

In The Matter Of:
Illinois Safety Review Board
Open Meeting

September 21, 2010

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

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Min-U-Script® with Word Index

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1 ELEVATOR SAFETY REVIEW BOARD MEETING
2 September 21st, 2010
3 8:30 a.m.
4 The Report of Proceedings had in the
5 meeting of the above-entitled cause, taken before PAMELA A.
6 MARZULLO, a Certified Shorthand Reporter and Notary Public
7 in and for the County of Cook and State of Illinois, at
8 9511 West Harrison Street, Des Plaines, Illinois, on
9 September 21st, 2010, at the hour of approximately 8:30
10 a.m.
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1 CHAIRMAN CHRISTENSEN: We're going to call the
2 meeting to order. Please rise for the Pledge of
3 Allegiance. Bob, you want to lead us?
4 (WHEREUPON, the Pledge of
5 Allegiance was recited.)
6 CHAIRMAN CHRISTENSEN: Is there a motion to
7 accept the minutes from July 13th Board meeting?
8 MR. SWIENTON: Darrel Swienton. I make a
9 motion to accept the minutes.
10 CHAIRMAN CHRISTENSEN: Is there a second?
11 MR. GROSS: Second.
12 CHAIRMAN CHRISTENSEN: Is there any additions
13 or correction to the minutes?
14 (No response.)
15 CHAIRMAN CHRISTENSEN: Hearing none, all those
16 in favor, say aye.
17 (A chorus of ayes.)
18 CHAIRMAN CHRISTENSEN: All those against?
19 (No response.)
20 CHAIRMAN CHRISTENSEN: Ayes have it. Old
21 business, Elevator Safety Program Progress Report,
22 Bob Capuani.
23 MR. CAPUANI: Registered conveyance active,
24 31,611; under State Rule 12,424; under local Rule,

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1 PRESENT:
2 ELEVATOR SAFETY REVIEW BOARD
3 MR. FRANK J. CHRISTENSEN, Chairman
4 MR. ROD GILLES, Member
5 MR. GERALD GROSS, Member
6 MR. BRIAN WILSON, WILSON, Member
7 MR. DAVID A. DATILO, Member
8 MR. MARK HERTSBERG, Member
9 MR. RICHARD JANDORA, Member
10 MR. K. DOUGLAS JONES, Member
11 MR. AL POPOWITS, Member
12 MR. GERALD WOLIN, Member
13 MR. THOMAS GANIERE, Member
14 MR. CRAIG GRANT, Member
15 MR. KELLY WELLER, Member
16 MR. DARREL SWIENTON, Member
17 MR. TOM JIRIK, Member
18 MR. JOHN FINCHAM, Member
19 MR. WILLIAM BOGDAN, Member
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21
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13 OFFICE OF THE STATE FIRE MARSHAL
14 MR. JOSEPH AUGUST, Deputy Director
15 MR. RICHARD GREGORY
16 MR. ROBERT CAPUANI, Administrator
17 MS. ELAINE DEL GRECO, Administrative Assistant

17 ALSO PRESENT:
18 MR. ALEC MASSINA, General Counsel
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1 19,187. Licensed contractors, 101. Licensed
2 inspection companies, 50. Licensed inspectors, 221.
3 Licensed mechanics, 1,617. Licensed apprentices,
4 698. Municipalities with agreements, 173. Permits
5 issued to date, 1,381. And certificates issued to
6 date, 11,887.
7 CHAIRMAN CHRISTENSEN: Alec is not here right
8 now, our attorney. I will accept a motion to change
9 the order of business. There's two sections we need
10 him.
11 To new business, is there motion for that?
12 MR. JANDORA: Moved.
13 MR. WILSON: Second. Wilson.
14 CHAIRMAN CHRISTENSEN: There's been a motion
15 made and seconded. Any questions?
16 (No response.)
17 CHAIRMAN CHRISTENSEN: All those in favor, say
18 aye.
19 (A chorus of ayes.)
20 CHAIRMAN CHRISTENSEN: All those against?
21 (No response.)
22 CHAIRMAN CHRISTENSEN: Ayes have it.
23 Under the new business, additional
24 suggested changes to elevator safety rules from

