -- lift mechanics is the  
7 same credentials in the State of Wisconsin as your  
8 mechanics here.

9 MR. JIRIK: They do the same things?

10 MS. ALLEN: Yes, very similar. It's limited.

11 MR. JIRIK: If they pass the test, they would  
12 have a limited license in Illinois?

13 MS. ALLEN: Yes.

14 MR. WELLER: I guess, then, what I am seeing is  
15 for No. 1, then, it's an item that we're looking at  
16 under the law, which is 312/45.

17 We're specifically looking at the  
18 regulation under the code, which is 312/45. We're  
19 looking at item C in trying to recognize what their  
20 request is for No. 1, which is what we originally  
21 wanted, which was to bring them in, not recognizing  
22 the Wisconsin license saying, "You need to take the  
23 Illinois test. Once you pass the Illinois test, now  
24 you meet the first piece," which is actually the

1 second piece, which is B, right?

2 What she's asking now is out-of-state  
3 experience equivalent to three years. This first  
4 section here, which I don't have to reiterate  
5 everything, has got it. To me, it's a loop.

6 You know, we've already given them the  
7 ability to take the test, which means we recognize  
8 the three years to be able to come in. Am I not  
9 reading that?

10 MR. MESSINA: No, I think those are two  
11 separate functions. They already have the ability  
12 to sit for the test, which is, I believe, what we  
13 talked about last time.

14 MR. WELLER: Right.

15 MR. MESSINA: Now there's the second element,  
16 in addition to sitting for the test, is whether the  
17 out-of-state work is equivalent; and to make that  
18 case that they've done three years of out-of-state  
19 work, they provided this packet of information for  
20 the Board to consider and determine whether they  
21 have three years of equivalent out-of-state  
22 experience.

23 Those two people -- well, these two people  
24 are taking the test. The only people taking the

1 test are John Tavz and Greg Kutsch?

2 MS. ALLEN: As of right now, yes.

3 MR. WELLER: Let's not bring anybody else into  
4 it. Let's focus on the two that are taking the  
5 test.

6 MS. ALLEN: Sure.

7 MR. MESSINA: Can I ask a quick question,  
8 Tonya? In the packet of information, you provided  
9 installation history, a number of a sampling?

10 MS. ALLEN: Right.

11 MR. MESSINA: A sampling of all the jobs. Can  
12 you give the Board some idea of those jobs you  
13 provided here, which of those were Greg and John  
14 were involved in?

15 MS. ALLEN: In that sampling, Greg oversees all  
16 the jobs, him and John do.

17 MR. MESSINA: They oversee?

18 MS. ALLEN: Yes, they are under the direction  
19 of John.

20 MR. MESSINA: They oversee each and every one  
21 of those?

22 MS. ALLEN: Yes, that is just a handful.

23 MR. JANDORA: Does oversee mean supervising?

24 MS. ALLEN: They do both. They also work on

1 it.

2 MR. JIRIK: Where is the three years of  
3 experience?

4 MS. ALLEN: I did not put that in the packet.  
5 I mean, this company has been in business since '94.

6 MR. JIRIK: I see they have the license. Where  
7 is the three years of experience?

8 MS. ALLEN: The licensing in the State of  
9 Wisconsin.

10 MR. JIRIK: What is required, three years or  
11 two years?

12 MS. ALLEN: Three years.

13 MR. JIRIK: Where is the three years  
14 experience?

15 MS. ALLEN: That's submitted at the time of the  
16 application.

17 MS. DEL GRECO: John Tavz's application states  
18 he has 10 years worth of experience, and Greg  
19 Kutsch, now there's no documentation of that. He's  
20 got 23 years worth of experience on his application.

21 MR. SWIENTON: That is the word we're looking  
22 for, documentation they have three years experience.

23 MR. JIRIK: Is it three years in the business,  
24 or three years in the field?

1 MS. ALLEN: In the business.

2 MR. JIRIK: Was he a salesperson?

3 MS. ALLEN: No.

4 MR. JIRIK: Was he installing?

5 MS. ALLEN: He was installing and  
6 manufacturing. But, I mean, what type of experience  
7 -- what do you need to see? I can provide that.

8 MR. JONES: In the State of Wisconsin, is there  
9 a licensing agency that has that documentation that  
10 they had been working as a mechanic in the State of  
11 Wisconsin for this period of time?

12 MS. ALLEN: They have a very similar form as to  
13 yours, as to a notarized signature, yes. Someone  
14 has verified they have been in this industry.

15 They have -- we have continuing education  
16 all the time. We have proof of that. We have --  
17 the licensing in the State of Wisconsin didn't take  
18 effect until a couple years ago.

19 MR. WELLER: 2008, right?

20 MS. ALLEN: Yes.

21 MR. WELLER: It looks to me like you applied or  
22 the owner of the company applied for his contractor  
23 license in Wisconsin in 2007, based on this.

24 MS. ALLEN: Yes.

1 MR. WELLER: So, you've had that license in  
2 place for three years. So, I mean, I think that is  
3 a pretty valid proof of experience to take the test.

4 The other one you've got a Wisconsin  
5 license lift mechanics since 2008?

6 MS. ALLEN: Uh-huh.

7 MR. WELLER: I don't know if any of the rest of  
8 these really apply to elevator. I mean, they're  
9 nice credentials. I don't know they apply to an  
10 elevator mechanic.

11 MR. JIRIK: Did you mention someone had 23  
12 years experience?

13 MS. ALLEN: Greg Kutsch. He was one of the  
14 original for Chaney Elevators. Up until recently,  
15 the State of Wisconsin didn't require such detail  
16 licensing, but we qualified for all of that when  
17 they were enforcing.

18 MR. JANDORA: What were the requirements to  
19 obtain a license in Wisconsin?

20 MS. ALLEN: Grandfathered in.

21 MR. JANDORA: Based on what?

22 MS. ALLEN: Education and experience, and it  
23 was signed off and then witnessed by someone who was  
24 authorized and said, "Yes, they have been doing

1 this," and we have inspections, lists and lists of  
2 inspections that we passed through the work that  
3 we've done.

4 MR. JANDORA: Is your license in Wisconsin, is  
5 it limited to a certain type of product, is it a  
6 limited license?

7 MS. ALLEN: It's limited.

8 MR. JANDORA: It is a limited license?

9 MS. ALLEN: Yes.

10 MR. JANDORA: That is what you are requesting  
11 is a limited license to work on --

12 CHAIRMAN CHRISTENSEN: I have a question for  
13 you. When your Wisconsin license came in, were they  
14 grandfathered in, the mechanics?

15 MS. ALLEN: Yes.

16 MR. SWIENTON: Darrel Swienton. The education  
17 part, you can document? I mean, they got the  
18 certificate, and then you go say, "23 years  
19 experience in John's Elevator Service."

20 Is that 23 years sitting in office, or 23  
21 years actually getting his hands dirty installing  
22 things? I would like to see some kind of proof he  
23 was installing it.

24 There's got to be some kind of record he

1 installed 13 elevators, 100 elevators, whatever,  
2 actually installed. I'm associated with elevators  
3 here, too, but I never touched or fixed one or  
4 maintained one.

5 I can say, "Well, for the last five years,  
6 I've been associated with an Elevator Safety Board."  
7 That is two different things. I would like to see  
8 more proof that he actually installed these things,  
9 a work record or something.

10 MR. WELLER: Weller. If you look at what she  
11 has to provide, right, and we established based on  
12 -- I don't want to get into whether Wisconsin -- how  
13 they did it or whatever, that's not an issue I'm  
14 taking.

15 You know, I think it's prudent for us to  
16 recognize that Wisconsin license has experience,  
17 relevant experience in the elevator industry. I  
18 don't think we can do it any other way.

19 So, we got contractors as three years  
20 documented, if we see the license, which I'm  
21 assuming we are going to request or have. We have a  
22 contractor with three years of experience.

23 CHAIRMAN CHRISTENSEN: Kelly, just so you know,  
24 we don't have reciprocity.

1 MR. WELLER: Don't have to.

2 CHAIRMAN CHRISTENSEN: I won't claim all the  
3 states that are that way. There are some states  
4 that gave licenses to just about anybody. Okay?

5 MR. WELLER: We're not recognizing that  
6 license, a valid license to do business in Illinois.  
7 That's not what we're doing.

8 What we're doing is we're just recognizing  
9 that work experience under a valid state license as  
10 credible experience to take the test; and once the  
11 test is completed, to be able to do what the request  
12 is, which is an admitted mechanic.

13 I think we have -- I don't think we have  
14 to, but I think we should recognize a Wisconsin  
15 license, and a licensed contractor in which has  
16 three years as applicable work experience in the  
17 business. That would be my recommendation.

18 As such, his employee -- all we need by  
19 documentation of the law is that he was an employee  
20 of John Tavz. So, we need two things: We need his  
21 Wisconsin license that says it's been in effect  
22 since 2007, he needs the three-year test.

23 His employee's record of employment from  
24 2007 until now meets the second test.

1 MR. MESSINA: For the second employee.

2 MR. WELLER: Now we check the box if they pass  
3 the test, now we give the limited ability to do  
4 business. That is how I would recommend we follow  
5 kind of the layout of the statute.

6 MR. SWIENTON: I would like to see more proof  
7 of the actual work experience. You can have a  
8 license for 100 years and never did nothing.

9 I want to see some work, documentation,  
10 that he actually did something.

11 MR. JONES: Could you provide something like  
12 that he's asking for, in terms of perhaps sign-offs  
13 by the mechanic, himself, and the work that was done  
14 in Wisconsin that he was actually installing as a  
15 mechanic?

16 MS. ALLEN: Sure.

17 CHAIRMAN CHRISTENSEN: The next Board meeting  
18 would be July 13th.

19 MR. MESSINA: Before we ask Tonya to come back  
20 again, we'll try to answer more questions, I'm sure  
21 which has been pretty difficult.

22 It might be helpful for her to know  
23 exactly, as you asked before, what would you need to  
24 provide, so the Board is comfortable that experience

1 does, in fact, exist?

2 MS. ALLEN: And do I do that in front of here,  
3 or do I do that with the submission of the  
4 application?

5 MR. MESSINA: The Board has to make the  
6 determination on that state experience.

7 So, what I would ask, assuming this makes  
8 sense for the rest of the Board, is that you provide  
9 information for both Greg and John, evidence of the  
10 fact that they have done that kind of work.

11 So, it's apparently more than just a  
12 license, but some kind of work documentation for  
13 both those two, so we can establish that three  
14 years.

15 Something, you know, make something from  
16 each of the last three years '07, '08, '09 or to  
17 '08, '09 '10, something like that, so they have  
18 something in front of the them that establishes that  
19 experience.

20 MS. ALLEN: Okay.

21 MR. MESSINA: I would suggest that with that  
22 information, along with they have already provided  
23 proof, probably would provide sufficient information  
24 to make a determination whether that out-of-state

1 experience is sufficient, so the Board can do that.

