

1 ELEVATOR SAFETY REVIEW BOARD MEETING

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10 REPORT OF PROCEEDINGS had at the meeting of  
11 the ELEVATOR SAFETY REVIEW BOARD before CHAIRMAN DAN  
12 BAUMANN, at the Office of the State Fire Marshal,  
13 Springfield, Illinois, commencing on the 6th day of  
14 June, 2013, at the approximate hour of 8:30 a.m.

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1 BOARD MEMBERS PRESENT:

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Minutes from the 060613 Board Meeting  
3 CHAIRMAN DAN BAUMANN  
4 GERALD GROSS  
5 TONY OTTEN  
6 THOMAS JIRIK  
K. DOUGLAS JONES  
7 AARON ADAMS  
MARK HERTSBERG  
8 EDWARD CHRISTENSEN  
JOHN FINCHAM  
9 WILLIAM BOGDAN  
GERALD WOLIN  
10 DAVID DATTILO  
CRAIG GRANT  
11 KELLY WELLER  
12  
13 DICK GREGORY, Consultant to the Board  
14 OSFM STAFF PRESENT:  
ROBERT CAPUANI, DIRECTOR OF ELEVATOR SAFETY  
15 ANGELA STINSON-MARTIN, GENERAL COUNSEL  
CELENA JEFFRIES, LICENSING  
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1 CHAIRMAN BAUMANN: Call the meeting to  
2 order. Let's get started with the Pledge of  
3 Allegiance.  
4 [WHEREUPON, THE PLEDGE OF ALLEGIANCE  
5 WAS RECITED BY ALL. ]  
6 CHAIRMAN BAUMANN: Following the agenda

7 Minutes from the 060613 Board Meeting  
we had tabled the motion -- the motion to table  
8 CET program that they have, and we open -- we  
9 time for reading the subcommittee's report. I  
10 don't think there's any discussion on it. I  
11 think we should have a motion from the -- from  
12 the subcommittee.

13 MS. STINSON-MARTIN: I just wanted to say  
14 real fast that after reading the subcommittee's  
15 report, there was a statement in the report  
16 about the board's responsibility to make a  
17 recommendation to the fire marshal, and we  
18 investigated that a little bit more and looked  
19 at the Act and decided that that recommendation  
20 that was written in that report was correct,  
21 that this is a recommendation to the fire  
22 marshal. So just with that --

23 CHAIRMAN BAUMANN: Okay. Perfect.

24 MR. GROSS: I think, Mr. Chair, I think

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1 we read this into the record last time. I think  
2 this would probably be more appropriate for me  
3 because -- I'll make the motion as the major or  
4 the chair of the subcommittee that we accept the  
5 subcommittee's report, which was unanimously  
6 approved.

7 With that I ask for a second from someone  
8 else on the subcommittee.

9 CHAIRMAN BAUMANN: I've got a motion to  
10 accept the report. Is there a second?

11 Minutes from the 060613 Board Meeting  
MR. WOLIN: I second.  
12 CHAIRMAN BAUMANN: All those in favor say  
13 "aye."  
14 [CHORUS OF "AYES."]  
15 CHAIRMAN BAUMANN: All those opposed.  
16 [NO RESPONSE.]  
17 CHAIRMAN BAUMANN: Let the record reflect  
18 this is a unanimous vote.  
19 MR. WELLER: I don't think -- I don't  
20 know what -- Yeah, I'll be glad to read it, but  
21 I don't know what -- I think this is the  
22 position of the fire marshal.  
23 CHAIRMAN BAUMANN: Yeah, this is just  
24 suggested prose from the board to the fire

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1 marshal.  
2 MR. WELLER: To the marshal. Okay. How  
3 would you like me to do this?  
4 CHAIRMAN BAUMANN: Just read it, make a  
5 motion to accept and --  
6 MR. WELLER: The Office of the State Fire  
7 Marshal will accept the NAEC'S Certified  
8 Elevator Technician Program with the agreement  
9 that any Illinois Licensed Elevator Company that  
10 purchase said program will register their  
11 company program with the U.S. Department of  
12 Labor Apprenticeship and Training. This would  
13 insure that each individual company that  
14 administers the NAEC's Certified Elevator

15 Minutes from the 060613 Board Meeting  
16 Technician Program would have oversight from the  
17 Department of Labor.

18 The OSFM will accept NAEC's Certified  
19 Elevator Technician Certificate if the mechanic  
20 applicant had completed the Certified Elevator  
21 Technician Program that was registered by an  
22 employer with the Department of Labor  
23 Apprenticeship and Training.

24 That pretty well mirrors what was the  
result of the subcommittee. The state fire

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1 marshal was asking --

2 CHAIRMAN BAUMANN: Do we have a motion to  
3 accept the statement in the original motion?

4 MR. ADAMS: I'll make the motion to  
5 accept.

6 CHAIRMAN BAUMANN: Motion's been made.  
7 Second?

8 MR. WOLIN: I second it. Gerry Wolin.

9 CHAIRMAN BAUMANN: All those in favor?

10 [CHORUS OF "AYES." ]

11 CHAIRMAN BAUMANN: All those opposed?

12 [NO RESPONSE. ]

13 CHAIRMAN BAUMANN: Let the record reflect  
14 that this was a unanimous vote.

15 Does -- Has everybody had the opportunity  
16 to read the minutes from last meeting from  
17 February? Do I have a motion to accept the  
18 minutes.

19 Minutes from the 060613 Board Meeting  
MR. FINCHAM: So move.  
20 CHAIRMAN BAUMANN: A second?  
21 MR. HERTSBERG: Second.  
22 CHAIRMAN BAUMANN: A move and seconded.  
23 All those in favor to accept the reading of the  
24 minutes?

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1 [CHORUS OF "AYES. "]  
2 CHAIRMAN BAUMANN: All those opposed?  
3 [NO RESPONSE. ]  
4 CHAIRMAN BAUMANN: Let the record show a  
5 unanimous vote. The minutes are accepted. Bob.  
6 MR. CAPUANI: Elevator progress report.  
7 This was run 5/31/2013.  
8 As of 5/31/2013, the total number of  
9 conveyances in the state 33,596. We've issued  
10 185 permits so far from January 1st. We've  
11 issued 988 licenses. We've registered 304  
12 registrations, and we've issued 4,910  
13 Certificates of Operation.  
14 MR. GRANT: If I may, a question for --  
15 for Bob. I'm wondering, are we getting a feel  
16 for the state of progress on the January, 2014,  
17 compliance threshold for some of the correction  
18 of existing deficiencies?  
19 MR. CAPUANI: We've got some permits.  
20 You mean for the door restrictors? We have seen  
21 some permits. I'm not sure about the  
22 municipalities what they've seen. I would have

23 Minutes from the 060613 Board Meeting  
to ask them.

24 MR. GRANT: Okay. But we haven't

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1 received further -- there haven't been further  
2 requests for delays in compliance or anything  
3 like that?

4 MR. CAPUANI: Not that I know of.

5 MR. GRANT: Okay. Thank you.

6 MR. CAPUANI: Okay. Let me ask, Patti,  
7 have you gotten any permits for door  
8 restrictions?

9 MS. YOUNG: We have -- Excuse me. We  
10 have received permits for door restrictors. We  
11 have not received any reasons for extensions,  
12 but my response is that they have to get a  
13 letter from you.

14 MR. CAPUANI: Good luck. I'm not in the  
15 mood to write letters.

16 CHAIRMAN BAUMANN: CET decision. It was  
17 already done.

18 New business: Presentation with Otis  
19 Elevators.

20 Could you please state your names?

21 MR. SHEPHERD: Bob Shepherd, Otis  
22 Elevator Company, Manager Codes for Product  
23 Quality for North America.

24 MS. OUELLETTE: Lisa Ouellette, I'm a

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Minutes from the 060613 Board Meeting

1 supervisor in the OTISLINE in Farmington,  
2 Connecticut.

3 CHAIRMAN BAUMANN: Okay.

4 MR. SHEPHERD: Good morning. Thanks for  
5 letting us come in and go over a review of the  
6 new Integrative Voice Recognition system by Otis  
7 with their ADA phones in elevators.

8 What happens is with the increasing  
9 population in North America, and also the  
10 increasing population of elevators in North  
11 America, we needed a system just like 911  
12 operators that you can separate actual  
13 emergencies from other calls considered to be  
14 moot calls or things that are of less  
15 importance. That's why a lot of jurisdictions  
16 want to come to 911 or 311, which separates the  
17 CAD system emergency from a person that has a  
18 real emergency at this time and puts it in to a  
19 911 operator.

20 So what happens in integrative voice  
21 recognition system is the person pushes the  
22 button in the elevator, and they get a little  
23 prompt that comes on, a little menu, and it  
24 says, "Is this an actual emergency? Do you want

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1 to test, or did you push the button  
2 accidentally, and you want to disregard the  
3 call?" So the person just says what they'd like

Minutes from the 060613 Board Meeting

4 to do, and the voice -- and the recognition  
5 system has a certain vocabulary -- I'll let Lisa  
6 explain that better -- that it recognizes. When  
7 it doesn't recognize the vocabulary, the call  
8 goes immediately to the emergency operator. So  
9 that means that somebody has -- you know, speaks  
10 a foreign language or somebody can only utter a  
11 sound, or if there's any noise in the elevator,  
12 it goes to the emergency operator.

13 What this does is this separates actual  
14 emergencies of people that need help.  
15 Immediately what it does it separates them from  
16 all the inspectors out there that are testing  
17 phones, separates the people when they exit an  
18 elevator and get on an ADA phone button instead  
19 of door open button or door closed button or  
20 just somebody who feels like hitting the button.

21 We have times even like 4th of July, St.  
22 Patty's Day, people push the button just to wish  
23 a Happy New Year, and with our volume of our  
24 calls, people actually hit the button because

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1 they're lonely. I jokingly say I feel sorry for  
2 them, but they want to talk to somebody, they  
3 hit the button, they talk to a Otis  
4 representative for a while.

5 So we need to separate those calls that  
6 are non -- let's just say non-emergency calls  
7 from the people who really need help. So if you

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8 have 200 calls in a queue, and 201 is the  
9 emergency call, well, we want to get that person  
10 to number one. We want to move it up.

11 This addresses needs of people with  
12 special needs much better than what's out there  
13 today. So what we're trying to do is just to  
14 review, there wasn't any pushback so far from  
15 any inspectors, but Dick and I talked, and I  
16 said, do you think it would be a good idea to  
17 come and explain this to the board what's taking  
18 place, and he said yes.

19 So what we're doing is if you look at the  
20 code, you -- this would meet the code. We  
21 believe it meets the code. I realize there's a  
22 lot in the code that says no automated devices.  
23 When that was put in the code, that was written  
24 when there was answering machines, and you don't

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1 want to hit the button and go to an answering  
2 machine. We realize you're in an elevator,  
3 we'll call you back when we can send somebody.  
4 You know, leave your name and number.

5 The other one is it says it has to be an  
6 authorized person to disconnect the call. Well,  
7 what happens is you're in this little IVR. It's  
8 in the PBX in Farmington where our call center  
9 is, and what it does, it -- it just routes it  
10 after about 15 or 20 seconds to the operator  
11 that's needed or to the test mode or disregard

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12 the call.

13 What this does is it accelerates the time  
14 that you can get to the operator when you really  
15 need help. So that part there goes -- What it  
16 says in that code, it says that once  
17 communication is established, you can only be  
18 disconnected by an authorized personnel. Well,  
19 communication isn't established, it's just in  
20 the PBX, and it's routing your call to make it  
21 more efficient on having to go to an emergency  
22 operator.

23 All right. With that said, Lisa, do you  
24 want to just show them a little bit.

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1 MS. OUELLETTE: I just want to explain a  
2 little bit about who we are, the OTISLINE. We  
3 are the customer service center for Otis. We  
4 handle all of our customers' service requests  
5 for elevator and escalator service, and we also  
6 answer all the elevator calls.

7 Last year we had an inbound of 2.7  
8 million calls, 1.2 from our customers, 1.5  
9 million calls from elevators. We average  
10 anywhere from four to 5,000 per day. We're a  
11 24-hour center of 95 people. So we constantly  
12 have elevator calls coming in continuously.

13 Of all the types of calls in the  
14 elevator, we kind of like to break them down  
15 between intentional push, unintentional push.

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16 And intentional push, of course, is if somebody  
17 is trapped or if there's somebody testing, we  
18 can inspect or whatever. We have about 75  
19 percent are unintentional pushes, people just  
20 push the button by mistake, hit the wrong  
21 button.

22 Then we have what we call no-voice call.  
23 So if they push it and get off the elevator, now  
24 the elevator is empty, and we're connected to an

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1 empty elevator hoping to see if there's somebody  
2 there and nobody is there. That's 75 percent of  
3 the call line.

4 So what we've done is we've used IVR  
5 technology, which has been around for a while.  
6 If anybody has an iPhone with Siri, Siri is IVR,  
7 and we're using voice recognition to prompt the  
8 passenger and ask them if they're having an  
9 emergency, and if they say emergency, then it  
10 recognizes that, it prioritizes the call, it  
11 labels the call, and then it trumps any other  
12 call in the center. It's the very next call  
13 answered.

14 There is a testing feature, which we'll  
15 go through here. Inspectors, mechanics. We  
16 like to see what the inspectors are doing, but  
17 we have a lot of customers in businesses,  
18 security guards, chief of maintenance, you know,  
19 maintenance personnel that test every shift,

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20 every day, every week, every month. So we  
21 designed a testing piece for those people  
22 because they want to check to make sure that  
23 their phone works. So if they push the button  
24 in the elevator and they hear the very first

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1 prompt, "You have reached Otis," they have an  
2 assurance that they are connected to us, and we  
3 are to help if anybody in their elevator has  
4 been trapped. Okay?

5 So how does this work? So we've been --  
6 what we've done is we've only selected a few  
7 grammars for the application to listen to to  
8 make sure that we are, you know, handling these  
9 calls correctly.

10 So if they say, "emergency," obviously we  
11 know what's going to happen. They can say,  
12 "disregard" or "disregard call," and if they,  
13 you know, if it recognizes and understands that  
14 meaning, it's not just sort of with all the  
15 other elevator noise, it will end the call, and  
16 what I mean by elevator noise is when we make a  
17 call from our phone, we call, we're saying --  
18 you know, we're the first company to use the  
19 technology in an elevator, in a box with floor  
20 chimes, noisy fans, doors rolling open, people  
21 talking, people walking, whatever. So when it  
22 hears any other ambient noise, any other  
23 acoustic energy in the car, it also transfers

24 the call into the center. So every call is

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1 going to be probably answered in the center  
2 unless we clearly hear -- the application  
3 clearly hears, "disregard call."

4 And testing piece of it, they say correct  
5 location, it will end the call. If there's no  
6 speech and no noise in the elevator, no clicking  
7 button, no doors rolling open, no noisy fan, no  
8 human speech detected whatsoever, it will also  
9 contain that call. Okay. So they can say, you  
10 know, we have "disregard call," they can say  
11 anything.

12 It understands all the English dialects  
13 of North America. They could be speaking  
14 Spanish. They could be speaking French. They  
15 could be speaking any language. It detects  
16 human speech and also routes the call into the  
17 center. Is there any questions at all?

18 MR. CAPUANI: You just answered mine.

19 MS. OUELLETTE: Okay.

20 MR. GROSS: What about hearing impaired?  
21 How are they -- They're not going to hear --

22 MS. OUELLETTE: Right. Even if it was me  
23 answering the phone, take the IVR out of the  
24 picture, I answer the phone, "Otis Service.

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1 This is Lisa. Do you need assistance?" They  
2 can't hear me, but the light is illuminated, and  
3 the IVR also flashes, and then it goes to a  
4 steady state, or how it goes exactly. So even  
5 if they make any sort of noise, if we have a  
6 little bit of elevator noise, if they're  
7 mumbling, anything, then we'll handle the call,  
8 we'll call the building person and say, "Could  
9 you please check your elevator? I think there  
10 might be somebody in there." If they say  
11 nothing, and it's absolutely quiet in the  
12 elevator, and we think nobody is there, whether  
13 it's empty or just somebody not responding to  
14 us, we do disregard that call, but if the call  
15 comes in again within 30 minutes, then we call  
16 the building and ask them to go check their  
17 elevator.

18 MR. DATTILO: Tell me how -- I hit the  
19 button, I'm having a heart attack.

20 MS. OUELLETTE: Okay.

21 MR. DATTILO: What happens? I mean I  
22 need help right now. How do we react to that?

23 MR. SHEPHERD: Can I take this for a  
24 minute, Bob?

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1 CHAIRMAN BAUMANN: Sure.

2 MR. SHEPHERD: Yeah, one thing about the  
3 elevator phone, right, it's -- if you're having

4           Minutes from the 060613 Board Meeting  
a heart attack, once you're entrapped in an  
5 elevator, right? There's really no elevator  
6 phone. It's for elevator emergencies when the  
7 elevator isn't performing as expected. It's not  
8 really there for medical emergencies, and it's  
9 not there for -- if some guy's grabbing you and  
10 he's abducting you or whatever. That's not the  
11 purpose of the phone, but we do support all  
12 that.

13           So if somebody calls, and somebody's  
14 having a heart attack, or we get the question,  
15 well, if I'm in the elevator by myself on the  
16 weekend, and nobody's in the building, well,  
17 really the response is that what if you're in a  
18 hallway and have a heart attack and nobody's in  
19 the building. But when you're in the elevator,  
20 if you can make it to the button, and if you can  
21 speak or if you can groan or do anything, okay,  
22 it's going to be recognized, and it's going to  
23 go to the emergency operator.

24           MR. DATTILO: And then what?

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1           MR. SHEPHERD: Then the emergency  
2 operator is going to come on, "hello, hello,"  
3 and if it's the second push or if they hear  
4 anything, then they'll get the person in the  
5 building.

6           This is protocol we have laid out in  
7 stone, the people that answer the phones at

8 Minutes from the 060613 Board Meeting  
9 OTISLINE will send a building representative  
10 that's in the building. We have an escalation  
11 on the screen for that building. When it comes  
12 up, we'll get ahold of the building contact  
13 person, say, "Please go check your elevator. We  
14 think there's somebody in the elevator that has  
15 a problem." If we can't get anybody in the  
16 building, then we go to the supervisor for that  
17 -- that route, and they decide who gets  
18 dispatched.

18 MR. DATTILO: So you don't go to the  
19 qualified personnel to come in for help?

20 MR. SHEPHERD: No, first you asked in the  
21 building itself. You really have to do that  
22 because customers are not going to like us  
23 sending people out on calls, you know, for  
24 somebody hit the button one night in the middle

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1 of the night, and then he stepped off the  
2 elevator and nobody's there. So they don't  
3 really -- somebody's going to get a bill  
4 usually, and I hate to say that, but then they  
5 say, please stop doing this.

6 There are states -- I want to share with  
7 you that we took this to the RAC committee for  
8 17.1 with Nora Martin, the chair.

9 MR. GREGORY: Explain. Regulatory --

10 MR. SHEPHERD: Regulatory Authority  
11 Committee, and he believes it's a good system.

12 Minutes from the 060613 Board Meeting  
13 And the other jurisdictions like California,  
14 Washington state, and Texas, Missouri, we just  
15 were in front of the board there. North  
16 Carolina. Every place that we presented, so far  
17 we've been successful.

18 And what it is -- again it's a system  
19 that enhances and improves what's there today.  
20 Not only improvement because the telephones are  
21 kind of like -- not forgotten, but when people  
22 -- now they're going out, the inspectors are  
23 going out, and they're trying our system, and  
24 they're checking IVR, and they're finding out  
that phones, the hardware is not working. So

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1 it's really giving them a way to go out and  
2 survey these phones and make sure that the  
3 hardware works, and the IVR system works, and  
4 they go out, and what it does is for other  
5 companies and, by the way, if you want to speak  
6 to other companies, and the rest of the big  
7 companies, they say they're working on the same  
8 system because they need to expedite their  
9 emergency calls at the top of the queue. Thank  
10 you.