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1 comments received. Who is handling that?
2 MR. AUGUST: We received four comments. The
3 way we had the first notice period, what we've done
4 here, we've taken the vast majority, 99 percent of
5 their comments we propose we adopt them verbatim.
6 Did everybody get a sheet with the layout?
7 MS. DEL GRECO: It's the very last thing in
8 your Board package. NO, It's not the last, second
9 to the last.
10 It's a little different than what I
11 E-mailed you, because now it is laid out with each
12 item to be voted on. It's the third thing from the
13 back on a separate page. So, there will be six
14 items that you will be reviewing.
15 MR. AUGUST: When everybody is ready, let me
16 know when you found them.
17 CHAIRMAN CHRISTENSEN: Would the Board like
18 five minutes to read these over?
19 MR. JONES: Yes, I would.
20 MS. DEL GRECO: They were all E-mailed to you,
21 but it was a little different order. The wording
22 did not change. We thought this would be easier for
23 you to address this issue.
24 CHAIRMAN CHRISTENSEN: Has everybody had a

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1 chance to look over the new amendments? I guess
2 we'll go over each one separately.
3 MR. AUGUST: Item A, those are two new
4 definitions that were suggested from the four
5 parties that met and sent comments in. One was to
6 identify the definition of authority having
7 jurisdiction; and the other one was to identify for
8 the definition of new technology.
9 Now, you can read what is there. We took
10 both comments. All four of the parties submitted
11 the same comments and virtually agreed on, and it's
12 our recommendation that the Board adopt these, and
13 we'll put them into the rules in a second notice.
14 We'll modify the current rules as they
15 are, and submit them back with the second notice
16 with these two additions to the definitions. Kelly?
17 MR. WELLER: In this first section, "Authority
18 Having Jurisdiction," that is the AHJ? When we see
19 it in the code, and when we see that, it means the
20 Board; is that clear enough?
21 MR. AUGUST: That's you.
22 MR. WELLER: The Illinois State, shouldn't we
23 cite it?
24 MR. AUGUST: I don't have the rules. I think

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1 there is a definition. I think it is already
2 spelled out in the Rules of the Board. Do you have
3 it? Are you looking at the rules?
4 MR. WELLER: Everybody is confident that the
5 Board is this Board?
6 MR. AUGUST: The Board is spelled out in the
7 act. Is there a definition in the rules, Rich, for
8 Board? Is it identified?
9 MR. JANDORA: Board means the Elevator Safety
10 Review Board.
11 MR. AUGUST: It's clear. The ultimate
12 authority having jurisdiction lies with this Board,
13 and the new technology is verbatim with what was
14 advised or suggested by the four parties.
15 I shouldn't say Board's recommendation, it
16 is the recommendation of the OSFM, and the Board
17 adopted these two new additions, which will be put
18 in for the change.
19 CHAIRMAN CHRISTENSEN: Is there a motion to
20 accept item A?
21 MR. WILSON: Motion to accept.
22 CHAIRMAN CHRISTENSEN: Is there a second?
23 MR. WELLER: Weller, seconded.
24 CHAIRMAN CHRISTENSEN: Question?

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1 MR. JANDORA: I have a question under the new
2 technology. We are citing ASME A17.1 as our code,
3 but have omitted the amendments to A17-1 2007.
4 Should we incorporate the '08 addenda?
5 MR. AUGUST: '09.
6 MR. GREGORY: That would be '09.
7 MR. AUGUST: Yes, we should. Make a change
8 exactly how we have adopted, which is 07 CSA B44-07
9 as amended by A17.1A 2008.
10 CHAIRMAN CHRISTENSEN: Anymore questions?
11 Joe, would you want that amended today, or
12 just leave it the way it is?
13 MR. AUGUST: I suggest we make the amendments
14 suggested by Rich to clarify that.
15 CHAIRMAN CHRISTENSEN: Is there A motion to
16 amend?
17 MR. JANDORA: So moved.
18 MR. WOLIN: Second.
19 CHAIRMAN CHRISTENSEN: It's been seconded. Any
20 questions?
21 (No response.)
22 CHAIRMAN CHRISTENSEN: All those in favor, say
23 aye.
24 (A chorus of ayes.)