2 And then in the meantime, they are still  
3 going to be able to sit for the exam; and both  
4 elements will have been met, once the Board signs  
5 off on that out-of-state experience.

6 MS. DEL GRECO: I need to ask a question, too,  
7 Tonya. On the original applications that were  
8 submitted, that was for full mechanic and a full  
9 contractor's license?

10 MS. ALLEN: Right.

11 MS. DEL GRECO: And you are changing that now?

12 MS. ALLEN: Yes, to limited. We discussed that  
13 last time.

14 MS. DEL GRECO: Okay.

15 MS. ALLEN: I threw out those.

16 MS. DEL GRECO: You did? Then I will destroy  
17 them.

18 MS. ALLEN: Yes. They are the wrong ones  
19 anyway. We updated the applications.

20 MS. DEL GRECO: The application updated. We  
21 also need pictures now.

22 MS. ALLEN: I saw that.

23 MR. BOGDAN: Do we have to make a motion?

24 CHAIRMAN CHRISTENSEN: I'm waiting. If

1 somebody wants to make a motion.

2 MR. JONES: I'll take a stab at it. I would  
3 move that we take -- that we need documentation as a  
4 Board for each of these two individuals, John and  
5 Greg, to see if they are actually working mechanics  
6 over at least a three-year period is what would  
7 satisfies the statute.

8 CHAIRMAN CHRISTENSEN: Is there a second?

9 MR. SWIENTON: Darrel Swienton. Second.

10 CHAIRMAN CHRISTENSEN: Is there any questions?

11 MR. WELLER: I just want to make sure when she  
12 provides this, that we're not sending her on another  
13 wild goose chase to get us the documentation.

14 Read the code exactly where it says bring  
15 us a combination of three years education, work  
16 experience in construction, maintenance or service  
17 or repair in elevators that you are applying for,  
18 bring the Wisconsin license that's been in place  
19 since June 2007, bring employment history, and that  
20 can just be an employment application or record,  
21 something that shows that this individual was an  
22 employee of the contractor and has the license, and  
23 I would --

24 MR. SWIENTON: I think my interpretation of

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1 work experience is different than yours obviously.  
2 The law doesn't really get into what they want for  
3 work experience.

4 For me, work experience, I want  
5 documentation this guy worked on the Shell Building  
6 in Milwaukee, and he also installed the elevator on  
7 John Deere Building in Madison or something. That's  
8 what I'm looking for.

9 MR. CAPUANI: Do you have any tickets?

10 MR. SWIENTON: That is what I interpret work  
11 tickets in the past.

12 MR. MESSINA: One person at a time.

13 MR. CAPUANI: Bob. Do you have time tickets?

14 MS. ALLEN: Time tickets, no.

15 MR. CAPUANI: So, you have no proof that he was  
16 on a certain job at a certain time?

17 MS. ALLEN: I can show you, like, copies of  
18 service orders, or job -- I mean, we have for larger  
19 installs, we have, like, a project timeline where  
20 they say what day they are there.

21 No, we don't do actual time tickets, but,  
22 like, that's only been in place for the last couple  
23 of years.

24 CHAIRMAN CHRISTENSEN: When you finish your

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1 job, does somebody sign off on that?

2 MS. ALLEN: The inspector.

3 CHAIRMAN CHRISTENSEN: Besides the inspector  
4 that guarantees your work, is it one of these  
5 mechanics that sign off on it?

6 MS. ALLEN: On the work order? No, the  
7 inspection, the final inspection, is the final. We  
8 don't --

9 MR. SWIENTON: I think what he's getting at you  
10 got this order to install this thing. All right,  
11 you went out there; and somewhere along the line,  
12 there has to be John Blow, you know, mechanic,  
13 installer, somewhere on the thing.

14 MS. ALLEN: We have handwritten.

15 MR. WELLER: How many, five, ten? I just want  
16 her to know so that we don't send her back.

17 MR. SWIENTON: I understand that. All he did,  
18 why not in three years, give me all of that, if he  
19 did 1,000 of them. All right?

20 If he only did one -- I want to see how  
21 many he did over a three-year period. If he only  
22 did one in three years, well, that's far different  
23 than doing 20 or 30.

24 MR. JIRIK: We're talking about a limited

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1 license. We're talking about Access. I would  
2 accept a letter from both gentlemen stating their  
3 experience.

4 MS. ALLEN: Is that final? I just want to know  
5 what to do.

6 MR. WELLER: We'll give you an answer. Stand  
7 back.

8 MR. JIRIK: I think we're getting a little too  
9 detailed, in my opinion. I mean, obviously --

10 CHAIRMAN CHRISTENSEN: Can you just show  
11 something for three years, they worked on the  
12 equipment for three years? Try to find something.

13 MS. ALLEN: I can collaborate a bunch of  
14 different stuff. I just want to know exactly so  
15 that we can finalize this. That's all I want to do.

16 MR. JONES: What we're looking for, and as  
17 Darrel said, we want to know these guys were not  
18 sales representatives, these guys are actually doing  
19 the work.

20 I think we can look at, from a reasonable  
21 standpoint, don't make them jump through hoops, we  
22 just need to know if these gentlemen got their hands  
23 dirty. These are the ones that did the  
24 installation. If you can provide that, to a

1 reasonable degree, I think the Board will pass it.

2 MR. JIRIK: But what is that thing she's  
3 supposed to do?

4 MR. JONES: I don't know what you have.

5 MR. JIRIK: Is that a letter from the gentleman  
6 stating his work?

7 MS. ALLEN: I can get a letter from the  
8 inspectors. Just tell me what you want.

9 MR. HERTSBERG: The name of the company,  
10 reference telephone number, and a person to talk to,  
11 to verify the work he did in the field. I think  
12 that's all right.

13 MR. WELLER: Everything they've done in three  
14 years.

15 CHAIRMAN CHRISTENSEN: No, we want to see  
16 something they worked all three years.

17 MR. MESSINA: Can I make another suggestion,  
18 that the Board consider and try to move past this?

19 Off to the side, Bob and I were having a  
20 conversation. He offered to go to the office, make  
21 some kind of a general document review, so he could  
22 see, so that way you're not guessing what might be  
23 needed here.

24 Bob, himself, would go, make a review,

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1 come back to the Board, vote on the substance of  
2 that review.

3 MR. HERTSBERG: Good.

4 MR. CAPUANI: Where are you located?

5 MS. ALLEN: In Wisconsin. I mean, we have a  
6 location in Bensenville, nothing is up there.

7 MR. CAPUANI: Where in Wisconsin?

8 MS. ALLEN: In Milwaukee, behind the airport.

9 MR. SWIENTON: Summer Fest is coming up.

10 MR. CAPUANI: Is that okay by the Board?

11 MR. SWIENTON: Yes.

12 MR. CAPUANI: Thank you.

13 MR. WELLER: I still think -- I mean, it's  
14 incumbent on them to provide it to us, rather than  
15 -- I want to be sympathetic.

16 What I would rather see, so we can keep  
17 this expedited, I trust your judgment, you've done  
18 an excellent job for us, why don't you and her work  
19 out a time where she can come and meet with you,  
20 bring you the required documentation to the level  
21 that you are comfortable with, and let's say --  
22 let's just move it on, so she doesn't have to come  
23 back in front of us.

24 MR. CAPUANI: I think it would be easier if I

1 went to her office. In case I had any questions,  
2 she could provide whatever I want.

3 MR. WELLER: Have her come to you. We don't  
4 need to go out and set precedence and go out there.

5 MR. CAPUANI: Okay, you're the Board.

6 MS. ALLEN: Maybe he just wants to do it.

7 MR. WELLER: Whatever is more comfortable.

8 MR. MESSINA: Bob will come back and give some  
9 kind of a general statement. I'm guessing the Board  
10 would be comfortable with that.

11 MR. POPOWITS: Of course.

12 MR. SWIENTON: Do we have to get rid of this  
13 motion?

14 MR. JONES: Could I amend the motion to say the  
15 documentation that we're looking for is satisfactory  
16 to the State Fire Marshal's Office? Can that be  
17 amended?

18 MR. WOLIN: I'll second the motion. Jerry  
19 Wolin.

20 CHAIRMAN CHRISTENSEN: Any questions on the  
21 amendment?

22 (No response.)

23 CHAIRMAN CHRISTENSEN: All in favor, say aye.

24 (A chorus of ayes.)

1 CHAIRMAN CHRISTENSEN: All those against?

2 (No response.)

3 CHAIRMAN CHRISTENSEN: Ayes have it.

4 MS. DEL GRECO: Can I ask a question? Does  
5 Tonya have to come to the next meeting?

6 MS. ALLEN: I don't think so.

7 MR. WELLER: No.

8 MS. DEL GRECO: Because that's in Springfield.

9 MR. WELLER: Bob will say "yes" or "no" on the  
10 education and bring a summary to us.

11 CHAIRMAN CHRISTENSEN: Moving on, continuing  
12 education program. Dick Gregory?

13 MR. GREGORY: Thank you. On behalf of Vertex  
14 Corporation, which is me, we are applying for the  
15 blessing of our continuing education program that we  
16 provide, and we don't provide it for Vertex  
17 Corporation, we provide it for other people.

18 Two of the other people are already done.  
19 And as you recall, I was here in the meeting before,  
20 and you guys meet every few months, so this is an  
21 emergency meeting to do that, so these are  
22 retroactive.

23 It's our intent to provide continuing  
24 education that is approved by NAESA, and approved by

1 NAESA is the National Association of Elevator Safety  
2 Authority, that is one of the inspectors  
3 organization, the older one, and by approved by  
4 EIWPF, who also certifies mechanics, that is the  
5 Elevator Industry Work Preservation Fund, so that  
6 the inspectors can get the continuing education that  
7 is required for them to maintain their certification  
8 with whichever organization they are certified by.

9 We're actually asking for approval of that  
10 continuing education not only for Illinois  
11 inspectors, but Illinois mechanics. Our education  
12 is, and has historically, and I think will continue,  
13 to be aimed at codes.

14 I served on the A17 Standards Committee  
15 with Andy. So, I mean, that is what we came at. As  
16 you may recall, the A17.3 class was presented three  
17 times in Illinois and approved.

18 That was A17.3 2005 edition, and it was  
19 approved for continuing education for all those  
20 three. One of those was done for the state, and all  
21 the state inspectors could come, and so on and so  
22 forth.

23 Now, because of the timing issue, I did  
24 four hours of continuing education for the Chicago



1           CHAIRMAN CHRISTENSEN: Two classes. We would  
2 have to agree it was retroactive.

3           MR. CAPUANI: You cannot do it retroactive. It  
4 has to be pre-approved by the Board.

5           MR. MESSINA: In advance.

6           MR. CAPUANI: In advance of the training.

7                    What I did explain to Mr. Gregory if the  
8 class was a NAESA class that he held, that we  
9 already approved NAESA, and that would be okay.