11 MR. DATTILO: Thank you. All right.  
12 Thank you.

13 MR. WELLER: Two questions. I know the  
14 answer, but I just want to make sure I heard it.

15 This really has no impact on the physical

16 Minutes from the 060613 Board Meeting  
elevator itself? There's no change to that?

17 MS. OUELLETTE: No. The application is  
18 located in Farmington where we are at. It's  
19 actually part of our overall service management  
20 system that we have our normal PBX that routes  
21 all of our calls through our 800 numbers, and  
22 then what we've done is we've taken the  
23 technology to interrogate the calls before they  
24 go into the queue.

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1 So if you can just imagine calls coming  
2 into PBX, they go to a queue, they wait for an  
3 agent, one agent becomes available, one call  
4 gets answered. With this technology, it answers  
5 20 calls simultaneously. 20 calls are being  
6 handled versus one to one, and then with the use  
7 of the grammars, emergency or testing, or, you  
8 know, whatever word that they said, then we  
9 prioritize the call, and we label the call.

10 So when the agent gets it, it says, "IVR  
11 tester," or it says, "IVR emergency," and then  
12 they get a whisper tone in their ear. So they  
13 know exactly what call they have. They know  
14 they have an entrapment. They know they have an  
15 inspector, or it could just say IVR call because  
16 maybe the passenger said, "Oh, I'm so sorry.  
17 Disregard. Disregard. Disregard." That's too  
18 much speech. We're not going to prevent that  
19 call from going into the center because we only

20           Minutes from the 060613 Board Meeting  
want to hear "disregard" or "disregard call."  
21 If they say too much, the call gets routed into  
22 the center.

23           MR. WELLER: So, you know, if it's an old  
24 elevator with an old phone and a cord or if it's

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1 a brand new one with a screen that's high-tech,  
2 it's going to be exactly the same thing?

3           MS. OUELLETTE: Right. It's voice  
4 recognition. They could speak -- You mean like  
5 a handset and a cradle?

6           MR. WELLER: Right.

7           MS. OUELLETTE: Yeah, they can speak into  
8 it just like you were talking on the phone.

9           MR. WELLER: Nothing changes?

10          MS. OUELLETTE: Nothing changes. The  
11 system is in Farmington. It's not on the  
12 elevator.

13          MR. WELLER: My other question is say we  
14 don't agree to this today, just hypothetically.  
15 Are you running the new system? So the states  
16 that don't have -- haven't had these approved  
17 on, how are you -- how are your resources being  
18 routed, because obviously you're going to have  
19 some states that are already converted? Do you  
20 just push a button for all calls coming in from  
21 California that it goes to IVR, then all calls  
22 from Illinois that haven't converted go into a  
23 different trunk?

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1 different 800 numbers that are emergency phones,  
2 program calls. So, you know, all of them that  
3 are going into one particular number, which is  
4 88 passengers, about 100 calls a month. Second  
5 one, usually from 30 to 50,000 calls. That  
6 phone we don't have on the IVR, but the -- the  
7 primary one we do. If there was a state said,  
8 you know, yes, we don't want IVR in the state,  
9 whatever, we can prevent any calls from that  
10 state going through the application.

11 MR. WELLER: So you're doing that now,  
12 right? You're running dual systems now or  
13 states that have it --

14 MS. OUELLETTE: It's one system, but I  
15 can do programming in the PBX to route the calls  
16 around the IVR and not go through the IVR, but  
17 it's all one system.

18 MR. SHEPHERD: Right now we only have two  
19 states out of all of North American, all the  
20 provinces of Canada, they're on the new IVR  
21 system. Just recently Ontario approved it. The  
22 only places that don't have IVR running right  
23 now is the state of Michigan and the state of  
24 Georgia. In Georgia we're going in front of the

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1 safety board in a couple of weeks. So the only  
2 two that aren't running it right now --

3 MR. WELLER: So Illinois is already  
4 running it?

5 MR. SHEPHERD: Absolutely.

6 MR. WELLER: Why are you bringing this to  
7 us?

8 MR. SHEPHERD: Because when I spoke to  
9 Dick, he said I should speak to the board.

10 [ALL TALKING AT ONCE.]

11 MR. SHEPHERD: The reason why it's  
12 running, we believe -- I'm sorry. We believe  
13 it's still compliant.

14 MR. GRANT: Yeah. I just wanted to  
15 clarify. We really aren't being asked for any  
16 board action. This is an explanation of a  
17 system, and if I understand this correctly, if  
18 it was not in place, response times or the  
19 amount of calls you could handle not using IVR  
20 is far fewer in any given day, and the ability  
21 to -- well, to actually address an incoming  
22 emergency call would all be based on the luck of  
23 timing compared to sorting for real --

24 MS. OUELLETTE: Right --

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1 MR. GRANT: -- priorities.

2 MS. OUELLETTE: -- because then we're  
3 prioritizing emergencies and get it answered  
4 right way, and if it's not labeled and we don't

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5 know what it is, we'll get to it, it might take  
6 ten seconds, it might take, you know, 25  
7 seconds, we'll get to it, but we won't get it in  
8 a ring and a half or two rings.

9 MR. GRANT: Right. That's what I  
10 understand. Thank you.

11 MR. SHEPHERD: I'd like to address your  
12 hard of hearing question.

13 CHAIRMAN BAUMANN: Yes.

14 MR. SHEPHERD: When it comes to hard of  
15 hearing or hearing-impaired and one hundred  
16 percent deaf, right, there is -- in the United  
17 States there's one million totally deaf people.  
18 The rest of them are hearing impaired. A lot of  
19 them are hearing-impaired like I am.

20 All right. So when we were just in  
21 Missouri at the state board there just a couple  
22 months ago, there was a member on the board who  
23 had special needs. So she was very concerned  
24 about the needs of people that -- you know,

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1 different reasons why, you know, more difficult  
2 for them to use equipment out there in an  
3 elevator. So she was very, very critical at the  
4 beginning, but at the end she actually said --  
5 she said, it's so much better. I can see that  
6 it meets the requirements of people of needs,  
7 especially the hearing-impaired or the people  
8 that can't hear.

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9           There's a million people in the United  
10 States. So if you did a risk assessment that  
11 are totally deaf, you take those million people  
12 and you would say, how many of them ride in an  
13 elevator, you will take those, and how many ride  
14 in an elevator when they're totally all alone.  
15 So you drop some of them off of this million  
16 people. Then you say of the total of the -- of  
17 what's left, how many of these deaf people who  
18 ride elevator always by themselves become  
19 entrapped in an elevator.

20           All right. So the number becomes very  
21 small then. So if you look at the frequency and  
22 severity, if you were an insurance company, you  
23 wouldn't even worry about mitigating the risk.

24           So Lisa can tell you in the time of

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1 OTISLINE, there's only been like two calls where  
2 people actually had a life-threatening  
3 situation. One was a gunshot. All right.  
4 Somebody else -- I forget what the other one  
5 was, but in seven years there's been two  
6 actual -- you know, that type of call where it  
7 was like an emergency where somebody's life and  
8 limb was in danger, but it would be like, you  
9 know, what we're saying here, this system is so  
10 much better and can -- if you tried it yourself  
11 and hit the button, it's so much better. It  
12 moves calls up. The wait time is totally

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13 reduced, and it works wonderful.

14 I just gave a presentation in Eastern  
15 Region workshop for 400 people. City of  
16 Maryland, Washington DC, Virginia, all kinds of  
17 people. And when it was done, I didn't have one  
18 negative question. And it's a great system and  
19 everybody's getting on board with it.

20 We've hired more people in OTISLINE than  
21 we ever have. It's not reducing staff. We're  
22 not moving the OTISLINE center to another  
23 country. That's not the intention. I just  
24 wanted to be sure everyone knows that. Still

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1 going to remain in Farmington.

2 MR. GROSS: In other words, when you get  
3 on the elevator, it's like a handset, you just  
4 have a button and box. You don't have any  
5 material on that -- I mean how it looks. You  
6 have the Braille --

7 MR. SHEPHERD: Yes.

8 MR. GROSS: You know, Braille --

9 MR. SHEPHERD: It's just the phone and  
10 your directions come --

11 MR. GROSS: -- emergency push bottom.  
12 It's going to be like 35 minutes above the --

13 MR. SHEPHERD: It'll be -- Oh, what we  
14 have today is what you're going to have. This  
15 is a transparent system.

16 MR. GROSS: It's an ADA-compliant system?

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17 MR. SHEPHERD: Correct.  
18 MR. GROSS: The other thing is I'd --  
19 like in Illinois, elevators that are used in  
20 conjunction with areas of refuse. Will the  
21 calls -- Have you done any studies on areas of  
22 refuse, pick up the phone there, there's an  
23 operator on the other line. Have you ever tied  
24 in areas of refuse?

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1 MS. OUELLETTE: I'm not familiar with --  
2 MR. SHEPHERD: I probably have to get a  
3 better definition of area of refuse. I'll get  
4 back to you on it. I'm not sure exactly what  
5 area of refuse means.  
6 MR. GROSS: Well, when you're calling for  
7 help --  
8 MR. SHEPHERD: Correct.  
9 MR. GROSS: I mean in Illinois,  
10 regardless of Springfield or not Springfield,  
11 you need the area of refuse --  
12 MS. OUELLETTE: You mean call me from  
13 inside the elevator?  
14 MR. GRANT: No. It's a --  
15 MR. GROSS: Talking about assistance to  
16 get to the person in the elevator.  
17 MR. GREGORY: That would be a separate  
18 issue because it's not -- They're elevator  
19 people.  
20 MR. GROSS: Yeah.

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21 MR. GREGORY: They're not --  
22 MR. GROSS: I'm just saying -- all I'm  
23 asking is asking for help --  
24 MR. WELLER: His question -- Dick, I hope

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1 you'll help me out. I'm trying to understand.  
2 So Michigan doesn't have this -- and, by the  
3 way, let me start out by saying I one hundred  
4 percent agree. I think perfect. No dis --  
5 MR. SHEPHERD: I'll answer your Michigan  
6 concern in a minute.  
7 MR. WELLER: So Michigan hasn't enacted  
8 this, right? You're going to Michigan to  
9 attempt to get it enacted? Why?  
10 MR. SHEPHERD: Michigan is -- I have to  
11 joke a little. It's like Pennsylvania, you  
12 know, it's like a quaker state, you know,  
13 somewhat in the dark ages when it comes to  
14 elevator code, only because their state doesn't  
15 allow nudging on car doors because they had an  
16 event 40 years ago where somebody got trapped in  
17 a door because of nudging. So no nudging  
18 allowed.  
19 Anything that comes down the pike that's  
20 new, they could just say no right away without  
21 considering it. That's Michigan. So that's why  
22 they stopped IVR. So we're going to go up there  
23 and present to the board and hope that we can  
24 change their mind.

1 Georgia, the other place that doesn't  
2 have it right now is because the principal  
3 engineer, the chief of Georgia, doesn't want to  
4 make the decision on his own. So we will talk  
5 to him. He thinks it's wonderful, but he needs  
6 to go to the fire marshal and his people to get  
7 their feel, and then we're going to go to the  
8 safety board and get the approval there.

9 MR. WELLER: That's my point here. If  
10 this is even questionable, why do they not need  
11 a variance to do it?

12 MR. GREGORY: It's -- In my opinion, it's  
13 not questionable. It meets the code. Okay.

14 MR. WELLER: So they asked you this  
15 before they signed us up for IVR, or they're  
16 asking us now?

17 MR. GREGORY: In my opinion they're  
18 presenting what they're doing. This totally  
19 meets --

20 MR. WELLER: They've already done it.

21 MR. GREGORY: I know. This totally --

22 MR. WELLER: I'm very concerned if you  
23 can just already do something and it's  
24 questionable, who is authorizing it to already

1           Minutes from the 060613 Board Meeting  
be done?

2           MR. GREGORY: It's not -- We are under  
3 the 2010 code. Other states are in total, let's  
4 say, disarray as to -- they -- Take the City of  
5 Chicago. The City of Chicago is on a 2007 code  
6 with special provisions for the City of Chicago,  
7 which doesn't make a lot of sense. So it's --  
8 it's a hodgepodge of rules and regulations in  
9 the city. You don't have that issue here in the  
10 state because you have the 2010 code, and you're  
11 all set, and they don't need any variances or  
12 anything, but what they're doing is telling you  
13 what's going on so that you know what's going on  
14 and that some strange surprise doesn't come down  
15 the road.

16           You're required to have an emergency  
17 phone, 2.27.1. You're required to have that.  
18 ADA says you have to have a button, has a  
19 certain sign, has to have -- say help, has to  
20 have a little light that illuminates that when  
21 it's established, when the communication is  
22 established. All the phones now have that, and  
23 theirs has it. So there's no difference. It's  
24 just the way they answer the phone. I've not

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1           been to your call center, but I've been to  
2 Thyssenkrupp call center, and, you know, you got  
3 a bundle of people sitting there and lights  
4 flashing, and thing -- how long this call has

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5 been waiting and all that kind of stuff, and  
6 when they -- when the calls just come in  
7 unfiltered, as it were, somebody who's in real  
8 trouble, may be -- you know, it's done in order.  
9 There's no way of figuring out who really needs  
10 help, the most help. You having a heart attack,  
11 and you come on "ah, ah," a couple of noises,  
12 well, you're going to get to the top of the  
13 queue is my understanding.

14 MS. OUELLETTE: Right.

15 MR. SHEPHERD: Correct.

16 MR. GREGORY: So you're going to get  
17 somebody called to take care of you. The guy  
18 who comes is going to be a policeman who never  
19 had CPR, and that's just going to be tough luck,  
20 but --

21 MR. SHEPHERD: Well, even Jim Borway in  
22 the state of Iowa thinks this system is really  
23 good, and the reason I say this is because Jim  
24 Borway, when you talk about when people look at

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1 code and say, well, I'm going to do this or I'm  
2 not going to do that, interpret things or they  
3 omit things, right.

4 The state of Iowa now the code says in  
5 2009 addendum that it's required on the light in  
6 the hallway that says when the phone lines is  
7 not active, but sometimes their phone line,  
8 right, that's another caveat. Well, the state

9 Minutes from the 060613 Board Meeting  
of Iowa says we're not going to enforce that,  
10 this is how it works, kind of like convoluted,  
11 that they're not going to enforce the phone line  
12 maintenance, but they're going to want something  
13 else.

14 So this is how we had to deal with every  
15 jurisdiction. There's about 1,900 jurisdictions  
16 in North America, and everybody can find some  
17 reason to, you know, question something. So  
18 that's why we came here. We wanted to make sure  
19 everybody here knew --

20 MR. ADAMS: I'm on the same page with Mr.  
21 Weller with regard to the system. My concern is  
22 if -- what prevents anybody from coming in  
23 saying this is how we interpreted the code, and  
24 we've got a new system available, and somebody

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1 that is absolutely positively not within the  
2 code but just gets implemented. Then you can  
3 say there's precedent because, just to use the  
4 example, Otis brought this beautiful system in.  
5 It worked. Now, we're applying this same  
6 situation to the code in other --

7 MR. GREGORY: That's why you have  
8 inspectors. That's why you have a bunch of  
9 people that work for Patti, and that's why you  
10 have some people that work for the state and the  
11 other inspection agencies, and they go in there  
12 and they see something that's -- wait a minute.

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13 You know, this does not conform with 2.27.1. So  
14 you prove to me that you didn't, and then  
15 they'll write them a violation notice, and all  
16 of a sudden, boom, that's the end of the issue.  
17 It's the end of the issue because now there's a  
18 violation. That's why we have inspection.

19 MR. ADAMS: Got you.

20 MR. GRANT: As a code official that's  
21 worked in both the development and outcomes from  
22 the ADA requirements for this, that led into the  
23 -- in the elevator emergency phones for  
24 entrapment, it's -- we just pick the technology

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1 that was there at the time, and you thought the  
2 phone was in there. How many elevators have you  
3 gone into where there's no phone in the box, and  
4 then the one that's there didn't work or doesn't  
5 go anywhere. We have that issue all over the  
6 place.

7 This meets -- It's a real basic threshold  
8 as Dick has pointed out. You are trapped in a  
9 basic cube somewhere in the building and you  
10 need out. So you push a button and make the  
11 call through those communication systems to get  
12 assistance. That's what's required. This is  
13 far and beyond. How they get it done, that  
14 doesn't create any variance or deviation from  
15 the code. So I don't -- That's why I don't  
16 think a variance or approval to do this is

Minutes from the 060613 Board Meeting  
17 required. It's just a communication system  
18 that's being explained to us.

19 MR. WELLER: I think that that would have  
20 been -- I agree. You know, it had no -- There's  
21 no -- I think it's perfect. We should be moving  
22 forward. My concern is that someone else is out  
23 there saying -- if this isn't really that clear,  
24 right, then I would think we would -- there

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1 would be some proactive conversation with the  
2 person who is maintaining the inspection, oh,  
3 i.e., OSFM and saying, hey, this is what we're  
4 doing. Are you guys okay with this? Right.  
5 Because if we just say --

6 MR. GRANT: We didn't do that for all the  
7 other ones, and we don't do it -- I mean they  
8 check them. I don't know if they pick up the  
9 call or the phone every time and test it as part  
10 of the annual inspection that gets done, but if  
11 they do, they write it up, but we don't look at  
12 how they get it back in service, and I'm just  
13 saying I don't think these guys have to either.

14 MR. WELLER: It's just if one state is  
15 saying, this isn't as black and white, and the  
16 other state's sitting here saying we didn't even  
17 know, then I think there's a disconnect  
18 somewhere. Now, great. It could be a different  
19 code. It could be all kinds of things, but the  
20 fact is we didn't even know.

Minutes from the 060613 Board Meeting  
21 MR. GRANT: I understand that a lot of  
22 things that happen with elevators we really are  
23 very, very concerned about, but I would argue  
24 that this is a communication systems enhancement

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1 that's being shared with us, and if other states  
2 aren't as receptive to looking at and  
3 understanding what it -- What changed here?  
4 Nothing. Except for better service to people  
5 who are having that system to avoid sending  
6 people out when nobody's in the car because they  
7 can't hear something. Its implications aren't  
8 safety-related. It has benefit beyond the  
9 standard system that they really are just  
10 presenting to us. So that's why I don't think  
11 it causes us an issue.

12 [ALL TALKING AT ONCE.]

13 MR. GRANT: Huh?

14 CHAIRMAN BAUMANN: It has been new -- It  
15 has been brought in and changed here because  
16 they used to have a 24 -- somebody on the phone  
17 24 hours a day and go directly to a person.

18 MR. GRANT: When it -- when they got --

19 CHAIRMAN BAUMANN: To the board as new  
20 technology. So I mean if you really wanted to  
21 look at it that way, but it's 24 hours source.  
22 That's what he's trying to say.

23 MR. WELLER: I think you guys are the  
24 smart ones when it comes to all of this. I just

1 don't like -- I just don't like the idea that  
2 you can start -- that things can change and you  
3 don't know about it until down the road, and  
4 then it's like, oh, by the way, we're already  
5 doing this. I think it's much easier to pick up  
6 the phone and call and say, hey --

7 MR. GRANT: I think they did talk to  
8 Dick.

9 MR. WELLER: But they've already done it.  
10 It's not like we're going to --

11 MR. GRANT: You know.

12 MR. SHEPHERD: I'd like to address this.  
13 About December 20th what happened was OTISLINE  
14 came to the codes group within Otis Elevator and  
15 spoke to myself and four other codes people. We  
16 looked at it, and we said we believe it's  
17 code-compliant. When you do something that's  
18 code compliant, there's really nothing to inform  
19 anybody about.

20 Now, we've been doing this since December  
21 20 in Illinois, in Chicago and in the State of  
22 Illinois since December 20. Today's June 6th.  
23 We haven't had one inspector call up and say  
24 there's a problem, and they have tested phones

1 since then.

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2 MR. CAPUANI: I think where Kelly's going  
3 with this --

4 MR. SHEPHERD: So I'm just saying they  
5 must have tested some phones, and it must be --  
6 they feel like it's doing well at this point.

7 MR. CAPUANI: I think the board feels  
8 there should have been a courtesy call or  
9 something saying to the fire marshal's office in  
10 December maybe, we got new technology, we're  
11 bringing it in, and then I would have said, you  
12 know, maybe you should present this to the  
13 board.

14 MR. SHEPHERD: I have to apologize for  
15 that. Actually I was with Dick in Phoenix,  
16 Arizona, a couple months ago, and I said to,  
17 Dick, what do you think I should do, and he  
18 said, well, let's get it on the agenda. I  
19 realize that was being reactive rather than  
20 proactive. I apologize for that, but that's  
21 what I stated to him.