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1 CHAIRMAN CHRISTENSEN: All those against?
2 (No response.)
3 CHAIRMAN CHRISTENSEN: Ayes have it.
4 MR. AUGUST: Item B, with respect to the
5 Elevator Safety Code, and the issues we had with
6 that, it was suggested by the four parties that we
7 clarify to the extent that the Elevator Safety Code
8 for existing elevators and escalators, how it
9 applies, by adding "but only as required under the
10 statute," which identifies exactly the limitations
11 what we have.
12 And again, after reviewing it, we thought
13 it was a good idea, and so it's a suggestion that
14 the Board adopt it, adopt the change.
15 MR. WELLER: Is there a motion to accept?
16 MR. WOLIN: So moved.
17 CHAIRMAN CHRISTENSEN: Is there a second?
18 MR. WELLER: Second.
19 CHAIRMAN CHRISTENSEN: On the question?
20 MR. WELLER: We voted on 5-18-10. We voted at
21 the April 18th meeting to agree to 1050 above of
22 these rules is what it says, in what I've got.
23 Now, this one says in Section 1060 of this
24 part. What was the reason for the change? This is

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1 what I've got, "1050 above of these rules," and this
2 was changed to 1060D of this part.
3 MR. AUGUST: I don't have it.
4 MR. WELLER: Maybe there was a rationale.
5 Everything else stayed the same. It just changed
6 from 1060 to 1050 or 1050 to 1060, excuse me.
7 MR. JANDORA: You're right, 1060 to 1050,
8 unless I have an older version, it appears 1050.
9 MR. WELLER: This is the one I have. It says,
10 "1050 above of these rules." This is in a
11 Section 1060 change.
12 This one says, "1060 adopts
13 nationally-recognized codes," and Section 1060D of
14 this part, which by my standard D is safety standard
15 for platform lifts and stairway chair lifts. Is
16 that correct?
17 MR. JANDORA: It appears to me the correct
18 reference would be Section 1050, which explains the
19 items.
20 MR. AUGUST: 1060 identifies the 2010 updates
21 for the standards. You guys may not have that. You
22 may not have it. That's what's been filed with
23 J-CAR.
24 What it is it identifies the exact things

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1 that were specifically required to be upgraded.
2 MR. WELLER: Line me up here. I'm on C right
3 here.
4 MR. AUGUST: You are up here. What they are
5 asking for -- give me the rule. So, the Elevator
6 Safety Code, right?
7 MR. KELLY: Okay.
8 MR. AUGUST: Is limited as required by the
9 statute, and for this section right here 1060D,
10 which is the 2010 update standards.
11 To understand anything else in this
12 section, the following requirements of the 2007
13 addition of the Safety Code and Escalator, the 2005
14 addition of the Safety Code for existing elevators,
15 must be completed by January 15th, 2015, or the
16 Local Administrator will not require their
17 completion prior to that.
18 That is restricted door openers, car
19 illumination, emergency operation, phase reversal,
20 reopening, stop switch in the pit ladder
21 installation. I don't think you have the full. I
22 think you are working off old stuff.
23 MR. WELLER: I got all the iterations here. We
24 went from this one.