10          MR. GREGORY: The certificates, first of all,  
11 as you probably know, if you are a NAESA certified,  
12 NAESA no longer issues certificates, period. End of  
13 story.

14                    We issue certificates, or the people who  
15 we do the education for issue certificates, and  
16 those certificates will say, "Approved by NAESA,  
17 approved by EIWPF."

18                    The one that was just on Wednesday in  
19 Indiana, approved by the State of Indiana for their  
20 entire inspection department and supervisors, all  
21 came. We had 63 people, because there was a bunch  
22 of contractors also.

23          CHAIRMAN CHRISTENSEN: So, Bob, would you  
24 consider that, those classes?

1 MR. CAPUANI: Yes, since NAESA has already been  
2 pre-approved.

3 CHAIRMAN CHRISTENSEN: There's your answer. We  
4 don't need a motion on that.

5 MR. CAPUANI: As long as the certificates state  
6 it was approved by NAESA.

7 CHAIRMAN CHRISTENSEN: Is there a motion to  
8 accept the continuing education by Richard Gregory?

9 MR. WELLER: So moved.

10 CHAIRMAN CHRISTENSEN: Is there a second?

11 MR. JANDORA: Second.

12 CHAIRMAN CHRISTENSEN: Any questions?

13 (No response.)

14 CHAIRMAN CHRISTENSEN: All those in favor, say  
15 aye.

16 (A chorus of ayes.)

17 CHAIRMAN CHRISTENSEN: All those against?

18 (No response.)

19 CHAIRMAN CHRISTENSEN: Ayes have it. Okay,  
20 Greg Zomchek, Colley Elevator.

21 MR. JANDORA: Can I just ask a question, so I'm  
22 clear? On continuing education, if there's a  
23 certificate that is issued, the certificate states  
24 that it's a NAESA-approved course, that will satisfy

1 the State's requirements for continuing education?

2 MR. CAPUANI: Yes, NAESA has been pre-approved  
3 and requires a letter from Dotty stating that it was  
4 an approved course.

5 CHAIRMAN CHRISTENSEN: Okay. Greg Zomchek has  
6 already given us the paperwork on this for his  
7 continuing education.

8 You guys all have had a chance to take  
9 look at it. He's looking for acceptance on your  
10 continuing education, correct?

11 MR. ZOMCHEK: Safety program with two-hour  
12 continuing code.

13 CHAIRMAN CHRISTENSEN: Code training?

14 MR. ZOMCHEK: Yes.

15 CHAIRMAN CHRISTENSEN: Is there a motion for  
16 this?

17 MR. WELLER: Weller. I make a motion that we  
18 accept Colley Elevator Company safety program as  
19 submitted.

20 CHAIRMAN CHRISTENSEN: With the code training.

21 MR. WELLER: With the code training.

22 CHAIRMAN CHRISTENSEN: Is there a second?

23 MR. JONES: Second. Jones.

24 CHAIRMAN CHRISTENSEN: Is there any questions?

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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. ZOMCHEK: Thank you.

9 MS. DEL GRECO: Just a quick question. On the  
10 certificates that come from Colley, could they state  
11 that they also have the two hours of code update  
12 along with the safety?

13 MR. ZOMCHEK: Yes, no problem. Thank you.

14 CHAIRMAN CHRISTENSEN: John Perkins from  
15 Complete Elevator. Is John Perkins here? Without  
16 them being here --

17 MR. CAPUANI: They're here.

18 CHAIRMAN CHRISTENSEN: No.

19 MR. CAPUANI: It's up to the Board. You  
20 received the packages at the last Board meeting.

21 MR. WELLER: This red one?

22 MS. DEL GRECO: No, he had a thick folder.

23 MR. SWIENTON: A blue folder.

24 MS. DEL GRECO: That one.

1 MR. MESSINA: As long as you have information  
2 sufficient in front of you, to be able to make that  
3 decision, that's fine.

4 If you don't have that information, and  
5 have other questions, then it's going to be a little  
6 difficult for them to answer, since they are not  
7 here.

8 CHAIRMAN CHRISTENSEN: The question is:  
9 Anybody have any questions for them?

10 (No response.)

11 CHAIRMAN CHRISTENSEN: Is there a motion?

12 MR. WELLER: Question: Do we have a motion?

13 CHAIRMAN CHRISTENSEN: You can make a motion.  
14 The motion is to accept or not accept.

15 MR. WELLER: I make a motion we accept the  
16 training program of ES Complete Elevator Service.

17 CHAIRMAN CHRISTENSEN: Is there a second?

18 MR. WOLIN: I second. Jerry Wolin.

19 CHAIRMAN CHRISTENSEN: On the question.

20 MR. WELLER: Elaine, can we request, without  
21 them being here, can we send them a formal letter to  
22 have them submit their certificates so we could see  
23 two hours?

24 MS. DEL GRECO: Yes, I would do that.

1 MR. WELLER: We can go ahead and approve that,  
2 you will make sure?

3 MS. DEL GRECO: I will do a letter and CC the  
4 Board on it.

5 MR. WELLER: Okay.

6 CHAIRMAN CHRISTENSEN: Anymore questions?

7 (No response.)

8 CHAIRMAN CHRISTENSEN: All those in favor, say  
9 aye.

10 (A chorus of ayes.)

11 CHAIRMAN CHRISTENSEN: All those against?

12 (No response.)

13 CHAIRMAN CHRISTENSEN: Ayes have it. Now the  
14 big one, discussion on review of A17.7 within the  
15 A17.1 for Board approval, for rejection or  
16 consideration of new language.

17 Has everybody had a chance to look at the  
18 new language? Now we'll go to the comments. We've  
19 already had Larry, I mean, Suffredin and Andy  
20 Juhasz. And I believe, Patty, were you going to  
21 speak on this or no?

22 MS. YOUNG: No, I was not.

23 CHAIRMAN CHRISTENSEN: Dick Gregory, would you  
24 like to speak on this?

1           MR. GREGORY: As a Member of the Standards  
2 Committee.

3           CHAIRMAN CHRISTENSEN: Dick, could you come up?  
4 It would be better for her to hear.

5           MR. GREGORY: Seeing as I taught on Wednesday  
6 from 8:00 to 5:00, my voice is in good shape.  
7 Anyway, because I didn't go out that night on  
8 Wednesday night to the bar and scream and holler at  
9 the Blackhawks, as many others did.

10                   Being a Member of the Standards Committee  
11 that write A17.1, as is Andy, we worked long and  
12 hard to develop A17.7, realizing that new technology  
13 comes along; but there has to be a method that the  
14 AHJ, that is you folks, can have something to hang  
15 your hat on when you approve this new technology.  
16 That's a critical issue.

17                   This A17.7 provides a mechanism for you to  
18 do that, so that you are not sitting around saying,  
19 Well, I'm a fireman" or "I'm a businessman" or  
20 whatever, "I'm a company manager," and so on, and I  
21 understand this elevator stuff so thoroughly that I  
22 can say it is good or not good.

23                   I mean, I happen to be an engineer. Your  
24 consultant, who is right there, happens to be a

1 registered professional engineer; but the  
2 requirements in A17.7 bring a much broader spectrum  
3 of review to new technology, and let me tell you  
4 I've gone through these risk analyses on several of  
5 these.

6           These are -- they take a long time. They  
7 are very thorough, and they keep going around and  
8 around and around, while you're trying to beat down  
9 the problems and actually approve so that they can  
10 go to an AECO and say, "Look, we have gotten rid of  
11 all of the potential areas of this new technology."  
12 If you were to try to do an elevator from scratch  
13 using A17.7 100 years, it would take you that long  
14 to get everything done, because it would be an  
15 overwhelming task. That's a sales pitch for A17.7.

16           50 percent of my work is litigation, and I  
17 can tell you that if you decide that you want to  
18 approve something, and you don't have anything to  
19 hang your hat on, despite municipal immunity, you're  
20 going to get nailed.

21           Let's say I live in Chicago. So, Chicago  
22 has municipal immunity, but if a Chicago Police  
23 Officer, for no good reason, comes and shoots you,  
24 Chicago ends up losing.



1 MR. GREGORY: Thank you.

2 CHAIRMAN CHRISTENSEN: Okay. We have the rules  
3 of what the recommendation is. That's the  
4 recommendation for the Fire Marshal's Office,  
5 correct?

6 MR. CAPUANI: Correct.

7 CHAIRMAN CHRISTENSEN: It's not really the same  
8 recommendation that we have had from the last 30  
9 people that got up and talked about A17.7.

10 Is there a motion?

11 MR. MESSINA: Maybe before we get to the  
12 motion, or any discussion, just to clarify for  
13 everyone, I think there are a number of options that  
14 are currently before the Board, just so we make sure  
15 we're all on the same page.

16 There's the language that was shared  
17 today, that Bob Capuani said the recommendation from  
18 the Fire Marshal's Office. There was language that  
19 we discussed briefly at last meeting.

20 There was also Mr. Suffredin recommended  
21 that we not make any changes; or in the alternative,  
22 to hold off until all the members were brought  
23 together again to discuss the issue.

24 So, I think those are the three things,

1 unless I'm missing something, that people have  
2 suggested to the Board.

3 CHAIRMAN CHRISTENSEN: I have a question for  
4 you. If it's held off, do we still bring the rules  
5 in as they are? Joe?

6 MR. AUGUST: Can I make a suggestion? There is  
7 still a 45-day period. From the time these rules  
8 get filed, there is a 45-day -- my name is Joe  
9 August. I'm the deputy director.

10 When the rules get filed, there is a  
11 45-day period, comment period, that is intended for  
12 people to write comments on and make suggestions and  
13 changes that this Board would have to review before  
14 it becomes final rules.

15 These rules could go right now if no  
16 action is taken, so we get the process started. I  
17 assume in the next 45 days, the Board would have  
18 some idea what they are going to do.

19 Because again, during this period of time,  
20 there is time for industry and everybody else to  
21 make comments on these rules, which my suggestion  
22 today would be brought before the Board for their  
23 review and see if there is any changes they want to  
24 make to the rules.

1           MR. WELLER: Joe, procedurally if we change it,  
2 does it have to go back again for the 45 days, like  
3 we submit the rules?

4           MR. AUBIN: No, once you go through the 45-day  
5 period, then you make changes, it becomes a J-CAR  
6 issue.

7                     We can makes changes midway between what  
8 would be filed. We file the rules and final notice  
9 period; and then the only time then J-CAR  
10 legislature might have issues and sometimes they may  
11 make changes.

12           MR. WELLER: Procedurally, we approve them  
13 today, the 45-day clock would start ticking inside  
14 of the July 13th meeting.