22 MR. JONES: Just a question. Are these  
23 systems put in under a permit so they can be  
24 looked at by the inspectors? Are they done by

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1 permit?

2 MR. SHEPHERD: No.

3 MR. JONES: Not done.

4 MR. SHEPHERD: Code compliant. It'd be  
5 like taking a door knob of --

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6 MR. JONES: But they're still code  
7 compliant by permit? I'm just curious as to why  
8 this wouldn't be done through a permit?

9 MR. SHEPHERD: I don't know what you need  
10 permits for in the state of Illinois. I mean  
11 maybe do an alteration or something like that.

12 MR. CAPUANI: If we change that phone,  
13 it's within the phone permit.

14 MR. SHEPHERD: If you change the physical  
15 phone. This is just a routing system.

16 MS. OUELLETTE: It's an application  
17 that's on our current PBX. So it's exactly the  
18 same phone, lines, the same PBX, the same  
19 computers, same everything. So what we've done  
20 is we've inserted IVR technology in the PBX and  
21 the queue, so we can interrogate the call, label  
22 it, and redirect. We use speech recognition to  
23 do that. So the application is right in  
24 Farmington, right on our PBX that we've always

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1 been using for 30 years.

2 MR. JONES: Just a different interface.

3 MS. OUELLETTE: It's voice portal system.  
4 Any call center that you call has this  
5 technology, any bank that you call, call your  
6 phone company, call your cable company, call  
7 your insurance company, they all have the same  
8 technology, recognizing speech, recognizing --

9 MR. JONES: I understand that. I was

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10 just curious as to whether or not it was  
11 alteration of the elevator that required --

12 MS. OUELLETTE: In the elevator, no.  
13 It's right on our PBX.

14 MR. SHEPHERD: If an elevator is  
15 inspected to the year it was installed. So  
16 actually before -- anything was before 2002  
17 would -- shouldn't even be a concern because  
18 there was no protocol even before that how  
19 telephone is supposed to operate. So only those  
20 elevators going forward and new ones being  
21 installed.

22 MS. OUELLETTE: I think it's also  
23 important to note here -- I didn't mention  
24 earlier -- that we didn't model this after what

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1 any other elevator company is doing. We're the  
2 only elevator company in the world that we know  
3 that has done this. We model after ourselves.  
4 It does exactly what we do. We wrote the app,  
5 and the way it behaves and responds is exactly  
6 what we do. When it asks, "Does anybody need  
7 assistance in the elevator," there's no response  
8 from a passenger, it asks again. That's exactly  
9 what I do when I answer the call.

10 MR. JONES: I don't think there's any  
11 problem -- The question -- The question, when an  
12 elevator inspector is going out to take a look  
13 at it, their expectation is now they have to

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14 Look at a different piece of hardware, software?

15 MR. SHEPHERD: I'd like to address.

16 We're going to put all this information of the  
17 IVR system on the NAESA's website. We're going  
18 to share it with that group. We've already  
19 shared it with the Regulatory Authority  
20 Committee. We've sent this presentation to, I  
21 think, almost every authority in North America.  
22 So that the inspectors could get it like Bureau  
23 Veritas and such like that, third-party  
24 inspectors so they'll be aware of it.

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1 What we do is we work with every  
2 inspector, you know, that has a question. We  
3 walk them through --

4 MR. JONES: So the education's in place?

5 MR. SHEPHERD: In place, and the  
6 protocol's in place, where the customer service  
7 reps have to follow exactly to the letter, and I  
8 will share their -- I'll just tell you, their --  
9 how they follow the protocol, they're judged on  
10 -- there's incentive raises. So believe me,  
11 they keep it close because they want more money.  
12 You know what I'm saying.

13 MR. CAPUANI: I'd like to put something  
14 on record.

15 CHAIRMAN BAUMANN: Go ahead.

16 MR. CAPUANI: In the future, any company  
17 that comes into Illinois with similar technology

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18 like this need to present it to this board prior  
19 to installing it.

20 MR. SHEPHERD: Understood.

21 CHAIRMAN BAUMANN: Any questions?

22 [NO RESPONSE.]

23 CHAIRMAN BAUMANN: Thank you. Thank you.

24 MR. SHEPHERD: Thank you. Thank you for

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1 your time.

2 CHAIRMAN BAUMANN: We're going to open it  
3 up to public comments.

4 Karen Kennedy.

5 MS. KENNEDY: Not at this time.

6 MR. GREGORY: We couldn't hear her over  
7 here.

8 MS. KENNEDY: I'll -- I would reserve the  
9 right to make a comment later.

10 CHAIRMAN BAUMANN: Allison Allgair.

11 MS. ALLGAIER: Yes. Yes.

12 CHAIRMAN BAUMANN: Can you state your  
13 name and spell it for the court reporter.

14 MS. ALLGAIER: Allison Allgair,  
15 A-I-I-I-s-o-n, A-I-I-g-a-i-e-r. My name is  
16 Allison Allgair, and I am the president and  
17 owner of Phoenix Modular Elevator. We are a  
18 licensed elevator contractor in Mt. Vernon in  
19 southern Illinois. We manufacture modular  
20 elevators that are shipped throughout North  
21 America, and we also run a local service and

22 repair company.

23 Elevator owners in southern Illinois

24 historically have had to contract with companies

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1 in St. Louis, Missouri, or Evansville, Indiana  
2 for their elevator maintenance. While these  
3 out-of-state companies do have a few local reps  
4 that cover routine maintenance, when service and  
5 repair is needed, mechanics are typically  
6 deployed from the home state to do this work,  
7 increasing costs for the Illinois businesses due  
8 to charges for travel time and mileage, and the  
9 money is all sent out of state to their parent  
10 companies. Similarly, individuals or companies  
11 that want to install new elevators or  
12 conveyances to improve access for their  
13 families, customers, or employees, must go to  
14 these out-of-state companies, which cost more  
15 because of the travel expenses they must fund.  
16 This additional cost can be a deterrent to  
17 improving accessibility.

18 Seeing that this market that was  
19 underserved, and that there were no licensed  
20 elevator contractors based in southern Illinois,  
21 we started up a maintenance department three  
22 years ago to provide more cost-effective  
23 elevator services to the region.

24 It is difficult to recruit certified

1 mechanics to our area. Thus, our strategy to  
2 grow, and to be able to serve a larger portion  
3 of the market cost-effectively, is to train our  
4 own employees, some of whom have been  
5 constructing modular elevators for over ten  
6 years, and are, thus, good candidates for this  
7 additional education training.

8 The CET is our chosen vehicle to do this.

9 At the February 14th meeting of this  
10 board, I have to confess that I was confused at  
11 the discussion. The subcommittee seemed to  
12 endorse the CET as an equivalent to NEIEP, yet  
13 that didn't appear to satisfy Mr. Kennedy from  
14 NAEC. He brought up arguments I didn't quite  
15 understand that had to do with whether the CET  
16 is approved under c(3) or c(4).

17 After the meeting I requested  
18 clarification from them and did some additional  
19 research to try and determine how this applies  
20 to my company and our plans to train additional  
21 employees through CET.

22 Learning #1: The CET is a full-fledged  
23 training program, including educational  
24 training, field training, and testing. To get a

1 CET certification, you have to do the full

2           Minutes from the 060613 Board Meeting  
program.

3           The two gentlemen from the IUEC expressed  
4 their support for the CET as long as it included  
5 the field training portion, which it does by  
6 definition. This full training program is what  
7 we intend to implement.

8           Learning #2: The CET has all the  
9 characteristics of an apprenticeship program but  
10 is not technically an apprenticeship. An  
11 apprenticeship is a special status granted by a  
12 state or federal agency to an employer that  
13 implements a formal training program with an  
14 approved curriculum. So the CET provides  
15 material and structure, and a formal  
16 apprenticeship puts an umbrella over that  
17 program that has additional requirements.

18           Learning #3: There are five ways to get  
19 licensed as an elevator mechanic in Illinois.  
20 #3 is with a certificate of completion of a  
21 nationally recognized training program like  
22 NEIEP or its equivalent. #4 is by completion of  
23 an apprenticeship that's registered with DOL or  
24 the Illinois Apprenticeship Council.

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1           The question at hand at the February  
2 meeting was whether the CET qualifies under #3 or  
3 #4; does this board accept it as a standalone  
4 training program, or does it only work if it's  
5 under the apprenticeship umbrella?

6                   Minutes from the 060613 Board Meeting  
7                   So I asked myself why does it matter to  
8                   me, an employer wanting to home grow some talent  
9                   to better serve our customers in this  
10                  economically disadvantaged market and provide  
11                  development opportunities for my employees.

12                 After reviewing the DOL apprenticeship  
13                 requirements, I found plenty of additional  
14                 administrative requirements, such as the EEOC  
15                 compliance, wage enforcement, ratio enforcement,  
16                 and recordkeeping. All of these administrative  
17                 burden, for which we are staffed, we're a small  
18                 company, and don't -- and those requirements  
19                 don't make our employees any better trained at  
20                 the end of it. We don't do big public works  
21                 projects, we just maintain and repair elevators,  
22                 so the EEOC program isn't applicable, but that  
23                 it would be an additional burden.

24                 For some businesses, particularly large  
                  ones with lots of employees, training under the

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1                 apprenticeship umbrella makes sense. For us, as  
2                 a small business with a few key employees to  
3                 train, it doesn't. The decision to run a  
4                 training program with or without the additional  
5                 apprenticeship requirements is a business  
6                 decision that should be left up to each company.

7                 My goal is to develop highly-skilled  
8                 workers in the economically-challenged southern  
9                 portion of the state. Because my business is

10           Minutes from the 060613 Board Meeting  
11       small, I need the ability to do this in the most  
12       efficient and cost-effective way I can.  
13       Approving the CET as a "NEIEP equivalent  
14       program" (section c(3) gives me this ability.  
15       Approving the CET only if part of a  
16       state-approved apprenticeship program such as  
17       section c(4) does not, and will limit the  
18       development of higher wage jobs in our area.

19           I will ask that the Elevator Safety  
20       Review Board approve the CET as a NEIEP  
21       equivalent program without the additional  
22       requirement that it be implemented under an  
23       apprenticeship program.

24           MR. CAPUANI: Can I ask, how long have  
      you been training? How long have -- You said

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1       you were training employees right now, correct?

2           MS. ALLGAIER: No, we do not have a CET  
3       program implemented yet. It has been our plan  
4       to do so.

5           MR. CAPUANI: You know you have the  
6       option to take the state test, which is the CET  
7       test.

8           MR. WELLER: Bob's point is are you  
9       opposed to implementing a program and having  
10      your employees come up here and take and be  
11      certified that they pass the test?

12          MS. ALLGAIER: Am I opposed to that?

13          MR. WELLER: Do you find that to be an

14 Minutes from the 060613 Board Meeting  
onerous restriction, that they come to  
15 Springfield and take the test and pass it?

16 MS. ALLGAIER: I haven't investigated  
17 that option.

18 MR. WELLER: That's your option under  
19 one. Right? I mean so even though I can see  
20 exactly your points. You've done great  
21 research. The only difference is you have to --  
22 you have to have an independent testing body.  
23 So you can take -- You can go through this  
24 program. You can start your own program. The

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1 people who are teaching it and administering it,  
2 you must meet -- already be licensed.

3 MS. ALLGAIER: Right.

4 MR. WELLER: But then the de facto  
5 license because you went through the program,  
6 you have to come here and test.

7 MS. ALLGAIER: But why cannot the CET  
8 program with its tests throughout the program  
9 not --

10 MR. WELLER: Because there has to be some  
11 independent verification to it. You see what  
12 we're saying?

13 MS. ALLGAIER: My understanding is that  
14 the CET exams that are given are --

15 MR. WELLER: Then take it here so it's  
16 administered, it's proctored here. So that  
17 there's a record so there's a third party

18 Minutes from the 060613 Board Meeting  
19 proctoring and administering it. It's not a  
20 question of what testing. It's the process  
21 around how it's administered. So if you have  
22 the program, they come here, what onerous  
23 restriction does that place on your employee to  
24 come here one time and take the test?

MS. ALLGAIER: I don't know the

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1 difference between that test and the individual  
2 test.

3 MR. WELLER: It doesn't matter. Do you  
4 care whether it's taken in Mt. Vernon or whether  
5 it's taken in Springfield?

6 MS. ALLGAIER: Location purely if that's  
7 the only difference.

8 MR. WELLER: All right. So if we offered  
9 it three times in the state and we offered it in  
10 Carbondale one year, Mt. Vernon one year, and  
11 Springfield one year?

12 MR. CAPUANI: They're in numerous  
13 locations. If you go to our website, they're in  
14 numerous locations every month. You can go take  
15 the state test all throughout the state.

16 MS. ALLGAIER: And is that the same  
17 because my understanding -- I'm sorry. Now I  
18 need to go do more research, but see, there are  
19 tests along the way, and it's those  
20 accumulations. It's not a final test at the  
21 end. Am I misunderstanding that?

Minutes from the 060613 Board Meeting  
22 MR. CAPUANI: We administer the CET, the  
23 mechanics exam.  
24 MS. ALLGAIER: The final exam?

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1 MR. CAPUANI: The final exam which we  
2 purchase from CET.  
3 MS. ALLGAIER: Correct. Is that the same  
4 test that if I'm putting my employees through  
5 CET, they take one test at the end, or they're  
6 not tested along the way?  
7 MR. CAPUANI: You would have to ask CET  
8 that question.  
9 MS. ALLGAIER: And I guess that's my  
10 question. It's kind of like the final exam four  
11 years later, if they're testing along the way  
12 and they're gaining those skills, and they don't  
13 test very well, and they have to remember  
14 something from three years back, there might be  
15 a potential that they might not pass that  
16 although they had passed them along the way.  
17 MR. ADAMS: I've got a question. So if  
18 they -- if they take -- if they learn something  
19 three years ago, there's no expectation that you  
20 have as an employer that they're going to  
21 remember it for three years? From a safety  
22 standpoint --  
23 MS. ALLGAIER: Okay. I'm not an elevator  
24 mechanic. So I guess --

1 MR. ADAMS: Based on what you just said,  
2 you're worried about them having to take a final  
3 exam versus --

4 MS. ALLGAIER: Well, and remember they're  
5 testing specific technical thing where if they  
6 were out in the field, they didn't remember  
7 something, they can look it up and make a phone  
8 call.

9 MR. ADAMS: I'm a licensed paramedic, and  
10 when I went through my paramedic training and  
11 had to get my license, there weren't parts  
12 mutually exclusive. I have to remember every  
13 part of all of my training, and we go through  
14 continuing education to maintain our license,  
15 and we're continually tested. This isn't that  
16 restrictive, but I think there's an expectation  
17 from the safety standpoint that once somebody  
18 learns a basic part, being an elevator mechanic,  
19 being able to carry that information forward and  
20 put it pen to paper or apply it in an elevator  
21 shaft --

22 MS. ALLGAIER: Absolutely.

23 MR. ADAMS: -- in the exact same way.

24 MS. ALLGAIER: There are -- There is

1 Large portions of the body of knowledge you  
2 absolutely would expect that they would maintain

Minutes from the 060613 Board Meeting

3 and they need to. I wouldn't want to send them  
4 to fix an elevator if they didn't, but there may  
5 be other areas -- I don't know the contents of  
6 the test. So I'm speaking a little -- I don't  
7 want to assume --

8 MR. GREGORY: Am I correct in  
9 understanding that the board in essence has  
10 approved that NAEC CET's program as an  
11 apprenticeship program?

12 CHAIRMAN BAUMANN: That's correct.

13 MR. GREGORY: That's correct. And you  
14 don't want to do the apprenticeship part of it?

15 MS. ALLGAIER: Correct.

16 MR. GREGORY: And Bob has told you that,  
17 you know, so you go through the entire CET  
18 training if they will sell it without that, that  
19 that will not be recognized, but the State of  
20 Illinois will give you -- your people a test.  
21 Let me just tell you that they bought those  
22 questions from the CET program. So if they've  
23 gone through the program and they take the final  
24 test, if you went and ran them through CET, even

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1 if -- let's say the state accepted it without  
2 the apprenticeship, and you went through CET, it  
3 would be the same thing as taking a test in the  
4 state. The same deal.

5 MS. ALLGAIER: Now, what happens if  
6 there's someone who obtained their CET in

Minutes from the 060613 Board Meeting

7 another state, not under the DOL apprenticeship  
8 umbrella and I do manage to recruit them. They  
9 want to live in Mt. Vernon.

10 MR. GREGORY: They can take the State of  
11 Illinois test if they learn the material.  
12 Just --

13 MS. ALLGAIER: Right. But if they have  
14 an existing license, I'm saying that makes it a  
15 little bit hard to transfer. If they've  
16 satisfied another state's requirements, whether  
17 there's a test or a CET, or whatever that  
18 happens to be --

19 MR. CAPUANI: Okay. You're asking the  
20 question if I live in Indiana and I took -- I  
21 went through the CET apprenticeship program and  
22 took the test?

23 MS. ALLGAIER: You have an Indiana  
24 license.

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1 MR. CAPUANI: Okay. What the board is  
2 suggesting to the fire marshal would be that --  
3 and the fire marshal will make the decision --  
4 the final decision -- is that that person -- I  
5 would have to go through -- The company that I  
6 went through the apprenticeship program would  
7 have had to have been registered with the  
8 Department of Labor.

9 MS. ALLGAIER: So someone who had -- in  
10 a state that didn't require an apprenticeship

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11 umbrella -- I don't know if Indiana is one of  
12 those -- if they just had a CET certification,  
13 got their license in that state, wanted to move  
14 here, and work for --

15 MR. CAPUANI: With this recommendation,  
16 they would have to show proof that that company  
17 that they obtained that certificate from was  
18 registered with the Department of Labor.

19 MS. ALLGAIER: Right. And that's the  
20 requirement that -- that's another reason for  
21 wanting it to be under c(3) instead of c(4) is  
22 because then they have to take an extra test, do  
23 an extra hurdle when it's not clear that they  
24 haven't obtained the knowledge, you know, have

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1 the qualifications.

2 MR. CAPUANI: I think your simple option  
3 is just have your people take the state test. I  
4 mean it's my opinion, but it's totally up to  
5 you. It's totally up to you. It's your  
6 company.

7 MS. ALLGAIER: Did you have a question  
8 for me?

9 MR. GRANT: I just -- I had had a  
10 question relative -- because I thought I heard a  
11 different requirement criteria from Dick than  
12 what I just heard from Bob on that answer, and  
13 I'd just like to make sure I understood because  
14 when this paragraph was presented to us this

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15 morning, that explanation wasn't included with  
16 that, which is if a license was issued in  
17 another state through a program, the CET  
18 program, which we've already determined before  
19 has equivalent potential content, but that there  
20 was not an apprenticeship program issued by the  
21 company that was registered with the Department  
22 of Labor. When did we ever vote that  
23 retroactively you had to have that to sit for  
24 the exam?

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1 MR. WELLER: That's in the subcommittee  
2 report. That's item E. That's the second  
3 motion that we made.

4 MR. GRANT: That's the recommendation to  
5 accept the report. We didn't take action from  
6 the report. The only thing we voted on  
7 recommending to the fire marshal is actually in  
8 the other one-sheet page if I recall --

9 CHAIRMAN BAUMANN: No, we moved to accept  
10 this first.

11 MR. GRANT: We moved to accept the  
12 committee's report. That doesn't mean we voted  
13 to approve the recommendations for that. The  
14 recommendation we voted to approve, if I am not  
15 mistaken, was the one page, that one that was  
16 distributed here this morning. We did get it a  
17 couple days ago, did we not?

18 MR. GREGORY: Yes.

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19 CHAIRMAN BAUMANN: We took two votes. We  
20 took two votes.  
21 MR. GRANT: Right.  
22 CHAIRMAN BAUMANN: The first one was  
23 to --  
24 MR. GRANT: Accept.