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1 MR. CAPUANI: 1060 is the adoption of
2 nationally-recognized safety codes. So, we already
3 adopted -- in the existing, it says, "Guide for
4 inspection of elevators, escalators and moving
5 walks." Wait, I'm sorry.
6 MR. WELLER: I don't have D.
7 MR. CAPUANI: We wanted C.
8 MR. KELLY: This is the one -- that was that
9 date, that's this date. This is what we voted on,
10 on this date.
11 MR. AUGUST: Right. What they're asking for
12 is, just be sure, yes, we voted last meeting to say
13 only the Safety Code for existing elevators and
14 escalator A17.35, there is no limitation.
15 MR. WELLER: They went back to the old language
16 and added the statute, which is fine.
17 MR. AUGUST: Yes, we went back to state that
18 it's only limited to whatever is required by the
19 Statute 225.312.
20 MR. WELLER: Then we added this, which we
21 already voted on?
22 MR. AUGUST: Yes. That's all they're saying,
23 you can't do anything more than is required by the
24 statute and what is here. The section they cited is

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1 correct.
2 CHAIRMAN CHRISTENSEN: Is there anymore
3 questions?
4 (No response.)
5 CHAIRMAN CHRISTENSEN: None being, all those in
6 favor, say aye.
7 (A chorus of ayes.)
8 CHAIRMAN CHRISTENSEN: All those against?
9 (No response.)
10 CHAIRMAN CHRISTENSEN: Ayes have it. Item C,
11 is there a motion to accept?
12 MR. WOLIN: Wolin moved.
13 CHAIRMAN CHRISTENSEN: Is there a second?
14 MR. POPOWITS: Second.
15 CHAIRMAN CHRISTENSEN: On the question?
16 MR. GRANT: I have a question about the 90
17 days. That's two Board meetings out.
18 What is going to happen with this
19 information during that 90-day period? We're going
20 to, I guess, notify local administrators that have
21 programs offered by the State, but there's really
22 nothing else that they are providing, right?
23 I mean, it's already gone through the
24 process at the testing laboratory for equivalency.

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1 We get the certification, but what are we doing in
2 that 90-day period, and why do we want the 90 days?
3 MR. AUGUST: First of all, even though it's
4 been approved, it is still up to this Board to make
5 a final determination if you want to accept it and
6 allow us time for people in the field who may have
7 another idea, or maybe know something we don't know,
8 or the Board doesn't know, to present any
9 information they have to oppose it or modifications
10 to what the Board will do.
11 MR. GRANT: So, will that information come to
12 the Board at the meeting before they could possibly
13 present it, or are we just going to get it the day
14 we vote?
15 My question really is: What is the formal
16 process you guys envision to get this information to
17 the Board, or to collect it so there is outside
18 information and share it with the Board, in advance
19 of our voting?
20 MR. AUGUST: The Board never has to vote on
21 something. You can always table it and move it
22 back.
23 Once the information is presented by the
24 local administrators, whoever else has some

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1 opposition to it, or maybe in support, the Board
2 doesn't have to take a vote and act right then. You
3 can always delay the vote for the next Board
4 meeting.
5 Some stuff maybe easy and you will decide
6 it's a no-brainer and vote. Other stuff you may
7 want to think about it and request more information.
8 MR. GRANT: So, we might push them out 120
9 days, when they got their Certificate for approval
10 of going through that nationally-recognized thing
11 before we take action?
12 MR. AUGUST: Yes.
13 MR. GRANT: I understand we have the
14 flexibility to do that. We could always table the
15 vote, if we get that kind of information.
16 I am asking how are we going to get it?
17 Do we got a plan that this is going to work this
18 way, or is the 90 days kind of out the sky?
19 MR. AUGUST: Again, this recommendation was not
20 a recommendation we made. The four parties that met
21 outside of here unanimously submitted this to us.
22 If you see the very first paragraph, that
23 is what originally the Board approved. Then we go
24 down with the A, B, C, D is what they want. They