15           MR. AUGUST: It's whenever they get filed.  
16 Probably next Friday they would be filed. Most  
17 likely it would be 45 days from next Friday.

18                     There is a procedural time anybody can  
19 make written comments in the rule. They get  
20 published. The Secretary of State publishes them,  
21 and they can make comments on it.

22           MR. WELLER: How should we procedurally handle  
23 the response, assuming we're going to get some,  
24 based on the comments we're hearing?

1                   How do we procedurally address those  
2    comments at the meeting? Because our next meeting  
3    is July 13th, we will not have all of the comments.

4           MR. AUGUST: You would have to wait until the  
5    next meeting. There is no timeline. Once you file  
6    them, at the end of the 45-day period, we have six  
7    months to nine months to refile.

8           MR. WELLER: We're not bound by having to start  
9    over or anything?

10          MR. AUGUST: No. Our objective is once we want  
11   the comments in, we summarize them, take a look at  
12   them and make some kind of presentation before the  
13   Board, or at the next meeting at the July, or  
14   request a special meeting just to talk about it.

15          MR. WELLER: If we put this on, again, if we  
16   put this on, I think it is the September meeting, or  
17   whatever, our third quarterly meeting --

18          MS. DEL GRECO: September.

19          MR. WELLER: We put this on this agenda.  
20   Theoretically, we go through all of these comments  
21   and have a lot of this commentary thing as well?

22          MR. AUGUST: Yes, the 45 days would be when,  
23   middle of August, the way we're going now?

24          MS. DEL GRECO: Yes.

1           CHAIRMAN CHRISTENSEN:  Joe, I have a question.  
2   Let's say we don't accept what the Fire Marshal's  
3   advises on, the rules still go in as the Board  
4   recommends?

5           MR. AUGUST:  Yes.

6           CHAIRMAN CHRISTENSEN:  It stays with what is  
7   already there, A17.7 is already in.

8           MR. AUGUST:  Yes, you can vote on whatever you  
9   want to vote on.  Whatever you tell me today will go  
10  in, they will go in.  That is not the final.  There  
11  is a time period J-CAR is involved.

12                   I will tell you, quite honestly, as of  
13  lately, J-CAR has been rewriting our rules quite  
14  frequently on all kinds of subject matters, and are  
15  basically telling us what we will or won't do.

16                   There is no guarantee, quite honestly,  
17  there is no guarantee in what you say that that will  
18  be the final rule.

19           MR. MESSINA:  Although they will give the  
20  office a lot of deference, so Joe is right, but it  
21  is a little unusual for them to get involved in  
22  purely substantive issues.  It happens.

23                   But if the Board would to give us  
24  direction to take a certain approach, and J-CAR were

1 to change it, then we, the office, would be having  
2 discussions with J-CAR to say, "Listen, this is why  
3 that is." What would come of that?

4 MR. JONES: I guess my only question is what  
5 we're proposing here is consistent with the state  
6 statute.

7 MR. AUGUST: Yes, all the various rules so far  
8 that have been presented are consistent with the  
9 state statute.

10 MR. JONES: During this comment period, if the  
11 individuals or entities that want to make comment on  
12 it had a different view of it, during that 45-day  
13 comment period, we could -- we're taking a look at  
14 making sure that's the case, because some feel --

15 MR. MESSINA: In the context of receiving all  
16 of those comments, reviewing them, determining  
17 whether they are valid or appropriate, or make  
18 reasonable suggestions, yes, we review all of those.

19 Now, given the fact that you have at least  
20 two different proposals before you now that  
21 basically Joe and/or Bob or other office staff have  
22 drafted, obviously we believe that both of those  
23 approaches comply and are authorized by the  
24 statutes.

1                   So, if we were to get a comment that says,  
2   from whomever, "That we believe that these proposed  
3   rules do not comply," then as a part of that, as a  
4   part of the responding to those comments, we would  
5   say, "Staff has reviewed the stature, believes that  
6   the authority for these changes is included here,"  
7   as example.

8           MR. JONES: My concern, I guess, is this: If  
9   we have these rules in place, that the authority of  
10  the Board is not countermanded by new technology, or  
11  someone putting in -- and I'm not against new  
12  technology.

13                   I think it is a good thing, but the  
14  Board's authority for the statute is not compromised  
15  by anything that is put in A17.7.

16                   That's my biggest concern if in that  
17  45-day period, the Board Member determines there is  
18  a conflict, then we can adjust it during that period  
19  of time, correct?

20           MR. MESSINA: Right. I think what would happen  
21  there is between the time that these rules are  
22  filed, regardless of which draft we're talking  
23  about, after they are filed, there will be another  
24  meeting before that comment period is closed, and we

1 would have some ability to make those changes.

2 We possibly would want that in the form of  
3 a comment from the Board to the office so that way  
4 we would have a reason. We have to provide a record  
5 of why we make the changes that we do.

6 So, we would -- I would probably then end  
7 up drafting a comment for the Board to consider and  
8 approve. You would submit that to the office, that  
9 way we would have something to say, "This is why we  
10 made this change."

11 MR. WELLER: At this time, Mr. Chairman, would  
12 it be appropriate if we make the motion to accept  
13 the rules as presented, and we can kind of debate --

14 CHAIRMAN CHRISTENSEN: Or you can say you want  
15 to accept A17.7. We got either one.

16 MR. WELLER: I just want to get something open,  
17 so we can have some dialogue, because I would like  
18 to ask some questions from the presenter earlier.

19 I would like to make a motion that we  
20 start with accepting the Fire Marshal's  
21 recommendation today as the rules that we would  
22 submit to J-CAR for the 45-day comment period.

23 CHAIRMAN CHRISTENSEN: Is there a second?

24 MR. JONES: Jones. Second.

1           CHAIRMAN CHRISTENSEN: Any questions?

2           MR. WOLIN: Yes, questions. First of all, a  
3 comment. I've been reading up on 17.7, so I could  
4 make some reasonably intelligent comments here.  
5 There's no question in my mind that there are some  
6 good benefits to 17.7.

7                   On the other hand, I'm concerned that only  
8 a couple of states have adopted it. My own personal  
9 preference is not to be an early adopter. So, my  
10 preference would be to hold off on this for some  
11 period of time, six months or a year, to see what  
12 the other states do, see what kind of experience  
13 they have, learn from them, and then adopt it at  
14 that point in time.

15                   But, you know, I'm not going to make a  
16 motion to table it or defer it, because I want to  
17 hear what others have to say. Others may say,  
18 "Let's just go ahead and do it." I do have two  
19 questions.

20                   No. 1, I would appreciate it if  
21 Mr. Suffredin could further explain his comments,  
22 because I didn't fully understand them. I got the  
23 impression you're saying hold off on this.

24                   But the second thing is: We're told that

1 we have two sets of wording we can choose from. The  
2 one set of wording I think is item D under 190, but  
3 I don't know what the second set of wording is.

4 MR. MESSINA: You have two different drafts  
5 that have been presented to the Board today.

6 MR. WOLIN: Is it this Section D under 190.

7 MS. DEL GRECO: It is all of 190.

8 MR. AUGUST: Excuse me, can I make a comment,  
9 since I was involved in negotiations?

10 That section there is a change in there,  
11 it is to make note we haven't presented here,  
12 because we didn't have time to present it; but  
13 Section D, where it talks about -- do you have  
14 Section D in front of you? On 190 -- no, I'm sorry,  
15 it was not Section D, though. It was 190A, right?

16 MR. WOLIN: 190A?

17 MR. AUGUST: Yes, it talks about the conveyance  
18 owner's information.

19 MS. DEL GRECO: All of 190.

20 MR. WOLIN: That doesn't have to do anything  
21 with A17.7.

22 MR. AUGUST: That is the only conversation we  
23 had. There is a change in language, too.

24 MR. POPOWITS: I'm sorry, what did you say?

1           MR. AUGUST: Here it says, if you read 190,  
2 what's being presented today 190A, it says,  
3 "Conveyance owner has the ultimate authority in  
4 entering into contract for service maintenance  
5 inspections."

6           We're going to clarify that inspections  
7 only go to those localities that are not covered by  
8 a local agreement. That was something that was an  
9 error. We agreed to correct that.

10          MR. MESSINA: That is not what he's talking  
11 about. Hold on.

12          We're focusing on the new technology  
13 issue; is that right?

14          MR. WOLIN: Right.

15          MR. MESSINA: So, the language that was  
16 included in this packet today is found in 1000.70F,  
17 in the materials you received. It's red. That's  
18 one option.

19          MR. WELLER: I got two, one from last meeting  
20 and one from this meeting, right?

21          MR. MESSINA: You should. Congratulations.

22          MR. WELLER: Procedurally, in the future, can  
23 you guys put something at the bottom of this, the  
24 file name?

1 MR. MESSINA: Or a date.

2 MR. WELLER: Yes, something so we can kind of  
3 keep these separate in our minds.

4 MR. MESSINA: So, again, just to clarify, you  
5 know, those obviously aren't the only two options.  
6 There are others.

7 But the two that have been presented to  
8 you by the office is the one that you received  
9 today, which is found in that subsection F I just  
10 read off to you, and then the other language that  
11 was shared at the last meeting.

12 MR. WOLIN: Which is? Somebody has a copy of  
13 it over there.

14 MR. WELLER: I got two different. This one is  
15 1000.60. This is one is 1000.70.

16 MS. DEL GRECO: Kelly, at the last meeting you  
17 got Section 1000.60 and Section 1000.70. You have  
18 gotten them both again today, but they are changed  
19 from the last meeting, and that's Section A that is  
20 changed on 1000.60.

21 MR. CAPUANI: We crossed out A17.7 out of  
22 Section A on the new one.

23 MR. MESSINA: Can we hold off for just a  
24 second?

1 (Discussion off the record.)

2 CHAIRMAN CHRISTENSEN: Let's take a five-minute  
3 recess.

4 (Recess taken.)

5 CHAIRMAN CHRISTENSEN: Let's call the meeting  
6 back to order, please. Again, we're calling the  
7 meeting to order.

8 MR. MESSINA: There is a lot of paper, so let  
9 me try and explain what we've got, the different  
10 options. Okay?

11 Option one is what you saw before you at  
12 the last meeting. To make that -- to explain that  
13 to you, if you will go to 1000.60.

14 MR. WOLIN: Who has that? I don't have that.

15 MR. WELLER: I've got it.

16 MR. MESSINA: Everyone have 1000.60? So,  
17 option one, if you look at A1A, there is language in  
18 red there.

19 Now, option one, that stricken language  
20 there, it would put that language back in place, and  
21 it would simply change 17.1 to 17.7.

22 MR. WOLIN: That's not what I have, though. I  
23 have something in blue.

24 MR. MESSINA: I understand. Too many copies,

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1 so I will not use colors.