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1 CHAIRMAN BAUMANN: -- accept the  
2 subcommittee's report.  
3 MR. GRANT: As the board, right.  
4 CHAIRMAN BAUMANN: The second one is to  
5 accept the --  
6 MR. GRANT: To make a recommendation to  
7 the fire marshal.  
8 CHAIRMAN BAUMANN: That's correct.  
9 MR. GRANT: Where did we say we were  
10 doing anything with the subcommittee's report  
11 other than accepting it?  
12 MR. WELLER: Yes, but that's the  
13 subcommittee's report. It has two motions --  
14 MR. GRANT: It has two -- You recommend  
15 two things happen in the subcommittee report.  
16 Right? It's not two pieces of board policy to  
17 implement by accepting it, is it? Does  
18 acceptance of those actually do that? I'd like  
19 to understand. I want to be sure. Usually a  
20 committee report is accepted into the record to  
21 say that that's what happened. We agree that  
22 this is what's done.

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23 CHAIRMAN BAUMANN: We make the  
24 recommendation to the fire marshal. The state

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1 fire marshal will make the final, if I'm not --

2 MS. STINSON-MARTIN: Make the final --

3 MR. GRANT: But the one recommendation I  
4 thought was actually what you -- Why did we act  
5 on the second one then if that's what the  
6 committee report did? I don't understand.  
7 Either we did it with the first one and we  
8 didn't need to do the second one, or the first  
9 one didn't have this same --

10 CHAIRMAN BAUMANN: Because we added  
11 something, a little bit more where it said the  
12 company had to be registered -- the company had  
13 to be registered with the Bureau of  
14 Apprenticeship Training.

15 MR. GRANT: Okay. And so then when Dick  
16 says that those people would have an option to  
17 come in and sit for the exam, that's not really  
18 the case unless they could also bring with them  
19 the credentialing that showed the company under  
20 which they took that training program had  
21 registered it with the --

22 MR. GREGORY: No, they always --

23 MR. CAPUANI: You're getting confused.

24 MR. GRANT: I'm sorry. If you were

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1 hiring a licensed elevator mechanic from another  
2 state, what I heard Bob say, with a license that  
3 was issued through a CET program, through an  
4 employer who was not registered previously with  
5 the Department of Labor, they had to show that?

6 MR. CAPUANI: Yes.

7 MR. GRANT: Actually I thought Dick said  
8 you could come in and take the test. Is both of  
9 those correct?

10 MR. CAPUANI: All right. Hold on. She  
11 can --

12 MR. GRANT: Or are both of those correct?

13 MR. CAPUANI: If someone -- If she had an  
14 employee that wanted to take the state test, by  
15 -- by law all you need is some kind of  
16 certification that this person went through  
17 three years of training under a mechanic.

18 MS. ALLGAIER: Right. You don't need a  
19 CET or a NEIEP or anything. You can just work  
20 for three years and take the test.

21 MR. CAPUANI: He can work three years and  
22 take the test.

23 MR. GRANT: Okay.

24 MR. WELLER: Craig, let's make sure -- I

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1 want your concerns to be -- You know, let me  
2 just read you what we voted on and what you

3 Minutes from the 060613 Board Meeting  
approved as part of the committee report. Now,  
4 if you feel like we need to make it as a motion,  
5 that's fine. We can carry on. But let me read  
6 it to you.

7 MR. GRANT: So it's the modification of  
8 that --

9 MR. WELLER: Well, let me read it. You  
10 can make your own interpretation. The board  
11 further recommends that the administrator --  
12 that the administrator, not the OSFM, the  
13 administrator take a narrow view of interpreting  
14 the -- or I'm sorry -- the administrator, which  
15 in this case would be the OSFM -- interpreting  
16 the license and requirements of Title 41 Chapter  
17 2, Section -- which is your last section, I  
18 can't see that very well -- 4 to include only  
19 training programs that are or were subsequently  
20 specifically approved by the U.S. Department of  
21 Labor or State Apprenticeship Council as  
22 acceptable in meeting the licensure requirements  
23 for the State of Illinois. So --

24 MR. GRANT: That's number 2 on the

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1 committee report from February?

2 MR. WELLER: Right. So that -- that's --  
3 That was the spirit and intent of looking at  
4 that saying what did the legislature mean when  
5 they had training program versus apprenticeship  
6 program, and when we looked at it, all of these

7           Minutes from the 060613 Board Meeting  
8 folks went through some form of training program  
9 because apprenticeship programs didn't exist  
10 prior to 2000. Right. So in order to encompass  
11 that, when they wrote the legislature, I guess  
12 they had to bring all of these people in that  
13 were already through a training program.

14           When they said equivalent to NEIEP,  
15 right, the only equivalent to NEIEP that you can  
16 find that is a common thread, is the  
17 apprenticeship program registered with the DOL.

18           That's why all of these other ones across  
19 all of the states, right, and I'll give you the  
20 list, you can go out there and look at all them,  
21 are all registered across the country no matter  
22 -- it doesn't make any difference who the  
23 sponsor is. It could be -- It could be an  
24 employer. It could be a multi-employer. It  
25 doesn't matter. They just have to go through

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1 the process.

2           If they choose not to go through the  
3 process, they can train their people, but then  
4 the testing has to be done independently, which  
5 seems -- seems very prudent on our part to make  
6 sure that we're monitoring --

7           MR. GRANT: Sure.

8           MR. WELLER: -- at least through the  
9 Department of Labor or -- or through our testing  
10 process, that the people were certified to do

11 Minutes from the 060613 Board Meeting  
their job, hey, that's -- that's the intent.

12 MR. GRANT: Okay. I understand that.  
13 I'm sorry. What I was confused by was, one, we  
14 accepted that committee report that had that  
15 original language in it. Then what actually  
16 occurred was proposed modification of the  
17 committee report, which was put in as a separate  
18 recommendation to the fire marshal's office that  
19 we voted on, which is a modification of that.

20 Is that really then what happened with  
21 this other piece of paper this morning? If  
22 that's -- If I understand it correctly, then  
23 I'll know that what the committee originally  
24 voted on was further refined by this

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1 supplemental section.

2 MR. WELLER: I got beat up a little bit  
3 because they said I wrote this in a -- a little  
4 too legalese fashion. All right. And maybe I  
5 was a little bit stressed about what we were  
6 faced with. I wanted to make sure that I was  
7 trying to encompass all of the thoughts of the  
8 subcommittee and making sure we were saying the  
9 right things because this was the second time we  
10 went through it. All right. So I was asked to  
11 make it a little more simple, right, which I did,  
12 which someone simplified it for me, but the  
13 intent is the subcommittee report. That's a  
14 unanimous report from the subcommittee. It

15 Minutes from the 060613 Board Meeting  
re-validates the first subcommittee rules on  
16 this. It was consistent with what you guys had  
17 said the first time. We voted on it  
18 unanimously.

19 I'm willing to address, you know, what  
20 your concerns were. I don't -- All I can tell  
21 you that they asked me to read this because it's  
22 simplified.

23 MR. GRANT: Okay. So the change I heard  
24 from that, in terms of what Bob's saying though,

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1 her question was that mechanic from another  
2 state with the CET license, if they've got three  
3 years of experience, they can sit for the exam?

4 MR. CAPUANI: No. You're getting  
5 confused again.

6 MR. GRANT: Okay.

7 MR. CAPUANI: Take out the CET. If she  
8 has someone that works for her that has three  
9 years of work experience, all she needs to do is  
10 send us a letter, she has to supply a letter  
11 stating he has three years of work experience,  
12 and he can sit for the state exam?

13 MR. GRANT: Right.

14 MR. CAPUANI: CET is not even involved in  
15 that.

16 MR. GRANT: But his license from a CET --  
17 a company that used the CET exam before that was  
18 not registered apprenticeship program with a

19 Minutes from the 060613 Board Meeting  
DOL, retroactively before today's date, he can't  
20 -- that license can't transfer here unless they  
21 can show three years of experience and retest  
22 under our license?  
23 MR. WELLER: No. What you voted on was  
24 that so you went through a training program in

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1 Georgia --  
2 MR. GRANT: Uh-huh.  
3 MR. WELLER: -- and the training program  
4 in Georgia at the time was a training program.  
5 MR. GRANT: Right.  
6 MR. WELLER: It subsequently became and  
7 was certified apprenticeship program. So it's  
8 the same thing, it's a continuation, then you  
9 were going to be grandfathered under that  
10 continuation.  
11 MR. GREGORY: If you take the test.  
12 MR. WELLER: It became the department --  
13 It became a certified program, and by function  
14 of that being a certified program, you got  
15 grandfathered.  
16 MR. GRANT: Okay.  
17 MS. ALLGAIER: You got -- that employer  
18 or whoever ran the program became DOL certified.  
19 MR. WELLER: Yes.  
20 [ALL TALKING AT ONCE.]  
21 MR. GRANT: I'm just trying to understand  
22 if what we did, we basically gutted any prior

23 Minutes from the 060613 Board Meeting  
existing CET licenses?

24 MR. WELLER: No.

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1 MR. GRANT: Issued licenses that did not  
2 occur under a DOL-apprenticeship program. It  
3 sounds like we did.

4 MR. WELLER: I'll go on record, and I  
5 hope everyone in the subcommittee agrees with  
6 me. What we said was the equivalent that we see  
7 to NEIEP, that we saw consistent was the  
8 registration under the Department of Labor. All  
9 right. So to be fair, if you are a union -- I  
10 forget the acronym that you guys use -- if you  
11 were a union contractor or a multi-employer  
12 training program and you were a training program  
13 and you registered under the Department of  
14 Labor, you got in. If you're Bill and John's  
15 elevator company, non-affiliated, you have a  
16 program, you subsequently registered the program  
17 with the Department of Labor, now your people  
18 are grandfathered as in.

19 MR. GRANT: Okay.

20 MR. WELLER: It was just a function of  
21 determining what equivalent to NEIEP meant, and  
22 that's what we determined it was.

23 MR. JONES: So that I'm clear on it. You  
24 did a nice job of explaining it. All over my

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1 head mostly. The situation here is my question  
2 is that I'm understanding the language that it  
3 has to date in the recommendation. Does the --  
4 Does any elevator contractor, or I should say  
5 any elevator -- licensed elevator company, does  
6 it change what they have to do? Like, for  
7 example, if they were going to NEIEP -- did all  
8 these elevator companies going to NEIEP program  
9 also have to have their program registered with  
10 the DOL?

11 MR. WELLER: Here's the -- Go to the  
12 State of Illinois -- go to the State of Illinois  
13 website, and there's all of these apprenticeship  
14 programs registered. Unfortunately there's not  
15 one for the state for elevators, right. The  
16 ideal situation for all of you is someone puts  
17 together a program that falls underneath this  
18 training, trades-offering apprenticeship. So  
19 you've got something. Prospectively you've got  
20 something. Right. I can't do that. I'm not --  
21 We have no skin in the line, but what we wanted  
22 to make sure was if you spent the money to build  
23 this program, and you wanted to commit new  
24 resources to creating this, that we wouldn't

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1 pull back and say, uh-oh, that training program  
2 is not certified. All right. We wanted to go  
3 out and proactively tell the folks if they

Minutes from the 060613 Board Meeting

4 wanted to set this program up, we will recognize  
5 or hopefully we are recommending to the fire  
6 marshal to recognize that curriculum as meeting  
7 the requirement.

8 So the goal here is that somebody takes  
9 the initiative off what we voted and builds one  
10 of these.

11 To her question, if she -- The only  
12 difference is they've got a licensed mechanic  
13 teaching these people and they've got three  
14 years of experience. The only difference is  
15 instead of getting a license because you went  
16 through the program, you have to take the test.  
17 All right.

18 Now, you have to appreciate from our  
19 perspective as an independent body, we have to  
20 have some control. There has to be some  
21 mechanism that says yep, they meet the minimum  
22 test. Without that, we don't have it. So --

23 CHAIRMAN BAUMANN: The answer to your  
24 question. You're asking does the Department of

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1 Labor look into each individual here? Yes, they  
2 do. So they actually come in and audit each one  
3 of the programs.

4 MR. JONES: That was my concern. I just  
5 wanted to make sure there's a level playing  
6 field for everybody in the State of Illinois,  
7 and I understand Kelly's concern. It's like

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8 anything else. If you're a registered engineer,  
9 you come in the State of Illinois, you got to  
10 take a registered engineer's test in Illinois to  
11 work in Illinois. That's -- that's --

12 So what we're doing is essentially  
13 suggesting the same thing here. Somebody has a  
14 license from Missouri, you can't just bring it  
15 here and say it's okay. He's got to take the  
16 state test. Correct?

17 CHAIRMAN BAUMANN: That's correct.

18 MR. JONES: That seems reasonable.

19 CHAIRMAN BAUMANN: Done? Thank you. All  
20 right. Oh, Dick, did you have something?

21 MR. GREGORY: I was going to just say  
22 that you spent a lot of time on the research to  
23 come up with your talk. My personal advice  
24 having been an elevator contractor for 20 years,

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1 but that's quite some time ago, is join NAEC and  
2 get the CET program because that's what will  
3 keep you in the supply of elevator mechanics  
4 trained or, alternatively, sign all your people  
5 up with IUEC, which will give you access to a  
6 huge supply of elevator -- you got two ways to  
7 get a good supply of trained elevator mechanics.  
8 Take one of those two. I mean that's the  
9 decision I made in September of 1964 for Gregory  
10 Elevator Company, and I -- it worked out very  
11 well, let's say. I'm still here.

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MS. ALLGAIER: Thank you.

CHAIRMAN BAUMANN: Jonathan Amarillo.

MR. AMARILLO: I defer my time to John Kennedy, Chairman.

CHAIRMAN BAUMANN: Mr. Kennedy. John Kennedy.

MR. KENNEDY: Thank you. I just wanted to follow up on Phoenix's question. Thank you, everyone. I think I met most of you last time. I just wanted to make sure I understand what was done today and the impact.

We were here before on a motion to rescind the order from November of 2011. Am I

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to understand that that motion to rescind is now withdrawn by the movement, that it's not an issue any longer? Is that still something that's hanging out there effectively?

MS. STINSON-MARTIN: I'll take that. It's not hanging out because as they have -- I think what was done here was it was clarified that the board made a recommendation on this particular issue to the fire marshal so that what they did back in -- whenever that was -- was the approval and disapproval. I think now what they're saying is that correctly under the Act, they're making a recommendation to the fire marshal to -- that language that they will --

CHAIRMAN BAUMANN: Accepted.

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16 MR. KENNEDY: So the motion to rescind is  
17 withdrawn?

18 CHAIRMAN BAUMANN: It was never done.

19 MS. STINSON-MARTIN: It was never done,  
20 but I think that's really the effect of it.

21 MR. KENNEDY: Okay. So that's off the  
22 table?

23 MS. STINSON-MARTIN: That's off the  
24 table.

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1 MR. KENNEDY: With respect to what's on  
2 the table. Phoenix's point, the question about  
3 c(3) and c(4) -- sorry, I sounded confused. The  
4 reason it's important, and the reason that we're  
5 here still with respect to that November order,  
6 is there's a question about the impact, and we  
7 may be very close together, maybe no settlement  
8 between us and what the board is talking about  
9 today, but NAEC is here today, they've got a  
10 curriculum that's outlined in our papers. It's  
11 a four-year curriculum. It has several hundred  
12 of hours of instruction, and it has several  
13 hundreds of hours of field work, and there's  
14 intermittent testing along the way for those  
15 folks who are taking the program, and then  
16 there's an examination at the end, and the --  
17 the difference between that -- and that program,  
18 that entire curriculum, and that entire testing  
19 protocol and examination, that's already been

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20 approved by the Department of Labor because NAEC  
21 has an apprenticeship program which is not  
22 before the board, and that apprenticeship  
23 program includes the entire CET training  
24 program. So the Department of Labor has already

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1 approved the curriculum. That's the CET  
2 training program and examination and so forth.

3 So the issue as to -- Member Weller's  
4 issue, we want to make sure there's been some  
5 sort of oversight. That oversight is already in  
6 place. The certificate of approval from the  
7 Department of Labor is part of the papers that  
8 we have provided the first time.

9 So that the question that I have is based  
10 upon I think the board has suggested to the fire  
11 marshal, and NAECI now implements its training  
12 program to folks like Phoenix without doing  
13 anything further.

14 MR. GREGORY: I think the attorney is --  
15 If you wanted to answer that.

16 MS. STINSON-MARTIN: My understanding --  
17 No. As far as I understand the recommendation  
18 to the fire marshal is NAEC doesn't have to do  
19 anything. Once it sells that program to another  
20 company, then the company has to make sure that  
21 they register with the Department of Labor.  
22 That's the recommendation before -- that the  
23 board has made to present to the fire marshal.

24 MR. KENNEDY: Okay.

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1 CHAIRMAN BAUMANN: Can I ask a question?  
2 Does the NAEC register with the Department of  
3 Labor as an apprenticeship program?

4 MR. KENNEDY: It has registered -- It has  
5 approved and has registered -- The DOL approved  
6 the program.

7 CHAIRMAN BAUMANN: It has approved the  
8 program, correct.

9 MS. CARTER-POWELL: Its --

10 CHAIRMAN BAUMANN: Have you been approved  
11 by the Department of Labor as a registered  
12 apprenticeship program?

13 MS. CARTER-POWELL: The national  
14 guidelines --

15 THE COURT REPORTER: I don't have her  
16 name.

17 MR. GREGORY: Faye.

18 CHAIRMAN BAUMANN: State your name for  
19 the court reporter.

20 MS. CARTER-POWELL: Faye Carter-Powell,  
21 Deputy Director NAEC.

22 MR. WELLER: I think we're making this a  
23 really difficult conversation, and it's really  
24 not a difficult thing at all. Any employer can

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1 do whatever they want. All right. You can buy  
2 and do, or you can -- That's your business.  
3 It's not ours. But if you're going to put  
4 licensed mechanics into the cube, right.  
5 There's two ways to do it. You can get three  
6 years of work experience under the guidelines of  
7 Section 1 and come up here and take the test.  
8 All right. That could be -- You could go  
9 through the training program, and you, quite  
10 frankly, should because that will help you take  
11 the test, but you don't have to. Right. So --  
12 So employer from Mt. Vernon has a clear  
13 path to getting people trained. I see no  
14 impediment. I see verification at the end,  
15 which is prudent public policy to have, and  
16 we're good to go. I don't know what the debate  
17 is about. What do we keep discussing this for  
18 then.

19 CHAIRMAN BAUMANN: Really not a debate.  
20 More of discussion.

21 MR. CAPUANI: I think the question was if  
22 she purchased your program, what you're saying  
23 is will we accept that mechanic's license or  
24 mechanic's certificate. With the recommendation

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1 that the committee made is that we would if her  
2 company, either way, Kelly said they could take  
3 our test, or she would have to register that --

4 Minutes from the 060613 Board Meeting  
her program -- her company with the Department  
5 of Labor.

6 MR. KENNEDY: Can I follow up on that?  
7 Because if I understand -- Phoenix was a great  
8 example. There are five ways actually to obtain  
9 a license in the State of Illinois, not two.  
10 The one path that we're concerned about is c(3),  
11 and the statute says, as you all know, if you  
12 have a NEIEP or NEIEP equivalent training  
13 program and examination protocol, and you  
14 successfully pass it, the fire marshal shall  
15 issue a license, and in our view that vote was  
16 taken and approved back in November of 2011.

17 So for Phoenix, if Phoenix purchases the  
18 program, their folks go through the entire  
19 program and take the examination outside of the  
20 State of Illinois's protocol but through the CET  
21 training examination, and that examination is  
22 successfully passed, will the fire marshal issue  
23 the license under the suggestion that's being  
24 made today, and I assume -- Mr. Weller is

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1 shaking his head no. Okay. So that's what I'm  
2 asking.

3 MR. WELLER: Right now.

4 MR. KENNEDY: So based on what was done  
5 today, no. And is it because the test is being  
6 administered -- the final exam being  
7 administered through the CET program and not

8 Minutes from the 060613 Board Meeting  
through the -- the State of Illinois, is that  
9 the wrinkle?

10 MR. WELLER: It's a complete --

11 MR. ADAMS: I think there's an important  
12 clarification needs to be made. From my  
13 perspective on the board, it is not a result of  
14 today's date action. It was a clarification  
15 today with regard to what the recommendations  
16 were at the beginning.

17 So what your -- what it seems like you're  
18 arguing about as far as making the point that we  
19 took some sort of action today that somehow  
20 altered or changed what the board's approval  
21 was, I don't think is accurate.