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1 want a 90-day window with things submitted,
2 presenting it to the local administrators; and
3 whoever is opposed, they'll have an opportunity to
4 gather what they need.
5 MR. GRANT: Is that the basis of their input on
6 this was that they want to slow new technology and
7 production down until we've had a good chance --
8 people have had a chance to comment to the Board --
9 MR. AUGUST: Yes.
10 MR. GRANT: -- about the pros or cons to this,
11 and not just have it move forward to the local
12 programs? That's their position, and that is
13 consistent with what Bob and the office personnel?
14 MR. AUGUST: Right. Now, the Board has
15 authority, if we are not happy with the 90 days, you
16 want to shorter the window, of course we can make
17 that suggestion.
18 MR. GRANT: I'm asking why, because it seems
19 long, because it's two Board meeting duration, plus
20 30 days additional to that.
21 I want to make sure we understood what
22 that does to new technology. Maybe there is some
23 good stuff. Let's be optimistic and say some of
24 this stuff could be advantageous to everybody.

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1 I just wanted to understand what our
2 purpose was in requesting that duration.
3 MR. WOLIN: The 90 days, that's only one Board
4 meeting not two. We meet every other month.
5 MS. DEL GRECO: 60 days.
6 CHAIRMAN CHRISTENSEN: It's almost two Board
7 meetings.
8 MR. GRANT: They have to do it 90 days in
9 advance of the scheduled Board meeting, and they
10 have to do 90 days in advance of offering it to the
11 general public, but I guess that means only the
12 State of Illinois. I don't think we have the
13 ability do that otherwise.
14 CHAIRMAN CHRISTENSEN: First, I would like to
15 welcome Dick Gregory back to the Board.
16 MR. GREGORY: I'm not on the Board.
17 CHAIRMAN CHRISTENSEN: Not on the Board, but as
18 our consultant.
19 MR. GREGORY: Thank you. May I respectfully
20 suggest that there is an issue with people who are
21 not fully aware of the whole process of this new
22 technology being able to make a rational judgment
23 about whether the new technology is good or not
24 good.

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1 The process of getting the certificates
2 from an AECO, which there seems to be there's only
3 going to be three, because nobody else has popped up
4 yet, is extraordinary involved, a lot of hoops to
5 jump through, and who of all of us has the
6 engineering background to be able to analyze this
7 and judge it.
8 I mean, it's a real serious issue that we
9 then are taking upon ourselves, or you are taking
10 upon yourself, because I don't have a vote, to say
11 that "Oh, yeah, this is good, bad or indifferent,"
12 but you don't have the training, the background, the
13 education to do it.
14 So, whether you make a mistake in
15 accepting something or not accepting, either way, I
16 don't think it's a wise move on the part of the
17 Board. That is from speaking of a member of the
18 A17.1 Standards Committee.
19 That is why we made this huge involved
20 process of A17.7, to give some ability for AHJ's to
21 judge new technology just different than somebody
22 coming in and waving a piece of rope around and
23 saying, "This is better than sliced bread."
24 We put the nail on -- we nailed the onus

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1 on the manufacturer and the engineers who understand
2 this stuff. That was the real purpose. Thank you.
3 CHAIRMAN CHRISTENSEN: Kelly?
4 MR. WELLER: I don't want to stop the debate on
5 the 90 days. I am looking at this. I want to make
6 sure this handout, I forget who handed it out to us,
7 someone who was very clever about understanding
8 pictures is worth a thousand words, but this, to me,
9 clarified the issue pretty clear, and this is A17.7
10 in its format on the code approval or new technology
11 approval.
12 This was a Performance-Based Code, I don't
13 know who sent it out to us, but I want to make sure:
14 A, we voted and we're clear that 1030 definition of
15 AHJ is consistent with the AHJ jurisdiction over
16 here, that all new technology rolls to that.
17 MR. AUGUST: That is just a schematic, that is
18 nothing binding.
19 MR. WELLER: This is the actual code.
20 MR. AUGUST: Yes, you are the AHJ, the Board is
21 the AHJ.
22 MR. WELLER: Wait. It's clear to me this is
23 the code. You cannot go to installation without an
24 AHJ.