2 Let's go back to A1A. It would simply  
3 read this way, "Safety code for elevators and  
4 escalators ASME A17.1 2007 as amended by ASME A17.1A  
5 2008 and ASME17.1B 2009, and performance-based  
6 safety code for elevators and escalators ASME A17.7.  
7 2007."

8 That is what was before you at the last  
9 meeting, not this language F that we just started  
10 talking about before we went on break. Okay?  
11 That's option one, that simple change.

12 MR. POPOWITS: What does that do, please? I'm  
13 sorry, again, please?

14 MR. MESSINA: Basically it makes clear that  
15 A17.7 is incorporated.

16 MR. POPOWITS: Got you.

17 MR. MESSINA: We had a little bit of discussion  
18 at the last meeting. It is at least arguably  
19 included, but that makes it clear.

20 MR. POPOWITS: Thank you.

21 MR. MESSINA: You're welcome. Option two, you  
22 would still have this A1A change with the  
23 strike-throughs that is in front of you right now;  
24 and it would include this new subsection F, which is

1 found in Section 1000.70, since it's entitled "New  
2 Technology."

3 So, those are the two different ways in  
4 which we've attempted to address the 17.7 issue.

5 MR. WELLER: Which one is the -- I made a  
6 motion to accept the Fire Marshal's recommendation.  
7 Which one?

8 MR. MESSINA: The most recent one, the one that  
9 we shared with you today, and that would be  
10 Subsection F.

11 MR. CAPUANI: Let me read Subsection F for  
12 everyone.

13 MR. WELLER: We should all have it, right?

14 MR. CAPUANI: Right. "Any new technology that  
15 does not conform to the requirements in ASME A17.1  
16 must be submitted to the Board for review and  
17 approval. The submittal documentation must be  
18 submitted no less than 60 days in advance of a  
19 scheduled Board meeting and include the  
20 certifications of conformance of ASME A17.7 issued  
21 by an organization accredited by the American  
22 National Standards Institute to issue such a  
23 certificate.

24 "The Board will notify all local

1 administrators on record of new technology hearing  
2 at least 30 days in advance of the date scheduled  
3 for the Board to review the submitted documents and  
4 hear testimony. The local administrator may submit  
5 documentation supporting or opposing the new  
6 technology or make comment on such at the hearing."

7 MR. MESSINA: Okay. So, again, to insure that  
8 we're all on the same page, I just want to be too  
9 clear, if that's possible.

10 The A1A change is option one. That was  
11 discussed at the last meeting. Subsection F, which  
12 is the Fire Marshal's current recommendation to this  
13 Board, is option two.

14 Earlier at the beginning, before the  
15 meeting, Mr. Suffredin proposed an option three, and  
16 that is to hold off on the issue of new technology  
17 and allow the stakeholders that were originally  
18 involved in discussing the legislative changes to  
19 reconvene to work through this particular issue.

20 So, those are at least three options that  
21 you have to consider. Option four would be come up  
22 with something totally unlike any of those three.

23 MR. WELLER: Can I ask counsel when I look at  
24 -- first off, can we accept this flow chart as

1 accuracy for how this really -- this process really  
2 works?

3 Is this a documented flow chart that you  
4 guys are all familiar with?

5 MR. JUHASZ: That comes right from the A17.7  
6 standard, if you look at the top.

7 MR. WELLER: I just want to make sure.

8 CHAIRMAN CHRISTENSEN: It is right from ASME.

9 MR. WELLER: If we can rely on this as  
10 factually true, not somebody's opinion. My question  
11 is: If we put the 7 in this first draft, and we put  
12 the 7 in there, it's been said that we are the AHJ.

13 I can debate that, if I'm a municipality  
14 who happens to be the AHJ in their jurisdiction.  
15 So, if I just put that 7 in there, the AHJ would not  
16 be us, it would be whoever the authority is in that  
17 jurisdiction.

18 MR. CAPUANI: No. Would you like to answer  
19 that?

20 MR. JUHASZ: If I might. That is one of the  
21 things I pointed out in my presentation.

22 If you go to the last sheet that I handed  
23 out, that is a direct quote from Senate Bill 149,  
24 which is the basis of the Board's Administrative

1 Rules.

2           It is very clear in there that the  
3 empowerment with regards to new technology lies with  
4 this Board, and it applies across the state.

5           MR. WELLER: Your opinion of this is that the  
6 municipalities that have agreements to do this on  
7 their own would not be able to employ any new  
8 technology without the Board as the AHJ recognizing  
9 this certificate of conformance, because this is a  
10 dotted line?

11           For me, a dotted line means I can do it, I  
12 cannot do it, it's not procedurally required.

13           MR. JUHASZ: The reason that you have dotted  
14 lines on there is what the AHJ does, and what their  
15 procedures may be in that are not covered under  
16 A17.7. A17.7 basically is there to make the  
17 determination of safety.

18           MR. WELLER: So, we have to make a rule that  
19 makes that dotted line solid.

20           MR. JUHASZ: I can't specifically answer that  
21 question.

22           MR. WELLER: Go ahead.

23           MR. JUHASZ: Again, with regards to what we're  
24 saying, the empowerment from the bill from the Board

1 in making a determination with regards to new  
2 technology --

3 MR. WELLER: The code, this wouldn't  
4 technically be new technology, because it would  
5 already be an approved code. I mean, we're in a  
6 redundant.

7 MR. JUHASZ: Let me try to address that, if I  
8 might. Think about A17.1. A17.1 is a prescriptive  
9 code. The obligation is to design the equipment to  
10 comply with A17.1.

11 Having said all that, ultimately the  
12 manufacturer installs the equipment. He then goes  
13 for the inspection. The AHJ, through the inspection  
14 process, if you will, and permit process, goes ahead  
15 and makes the final determination whether the  
16 equipment complies with the code.

17 MR. WELLER: But the AHJ in this case is not  
18 writing the permit. We're not doing any permit.

19 MR. JUHASZ: In some cases, you do.

20 MR. WELLER: We do variances.

21 MS. DEL GRECO: We do permits.

22 MR. CAPUANI: You do permits.

23 MR. JUHASZ: You do permits as well.

24 MR. WELLER: The Board or the Fire Marshal?

1 MR. CAPUANI: We do, yes.

2 MR. WELLER: Is the Fire Marshal the AHJ, or is  
3 the Board the AHJ?

4 MR. JUHASZ: Again, I can only tell you what  
5 the senate bill says.

6 MR. WELLER: I'm just want to figure out where  
7 this certificate and who -- where it goes. I get  
8 all of this.

9 This is wonderful, but when we get to the  
10 end, and I got a certificate, there's a dotted line,  
11 and I don't know who gets the certificate.

12 MR. CAPUANI: I believe the Board is the AHJ.

13 MR. JUHASZ: The two instances A17.7 has been  
14 used in the State of Illinois, the certificates were  
15 brought to this Board.

16 MR. WELLER: That's the current.

17 CHAIRMAN CHRISTENSEN: Hang on a second, Andy.  
18 Can you let Larry talk?

19 MR. SUFFREDIN: Lawrence Suffredin again.  
20 You're looking at a chart that was developed for the  
21 standard. Here we have to deal with what the  
22 General Assembly has established what the law to be.

23 What is quoted from the -- now the public  
24 law is the standard, so that you are -- that's why I

1 said changes really weaken your position, because  
2 right now you are the ultimate decider.

3           You get to look at all this data, and you  
4 have to put the certificates out there. As Andy has  
5 said, there have been two situation so far where  
6 you've done that.

7           What I don't understand is why you would  
8 want to weaken your position. 17.7 is already the  
9 law in Illinois. That's our position. When we  
10 drafted this with Mr. Fennell, doing the drafting on  
11 behalf of the Fire Marshal, we decided the cleanest  
12 way to put it in there was to reference the 17.1,  
13 because it encompassed, as Andy said earlier, 17.7,  
14 but we always felt this Board -- we were empowering  
15 this Board to deal with it.

16           Now, the local authorities have the  
17 procedures in the state law that allow them to  
18 interact with the Board and with the State Fire  
19 Marshal's Office.

20           I really believe that you don't want to  
21 weaken and make more specific something that where  
22 the general power gives you the broadest possible  
23 way to look at all this technology to protect the  
24 safety of the people.

1           I think the General Assembly has already  
2 taken that position and given you that authority.

3           MR. WELLER: So, your opinion is changing this  
4 1 to a 7 by being more specific weakens our position  
5 or just gets redundant?

6           MR. SUFFREDIN: If you are just changing a 1 to  
7 a 7, that's a typographical error. That is  
8 basically not making any change to the existing  
9 power. You know, you are correcting what was an  
10 error in the way it was published.

11          MR. WELLER: You would be fine with that?

12          MR. SUFFREDIN: We would be fine with that.  
13 That, to me, is fundamentally no change. I think  
14 you need to understand you are the group we tried to  
15 empower, when we all sat down.

16                 That is why I said if there was further  
17 discussion on this, I would like to see the broader  
18 group brought together, because in those  
19 discussions, we were trying to figure out the  
20 balance, especially in a state where the largest  
21 city is totally separated by the way the statute is  
22 written from the rest of the state; but the balance  
23 with the Home Rule communities that are represented  
24 by the local code enforcement officers, the

1 manufacturers, there were a number of other  
2 stakeholders who sat with us in the room at that  
3 point, because we had condominium people and others  
4 who were interested in parts of the law, but I think  
5 on this particular issue, the object was to empower  
6 this Board.

7           And as the Board was being expanded under  
8 the law, the theory was that this would be a more  
9 representative Board for able to handle these kind  
10 of issues.

11           So, that's why either of the two options,  
12 if you want to go with one, I would say just correct  
13 the typographical error and keep the power to  
14 yourself. If you run into problems in the future,  
15 you can always change administrative rules.

16           The 45-day period, by the way, starts on  
17 the day it is published in the Illinois Register;  
18 and I just talked with Mr. Messina, in looking at  
19 there are dates you have to submit things, I would  
20 guess that he could submit it by the 21st of June,  
21 would be the next date would be reasonable, which  
22 would mean it would be published July 2nd.

23           So, if there is comments, the 45 days  
24 would run from July 2nd. As he rightfully said,

1 there is no time limit on you responding to those.  
2 So, your next meeting in September, or whenever,  
3 would be appropriate.

4 I think that you want to avoid having a  
5 lot of areas where there could be controversy and  
6 comments, because that is just going to, you know,  
7 confuse other changes which you are making, which  
8 are reasonable, and will cause J-CAR, or your legal  
9 staff, to have to respond to things.

10 So, my advice to you, on behalf of my  
11 clients, is make the simplest change, which would be  
12 the typographical one; or if you want to have  
13 further discussion of this, empower a larger group,  
14 so that you can hear how this actually works, and  
15 you can look at that example of the two that you've  
16 already approved.