22 MR. WELLER: Absolutely right. It was a  
23 clarification.

24 MR. ADAMS: Clarification what the

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1 discussion was what you stated a moment ago on  
2 the original date.

3 MR. GRANT: As a member of the original  
4 subcommittee, I slightly disagree with that  
5 summation. What we did was said it was  
6 equivalent as a training program but was left to  
7 the board to approve an apprenticeship training  
8 program. The specifics of that -- that the  
9 content was approved as equivalent.

10 The individual registration of that  
11 program for that purpose was still left to the

12 Minutes from the 060613 Board Meeting  
board when anybody elected to utilize your  
13 training program. What happened here was, if I  
14 understand this correctly, we added a  
15 requirement that you had to register that  
16 company's program with the DOL, not this board.  
17 This board doesn't have to do any other approval  
18 of it.

19 From here on out, if you take it to DOL,  
20 it will be a recognized training program because  
21 the core content was approved as equivalent to  
22 that content offered through the NEIEP program.

23 MR. KENNEDY: Can I -- thank you. Can I  
24 ask a follow-up on that as to Phoenix? Let's

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1 assume Phoenix does all that. They buy our  
2 program. They take their folks through the  
3 program. They register with DOL. Is it the  
4 board's -- Is it part of the board's suggestion  
5 that by registering with the DOL, a company like  
6 Phoenix must then meet all the bells and  
7 whistles of apprenticeship program subject to  
8 DOL audit and apprenticeship program, or just as  
9 an education training program, which is a sub-  
10 part of the apprenticeship program because  
11 Phoenix's point, they can't afford all the  
12 regulatory conditions that an apprenticeship  
13 program requires. So what does registration  
14 mean, I guess, is what it's getting to, is it  
15 just training, or does it include the whole

16 Minutes from the 060613 Board Meeting  
full-blown apprenticeship program?

17 MR. WELLER: I'll speak to -- Can I just  
18 ask you the question? What -- Why is there such  
19 a strong opposition? If you're going to take  
20 the final test anyway, right, you're going to  
21 take it anyway. What is the opposition to  
22 taking it under a proctored OSFM test? What's  
23 the -- It's the same test. What's -- Why is  
24 there such a pushback on this?

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1 MR. KENNEDY: There's a different  
2 question at this point --

3 MR. WELLER: No, I'm --

4 MR. KENNEDY: -- and that is, do they  
5 have to -- when they register for the DOL, is it  
6 the board's expectation, the fire marshal's,  
7 when they register for the DOL, they're actually  
8 registering for a full-blown apprenticeship  
9 program. Because if that's the case, then it  
10 does have direct impact on the --

11 MR. WELLER: What difference does it make?

12 [ALL TALKING AT ONCE.]

13 MR. GREGORY: But that's equivalent to  
14 NEIEP then.

15 MR. KENNEDY: It has huge -- Companies  
16 like Phoenix who will have to pay the regulatory  
17 oversight for the apprenticeship program --  
18 Excuse me. Let me finish -- as opposed to  
19 implementing the CET training program which has

20 Minutes from the 060613 Board Meeting  
already been approved by the Department of  
21 Labor. That's -- That's one of the concerns  
22 that I have in terms of trying to figure out  
23 what would an end user have to do to get his  
24 folks to have a license. So if they register

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1 with the DOL and they don't have an  
2 apprenticeship program, would the fire marshal  
3 not give them a license even if they pass all  
4 the tests?

5 CHAIRMAN BAUMANN: Keep going.

6 MR. JONES: Clarify before -- Everybody  
7 that does this, whether this NEIEP program or  
8 NAEC program, they all have to register  
9 individually with DOL, right. Whether it's a  
10 mechanic -- So it's a level -- To me it's a  
11 level playing field.

12 CHAIRMAN BAUMANN: Equal to or better  
13 than NEIEP program. They're asking for  
14 something less than NEIEP.

15 MR. JONES: We've already determined the  
16 CET program is appropriate.

17 CHAIRMAN BAUMANN: The NEIEP program.

18 MR. JONES: We didn't rule on the  
19 apprenticeship program. We're just talking  
20 about curriculum.

21 MR. GREGORY: The NEIEP program is an  
22 apprenticeship program. If you are going to be  
23 equivalent to the NEIEP program, equivalent, you

24 Minutes from the 060613 Board Meeting  
will have to have an apprenticeship program.

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1 So --

2 MR. JONES: My question to that though,  
3 Dick, my only concern I have here is that  
4 individually -- this is what we've said.  
5 Individually, my company, they have to have that  
6 registered with the DOL.

7 MR. GREGORY: The company has to register  
8 because it's the company that registers.

9 MR. JONES: If that's the case, that's  
10 true of any other company or mechanic in the  
11 State of Illinois, correct?

12 MR. GREGORY: Well, there's only two, and  
13 NEIEP has overall registration with the DOL  
14 through an industry association.

15 MR. JONES: Could they --

16 CHAIRMAN BAUMANN: That's the program,  
17 and then each individual area has a --  
18 considering that the State of Illinois is a BAT  
19 state, which is a Bureau of Apprenticeship  
20 Training, you still -- even though you're in  
21 Illinois, you have to -- still have to go  
22 through a BAT to have an apprenticeship training  
23 program.

24 MR. GREGORY: But you have a committee

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1 that does that in Illinois for NEIEP. Right? A  
2 joint -- a joint committee.

3 CHAIRMAN BAUMANN: That's something  
4 different.

5 MR. GREGORY: Okay.

6 MR. JONES: My concern is that we don't  
7 treat these people here any differently than we  
8 treat NEIEP. Are we on the same level playing  
9 field? Registers with the Department of Labor.  
10 That's my question. Because that's what part of  
11 their concern is. They have to follow the same  
12 tracks as the people that are doing it through  
13 NEIEP. Shouldn't be an issue. If they're --  
14 and if they have to jump over additional  
15 hurdles.

16 CHAIRMAN BAUMANN: No, they don't. It's  
17 equal to or better than NEIEP.

18 MR. JONES: And any -- They don't have to  
19 take any additional steps is what you're saying?  
20 Your company goes through NEIEP, it's registered  
21 with DOL, every individual as well as mechanics.  
22 So there's no difference between either NEIEP or  
23 NAEC in terms of protocol for the process.

24 MR. CAPUANI: Her concern is that Phoenix

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1 registers with the Department of Labor, it's an  
2 additional cost to Phoenix, which is a small  
3 company. Right?

4 MR. KENNEDY: Well, that's the  
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5 verification, but the concern -- I have to  
6 disagree with Mr. Gregory. The equivalency  
7 comparison, apples to apples comparison, we're  
8 not looking for anything less. We're looking  
9 for exactly the same thing. The statute says  
10 equivalent. CET is equivalent to the NEIEP  
11 educational program, not the apprenticeship  
12 program. So our CET training and education  
13 program, communication program.

14 And I think what is happening, if I'm  
15 hearing it right, is there's an extra element  
16 added, and that is you have to register with  
17 DOL. Okay. But if that means that then Phoenix  
18 company has to then take on apprenticeship  
19 program and in addition to the education  
20 program, then c(3) means nothing.

21 MR. JONES: My concern, and, Mr.  
22 Chairman, so then ultimately the administration  
23 of or the acceptance of this is through our  
24 administrator, not the board. Right. So it's

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1 the OSFM makes the determination is this being  
2 met?

3 CHAIRMAN BAUMANN: That's where we're  
4 standing now. This decision is going to be part  
5 of the fire marshal's office. So pretty much --  
6 This is pretty much -- I don't want to say it's  
7 a moot issue, it's already been decided so we're  
8 going to move on to the --

Minutes from the 060613 Board Meeting

9 MR. CAPUANI: As Kelly said, she can  
10 purchase your program and -- training program  
11 and take our test without registering with the  
12 Department of Labor. That's an option.

13 MR. WELLER: That's really the only  
14 difference here, by the way, right. The only  
15 difference is that you either take the test at  
16 the end or you don't. That's the only  
17 difference. You take it off-site through your  
18 program. You take it off-site through the  
19 national elevator's program or you take it here.  
20 It's just a -- It's just a third group looking  
21 at -- DOL is the third party overlooking the  
22 registered programs, through the -- without  
23 that, we have to have some third party looking  
24 over the output that's coming out.

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1 It's a very simple public policy request.  
2 I'm having a difficult time with the debate or  
3 with the discussion.

4 MS. CARTER-POWELL: I think we see the  
5 clarification on your item. We have no issue  
6 about the apprenticeship.

7 MR. WELLER: But it's not -- You're  
8 coming in under item --

9 [ALL TALKING AT ONCE.]

10 MS. CARTER-POWELL: I know, but Illinois  
11 has three, and it doesn't mention the  
12 apprenticeship. That's all we're trying to

Minutes from the 060613 Board Meeting

13 understand. Speaking of NEIEP, the educational  
14 program. CET is the NEIEP equivalent.

15 MR. WELLER: Perfect.

16 MS. CARTER-POWELL: That's what we want.  
17 That's how -- We have apprenticeship as well.  
18 We track pretty much the same thing. There is  
19 an item 3 that licenses you in the State of  
20 Illinois under NEIEP.

21 MR. WELLER: You're asking us to let them  
22 come in without -- under item 3 without any  
23 third party testing verification. That's not  
24 what we're going to do. That's not what we

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1 voted on. So if we let you have no third party  
2 testing, then you have to register with DOL. If  
3 you want to have the state fire marshal, take  
4 the test. You can do what you want. So -- So  
5 create an apprenticeship program.

6 MS. CARTER-POWELL: We just -- What is  
7 the -- What's the third party? So if you go  
8 through NEIEP, you just go through NEIEP. I  
9 know that -- but if you go through NEIEP, then  
10 they're going to take your state exam?

11 MR. WELLER: Correct because they're  
12 administered by a third party.

13 MS. CARTER-POWELL: They complete the  
14 program -- no, not third party. They're going  
15 to take that --

16 CHAIRMAN BAUMANN: No, it's a third

17 party.

18 MR. WELLER: They're administered by  
19 Department of Labor.

20 MS. CARTER-POWELL: With that, just as  
21 you're suggesting, that Phoenix go through the  
22 program and take your exam. That's why I'm  
23 asking. I guess that's the confusion, because  
24 you -- I heard Mr. Jones ask and you were

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1 saying, yes, that everyone took that same exam.  
2 That's all I'm asking.

3 MR. WELLER: It all depends on how you  
4 want to come in. Items 1 through 3 or 1 through  
5 4. Right. You come in and get your license  
6 under the State of Illinois.

7 MS. CARTER-POWELL: Right.

8 MR. WELLER: Just do it. Take the test.  
9 You can come in under item 3, and what the --  
10 what the leap here is that the only thing that  
11 we can find that made all of those equivalent is  
12 that there's a third party administrator, and  
13 that happens to be the DOL. Right. That's the  
14 only thing that we can find that is the common  
15 thread.

16 MR. WOLIN: Ten minutes ago Kelly asked  
17 Mr. Kennedy a question, which you have avoided,  
18 which he has not answered yet. I would  
19 appreciate if he would answer the question,  
20 which I believe was, would you accept the fact

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21 that they go through the CET training and have  
22 the test taken at the state level? Do you  
23 object to that?

24 MR. KENNEDY: As a matter of policy? The

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1 policy is to take the test, but as a matter of  
2 the equivalency of the program, the state  
3 legislature has said that that is not required,  
4 one, and that there's actually a recognized  
5 alternative so long as the board finds that the  
6 program is equivalent. The testing need not go  
7 through the State of Illinois, and if we're  
8 going to be representing to companies like  
9 Phoenix if you go through our program and you  
10 pass the test, then the fire marshal will issue  
11 a license. If it turns out that's not the case  
12 because the test wasn't given by the state, we  
13 need to know that, but the state, Mr. Wolin,  
14 doesn't require that, and I understand the  
15 policy behind it, but it doesn't require it, and  
16 the question, I think that's being begged, is  
17 what's the integrity of the final examination.  
18 Can you trust the integrity of the final  
19 examination?

20 The last time I was here there was some  
21 suggestions that people were gaming the system,  
22 cheating and the like. There are ways to  
23 address that certainly, but it doesn't  
24 necessarily mean you gut the statute and say

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1 nobody can give the test except DOL or the fire  
2 marshal when the General Assembly said no,  
3 that's not right. A certified-equivalent body  
4 can administer the test and that satisfies the  
5 licensing requirements in Illinois.

6 And if the concern here is we want to  
7 make sure these guys who are in the field  
8 obviously know what they're doing. That's a  
9 different question about the integrity of the  
10 test. There a whole host of ways to insure that  
11 the test is maintained. You can do third-party  
12 proctoring so the employer can't game the  
13 system. You can do remote proctoring. There's  
14 all these off-site universities. University of  
15 Michigan does remote proctoring online courses  
16 for master's degrees where the security of the  
17 test is rock solid. Better than having someone  
18 sitting at a desk watching.

19 CHAIRMAN BAUMANN: Just as you're saying,  
20 we're going to have -- the state fire marshal is  
21 going to be proctoring the test. So -- I mean  
22 this is pretty much the discussion that's  
23 already been taken care of. It's in the hands  
24 of the state fire marshal right now.

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1 MR. KENNEDY: But I just want to -- I  
2 still want to get an answer to this question, if  
3 I could get an answer to this question. By  
4 registering with the Department of Labor, is the  
5 employer like Phoenix expected to satisfy the  
6 entire apprenticeship requirements --

7 MR. GREGORY: Yes.

8 MR. KENNEDY: -- is that what the  
9 employer is expected to do by registering  
10 because that's not what the NEIEP -- The NEIEP  
11 educational program does not require that, and  
12 we are equivalent to the NEIEP education  
13 program. So the question we have is what do we  
14 tell folks like Phoenix when they say, can we  
15 buy your exam and can we take the exam here. We  
16 say yes, but they want you to register with DOL.  
17 Well, what does that mean? Does that mean they  
18 have to -- have to buy into the whole  
19 apprenticeship program. When employers like  
20 Phoenix are saying, that's too much for us.

21 So I'm -- I would like an answer to that  
22 question if I could get one.

23 MR. JONES: And that's my confusion too.  
24 I want to make sure. NEIEP program, each

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1 individual company has to register their  
2 apprenticeship program?

3 CHAIRMAN BAUMANN: You talking NEIEP  
4 program? They do through that -- they do

5           Minutes from the 060613 Board Meeting  
through -- Each individual company ownership  
6 program -- all 70 -- I'm not really sure how  
7 many licensed -- what companies are out here,  
8 but --

9           MR. JONES: They're all registered?

10          CHAIRMAN BAUMANN: They're all registered  
11 through NEIEP, okay, and NEIEP does --

12          MR. JONES: Well, what he's asking is  
13 couldn't they do the same thing? Could they all  
14 register through the CET, right? I mean that  
15 program.

16          CHAIRMAN BAUMANN: That's why I asked if  
17 they were represented -- the NEIEP, NAEC -- is  
18 their members of NAEC, each one of your members  
19 that belong to, and they would be -- you would  
20 accept the responsibility and you would send out  
21 that test for a third party test? Excuse me if  
22 I'm -- I'll wait for Kelly here so he  
23 understands what I'm saying.

24          MR. WELLER: I'm sorry.

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1           CHAIRMAN BAUMANN: If NAC -- NAEC accepts  
2 responsibility if they're a --

3           MR. JONES: If they're accepted by DOL as  
4 their program, right, like NEIEP?

5           CHAIRMAN BAUMANN: That's correct.

6           MR. JONES: Again I just want to make  
7 sure there's a level playing field.

8           CHAIRMAN BAUMANN: Department of Labor

9           Minutes from the 060613 Board Meeting  
comes in, audits your books, how you do the  
10 hiring and how you do the test, and which is  
11 what Phoenix is going to be working with,  
12 through you. So they're actually going to go  
13 through that company too because they have to go  
14 through all those records too, your OJTs, your  
15 training classes.

16           MS. CARTER-POWELL: So basically you're  
17 saying then that Illinois will be an  
18 apprenticeship-only state. Is that -- Is that  
19 -- I mean which is -- there are states that are.  
20 No. No. I'm asking. If that is -- This is a  
21 reasonable question because there's -- there's  
22 six states that are. That's why I'm asking.  
23 Is --

24           MR. WELLER: You tell us that ---

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1           MS. CARTER-POWELL: I don't know.  
2 According to your legislation you're not. You  
3 accept as the terms, but what you're -- you're  
4 saying is you must go through the Department of  
5 Labor. We can --

6           MR. WELLER: Or take the test.

7           [ALL TALKING AT ONCE.]

8           MR. ADAMS: I think the answer to that is  
9 no because you can take the test. Correct?  
10 There's an option to not being an apprenticeship  
11 situation. You can take the test. So the  
12 question was it's an apprenticeship-only state.

13 Minutes from the 060613 Board Meeting  
14 There's an option to get licensed without the  
15 apprenticeship portion if you take the test.  
16 For that, I think the answer is no. Is that  
17 correct or not?

18 CHAIRMAN BAUMANN: Illinois is a BAT  
19 state, Bureau of Apprenticeship Training. Do I  
20 have to say anything clearer than that? We're  
21 not a SAC state, which is a state-run  
22 organization. We're a BAT state. Okay. So  
23 that's where we're at.

24 MS. CARTER-POWELL: Okay.

MR. KENNEDY: So when a company likes

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1 Phoenix purchases the CET program and registers  
2 with the DOL, the fire marshal, and their folks  
3 successfully pass the examinations, that have  
4 been monitored and proctored through a third-  
5 party CET program but they don't go through DOL  
6 apprenticeship, they're registered but don't go  
7 through the DOL apprenticeship under the  
8 suggestion made by the fire marshal, will a  
9 license be issued to those folks?

10 MR. WELLER: You're trying to get us on a  
11 technicality. My recommendation is we don't  
12 respond to this. You have a pathway for Phoenix  
13 to get their people licensed. We have a motion,  
14 and I would -- I would ask the chair if we're  
15 being redundant.

16 CHAIRMAN BAUMANN: I'm in agreement.

Minutes from the 060613 Board Meeting  
17 I'm --

18 MR. JONES: Can I -- I disagree on that.  
19 We did have a recommendation on this suggestion.  
20 Qualification. Is this language saying --

21 CHAIRMAN BAUMANN: We had the  
22 recommendation to the fire marshal.

23 MR. JONES: Based on -- Based on our  
24 recommendation or whatever he determines. It's

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1 only a recommendation from us, right?

2 CHAIRMAN BAUMANN: That's correct.

3 MR. JONES: Once that's determined it's  
4 not required by them, that's his call because  
5 we're only making the recommendation?

6 MS. STINSON-MARTIN: Absolutely.

7 MR. KENNEDY: So if the fire marshal  
8 would ask the board, what does this mean in  
9 terms of complying with the DOL apprenticeship  
10 requirements --

11 CHAIRMAN BAUMANN: I don't think the fire  
12 marshal is going to ask that question because  
13 it's pretty much black and white the way it's  
14 written.

15 MR. KENNEDY: I'm not going to argue with  
16 you guys.

17 CHAIRMAN BAUMANN: Thank you.

18 MR. KENNEDY: But I do think that the  
19 folks like NAEC and the employers like Phoenix  
20 are entitled to an answer to the question I've

21 Minutes from the 060613 Board Meeting  
asked. With all due respect, Mr. Weller, that's  
22 a legitimate question.

23 MR. WELLER: You never did answer mine.

24 MR. KENNEDY: I did. I answered. I said

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1 yes, as a matter of policy -- Let me finish  
2 because I'm not going to be bullied here. I've  
3 asked a fair question. I've asked a fair  
4 question on behalf of a national organization  
5 and an employer, and this board won't answer me,  
6 and I don't understand.

7 MR. JONES: Could your question be  
8 presented again as clearly as you can so this  
9 board can understand exactly where you're going  
10 with this. I want to be very clear as to what  
11 you're asking.

12 MR. KENNEDY: Here's what I'm asking.  
13 I've been tracking the legislation, Section  
14 c(3), and I'm trying to put it in context of  
15 what's being suggested now to the fire marshal.

16 Start with the premise that the  
17 suggestion is the CET program is an NEIEP  
18 equivalent except -- but they must be in  
19 agreement, that the employer who buys into the  
20 CET training program registers with the  
21 Department of Labor. That's, as I understand it  
22 from what I heard today, the suggestion. I'm  
23 trying to get to what that means. So we'll use  
24 Phoenix as an example.