17 CHAIRMAN CHRISTENSEN: Hang on a second. Doug?

18 MR. JONES: So, basically what you are  
19 suggesting, we have a hearing before the Board for  
20 all parties that would be interested in commenting  
21 on this, before we make a ruling on this; is that  
22 what you are suggesting?

23 MR. SUFFREDIN: It is another option. If you  
24 are prepared to just make the correction to the

1 typographical error, that would be what I recommend  
2 to you first; but, you know, as you get into these  
3 more technical things, you can't just have  
4 communications with individuals.

5           You really need to have everybody who is a  
6 stakeholder express it. I don't know if it is a  
7 hearing before the full Board here; or if, you know,  
8 you would have the Fire Marshal convene.

9           In the past, what it was is Mr. Capuani,  
10 Mr. August, and Mr. Fennell and the general counsel,  
11 this time Mr. Messina is the general counsel,  
12 convene these meetings. Mr. Christensen was at a  
13 number of the meetings.

14           I think there was one other Board Member  
15 that came with you to a couple of those meetings.  
16 The idea was to have interchange between all the  
17 stakeholders, because these are technical things.

18           You know, rather than trying to resolve  
19 them on each individual case, you want to have your  
20 general rules be as broad to give you as much  
21 authority. That's what we were arguing for today.

22           MR. JONES: And, basically, what we're talking  
23 about option two, that does not limit our power,  
24 correct, because --

1           MR. SUFFREDIN:  When talk about option two,  
2   that is the one where this is the new technology.

3           MR. JONES:  7 is stricken, but also new  
4   technology is talked about giving the Board the  
5   power to do the review of any technology.

6                    Our concern is always that any new  
7   technology in its ultimate form comes before the  
8   Board.  There's concern that, you know, maybe this  
9   new technology hasn't been tested sufficiently.  It  
10  hasn't been used in Kentucky, you know, for three  
11  years, or whatever the case maybe.

12                   So, the Board has the ultimate ability to  
13  provide safety to the public of Illinois making sure  
14  the technology is looked at thoroughly.  Obviously  
15  it has to go through the 17.7 process, but we would  
16  still like to have the authority to take a look at  
17  it.

18                   Mr. Messina has done a good job in  
19  drafting that and making a proposal to you.  Again,  
20  though, I say to you the more specification you put  
21  into these rules, the more limitations you put on  
22  yourself.  There you have all kind of time limits  
23  and rules on how to run your meetings.

24                   You know, the other alternative, it is a

1 little broader, and it is within your discretion.  
2 That's a choice you need to make. I had given you  
3 our suggestion.

4 I think an administrative board, who is  
5 taking the power given to them by the General  
6 Assembly, especially a Board of this size that has  
7 kind of been reconfigured for the very purpose of  
8 dealing with these kind of issues, wants to have as  
9 general authority as it can have, and then figure  
10 out when there are cases to bring this about.

11 But the two examples that have come before  
12 you that were voted were not problematic cases. You  
13 used your authority and could have rejected or  
14 accepted.

15 MR. WOLIN: I have a comment, maybe a question  
16 for Mr. Suffredin, but also another question for  
17 Alec.

18 In regard to Mr. Suffredin, it seems to me  
19 that the wording in 100.70 is good compared to just  
20 sticking with the wording that Mr. Suffredin has  
21 just referenced, because the wording in 100.70, what  
22 happens with it, it has to go through the formalized  
23 procedure. You have a lot of additional work done.

24 Then the Board still does have the final

1 authority. So, to me, the new wording makes a lot  
2 of sense, rather than sticking with the old wording.

3           Maybe Mr. Suffredin would like to comment  
4 further on that. I don't know if he's had a chance  
5 to see the new wording yet. You know, compared to  
6 the old wording, I think the new wording makes a lot  
7 of sense, but my question for Alec is this: I'm a  
8 little confused.

9           Earlier I made a comment that my  
10 preference would be holding off on 17.7 entirely  
11 until other states adopt it. I don't want to be an  
12 early adopter, et cetera.

13           I thought at the last meeting, when we  
14 were discussing 17.7, what we were saying is do we  
15 want to adopt it or not, but it sounds now like what  
16 we're saying we have no choice. It's already been  
17 adopted, it was just a typing graphical error.

18           MR. MESSINA: That was one of the items that we  
19 discussed at the last meeting, as I tried to present  
20 the different viewpoints of all the different  
21 stakeholders.

22           I think that there was a lot of evidence  
23 out there to indicate that it was a typo. I think  
24 that is a completely defensible position that 17.7

1 all along has been -- it is a defensible argument to  
2 make that people would disagree.

3           So, I think that is why now on two  
4 different occasions, the Office of State Fire  
5 Marshal has tried to give you language that  
6 clarifies that issue, but at the same time hopefully  
7 garners agreement from all of the different  
8 stakeholders, but -- I'm sorry, Kelly.

9           MR. WELLER: That's okay.

10          MR. MESSINA: The last point I'll make, and  
11 then I will happily stop talking, is obviously the  
12 ultimate decision is the Board.

13           So, I don't want you to take anything from  
14 my comments that would indicate you don't have a  
15 choice, but, you know --

16          MR. WOLIN: That's very helpful. I would  
17 appreciate comments from other Board Members as to  
18 whether they share my concern about adopting 17.7 at  
19 all at this point in time. I think at some point we  
20 should adopt it.

21           But assuming that the Board says we should  
22 go ahead and do it, that is the general consensus,  
23 to me, going with the new wording in 7 makes an  
24 awful lot of sense.

1           CHAIRMAN CHRISTENSEN: Kelly?

2           MR. WELLER: The reason why this is in front of  
3 us is what we're trying to determine is factually  
4 who the AHJ is. That is what this is all about.

5                     If you put the 7 in there where it  
6 belongs, which I'm wholeheartedly in agreement with  
7 adopting those, so that's my thought.

8                     The rest of that language is redundant,  
9 because if 7 is in there. We're the AHJ. Then it  
10 automatically, by process, has to come to us like it  
11 has been, right?

12                    So, the AHJ, if everyone agrees is this  
13 Board, the process of putting that 7 back in there  
14 makes all of that other language redundant.

15                    If you don't think that we're the AHJ, if  
16 there is some debate out there that we are not, this  
17 code, this new change in how we view the code,  
18 clearly states that we become the AHJ in this  
19 process, which is a valid point.

20                    Why go through that and open ourselves up  
21 to that debate, when we are already involved? If we  
22 already are, then don't even allow that to be a  
23 conversation. That would be my thought.

24                    As such, I would make a motion to withdraw

1 my recommendation to accept the new language, and to  
2 go back to just correcting the typo and putting the  
3 7 in.

4 CHAIRMAN CHRISTENSEN: So, you are withdrawing  
5 your motion?

6 MR. WELLER: Yes.

7 MR. WOLIN: I don't accept that. I think we're  
8 going -- if the Board feels we should go ahead with  
9 7.7 now, which I don't think we should, but if the  
10 Board feels that way, then I think the wording in  
11 the new 100.70 makes an awful lot of sense.

12 CHAIRMAN CHRISTENSEN: He does not want to  
13 withdraw his second.

14 MR. WELLER: Call the question. Okay? I call  
15 for the vote.

16 CHAIRMAN CHRISTENSEN: Call for the vote.  
17 Okay?

18 MR. FINCHAM: Can I have a clarification?

19 CHAIRMAN CHRISTENSEN: Here is the motion:  
20 We're going off the 1000.70, correct?

21 MS. DEL GRECO: Yes.

22 CHAIRMAN CHRISTENSEN: That is highlighted in  
23 blue, "New Technology." We'll be voting on that  
24 instead of voting to just change this 1 to a 7.

1 MR. JONES: So that I'm clear, Frank, F under  
2 "New Technology" does not diminish the authority of  
3 the Board in any way, shape or form? That was the  
4 intent of this section?

5 MR. MESSINA: I would agree with what  
6 Mr. Suffredin said in that if you take the position  
7 that A17.7 is really already the rule of law, based  
8 on the fact that we have A17.1, because A17.1  
9 references A17.7. It's already here.

10 And, in fact, we heard from a gentleman  
11 earlier that it's already happened twice that new  
12 technology has gone through that A17.7 process.  
13 Okay?

14 So, if you accept that A17.7 is the rule  
15 of law, then Mr. Suffredin's position, and correct  
16 me if I'm wrong, is that putting in this new  
17 Subsection F does limit our -- does limit the  
18 Board's authority, because it sets up additional  
19 hurdles that are not in A17.7.

20 MR. JONES: That being the case, I withdraw the  
21 second. I was under the impression this actually  
22 did not. I seconded.

23 MR. WOLIN: I think I did. I'm confused.

24 CHAIRMAN CHRISTENSEN: Do we know who made the

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1 second?

2 MR. JONES: I don't want to limit the authority  
3 of the Board by making that motion, seconding the  
4 motion, limiting the Board authority. I didn't  
5 understand it clearly, and I would like to withdraw  
6 the second.

7 MS. DEL GRECO: Jones seconded it.

8 MR. WOLIN: Can somebody explain how that  
9 limits the authority of the Board that states  
10 clearly that any new technology that does not  
11 conform to the requirements must be submitted to the  
12 Board for review and approval?

13 So, can anyone explain how it limits the  
14 authority of the Board?

15 MR. WELLER: I can take a stab at it. If you  
16 already have the authority, and any time you begin  
17 to define the authority more narrowly, even though  
18 it looks like you are improving it, like enhancing,  
19 all you are doing is now codifying something that we  
20 already have out here, which is must broader, as you  
21 get to decide our own rules and process rather than  
22 having it dictating 60 days before a meeting.

23 None of that exist rights now. We can  
24 have a meeting, put it on the agenda, and we can go.

1 We can -- once we put this, now we've limited  
2 procedurally how we're going to do it, and we don't  
3 have to do it. It's redundant.

4 What we have to determine, and everyone  
5 has to embrace, is we are the AHJ. If that's the  
6 case, everything else has to come through the Board.  
7 We don't have --

8 CHAIRMAN CHRISTENSEN: Is there a new motion?

9 MR. WELLER: Yes, I entertain the motion we  
10 correct the typographical error to replace a 1 with  
11 a 7, to recognize the intent, or the perceived  
12 intent, that this is a typographical error.

13 CHAIRMAN CHRISTENSEN: Is there a second?

14 MR. HERTSBERG: I'll second.

15 CHAIRMAN CHRISTENSEN: Is there any questions?  
16 Yes?

17 MR. WOLIN: I object to that motion. The new  
18 wording in 100.70 still gives us that authority; but  
19 in addition, it provides for having additional  
20 information supplied to the Board, so we can make an  
21 intelligent decision.

22 I would like to hear from the person who  
23 drafted the wording on 100.70 to get his thoughts.  
24 Is that you, Alec?

1 MR. CAPUANI: Our agency drafted F, yes.

2 MR. WOLIN: Do you think this limits our  
3 authority?

4 MR. CAPUANI: That's your decision. We just  
5 put this language out there for you as a suggestion.

6 MR. MESSINA: To add upon that, I don't know if  
7 we necessarily in the process of drafting, I guess  
8 it was a collaborative effort, but in the process of  
9 that draft, I don't think we reviewed the issue of  
10 whether that was a limitation or not.

11 We were simply trying to address some  
12 comments we had received outside of the context of  
13 this Board. So, you know, I understand the argument  
14 that was made earlier.

15 I think it certainly does make some sense.  
16 I think Kelly did a nice job of trying to articulate  
17 why that is a limitation. I think we just would  
18 have to -- I think that is really a matter -- at  
19 this point, it is kind of a matter of opinion.

20 I think probably several people on the  
21 Board would have a different view.

22 CHAIRMAN CHRISTENSEN: Is there anymore  
23 questions? Kelly?

24 MR. WELLER: Can we make this a Board policy?

1 It doesn't have to be statutory. Why can't we just  
2 make this our policy, this is how we do new  
3 technology, boom, this is our internal Board?

4 CHAIRMAN CHRISTENSEN: That changes the 100.70.  
5 It is ours.

6 MR. WELLER: We're putting this in the code,  
7 we're making a rule.

8 MR. MESSINA: This would be a regulation.

9 MR. WELLER: What I would say is rather it be a  
10 rule open for debate, why don't we make it the  
11 policy of the Board that is how gearing to handle  
12 this? That's easy enough.

13 MR. MESSINA: I think we run into different --  
14 unfortunately different problems there as developing  
15 a policy that will have the effect of the rule,  
16 because that is really what we would be doing.

17 MR. WELLER: Don't we have the authority?  
18 We're the regulator.

19 MR. MESSINA: Well, you do have authority, yes,  
20 but I don't think you have authority to develop a  
21 policy which, in essence, is still going to be a  
22 rule.

23 I mean, you have to -- for it to have the  
24 necessary weight, if you're going to being making a

1 decision, based on a policy, that's not a policy,  
2 that is a rule. I think the concern is --

3 MR. WELLER: A policy we're going to review it  
4 -- we're going to review it 60 days out. We're  
5 going to have a 30-day notice going out to the local  
6 administrator. That's just procedure. There's  
7 nothing there that's --

8 MR. MESSINA: Maybe I misunderstood. You are  
9 also talking about changing 17.1 to 17.7?

10 MR. WELLER: Yes, 17.7, that is a different  
11 conversation. I'm trying to recognize this concern.

12 MR. MESSINA: I didn't understand that is what  
13 you were saying.

14 MR. WELLER: Everything that we're trying to do  
15 in F, we have the authority to do right now. We  
16 just say, "This is the policy. This is what we're  
17 going to do."

18 We will bring it 60 days in advance.  
19 We'll identify local administrators 60 days out, put  
20 it on the website.

21 MR. SWIENTON: If we do that as a policy, once  
22 we establish it's policy after a couple of years,  
23 now we're stuck with it. Is that true?

24 MR. WELLER: No, we can change it.

1 MR. SWIENTON: I don't know.

2 MR. WELLER: If we put it in this law, now  
3 we're stuck with it.

4 MR. SWIENTON: Could somebody come back and  
5 say, "Your policy been for the last three years, you  
6 do this, this and this," can that come back to bite  
7 us?

8 CHAIRMAN CHRISTENSEN: We're getting off to  
9 that.

10 MR. SWIENTON: Get to the vote.

11 CHAIRMAN CHRISTENSEN: Right now it is just to  
12 change a typo that we believe it's been motioned and  
13 seconded.

14 Is there anymore questions on that?

15 (No response.)

16 CHAIRMAN CHRISTENSEN: None being, all in  
17 favor, say aye.

18 (A chorus of ayes.)

19 CHAIRMAN CHRISTENSEN: All those against?  
20 We're going to have to do the nos individually.  
21 State your name.

22 MR. FINCHAM: John Fincham, no.

23 MR. POPOWITS: Al Popowits, no.

24 MR. WOLIN: Jerry Wolin, no.

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1 CHAIRMAN CHRISTENSEN: Ayes have it. Pass.

2 Moving on.

3 MR. MESSINA: Okay. One last issue with these  
4 rules. I think this is very -- this will be very  
5 quick, however.

6 There were, completely unrelated to 17.7,  
7 so we can all breath easier, but there were two  
8 additional changes from the last meeting that were  
9 included here: One change is in 1000.70.

10 MR. BERGER: Ted Berger. I am the chief of  
11 staff of the Fire Marshal's Office. Just a point of  
12 the clarification. I'm just confused.

13 The last vote, from the last point that I  
14 understood, there was a motion on the floor to  
15 accept the Fire Marshal's recommendation?

16 MR. MESSINA: No.

17 MR. BERGER: That was rescinded?

18 MR. MESSINA: That's correct.

19 MR. BERGER: That was officially rescinded?  
20 Someone did move to accept option one, which was  
21 just accepting the typo we were discussing here?

22 I want to make sure we're on the same  
23 page. A motion was made to change the typographical  
24 error to reference 17.7, correct?

1 MR. MESSINA: Yes.

2 MR. BERGER: Who made that motion?

3 MS. DEL GRECO: That was Kelly.

4 MR. BERGER: That was seconded?

5 MS. DEL GRECO: Mark Hertsberg seconded.

6 MR. BERGER: We just wanted to make sure we  
7 were on the same page with the Board.

8 MR. MESSINA: That leads to additional two  
9 changes that we just need your approval to move  
10 forward as well, 1000.70 variance and appeal.

11 It's on the agenda consideration for new  
12 rules. We propose -- I'm sorry, 1000.90.

13 MS. DEL GRECO: 190 is all new.

14 MR. MESSINA: Joe is going to explain the  
15 rationale of the drafting of 190.

16 MR. AUGUST: There seems to be a lot of  
17 confusion out there about 190 was just an attempt to  
18 try to clarify for the people and owners of  
19 elevators that they are the ones that ultimately  
20 control.

21 Over the course of this whole period, we  
22 receive hundreds and hundreds of calls and  
23 complaints from people because elevator companies  
24 come out and bid on something. They give them a bid

1 of \$30,000, and they are upset. They are mad.

2           They want us to do something. We asked a  
3 simple question: "Have you got a second bid?" They  
4 go, "No." That's just a point.

5           The point of clarification, the ultimate  
6 thing when somebody purchases or contracts for an  
7 elevator, it is like you buy a car, you go out and  
8 get multiple bids on the subject.

9           If you are not happy with new technology,  
10 if somebody offers you new technology, you don't  
11 have to accept it. Elevator companies will say the  
12 old technology, or you can go to another company out  
13 there.

14           There is not only one company. That is  
15 just a clarification trying to make people aware  
16 they need to go out and bid these things, or get a  
17 consultant, if they are not knowledgeable, and look  
18 at the various things and weigh the whole factors.

19           Don't keep coming back to us when somebody  
20 says it's going to be \$40,000 for something or  
21 other, because we can't help you if you haven't gone  
22 out and did the simple math and asked some other  
23 questions and talk to the people.

24           That is all, just trying to get something

1 in here in a document for people to look at and  
2 realize they do have some options, such as call  
3 another company, call another inspection company,  
4 something on their own. Just don't take the first  
5 guy that walks in the door.

6 CHAIRMAN CHRISTENSEN: To help us out, Bob,  
7 would this help you, your inspectors, your division?

8 MR. CAPUANI: Yes.

9 MR. AUGUST: Something further we can cite to  
10 when somebody calls, go look at Section 190 of the  
11 rules. It will give you some idea, and also puts it  
12 on the website. You can go and look at everybody  
13 who is licensed in Illinois.

14 It gives them further options of telephone  
15 calls, telephone numbers. They can call other  
16 companies versus Bob being the one who always has to  
17 be or Elaine opening up and taking the phone calls  
18 and reading off of 100 different names and telephone  
19 numbers.

20 CHAIRMAN CHRISTENSEN: Is there a motion to  
21 accept?

22 MR. JIRIK: I'll make that motion.

23 CHAIRMAN CHRISTENSEN: Is there a second?

24 MR. WOLIN: I'll second.

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1 CHAIRMAN CHRISTENSEN: On the question?

2 MR. WELLER: I could see where you are going  
3 with this, but there's a lot of superfluous language  
4 in here that I wouldn't want to put into a code.

5 I could live with the first sentence of A  
6 saying, "The conveyance owner has the ultimate  
7 authority in entering into a contract for service  
8 maintenance, inspections or the purchase of new  
9 equipment," period.

10 You don't need the rest of that in there.  
11 Whether they get a third quote, fifth quote, I don't  
12 care. That is not the Board's -- that's got nothing  
13 to do with this.

14 MR. CAPUANI: These are continuing questions.  
15 These are continuing phone calls we get every day.

16 CHAIRMAN CHRISTENSEN: Is there anymore  
17 questions? All those in favor, say aye.

18 (A chorus of ayes.)

19 CHAIRMAN CHRISTENSEN: All those against?

20 MR. WELLER: No.

21 MR. JANDORA: No.

22 CHAIRMAN CHRISTENSEN: Two nos.

23 MR. BOGDAN: I am a no, Frank.

24 MR. JONES: No.

1           CHAIRMAN CHRISTENSEN: Who are the nos? Four  
2 nos. Anything else?

3           MR. MESSINA: No.

4           CHAIRMAN CHRISTENSEN: Complaint from public  
5 against licensed elevator inspector. Bob, would you  
6 like to take this?

7           MR. CAPUANI: Back in January, I approached  
8 this Board about an inspector that would not leave  
9 an inspection report; and the problem is Mr. Happ  
10 has been notified by mail twice to appear before  
11 this Board and explain the complaint. He has never  
12 appeared before the Board.

13                   The last letter he has not even picked up  
14 from the post office. I got a whole folder there of  
15 complaints. The basic complaint is he will not  
16 leave an inspection report at the time of his  
17 inspection.

18                   Some of these conveyance owners, they are  
19 not getting their inspection report for six months.  
20 For us trying to enforce the law that you have to  
21 have a current certificate of operation, they cannot  
22 obtain one, because they can't get a copy of the  
23 certificate.

24                   My last E-mail wants to know if the Board

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1 is going to pay the \$480 bill that Mr. Happ sent  
2 them, because they have to go out and get another  
3 inspection, because he refuses to send an inspection  
4 report.

5 My recommendation to the Board is to  
6 suspend Mr. Happ's company license right now, and  
7 his personal inspection license.