1 MR. WOLIN: Point of order.

2 CHAIRMAN BAUMANN: Go right ahead.

3 MR. WOLIN: You're asking a question, but  
4 I think we've answered that that's not true.

5 MR. KENNEDY: I'm trying to answer Mr.  
6 Jones.

7 MR. JONES: I've asked the question.

8 MR. KENNEDY: That's my understanding of  
9 what the suggestion today was made.

10 CHAIRMAN BAUMANN: Again, this is -- this  
11 is in the hands of the state fire marshal's  
12 office, and we're going to leave it up to the --

13 MR. KENNEDY: I know. I'm trying to get  
14 to Mr. Jones' question to me. I want to make  
15 sure I'm framing the question right. I'm trying  
16 to set the table. That's what I understand was  
17 suggested to the fire marshal today. You can  
18 buy the CET program, but you must register with  
19 the Department of Labor. That's what I  
20 understand was suggested.

21 MR. JONES: We approved the curriculum.  
22 The apprenticeship program is a different  
23 animal. So if you accept the apprenticeship  
24 program, it has to be approved by the Department

1 of Labor, right?

Minutes from the 060613 Board Meeting

2 MR. KENNEDY: Right. This goes to a  
3 different scenario, Mr. Jones. It goes to an  
4 employer does not want to set up an  
5 apprenticeship program like Phoenix, but does  
6 want to get its folks licensed which doesn't  
7 require a DOL program. If they buy the CET  
8 training program and they register with the  
9 Department of Labor, Bureau of Apprenticeship,  
10 is it the expectation of the fire marshal that  
11 they still have to go through the apprenticeship  
12 program to get the license because that's the  
13 added element in the suggestion that it's  
14 outside the statute is the registration. That's  
15 what I'm trying to get to the bottom of.

16 MR. JONES: My understanding is there are  
17 other ways to get the license.

18 MR. KENNEDY: That's true.

19 MR. JONES: So is it mandated? If you  
20 set up an apprenticeship program, basically the  
21 state fire marshal's office is the one that's  
22 going to oversee, make sure it's correct. We're  
23 not going to do that. We're just suggesting if  
24 that's done, this is what -- part of our

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1 recommendation to the OSFM. There are other --  
2 Mr. Weller, there are other ways to get there.  
3 Okay. You may choose to do those. Maybe  
4 Phoenix may choose to do one of those other  
5 ways.

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6           Ultimately, my -- the final analysis is  
7 it's got to be the test of the proctor by the  
8 state fire marshal's office, and speaking to the  
9 -- the quality of the test, I don't think that's  
10 a red herring. I think that it's going to be  
11 proctored and managed by OSFM. I don't think  
12 it's compromised any way, shape, or form.  
13 Ultimately it's got to be whoever goes to get  
14 the license has to go through a proctored test  
15 overseen by the state fire marshal. There are  
16 other ways to do it, but that's the key.

17           MR. KENNEDY: And I appreciate that as a  
18 prior issue. This is a -- a little different.  
19 I'm talking about the registration issue.  
20 That's in the language used. I know there's a  
21 lot of other ways. We're focusing on one way  
22 because it's the program that's important at  
23 NAEC, and it's contingent on the registration  
24 element.

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1           Put aside who proctors the exam. They  
2 register with the Department of Labor, and they  
3 don't want to do an apprenticeship program, must  
4 they still before they get their license under  
5 the suggestions of the fire marshal because  
6 that's a practical economic issue for --

7           MR. JONES: The fire marshal has  
8 determined --

9           MR. GREGORY: That's confusing --

Minutes from the 060613 Board Meeting

10 CHAIRMAN BAUMANN: That's what I keep  
11 saying.

12 MR. JONES: It's -- The board made a  
13 recommendation based on the understanding we  
14 have in the law.

15 MR. CHRISTENSEN: Point of order.

16 CHAIRMAN BAUMANN: Point of order.

17 MR. CHRISTENSEN: I think this question  
18 has been repeatedly answered.

19 CHAIRMAN BAUMANN: I agree.

20 MR. CHRISTENSEN: I take exception to Mr.  
21 Kennedy about the bullying. This board has  
22 given you numerous opportunities in the times  
23 that I've sat here. So I take exception to  
24 that, but I think it's been answered a number of

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1 times.

2 MR. KENNEDY: I respectfully disagree.

3 MR. JONES: To be fair, I asked the  
4 question. Mr. Christensen, I asked the question  
5 again. To be fair, I asked it for clarification  
6 on my part. And that's where --

7 MR. CHRISTENSEN: And it's been answered  
8 again.

9 CHAIRMAN BAUMANN: I think it's been  
10 answered many times, and the discussion as we  
11 have --

12 MR. KENNEDY: For the record we reserve  
13 the right -- I would like to get a copy of what

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14 was submitted or going to be submitted to the  
15 fire marshal. Have not received a copy -- the  
16 suggestion this morning to the fire marshal.  
17 I'd also ask for counsel if I could ask for the  
18 legal analysis.

19 CHAIRMAN BAUMANN: I believe you'll have  
20 to file the proper channels to go through --

21 MR. KENNEDY: But I'd like to make a  
22 record --

23 CHAIRMAN BAUMANN: For the record.  
24 That's good. She'll read the record.

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1 MR. KENNEDY: Ms. Stinson-Martin, I'd  
2 also ask for a copy of the analysis that's --  
3 that you rely upon that the fire marshal is the  
4 -- that this board's comments are advisory only,  
5 that the fire marshal has reserved the authority  
6 on this issue.

7 MS. STINSON-MARTIN: I haven't written  
8 any analysis. I've -- I informed the fire  
9 marshal.

10 MR. KENNEDY: Thank you.

11 CHAIRMAN BAUMANN: David Smart.

12 MR. SMART: I'm good.

13 CHAIRMAN BAUMANN: Thank you very much.

14 Margaret Vaughn. Can you spell your  
15 name, and who you represent.

16 MS. VAUGHN: Good morning -- afternoon --  
17 It's not afternoon yet, almost. Margaret,

Minutes from the 060613 Board Meeting

18 M-a-r-g-a-r-e-t, Vaughn, V-a-u-g-h-n. I'm with  
19 the Suburban Building Officials Conference.

20 I had a question, and I -- I had spoken  
21 to the fire marshal about it, and he asked that  
22 I bring it before the board today. So that's  
23 why I'm here.

24 Back in 2008, February 20, 2008, the

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1 board issued a letter to elevator companies  
2 telling everyone that this standardized  
3 inspection form was what is needed on all  
4 inspections. It's a form that has 125  
5 components on it, and each component needs to be  
6 checked as far as in compliance. There was also  
7 a form that was put out in -- There was  
8 inspection form issued to -- in February of 2008  
9 with 125 components on it for elevators. There  
10 was one for escalators with 34 components.

11 It seems that it's been brought to our  
12 attention that some municipalities, that they  
13 are perhaps using an older form. There's a  
14 form, and it was used as late as November and  
15 December of '012, that for the elevators it was  
16 just 12 components, and it's actually a combined  
17 form, has -- has elevator and escalators on it,  
18 and the escalators, that would just be one.

19 So I just wanted to clarify, what can be  
20 done about it, if some type of notice can be  
21 sent out, letting people know that they have to

Minutes from the 060613 Board Meeting

22 use the form that was approved back in 2008.

23 I guess the second question is if for  
24 liability or whatever, are the inspections done

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1 with the incorrect form valid, or how does the  
2 fire marshal want to address that? I want to  
3 bring that to your attention.

4 I know you were looking into it because  
5 Larry, the other day, he told me. That's why  
6 I'm here. Larry couldn't be here. There's why  
7 I'm here. So --

8 MR. WELLER: Margaret, is that the one  
9 that you guys worked on? You had the  
10 subcommittee work that the --

11 MS. YOUNG: Patti Young for the record,  
12 yes. It began as the original form from that  
13 subcommittee. Thank you, Kelly, for your  
14 history with the board, for that reason. And  
15 then the form did get tweaked where a couple  
16 things were added more than comments, but the  
17 main comment did not really have major changes  
18 to it, and that's what Margaret is referring to,  
19 issuance in 2008.

20 MR. CAPUANI: What came up was we got a  
21 few letters from some municipalities stating  
22 that with their agreement with the OSFM, that  
23 their inspection procedures would include their  
24 own forms. This is what Angie is trying to find

1 out right now.

2 MS. STINSON-MARTIN: Right. I'm still  
3 looking.

4 MR. CAPUANI: But municipalities can use  
5 their own form.

6 MS. VAUGHN: This looks like it's a  
7 standard form that's being used. It would seem  
8 that just pretty black and white from the letter  
9 that was sent out on 20th of February, back in  
10 2008, basically the results of the Valentine's  
11 Day board meeting on the 14th of that year, the  
12 -- basically the board decided that all  
13 inspection forms have to be done on this. So  
14 it's --

15 MS. STINSON-MARTIN: That's correct, but  
16 there's some language in the municipality  
17 agreement. So we have to look into and --

18 MR. CAPUANI: In Section 7 of the  
19 agreement, I believe, it states that -- that the  
20 municipality performs their own inspections and  
21 procedures. Their argument is that this form is  
22 part of that procedure.

23 MS. STINSON-MARTIN: So that they get the  
24 right to create their own forms.

1 [ALL TALKING AT ONCE.]

Minutes from the 060613 Board Meeting  
2 MS. STINSON-MARTIN: We're trying to make  
3 sure that our -- that we agree that that's not  
4 really a procedure, that we -- that the board  
5 has mandated that form to be used, but I'm still  
6 looking into that and make sure that that's  
7 protocol.

8 MR. WELLER: Can we make that an agenda  
9 item next time, needs to be addressed, put it on  
10 the agenda, make sure we get it resolved.

11 MS. VAUGHN: Yes because otherwise I  
12 would think that everyone should have to be  
13 using these unless they come before you, tell  
14 you specifically that they can't.

15 MR. CAPUANI: Understood.

16 MR. WELLER: Do we need a motion, or are  
17 we good?

18 MR. CAPUANI: We can add -- We'll add it  
19 to the agenda.

20 MS. VAUGHN: Okay. So that would be  
21 September. Des Plaines?

22 MR. CAPUANI: Des Plaines.

23 MS. VAUGHN: I'll bring doughnuts. Okay.

24 MR. CAPUANI: Bran muffins, please.

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1 MS. VAUGHN: Heal thy.

2 CHAIRMAN BAUMANN: Alicia Martin.

3 MS. MARTIN: I have no comments.

4 CHAIRMAN BAUMANN: Amanda Smith.

5 [NO RESPONSE.]

6 Minutes from the 060613 Board Meeting  
CHAIRMAN BAUMANN: Amanda Smith.

7 [NO RESPONSE.]

8 AUDIENCE MEMBER: I believe she's in the  
9 hallway.

10 CHAIRMAN BAUMANN: Faye Carter-Powell.

11 AUDIENCE MEMBER: Same.

12 CHAIRMAN BAUMANN: Patti Young.

13 MS. YOUNG: Patti Young. I just wanted a  
14 clarification. This has to do with the Otis  
15 presentation. Bob, you had requested that any  
16 company that does do any sort of change with  
17 their equipment would need to notify the state  
18 fire marshal. Will the state fire marshal be  
19 sending a letter to all licensed contractors  
20 formally so that it's posted on the website so  
21 then there's the no ifs, ands, or buts about it?

22 MR. CAPUANI: We will post it on the  
23 website. I'm not sure if we'll send a letter  
24 out to everyone.

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1 MS. YOUNG: I know when I checked the  
2 email system for our company, I've never gotten  
3 anything in that email system. So how is the  
4 company going to know about it if it's just  
5 posted and if the companies aren't regular users  
6 of the website?

7 MR. CAPUANI: We'll -- We'll -- We'll --  
8 When we decide if we'll send a letter out.

9 What happened with that email system, is

10 Minutes from the 060613 Board Meeting  
that we sent out say 200, and 175 came back  
11 undeliverable. So it didn't work. So --

12 MS. YOUNG: Well, mine has been the same.  
13 So I should have gotten something in the email  
14 system. So there definitely is a problem.

15 MR. CAPUANI: That's why we stopped  
16 sending them out.

17 MS. YOUNG: Okay. So then we need to  
18 rely on the U.S. Post Office to give information  
19 out to people then?

20 MR. CAPUANI: Yeah. Frees up -- She will  
21 send a letter out -- We'll take it under  
22 advisement.

23 MS. YOUNG: Well, I'm just concerned  
24 because it seemed like the board was a little

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1 worried about the telephone situation, and, you  
2 know, if Otis has got something new in the  
3 hopper or Kone or whomever, that, you know, they  
4 may not realize the impact that, you know, it is  
5 having on the public safety and the concern for  
6 the board.

7 MR. CAPUANI: I don't see a concern. We  
8 can send it out. We can send it out to the  
9 contractors.

10 MS. YOUNG: Okay. So the elevator  
11 company contractors should be expecting a  
12 letter?

13 MR. CAPUANI: We probably should send

14 Minutes from the 060613 Board Meeting  
them to the inspection companies also.

15 MS. YOUNG: That would be great. Can I  
16 also make the recommendation that it's also to  
17 the limited licensed contractors because it  
18 would apply to ADA people as well.

19 MR. CAPUANI: Yes, all contractors.

20 MS. YOUNG: Okay. Thank you.

21 MR. CAPUANI: You need help with that?

22 MS. YOUNG: Can't afford it.

23 CHAIRMAN BAUMANN: One more time for Faye  
24 Carter-Powell.

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1 [NO RESPONSE.]

2 CHAIRMAN BAUMANN: Amanda Smith.

3 [NO RESPONSE.]

4 CHAIRMAN BAUMANN: We'll conclude the  
5 public comment. Go into variance, appeals.

6 MR. CAPUANI: The board's variance. Come  
7 before the board. I just want to remind the  
8 board that at the July 14 meeting, that handrail  
9 advertising was restricted in Illinois. This  
10 company came in to Illinois, and thanks to one  
11 of the inspectors found this on escalator, I  
12 believe was in Fox Valley Mall. Along with the  
13 inspection company, we had them remove them.

14 So they did come into Illinois with  
15 restricted equipment. They installed it. They  
16 did not ask the municipality, and they did not  
17 ask the State of Illinois for permission.

18 Minutes from the 060613 Board Meeting  
He's asking for a variance. He sent in  
19 the variance. I denied the variance. So his  
20 option is to come before this board.

21 My opinion on this is it's a distraction.  
22 I don't believe in it, but you're the elevator  
23 board. So I'd like you to listen to his  
24 presentation, and then you decide.

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1 MR. GRANT: If I could ask just a simple  
2 clarification. Did we not hear a variance  
3 request on this the initial time? I saw --

4 MR. CAPUANI: Yes.

5 MR. GRANT: Is this a different company's  
6 product than the prior --

7 MR. CAPUANI: It's got to be the same  
8 company because this person is saying they're  
9 the only ones that have this, and that back in  
10 -- I can give you the person's name -- Kelly  
11 told him to come back in ten years with more  
12 statistics.

13 His name was Mr. W-a-h-i-d-u-d-d-i-n, was  
14 the person who appeared before this board. I  
15 can't pronounce it.

16 MR. GRANT: So this is a resubmitted  
17 variance request submitted to you, denied by  
18 your office, and under appeal back to the board?

19 MR. CAPUANI: Well, here it is. It is  
20 against the code right now. So it is a code  
21 violation right now.

Minutes from the 060613 Board Meeting  
22 CHAIRMAN BAUMANN: That's why he's asking  
23 for the variance.  
24 MR. CAPUANI: That's why he's asking for

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1 the variance.  
2 MR. JONES: Didn't we already deny this?  
3 MR. CAPUANI: Yes, it is restricted  
4 equipment as of the July 14th, yes.  
5 MR. JIRIK: And they put them in?  
6 MR. CAPUANI: He can apply for a  
7 variance.  
8 MR. JIRIK: But this was put in --  
9 MR. CAPUANI: Yes.  
10 MR. JONES: He's asking for variance on  
11 specific escalators?  
12 MR. CAPUANI: No, he's requesting a  
13 variance for the State of Illinois.  
14 MR. JONES: Haven't we ruled on that?  
15 MR. COTTETA: Am I allowed to --  
16 MR. WELLER: He's got his variance --  
17 MR. COTTETA: You know, I actually need  
18 one to give the presentation from if you don't  
19 mind.  
20 All right. Well, listen, I appreciate  
21 your time today.  
22 CHAIRMAN BAUMANN: Can you please state  
23 your name for the court reporter?  
24 MR. COTTETA: My name is Gianni,

1 G-i-a-n-n-i, Cotteta, C-o-t-t-e-t-a. I'm the  
2 president of ADRailUSA, and ADRailUSA is the  
3 exclusive provider of advertising on escalator  
4 handrails in the United States. We have no  
5 affiliation with the company that has come  
6 before you before asking for a variance. They  
7 have no affiliation with our product. We don't  
8 know who they are. But I'm here today to ask or  
9 to seek a variance based on hard evidence and  
10 proven track record that I'm about to share with  
11 you.

12 We license our technology from a company  
13 called EHC Global. That's the escalator  
14 handrail company if you're not familiar with  
15 them. They're one of the largest escalator  
16 handrail providers in the world. They patented  
17 this technology on a global basis ten years ago  
18 in 2003. And our company licensed us that  
19 technology for the United States.

20 ADRail makes escalators safer than  
21 original equipment. We've done numerous safety  
22 studies with companies like Synovate and through  
23 accredited research companies by EHC Global.

24 We have proof based on 1,900

1 installations that have been installed with  
2 perfect safety record and zero equipment

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3 shutdowns. We have third party proof, that ASME  
4 A17 2013 code revision with EMW moving walkway  
5 committee rationale has adopted new language  
6 after doing an extensive due diligence on our  
7 company and our credentials to make -- and based  
8 on the fact that ADRail escalator handrail  
9 advertising improves human safety in escalator  
10 equipment.

11 Everyone here, I'm sure, is familiar with  
12 the dotted handrails. Well, the dotted handrail  
13 has been around since 1920s, and the intent on  
14 the dotted handrail was to help people take a  
15 more natural step on and off the escalator. It  
16 was to help them gauge the motion, speed, and  
17 direction.

18 That's what ADRail does. ADRail is a  
19 handrail graphic that gets the attention of the  
20 escalator passenger as they're entering and  
21 exiting the escalator. They can better gauge  
22 the speed, the motion, and the direction of the  
23 escalator, therefore taking a more natural step  
24 on and off.

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1 This is what we discovered in our  
2 numerous safety studies over the last ten years  
3 and proven track record of zero accidents and  
4 zero equipment shutdowns. ADRail helps prevent  
5 trips and falls, the leading cause of escalator  
6 accidents, as high as 99 percent of the

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7 accidents on escalators.

8           Again research shows ADRail helps people  
9 take a more natural step on and off. People  
10 look down more when boarding. It puts eyeballs  
11 where they belong, on the escalator handrails  
12 and the steps.

13           When people are approaching and exiting  
14 the escalator, they could be distracted by a lot  
15 of different things, and their cell phones, and  
16 when you have black handrails, you can -- the  
17 black handrails don't get their attention and  
18 don't help them understand how fast that  
19 escalator is really moving, which direction it's  
20 moving in.

21           I mean me, myself, have gone to step on  
22 the wrong escalator numerous times until I just  
23 about -- and stepped on and realized it was the  
24 wrong direction because I couldn't see because

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1 the handrails are black black.

2           With the colored handrails -- and I'll  
3 pass these around -- these are actual escalator  
4 handrails with our graphics applied to it. Pass  
5 those around.

6           It acts -- It takes the place of the  
7 dotted handrails' intent on helping people that  
8 take that more natural step on and off.

9           Installation safety record of ADRail. In  
10 this packet I'm going to leave you with today, I

Minutes from the 060613 Board Meeting

11 also included some affidavits that show you that  
12 we've had zero claims in the last ten years with  
13 all of our installations. So there have been  
14 zero -- there's been 1,900 hundred installations  
15 worldwide installed with zero passenger  
16 accidents, zero equipment shutdowns. That's an  
17 estimated 60,000 days of perfect safety record.  
18 That's equivalent to 156 years of a perfect  
19 safety record. 156 years of actual proof of  
20 ADRail's safety record.

21 EHC Global along with ADRailUSA has  
22 installed over 1,900 jobs. We have affidavits  
23 here today that give you -- that show that we've  
24 had zero claims with both companies in the

♀

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1 entire ten years and all 1,900 hundred  
2 installations.

3 One notable venue that we have been  
4 installing in over the last three years is here  
5 in Chicago at the Chicago O'Hare Airport. We  
6 have a partnership with the airport and Clear  
7 Channel, who sells our product at that airport.

8 We've had over 13 months' work with  
9 installed handrails at that airport over the  
10 last three years, which had 85 million people,  
11 seeing our -- experiencing our product just out  
12 of that one venue. So 85 million people have  
13 experienced our product here in the State of  
14 Illinois in which the City of Chicago over the

Minutes from the 060613 Board Meeting

15 last three years with our products.

16 And I have testimonials from the  
17 Department of Aviation. We were approved by the  
18 City of Chicago, and therefore, I apologize,  
19 that we did not go through the proper channels  
20 to get the proper approval for the State of  
21 Illinois. I took -- I personally assumed that  
22 because we went through the whole Department of  
23 Buildings in Chicago that we were automatically  
24 approved for the State of Illinois, and that's

♀

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1 -- you know, I take accountability for that  
2 assumption.

3 MR. WELLER: Why did you come here for a  
4 variance the first time?

5 MR. COTTETA: I didn't. That was another  
6 company.

7 MR. WELLER: Oh, it's a different  
8 company.

9 MR. COTTETA: That was a different  
10 company. Has no affiliation with us, and that's  
11 why it's really important for me to be here  
12 today because I think it's really important for  
13 you folks to know that this technology was  
14 designed by escalator handrail company that's  
15 been in business for 30 years. They're  
16 escalator handrail experts, and they have -- we  
17 have great relationships with all the escalator  
18 maintenance agencies.

Minutes from the 060613 Board Meeting

19           And in 2012 the ASME, the 2013 revision  
20 of the 2010 A17 excerpt from rational, after  
21 doing a lot of due diligence, and, Mr. Gregory,  
22 you can yell at me, throw a stapler at me if I  
23 say anything out of line.

24           MR. GREGORY: Throw a stapler at you?

‡

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1           MR. COTTETA: I'm making a joke, but when  
2 it comes to the code, you know, I don't want to  
3 say anything out of context, but after doing an  
4 extensive due diligence on our product and  
5 really reviewing the safety, and coming to the  
6 conclusion that ADRail escalator handrail  
7 advertising improves human safety, they've  
8 adopted new language for the 2013 A17 code that  
9 clearly permits escalator handrail advertising.

10           The reason why they did this was because  
11 the old code was unclear whether or not our  
12 product was approved. It was unclear whether or  
13 not it was referring to safety signage or any  
14 additional signage. So the reason for the new  
15 language is to make it clear that escalator  
16 handrail advertising is permitted on escalators  
17 --

18           MR. CAPUANI: New language does not say  
19 advertising. The new language says -- I sit on  
20 the RAC committee. The new language also says,  
21 shall not be distracting.

22           MR. COTTETA: Can you repeat the first  
Page 109

23 point? If I'm using the word advertising, I  
24 should use the word graphics?

♀

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1 MR. CAPUANI: It doesn't say advertising.  
2 You mentioned that.

3 MR. COTTETA: Handrail graphics are  
4 permitted on the escalator handrail.

5 MR. CAPUANI: But there's also a sentence  
6 that says they shall not be distracting.

7 MR. COTTETA: That's right.

8 MR. CAPUANI: So that's an opinion.  
9 That's my opinion it is distracting.

10 MR. COTTETA: Okay. So I'm here to just  
11 provide that it's zero accidents and zero  
12 equipment shutdowns, and if it is a distraction,  
13 it's a good one because you really want these  
14 people to be looking at the handrails and you  
15 want them looking at the steps when they're  
16 getting off.

17 I travel this country. I'm all over the  
18 country. I'm looking. And my job is to look at  
19 escalators, and I see people all the time like,  
20 you know, what are they called, when they almost  
21 trip -- I forget the terminology for it, but  
22 it's important to get these folks to pay  
23 attention getting on and off.

24 MR. CAPUANI: Have you installed these in

♀

1 other states?

2 MR. COTTETA: Yes.

3 MR. CAPUANI: Which states?

4 MR. COTTETA: California, Arizona, New  
5 Jersey. We were just approved in Boston,  
6 Massachusetts -- for the state of Massachusetts.  
7 I just went up there not long ago and presented  
8 to the board and got approval for the whole  
9 state of Massachusetts. Ohio. We've -- We just  
10 went to Texas and met with Larry --

11 MR. GREGORY: Lawrence. Don't call him  
12 Larry.

13 MR. COTTETA: I love Lawrence because he  
14 was a -- he was a tough guy.

15 MR. CAPUANI: It's not approved in Texas.

16 MR. COTTETA: Well, we're working with  
17 the state of Texas.

18 MR. CAPUANI: Last night -- I'm on an AHJ  
19 committee, with all the changes for the U.S. So  
20 from last night I got Florida, Miami, Michigan,  
21 Iowa, Texas, Missouri, Wisconsin, Minnesota,  
22 Indiana, Maryland, Connecticut, and Kentucky do  
23 not allow handrail advertising.

24 MR. COTTETA: We're not in a lot of those

♀

1 states.

2 MR. CAPUANI: I know you're not.

Minutes from the 060613 Board Meeting  
3 MR. COTTETA: We just don't do -- We  
4 haven't done business there, which is why we  
5 haven't gone there and introduced the product to  
6 them. We are growing interest. We have a lot  
7 of interest for the State of Illinois. And we  
8 have a lot of interest for Texas, which led us  
9 down to Larry.

10 MR. GREGORY: Lawrence. Lawrence.

11 MR. COTTETA: Lawrence.

12 It was -- Again it was designed by EHC  
13 Global, the world leading escalator handrail  
14 manufacturer. The product works on all types of  
15 handrail styles. There's no edges to peel. The  
16 film was designed for wraparound existing  
17 handrail. It goes right over the top of the  
18 existing handrail. It wraps far enough under  
19 that people can't pick at it when the escalator  
20 is in operation.

21 So again we've had zero shutdowns in ten  
22 years of operation worldwide.

23 Before we do an installation, why we have  
24 a perfect track record in the last ten years

♀

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1 with zero accidents and zero equipment shipment  
2 shutdowns because we take our product very  
3 serious, and when we go in and do a -- install  
4 ADRail into a venue, we look at the handrails  
5 and make sure that there's no cracks before we  
6 install.

Minutes from the 060613 Board Meeting  
7 One of the benefits of us -- Another  
8 benefit of our product is looking at the  
9 handrails. When we do discover cracks, we will  
10 work with the venue owner and the escalator  
11 maintenance agency, and ADRailUSA, my company,  
12 has bought new handrails for venues. And just  
13 to give you an idea -- an example. Schindler  
14 Elevator is our partner at Chicago O'Hare  
15 airport. Otis Elevator's becoming our partner  
16 at the Boston airport. We -- They work with us.  
17 They install our products for us. They remove  
18 our product.

19 But when we went to the O'Hare airport,  
20 we picked -- we chose 16 escalators throughout  
21 the airport and out of the 32 handrails, there  
22 was nine handrails that were bad. My company  
23 paid for all the new handrails, and  
24 partnershopped with Schindler on the cost of

♀

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1 installing those handrails.  
2 So we're improving the handrails.  
3 The other thing is before we do an  
4 installation, we will do a film test. We'll put  
5 a -- like a five-inch piece of film on the  
6 handrail and let it run around for 15 minutes to  
7 make sure that there's nothing rubbing the  
8 handrail, and that's good because we're saving  
9 the wear and tear on handrails. We're catching  
10 handrails that are rubbing, and when we do,

11           Minutes from the 060613 Board Meeting  
12 again we're paying for the escalator maintenance  
13 agency to come out and make that adjustment. So  
14 we're giving -- plus we're pulling dollars from  
15 the advertising industry and bringing them into  
16 the escalator industry, and we're very proud of  
17 that because I enjoy hiring escalator  
18 maintenance agencies to come out and make  
19 adjustments on a handrail because now you have  
20 them -- it's a paying project, and they're  
21 making the escalator safer.

22           So we're not only improving safety for  
23 the escalator passengers by having our -- you  
24 know, our graphics on the handrails so they have  
a better sense of motion and speed and

‡

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1 direction, we're also making sure that the  
2 handrails are tracking properly, and we're  
3 paying the escalator maintenance agencies to  
4 come in and do that. We're not putting a burden  
5 -- an extra burden on anyone. We're providing a  
6 revenue opportunity for everyone, and we're  
7 providing venue owners a way to reduce their  
8 liability and improve public safety. So public  
9 safety is, you know, our number one, and number  
10 two is providing new revenue sources for, you  
11 know, the escalator industry and venue owners.

12           MR. CAPUANI: You -- Let's go back to the  
13 airport.

14           MR. COTTETA: Yes.

Minutes from the 060613 Board Meeting  
15 MR. CAPUANI: I was on the main safety  
16 committee for the airport for ten years. So I  
17 reached out to the airport on this subject.

18 Their mechanics stated that they had  
19 numerous shutdowns in the handrail inlet  
20 switches because people peeled off these  
21 advertisements off the handrail and they get  
22 stuck in the handrail. These are from the  
23 mechanics at O'Hare Airport.

24 MR. COTTETA: I'd like to know who you

♀

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1 got that information from because I was never  
2 given any type of -- I was never told about a  
3 shutdown at the Chicago O'Hare Airport, and I  
4 handled those installations and film removals  
5 myself.

6 MR. CAPUANI: I would talk to someone in  
7 the mechanics --

8 MR. COTTETA: Yeah. I would appreciate a  
9 name because I work with -- I'm actually  
10 meeting --

11 CHAIRMAN BAUMANN: Check out your  
12 handrail there.

13 MR. COTTETA: I'm sorry?

14 CHAIRMAN BAUMANN: Check out your  
15 handrail. It peeled up.

16 MR. COTTETA: Yeah, this film was  
17 designed not to disengage from the escalator  
18 handrail under any circumstance. So we have

19 Minutes from the 060613 Board Meeting  
again zero shutdowns in ten years. I don't know  
20 who you got your information from, but I -- I  
21 manage the escalator campaigns at O'Hare, and I  
22 work with Schindler, they love the product,  
23 they've been installing for us for three years.  
24 It's a very -- It was designed not to disengage

♀

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1 from the escalator handrail under any  
2 circumstances. It takes serious criminal intent  
3 to vandalize that. If they are able to cut it  
4 because it does --

5 CHAIRMAN BAUMANN: Welcome to our world.

6 MR. COTTETA: Yeah. Okay. So -- Okay.  
7 So we've been installing this for close to five  
8 years now in the United States. We might have  
9 had one or two repairs. One of them was in the  
10 state of Ohio at the Columbus convention center  
11 where we have a response team that gets out  
12 there within 24 hours and fixes it, but they  
13 didn't have to shut down the escalator until we  
14 got there.

15 If someone does tear this, it will not  
16 affect the inlet switches. It will not affect  
17 the safety devices. It will not shut down the  
18 escalator. It will not come off and unravel  
19 inside of a machine. This is not a typical 3M  
20 film. The other great thing about it is it is  
21 -- it's like a rubber band. So when you peel it  
22 off the handrail, it doesn't leave adhesive on

23 Minutes from the 060613 Board Meeting  
the handrail, and it doesn't ruin it. So that's  
24 another benefit. When we go in and install

♀

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1 ADRail on an escalator handrail, the first thing  
2 we'll do is scrub the handrails. The cleanest,  
3 you know, you ever seen. Then we apply film.  
4 When we go to remove this 30 days later, it  
5 comes right off, and it doesn't -- it doesn't  
6 ruin the escalator handrail, and we guarantee  
7 the handrails are cleaner after we leave than  
8 when we show up.

9 MR. CAPUANI: Is there a mechanic present  
10 when you're installing them?

11 MR. COTTETA: Nine out of ten times there  
12 are, yeah.

13 So another mall that we install at just  
14 so you know in the State of Illinois was  
15 Hawthorne Mall where Schindler, again being a  
16 partner of ours, in the state of Chicago or  
17 Illinois -- in Chicago.

18 CHAIRMAN BAUMANN: State of Chicago.

19 MR. COTTETA: That's -- Yeah. Sorry. I  
20 only had one cup of coffee. I run better on  
21 two.

22 They went to the Hawthorne Mall, and they  
23 installed this. This is the McDonald's campaign  
24 that you're referring to. This is the actual

♀

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1 film. This is the McDonald's campaign that we  
2 did at Fox Valley Mall and Hawthorne Mall. It  
3 really improved the business of McDonald's  
4 inside the mall. It gave revenue to the venue  
5 owner. It made it safer for all the public to  
6 get on and off the escalator.

7 The escalator handrails are scrubbed nice  
8 and clean. So there's a lot of benefits.

9 MR. CAPUANI: When did you install this  
10 at Hawthorne?

11 MR. COTTETA: I'm sorry?

12 MR. CAPUANI: When did you install this  
13 at Hawthorne?

14 MR. COTTETA: Yeah, we installed same  
15 time we installed Fox Valley. So it ran for the  
16 same amount.

17 MR. CAPUANI: That's in Vernon Hills?

18 MR. COTTETA: Yes.

19 MR. CAPUANI: Is it still running with  
20 that on there?

21 MR. COTTETA: No, we took it down.

22 MR. CAPUANI: Okay.

23 MR. COTTETA: Once we got the notice from  
24 Fox Valley Mall, we took down Fox Valley Mall

♀

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1 and we took down Hawthorne.

2 MR. JONES: Under normal circumstance how  
3 often does it change?

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4 MR. COTTETA: It changes every 30 days,  
5 but if no advertiser books that particular  
6 venue, it could go, you know, a couple months  
7 without anything. It's not like we have  
8 something on there throughout the whole entire  
9 year. There will be locations like Chicago  
10 O'Hare Airport where they're very popular and  
11 they just keep going one after another.

12 MR. GRANT: I have a question regarding  
13 Purell Pad, the indication is that it's an  
14 anti-bacterial-coated product?

15 MR. COTTETA: Yes.

16 MR. GRANT: So it's an anti-microbial  
17 treatment relative to it, or is it just the same  
18 as the underlying handrail?

19 MR. COTTETA: No, there's an  
20 anti-microbial property in our film that  
21 actually makes it much safer for people to hold  
22 onto. So the hand -- an escalator handrail is  
23 the third dirtiest public surface that exists.  
24 With the handrail -- With the handrail graphics

♀

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1 on it, it makes it much safer for the public to  
2 hold onto.

3 The appearance alone of the graphics on  
4 the escalator handrail encourage people to hold  
5 the handrail.

6 We've done again safety research studies  
7 that prove up to 70 percent more people hold the

Minutes from the 060613 Board Meeting

8 handrail when our graphics are on the handrail  
9 rather than off because the appearance alone  
10 looks much cleaner and encourages them to hold  
11 onto the handrail.

12 I'm here today based on all this, you  
13 know, the proven track record of the ten years  
14 that we've been in business around the world. I  
15 have testimonials from Kone, Otis, Schindler,  
16 several different companies that we work with,  
17 the venue owners. I have our safety studies. I  
18 can give you anything you need to understand  
19 that, you know, we've been around for ten years.  
20 1,900 installations. Zero shutdowns, zero  
21 equipment failures.

22 CHAIRMAN BAUMANN: Go ahead.

23 MR. DATTILO: Excuse me. Bob, besides  
24 your personal opinion, why don't you -- why do

♀

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1 you feel this is not -- we shouldn't go with  
2 them?

3 CHAIRMAN BAUMANN: First off, it's not  
4 his personal opinion.

5 MR. DATTILO: He did say his personal.

6 MR. CAPUANI: Yes, it is my opinion, yes.

7 MR. DATTILO: Besides, the opinion  
8 what's --

9 MR. CAPUANI: Right now it's against  
10 code.

11 MR. DATTILO: Okay.  
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12 MR. CAPUANI: Okay. Here's -- Here's a  
13 picture of it, what page, it shows a child  
14 riding sideways in the escalator. Did you ever  
15 see a child's foot get sucked into an escalator?  
16 I have. I've seen it personally.

17 MR. COTTETA: No.

18 MR. CAPUANI: Now, tell me that's not a  
19 dangerous situation.

20 MR. GRANT: But they do that with black  
21 handrails as well as the other. I mean --

22 MR. CAPUANI: True. But he's reading the  
23 handrail.

24 MR. GRANT: Nobody pays attention to the

♀

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1 escalator unless they're a little uncertain  
2 about their footing because you can see people  
3 talking on their phone, you can see people  
4 communicating with each other, not grabbing onto  
5 anything, and you watch them when they get off  
6 at the bottom, and you worry about whether their  
7 shoelaces are going into the track. I mean, I  
8 think -- Bob, do you have more reported  
9 accidents on escalators per capita out of the  
10 total number of inventory than you do out of  
11 elevators?

12 MR. CHRISTENSEN: Part of the problem is  
13 that they're not watching where they're getting  
14 off.

15 MR. GRANT: Right.

Minutes from the 060613 Board Meeting

16 MR. CHRISTENSEN: They're paying  
17 attention to the advertisement.

18 MR. GRANT: Well, I understand --

19 MR. CAPUANI: They're not paying --  
20 Whether there's an advertisement or not, there  
21 are injuries, and I've worked on escalators  
22 better part of my life, including at O'Hare  
23 field for a long time. Any distraction on an  
24 escalator, and if there's a kid on there and

‡

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1 he's paying attention to the advertisement  
2 rather than looking in front of him, as you just  
3 said just a little while ago, paying attention  
4 to that advertisement on that handrail, rather  
5 than looking to get off that escalator,  
6 especially in an airport where somebody has got  
7 a suitcase or a bag can cause some terrible  
8 accidents.

9 MR. GRANT: Well, when that disappears,  
10 doesn't the disappearance once it --

11 [ALL TALKING AT ONCE.]

12 MR. COTTETA: That's exactly what our  
13 safety studies show.

14 MR. GRANT: I mean think about why the  
15 dots work. Okay. If we were talking about  
16 dots, I don't know that we would have that.

17 CHAIRMAN BAUMANN: First off, when you  
18 were talking about the dots, the dots are  
19 actually installed. They're painted inside the

20 rubber.

21 MR. CAPUANI: You're not reading dots.

22 CHAIRMAN BAUMANN: You're talking about  
23 the plastic.

24 MR. GRANT: I'm actually suggesting that

♀

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1 Mr. Christensen's question was that they keep  
2 looking at that ad, right?

3 MR. CHRISTENSEN: It wasn't a question.  
4 It was a statement.

5 MR. GRANT: You know, you're concerned  
6 about the safety, that the advertisement becomes  
7 a thing that people focus on when it comes time  
8 to get off, right, because if they're looking  
9 that way riding, riding down, and they're  
10 hanging on to the same spot, you're not moving  
11 up or down maybe unless you're trying to travel  
12 faster --

13 MR. CHRISTENSEN: You're not looking  
14 down, you're --

15 [ALL TALKING AT ONCE.]

16 MR. GRANT: Right. My point is though  
17 when it curves off the point of view, do you not  
18 then notice that that happened, and you are then  
19 at the termination of the escalator?

20 MR. CHRISTENSEN: But at the time that  
21 the escalator makes that turn at the top, the  
22 steps are already gone. So if you're still  
23 hanging on and looking at that advertisement,

24 you're missing the floor plate that you're

♀

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1 getting off of.

2 MS. JEFFRIES: Your toes are sliding off.

3 MR. CHRISTENSEN: Hold on a second.

4 You're holding onto the handrail and viewing the  
5 handrail.

6 Okay. I also take exception to doing  
7 criminal intent damage. Show me the ten-year  
8 old kid that doesn't see something he can peel  
9 off and he's going to peel it off, you know, but  
10 at the end of the day guy's going up that  
11 escalator, there comes a point the turnaround on  
12 the handrail, on any escalator, doesn't come  
13 until the landing area moment.

14 So if you're viewing that, where does it  
15 start and where does it end? You're in trouble.

16 MR. GRANT: You view it if --

17 MR. CHRISTENSEN: You're viewing the top  
18 of the turnaround because it's already at the --

19 MR. GRANT: I do fully understand --

20 [ALL TALKING AT ONCE.]