8 CHAIRMAN CHRISTENSEN: There's been a  
9 recommendation by Bob Capuani.

10 MR. BOGDAN: I'll accept his recommendation,  
11 make a motion to accept his recommendation.

12 CHAIRMAN CHRISTENSEN: We need a second on it.  
13 Do we have a second?

14 MR. HERTSBERG: I would second it.

15 CHAIRMAN CHRISTENSEN: It's been seconded. Now  
16 the question.

17 MR. JONES: When you say "suspend his license,"  
18 is there a timeframe?

19 MR. CAPUANI: I'm asking the Board. I would  
20 recommend minimum six months.

21 MR. JONES: As part of the motion it will up  
22 to the State Fire Marshal Office to determine when  
23 the license can be restored?

24 MR. CAPUANI: It would be up to the Board. You

1 are going to have to give me a time limit. I will  
2 suggest six months.

3 CHAIRMAN CHRISTENSEN: That he does need to see  
4 the Board?

5 MR. HERTSBERG: I assume we'll get a response  
6 from him. He can get back to you.

7 MR. CAPUANI: I cannot get ahold of Mr. Happ.  
8 He will not respond to certified mail, calls.

9 MR. SWIENTON: Once his license is suspended,  
10 he has to come back to us in order to get it back.

11 MR. CAPUANI: Yes. We would send the letter  
12 out stating that he would have to appear before the  
13 Board for his license to be reinstated.

14 MR. SWIENTON: Okay.

15 CHAIRMAN CHRISTENSEN: Is there anymore  
16 questions on this?

17 (No response.)

18 CHAIRMAN CHRISTENSEN: All those in favor, say  
19 aye.

20 (A chorus of ayes.)

21 CHAIRMAN CHRISTENSEN: All those against?

22 (No response.)

23 CHAIRMAN CHRISTENSEN: Ayes have it. Joe  
24 Donnelly to report on Mercy Harvard Hospital.

1           MR. CAPUANI: Joe Donnelly is excused or  
2           excusing himself from this. I will be taking over  
3           the investigation for this situation.

4           CHAIRMAN CHRISTENSEN: Because he's a  
5           consultant?

6           MR. CAPUANI: Correct. As of right now, they  
7           have not submitted any plans. We will be revisiting  
8           the site this week, and we will write them a  
9           violation and give them the time limits to submit  
10          for a permit to correct the situation.

11          CHAIRMAN CHRISTENSEN: Thanks, Bob. Moving on  
12          to new business. Discussion of Open Meetings Act  
13          agenda. Alec?

14          MR. MESSINA: I'll try and make this really  
15          quick. First of all, there are two issues that came  
16          up at the last meeting that I wanted to just really  
17          quickly run through; and in course of preparing for  
18          those two, I found the Attorney General's Office got  
19          the Openings Meeting Act.

20                    I think Elaine made copies for everybody.  
21          So, you do have that. Do what you will. The two  
22          issues that came up at the last meeting were: One,  
23          taking final action, when an item was not on the  
24          agenda.

1           We had several people that came up, and it  
2           had not been on the agenda and were hoping that the  
3           Board would take some action. If you do look at the  
4           top of page 34, it really kind of flushes out, for  
5           those items that are not on the agenda, what you can  
6           and can't do.

7           The one thing you can't do is take final  
8           action. You can have discussions, or you could  
9           consider it, but you can't take final action. So,  
10          that's one item that I want to put in front of you,  
11          so you can see.

12          The second item, we did have a discussion  
13          as to whether or not the Board could take final  
14          action during a closed meeting. The simple answer  
15          there is no.

16          Again, you can have discussions and work  
17          towards developing a consensus, but the actual vote  
18          has to be not in a closed meeting, and that's  
19          addressed in more detail on page 21, if you would  
20          like to take a look at that.

21          But I would suggest if you do have the  
22          time, it's a good summary of the act. There is some  
23          good real-world examples being made, if you are  
24          interested.

1           A lot of times things can come up, you  
2 know, let's say that you happen to be meeting with  
3 other people in the Elevator Safety Review Board,  
4 and you start talking about issues that are up for  
5 final decision.

6           That actually, if there are enough people,  
7 five or more people, that's considered to be a  
8 meeting that needs to be noticed, notice provided to  
9 the public. Those are the kinds of things you may  
10 want to take a look at.

11           The second item on the agenda really kind  
12 of dovetails with the Open Meetings Act. So, I'll  
13 just segway into that.

14           As you all know, you have at the beginning  
15 of the agenda, a public comment section. I just  
16 want to suggest that it's really not public comment.  
17 I think it's more of bringing new business before  
18 the Board for your consideration.

19           I think it's probably also -- probably a  
20 little bit disjointed to have people come up at the  
21 very beginning and provide public comment on things  
22 that are going to come up an hour later. It may not  
23 be particularly helpful to the Board.

24           So, what I would suggest is maybe moving

1 forward to kind of take out that first public  
2 comment on the agenda. When you are going through  
3 that agenda, and you go to the first person who is  
4 up there for continuing education, there can be some  
5 discussion.

6           You allow for people who have submitted  
7 the public comment request forms to give -- to have  
8 their say at that time and then take action. I  
9 think it might help the flow and maybe to speed  
10 things up as well.

11           And then finally, you know, maybe then you  
12 have a new business item on the agenda, which that  
13 would be -- at the end, when where people could then  
14 say, "Look, at some point I would like you to  
15 approve whatever, and here is this information. I'm  
16 here to answer any questions," and then obviously  
17 the Board can't take action there, because it is not  
18 on the agenda.

19           You could have the discussion. Elaine  
20 would put on it the agenda for the next meeting.

21           MS. DEL GRECO: Then that would be old business  
22 for the next meeting.

23           MR. MESSINA: Exactly. I'm probably suggesting  
24 taking out the public comment at the beginning. It

1 makes things a little more difficult.

2 I don't think it is really truly -- not  
3 necessarily is it always public comment. Sometimes  
4 it's coming to the Board seeking a decision. So,  
5 that might clarify things and possibly also speed  
6 things up, too. Those are my suggestions.

7 CHAIRMAN CHRISTENSEN: Is there a motion?

8 MR. WOLIN: I'll make a motion to eliminate the  
9 public comment at the beginning of the meeting,  
10 assuming that people can sign up for public comment  
11 during the actual discussion of agenda items.

12 MR. WELLER: I second that.

13 MR. WOLIN: Can I make a comment? I was the  
14 one that originally suggested having the public  
15 comment at the beginning of the meeting, and it's a  
16 practice -- I'm an elected official in Oak Brook  
17 where I live.

18 It is a common practice. What it allows  
19 you to do was speak on agenda items that are coming  
20 up. It wasn't clear to me, when I made the motion,  
21 that people had that right; but if we make it very  
22 clear that people can sign in at the beginning of  
23 the meeting and say, "I want to speak on this agenda  
24 item," then that's fine.

1 MR. SWIENTON: Is signing in necessary, Frank,  
2 or Alec?

3 CHAIRMAN CHRISTENSEN: We have public comment  
4 sheets.

5 MR. SWIENTON: We'll go through, you know,  
6 suspension of a guy's license, whatever, and then  
7 the motion will come on the floor.

8 Doesn't Frank automatically say, "Any  
9 questions from the Board? Any questions from the  
10 audience?" So, do you have to sign up to get that  
11 from the Audience?

12 MR. MESSINA: Well, this is what I would  
13 suggest -- the short answer to your question is:  
14 No, you don't have to, but I think it's probably  
15 better, certainly for Elaine and possibly the court  
16 reporter.

17 MR. SWIENTON: For record keeping.

18 MR. MESSINA: And even I would assume also for  
19 the Board to have some kind of organized process, so  
20 it is just -- you know, you don't have a continual  
21 flood of people coming up.

22 So, for the example that you just  
23 mentioned, I think it's helpful, just generally  
24 speaking.

1 MR. SWIENTON: I agree with that.

2 MR. MESSINA: In the kind of hypothetical  
3 you're giving where, you know, no one really knew  
4 what the situation was, maybe someone in the  
5 audience would say, "Hey, I would like to weigh in,"  
6 doesn't keep that person from coming up and having  
7 their say.

8 I think we might also want to say, "Hey,  
9 before you leave, could you also sign -- fill out  
10 this public meant form, just so we have a record of  
11 who you are, for purposes of the record."

12 MR. SWIENTON: I don't like putting -- leaving  
13 it open the whole meeting. Now you are on a  
14 subject, "Give me it quick, I want to comment here."  
15 Put it in writing.

16 There should be -- it should come in  
17 before the start of the meeting, and then that's it,  
18 not during the meeting.

19 CHAIRMAN CHRISTENSEN: I know that is what they  
20 said. We do have a paragraph that's put in the  
21 public comment, "Only individuals who have completed  
22 and submitted a public comment section, prior the  
23 Board meeting, will be eligible to speak at the  
24 meeting."

1 MR. SWIENTON: Leave it like that before the  
2 meeting, not during the meeting.

3 CHAIRMAN CHRISTENSEN: That's not the motion.

4 MR. SWIENTON: I just want to clarify. We  
5 could sit here all day filling these out.

6 MR. WOLIN: The intent is to just stick with  
7 that.

8 MR. SWIENTON: I understood that during the  
9 meeting I can fill one out.

10 MR. WELLER: If I could. I thought I was  
11 making the second on the fact that I could turn --  
12 anyone in the audience can turn in a public comment,  
13 it would just be pertinent to an agenda item that we  
14 had posted, and we would call that public comment  
15 during the agenda item.

16 CHAIRMAN CHRISTENSEN: That's understood.

17 MR. WELLER: That is how I understood it.

18 MS. DEL GRECO: That's different than what  
19 we've done in the past.

20 MR. WELLER: Correct.

21 CHAIRMAN CHRISTENSEN: Is there anymore  
22 questions on this?

23 (No response.)

24 CHAIRMAN CHRISTENSEN: All those in favor, say

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1 aye.

2 (A chorus of ayes.)

3 CHAIRMAN CHRISTENSEN: All those against?

4 (No response.)

5 CHAIRMAN CHRISTENSEN: Ayes have it. We have  
6 one for public comment. Patricia Young?

7 MS. YOUNG: No comment.

8 MS. DEL GRECO: Was there a second item in that  
9 motion that Mr. Wolin made?

10 CHAIRMAN CHRISTENSEN: Yes. Is there a motion  
11 to adjourn?

12 MR. FINCHAM: So moved.

13 CHAIRMAN CHRISTENSEN: Is there a second?

14 MR. SWIENTON: Darrel Swienton. Second.

15 CHAIRMAN CHRISTENSEN: All those in favor, say  
16 aye.

17 (A chorus of ayes.)

18 CHAIRMAN CHRISTENSEN: Ayes have it.

19 (WHICH WERE ALL THE PROCEEDINGS HAD.)

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22

23

24

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

in

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

said

11 \_\_\_\_\_  
PAMELA A. MARZULLO  
12 License No. 084-001624

13 SUBSCRIBED AND SWORN TO  
14 before me this \_\_\_\_\_ day  
15 of \_\_\_\_\_ 2010.

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