21 CHAIRMAN BAUMANN: One at a time. One at  
22 a time so she can make a record.

23 MR. GROSS: I guess I want to put  
24 something before the board here. I'm on the

♀

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1 ASME A17.1 committee for accessibility.  
2 Escalators, you know, are not an accessible, you  
3 know, means of -- you know, they're  
4 transportation; however, detectible warnings and  
5 colors, which are now on escalators on, you  
6 know, where you're coming up as they -- the  
7 strollers and that sort of thing. I really --  
8 Advertisement aside, I see a benefit to see  
9 movement in the rail when someone falls as they  
10 get on, that the rail is in conjunction with  
11 your step, and I think for detectible warning, I  
12 think it's actually a positive thing.

13 I think what we're arguing at this point  
14 is depending on your advertisement, you know, if  
15 we have the Playboy Club and it had a bunch of  
16 chicks on it, I think I would probably ride many  
17 times. It's the idea of the advertisement. I  
18 mean -- and the movement of handrail traffic is  
19 actually a good -- I think it's a benefit for  
20 the safety of the escalator. To see that the --

21 MR. COTTETA: That's what our safety  
22 studies show, and, you know, getting back to the  
23 point where children -- most accidents on  
24 escalators are children five years and younger.

♀

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1 Most of them are the pinching, you know, they're  
2 pinching their fingers and their toes, and I see  
3 it all the time. I tell parents --

Minutes from the 060613 Board Meeting  
4 CHAIRMAN BAUMANN: I thought you said you  
5 didn't see it.

6 MR. COTTETA: I tell parents all the time  
7 that they -- you know, the dangers of the  
8 escalator and letting the kids play on them. I  
9 see it all the time. They let the kids sit on  
10 the steps. They're three years old.

11 Getting back to my point, the escalator  
12 handrails keeps them standing up rather than  
13 playing on the steps. It keeps them holding the  
14 handrail. When that handrail gets towards the  
15 end of the escalator, they see that it's the end  
16 of the escalator -- the end of the escalator and  
17 take a more -- extra step.

18 MR. DATTILO: Bob, a better understanding  
19 of the code is what? If you could just  
20 paraphrase it.

21 MR. GREGORY: Can I -- The current  
22 code --

23 CHAIRMAN BAUMANN: Point of order.

24 MR. GREGORY: Current code would -- It's

♀

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1 a little bit confusing, which is why the 2013  
2 code is revisioning, but the current code, in  
3 general the interpretation is that these  
4 handrail signs under A17.1 2010, requirement  
5 6.1.6.9.2, they couldn't put these things on.  
6 Period. That's why he -- Could not. Could not,  
7 which is why he is here for a variance.

8 Minutes from the 060613 Board Meeting  
The 2013 code which hopefully will be  
9 published by November has added 6.1.6.9.3,  
10 additional signs or graphics, and Bob talked  
11 about this correctly, and that is that they are  
12 allowed to have additional signs and graphics,  
13 not only on a handrail but on the step risers,  
14 and we won't go into that history, but there's  
15 the -- they are permitted, but that -- the words  
16 that Bob brought out from this code that's  
17 coming in, the sentence is, they shall not be  
18 distracting, create passenger flow hazards, or  
19 impair function of safety devices.

20 Well, handrail sign, I think we can agree  
21 with will not be a passenger flow hazard because  
22 it's not in the way of passenger. So Bob --

23 CHAIRMAN BAUMANN: You're talking about  
24 the stationary one, there's no hand --

♀

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1 MR. GREGORY: The passenger --

2 [ALL TALKING AT ONCE.]

3 MR. GREGORY: The passenger --

4 MR. GRANT: Out of service.

5 CHAIRMAN BAUMANN: That's a safety sign.  
6 We're not talking about the advertising sign  
7 that's on a handrail.

8 MR. GREGORY: It says you can have any  
9 kind of sign -- any kind of sign as long as it's  
10 not distracting, create a flow hazard, which is  
11 signs that stand on, you know, on a post, and

12 Minutes from the 060613 Board Meeting  
13 they stick in front of the escalator, that's a  
14 problem. And -- or impair the function of  
15 safety devices, and I don't know exactly what  
16 would do that, but I mean those are the three  
17 things that are in the coming code, and what  
18 you're representing, if I'm paraphrasing you  
19 correctly, is that your advertising meets 2013  
20 code?

20 MR. COTTETA: That's correct.

21 MR. GREGORY: And with the codes -- I  
22 don't have to write this section of the  
23 handbook, but I have two sections I have to  
24 finish by the 15th, the exceptions would allow

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1 motion indicators, signs, or -- this is rational  
2 for the code change -- for making this change --  
3 would allow motion indicators -- and those must  
4 be the dots -- signs, or graphics on escalator  
5 handrails and step risers.

6 Next sentence, "Professional studies have  
7 shown that there are improvements in passenger  
8 safety and escalator awareness resulting from  
9 the addition of these signs or graphics. This  
10 requirement would not permit the installation of  
11 items such as stanchion signs," which I  
12 mentioned -- "placed in the safety zone of the  
13 escalator."

14 So that's the rationale for the code that  
15 will be published. I read you the code. What

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16 he's asking -- he's saying that his product  
17 meets the new code, and Bob is saying that it's  
18 a distraction. I think -- That's just the whole  
19 issue, right?

20 CHAIRMAN BAUMANN: Correct.

21 MR. GREGORY: Tied up into one.

22 MR. CAPUANI: Correct, but right now it  
23 is against code.

24 MR. GREGORY: I said that at the

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1 begi nni ng.

2 MR. CAPUANI: Yep.

3 CHAIRMAN BAUMANN: John, did you have  
4 somethi ng?

5 MR. FINCHAM: Just asking for  
6 clari fi cation on the code. Dick already  
7 answered that. Thank you.

8 MR. ADAMS: Just a clari fi cation. In the  
9 written -- I can see the value of the  
10 correctional stuff without a doubt, but here in  
11 the written paperwork it says zero equipment  
12 shutdowns.

13 In your testimony, or your discussi on you  
14 said you had one or two repairs. Were you able  
15 to do those repairs without shutting down the  
16 equi pment?

17 MR. COTTETA: We've done them off-peak  
18 hours. So when I say zero shutdowns, it -- like  
19 I said, we had one or two repairs. They were

20 Minutes from the 060613 Board Meeting  
done off-peak hours. That didn't interfere with  
21 the venue operation or the operations of the  
22 escalator.

23 MR. ADAMS: Okay. I understand that.  
24 Then with passenger accidents, what are you

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1 relying on, your data pool? Are you getting --  
2 Is there a form that somebody fills out when  
3 there's an accident or a fall or entrapment that  
4 says, I was looking at this advertisement, and  
5 you're expecting them to check a box? How are  
6 you collecting this data that says that, that  
7 gives you zero?

8 MR. COTTETA: Okay. You're asking me how  
9 do we do our safety studies?

10 MR. ADAMS: Yes.

11 MR. COTTETA: We worked with Synovate  
12 Research Firm, which is a worldwide accredited  
13 research company, third party, and ECH has also  
14 worked with third-party research firms. So  
15 escalator handrail company, the company that we  
16 work with has done numerous safety studies with  
17 accredited research companies. I can get you  
18 all those names of those firms, but my company  
19 -- I know that I did research safety study with  
20 Synovate. I did it at a mall. It was in  
21 Pittsburgh, and they went out there and just  
22 watched the campaign, and, you know, interviewed  
23 people, and you know, so --

Minutes from the 060613 Board Meeting  
24 MR. CAPUANI: I disagree. You're saying

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1 that every escalator that has the handrail  
2 advertising, there's not any accidents?

3 MR. COTTETA: Zero accidents.

4 MR. CAPUANI: On any escalator that has  
5 advertising, there's no accidents?

6 MR. COTTETA: 1,900 installations ten  
7 years, zero accidents, 156 years' worth of  
8 proven track -- safety track records.

9 MR. CAPUANI: I would not believe that.

10 MR. COTTETA: I have our insurance  
11 paperwork showing that there has been zero  
12 claims on our product in ten years.

13 MR. CHRISTENSEN: Zero claims due to --

14 MR. CAPUANI: What are you basing this  
15 on? I mean are you telling me that it's a  
16 handrail -- there's no accidents with handrails  
17 on, or there was no accidents due to the  
18 handrail -- with your advertisement on? So  
19 you're telling me that there's no -- there's  
20 been no proven accidents due to the handrail,  
21 but you can't tell me there hasn't been  
22 accidents on those escalators because you don't  
23 know that.

24 MR. COTTETA: That's right. I'm giving

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1 you --

2 MR. CHRISTENSEN: Okay. I was just  
3 asking.

4 MR. COTTETA: Right. I'm giving you the  
5 facts based on our product ADRail being  
6 installed on 1,900 installations. The average  
7 campaign is 30 days long, which is equivalent to  
8 60,000 days which is equivalent to 156 years of  
9 proven track record. That's over ten years.  
10 1,900 installations. Zero accidents.

11 MR. CAPUANI: Again I was on the main  
12 committee at O'Hare Airport. We had to have  
13 hundreds of accidents a month on escalators, you  
14 know. Okay. No one's going to say if I  
15 investigated an accident out there, how did it  
16 happen, they're not going to say well, I was  
17 reading a handrail and tripped. Every time we  
18 investigated an accident, you -- right, Patti,  
19 it's always mechanical failure they blame it on?  
20 Oh, it stalled for a second, and then it took  
21 off again. No one's ever going to say well, I  
22 was reading a handrail, you know, and it was my  
23 fault.

24 MR. COTTETA: Well, we indemnified most

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1 of the maintenance agencies and venue owners.  
2 We have a significant insurance policy, and  
3 that's one of the things that we do do. We have  
4 put in place an indemnification for venues, for

Minutes from the 060613 Board Meeting

5 example, for every venue they're in across the  
6 country. So if anybody does come forward with a  
7 claim, we've indemnified in every one of those  
8 venues across the country. Most of our venues  
9 are indemnified.

10 MR. GRANT: A simple question relative to  
11 what records do we know that the City of Chicago  
12 retains regarding accidents. I assume they  
13 don't send them to you.

14 MR. CAPUANI: No.

15 MR. GRANT: And they're exempt from this  
16 code, but that doesn't mean, whatever they did  
17 to authorize this, without actually the track  
18 record behind them to do that, the question is  
19 if all of these accidents and problems and jams  
20 and peels and holding up the escalators are  
21 there, would they get that information?

22 MR. CAPUANI: I believe again an answer  
23 for it --

24 CHAIRMAN BAUMANN: I just had a meeting

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1 with the City of Chicago, and I did ask them  
2 that question about accidents in elevator jams  
3 and escalator questions, and they don't have  
4 records of that. That was with the City of  
5 Chicago.

6 MR. GREGORY: Who did you meet with?

7 CHAIRMAN BAUMANN: I met with Michael  
8 Merchant.

Minutes from the 060613 Board Meeting

9 MR. GREGORY: Oh, the building  
10 commi ssi oner.

11 CHAIRMAN BAUMANN: The building  
12 commi ssi oner, and Carl Burke. He's the deputy  
13 commi ssi oner.

14 MR. GREGORY: I know.

15 CHAIRMAN BAUMANN: Do we have -- We've  
16 already heard you. Anybody else have any  
17 questi ons?

18 MR. OTTEN: In general, or perhaps even  
19 in practice, don't we -- wouldn't we generally  
20 grant a variance based on some kind of hardship  
21 or, you know, after we figured out that it  
22 wasn't really a safety issue, that it -- it was  
23 really financial hardship? Isn't that really  
24 what we do with variances?

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1 MR. CAPUANI: We have in the past.

2 MR. OTTEN: This certainly isn't a  
3 hardship to anyone.

4 MR. CAPUANI: No, this is not a hardship.

5 [ALL TALKING AT ONCE.]

6 MR. OTTEN: I just have one more quick  
7 questi on.

8 MS. STINSON-MARTIN: I don't see this as  
9 being a hardship.

10 [ALL TALKING AT ONCE.]

11 MR. OTTEN: When you create your  
12 advertisi ng, is it generally just pictures of

Minutes from the 060613 Board Meeting

13 company graphics, or would there be more small  
14 verbiage that somebody might be trying to read?

15 MR. COTTETA: You know, it varies. What  
16 I always suggest to people is to keep it less  
17 busy than.

18 MR. OTTEN: That looks to be a  
19 distraction to me. Some of the other ones have  
20 a company logo on them.

21 MR. COTTETA: Once you look at one  
22 sandwich, you looked at them all. I mean it's  
23 kind of people see it and --

24 [ALL TALKING AT ONCE.]

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1 MR. COTTETA: To answer your question,  
2 the one thing that we've been doing, I know the  
3 venues give us restrictions. We would never be  
4 allowed to do pornography or anything that would  
5 be distracting to the public other than standard  
6 corporate graphics and branding.

7 CHAIRMAN BAUMANN: With that being  
8 said --

9 MR. COTTETA: One of the things that we  
10 do for the State of Illinois is maybe add a,  
11 "Please hold onto the escalator handrail for  
12 your safety," message every so many feet. I  
13 don't know if that would be something that would  
14 make you more comfortable, but we have done it  
15 in --

16 CHAIRMAN BAUMANN: -- call for a vote.

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17 MR. CHRISTENSEN: One more question. You  
18 had mentioned earlier about attempting to do  
19 this in a number of other states, but yet you  
20 told us that you came here and people  
21 implemented this in Chicago prior to coming to  
22 this state, which you're in now. Why?

23 MR. COTTETA: I'm sorry. I don't --

24 MR. CHRISTENSEN: You don't understand

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1 the question?

2 MR. COTTETA: Yeah, I'm sorry.

3 MR. CHRISTENSEN: You've gone to a number  
4 of states. You quoted us chapter and verse on  
5 the number of states, but again you presented  
6 this in Chicago and you're coming to us after  
7 the fact.

8 MR. COTTETA: When I say states, I  
9 should --

10 MR. CHRISTENSEN: And, by the way, it's  
11 Illinois. The S is silent. Okay?

12 MR. COTTETA: I apologize for that. If  
13 it makes you happier, I love your state.

14 MR. CHRISTENSEN: It's a personal thing.

15 MR. COTTETA: I love your state. I'm  
16 here often.

17 MR. CHRISTENSEN: Okay. But my question  
18 -- Again my question was you had mentioned a  
19 number of states, yet you came to Chicago, now  
20 you're coming to us after the fact. I don't

Minutes from the 060613 Board Meeting

21 quite understand that.

22 MR. COTTETA: Well, because we -- we're  
23 going to the city, number one, not the states  
24 because most of our business flows through

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1 cities and not --

2 MR. CHRISTENSEN: You didn't mention the  
3 cities. You mentioned the states -- the other  
4 states.

5 MR. COTTETA: Right, which is all  
6 happened fairly recently in the last six months.  
7 Before that we were under the -- we met with  
8 several escalator consultants, and we were told  
9 that the A17 code language was silent on our  
10 product, and that was referring to safety  
11 signage only, but there were certain areas where  
12 people would say, no, it's referring to your  
13 product as well. We just stay away from that  
14 area and just stay focused on where we were  
15 getting the yes.

16 This business is growing over the -- You  
17 know, we're in business now five years, and  
18 we're starting to grow, and I want to -- I want  
19 to make sure that we're in compliance with  
20 everybody, that you folks at the top understand  
21 how it works. So when people go back to -- it's  
22 from the horse's mouth, not from, you know,  
23 someone who may not have ever heard of it.

24 CHAIRMAN BAUMANN: Thank you, Mr.

1 Cotteta. One more question. Dave.

2 MR. DATTILO: Dick, in your opinion,  
3 under the new law when it's enacted, will that  
4 overcome this obstacle?

5 MR. GREGORY: In my opinion, yes.

6 MR. CAPUANI: It's your opinion.

7 MR. GREGORY: It's my opinion. I cannot  
8 speak for the American Society of Mechanical  
9 Engineers. That takes a formal interpretation,  
10 but in my opinion it would pass muster because  
11 that was the discussion in the escalator debate.

12 MR. DATTILO: So this could be a moot  
13 point in three or four months?

14 MR. GREGORY: No. No. No. It will take  
15 us a year after it's issued -- after the code is  
16 published in probably November, it will be a  
17 year before we're going to adopt it. That's our  
18 timetable.

19 MR. DATTILO: Thank you.

20 CHAIRMAN BAUMANN: All right.

21 Everything being said then, do we have a  
22 call for a vote? Want to vote on this variance  
23 to accept --

24 MR. GRANT: I would vote to accept with

1 Minutes from the 060613 Board Meeting  
2 that qualifier that was added by the proponent  
3 just towards the end of their statement, that  
4 segmenting advertisement with that safety  
5 message of, please let -- please hold onto the  
6 handrail for your own safety, was used to  
7 punctuate the advertisement would be a means by  
8 which we could encourage that message to the  
9 escalator users in our state while still  
10 permitting an activity that we believe may be  
11 eventually permitted through the actual code  
12 board. So I would like to move for approval  
13 with that modification that it be done with  
14 the --

14 CHAIRMAN BAUMANN: Under the -- Under the  
15 -- Under the suggestion from our Director of  
16 Elevator Safety, with his -- with his --

17 MR. CAPUANI: You're going to give a  
18 variance against the code -- the current code?  
19 This is what -- I just caution the board.  
20 You're giving a variance against the current  
21 code.

22 MR. GRANT: I do believe that the -- I  
23 think the argument for the visual acuity, yes.  
24 Yes.

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1 CHAIRMAN BAUMANN: Against the suggestion  
2 of the Director of the Elevator Safety Board?

3 MR. GRANT: That was my motion. It may  
4 not get a second. I understand that.

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5 CHAIRMAN BAUMANN: Okay. Okay. There's  
6 been a motion to accept it with the language in  
7 there every so long. Do I have a second?

8 [NO RESPONSE.]

9 CHAIRMAN BAUMANN: Do I have a second?

10 [NO RESPONSE.]

11 CHAIRMAN BAUMANN: Being no second, the  
12 motion is moot. I believe -- do we have to vote  
13 on the variance? There will be no vote. Right.

14 MR. JONES: We have a motion for that?

15 CHAIRMAN BAUMANN: We have a motion for  
16 that. So do we have a motion for the acceptance  
17 of the variance?

18 [NO RESPONSE.]

19 CHAIRMAN BAUMANN: Do I have a motion for  
20 the acceptance of the variance?

21 [NO RESPONSE.]

22 CHAIRMAN BAUMANN: Being none, the  
23 variance is denied.

24 MR. COTTETA: Okay. Can I ask what that

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1 means for --

2 CHAIRMAN BAUMANN: I'm going to refer to  
3 what Kelly Weller had told the last gentleman  
4 that came in here, told him to come back in 2013  
5 when it's legal when it's in the code.

6 MR. GREGORY: This is 2013.

7 CHAIRMAN BAUMANN: When they adopt the  
8 code, which is when -- when we adopt the code.

9 Minutes from the 060613 Board Meeting  
MR. GREGORY: It will be at the -- be at  
10 the end of 2014 or the beginning of '15.  
11 CHAIRMAN BAUMANN: There you go.  
12 MR. COTTETA: I appreciate everybody's  
13 time here today.  
14 CHAIRMAN BAUMANN: Thank you.  
15 MR. COTTETA: If any of you have any  
16 questions, I'll pass around my business card.  
17 Feel free to give me an email, and I'll answer  
18 anything that you need.  
19 CHAIRMAN BAUMANN: Do we have a motion to  
20 adjourn?  
21 MR. CHRISTENSEN: Motion to adjourn.  
22 MR. JIRIK: Seconded.  
23 CHAIRMAN BAUMANN: A move to adjourn and  
24 a second. All those in favor say "aye."

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1 [CHORUS OF "AYES. "]  
2 [END OF PROCEEDING AT 11:15 A.M. ]  
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1 CERTIFICATE OF REPORTER

2 STATE OF ILLINOIS )

3 )

4 COUNTY OF SANGAMON )

5

6 I, Rhonda Rhodes Bentley, CSR, RPR, a  
7 Certified Shorthand Reporter, Registered Professional  
8 Reporter, within and for the State of Illinois, do  
9 hereby certify that the meeting aforementioned was  
10 held on the time and in the place previously  
11 described.

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