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1 MR. AUGUST: That is incorrect. That is why
2 they are asking for presentation of the new
3 technology. That is why there is a provision that
4 new technology come before the Board.
5 The code you are adopting, A17.1, has
6 already adopted the A17.7 standard. You don't have
7 to do anything more. If they get their Certificate,
8 it's automatically covered in A17.1.
9 If you remember last time, that was an
10 issue, and the Board wanted the power to be able to
11 review that, and that is what it is.
12 MR. WELLER: So, I get the AECO Certificate, or
13 the Certificate of Conformance issued?
14 MR. AUGUST: In this state, it is not
15 automatic. In this state, it still has to come
16 before this Board, make a presentation with the
17 engineering, or any information you require the
18 Board requires, and present its case.
19 MR. WELLER: That's extending -- this process
20 extends that into their bringing the Certificate of
21 Conformance to the Board.
22 MR. AUGUST: Yes.
23 MR. WELLER: Along with this required data
24 that's spelled out in the code, and then the Local

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1 Administrator --
2 MR. AUGUST: We're permitting it here. The
3 Board is allowing the hearing and input from other
4 parties.
5 MR. WELLER: That, to me, would support the
6 necessity for at least 90 days to get all of those.
7 There's some process would have to go into getting
8 the local administrators involved.
9 MR. GRANT: We're suggesting that we're going
10 to do that 30 days in advance of the meeting,
11 because when we are we going to notify the local
12 administrators? What are we doing for the 60?
13 That is all I am asking. I mean, they got
14 the Certificate, they had to present the
15 information. It's not like they had to get the
16 engineers on board. They just kind of submit a
17 package of the information, line up their testimony
18 to get on the agenda, and they are ready.
19 I can't envision that they haven't gone
20 through, as Mr. Gregory points out the process is
21 elaborate, lots of documentation required. This
22 would be a package submittal duplication for
23 distribution to the Board.
24 I don't know whether is it something we

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1 think the office would actually take advantage of
2 expertise available to them in the profession to
3 people like Mr. Gregory and others to evaluate it.
4 What are we going to get as a
5 recommendation to the Board when this comes to us?
6 MR. WELLER: What I would expect, if someone
7 comes to us with this conformance -- Certificate of
8 Conformance, that has gone through this whole
9 process, this is not the place to debate whether
10 that is good or bad technology.
11 We're in the space of saying, "Okay, did
12 it meet all of the requirements specified for it to
13 be here in front of us?" And then if it's, "Yes,"
14 this is basically just a perfunctory approval. That
15 is how I would see it.
16 MR. GRANT: I had envisioned that I thought I
17 would have to respond that way as a member, because
18 of my limitations of understanding, in reliance,
19 just as I have on A17.1, that it was developed by
20 those persons very confident in the issues that
21 provide safe use of elevators and escalators and
22 other conveyances.
23 What are we doing? It seems as if this
24 provision is provided for people to object to new

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1 technology, not for us to do a perfunctory, as the
2 authority having jurisdiction.
3 MR. WELLER: I think all you are doing is
4 giving whoever would be opposed to it due process.
5 That's essentially all you are doing.
6 Listen, for us to overturn an AECO
7 Certificate, or a Certificate of Conformance, there
8 would have to be some compelling reason brought for
9 us to do that.
10 It's probably not going to be the other
11 way, because you're never going to have someone
12 getting technology approved, if they don't have the
13 Certificate of Performance.
14 So, your hearing is to essentially to say
15 "no," not to say "yes"? By process, it's going to
16 be a "yes" vote.
17 MR. AUGUST: But you may not know what you get.
18 Some other states may approve before he gets the
19 Certificate.
20 MR. WELLER: I don't care about the other
21 states.
22 MR. AUGUST: The Board has done other things.
23 They may have experience in something else that you
24 may not be aware of. They might have passed it.

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1 It may not be anything more than say,
2 "Delay it" or "make a change," or something. That's
3 all. It is just an opportunity -- again, you're
4 right, it is an opportunity for somebody to come out
5 to raise something you may or may not know.
6 MR. GRANT: I assume that proposal is based
7 upon concerns from local jurisdictions? The
8 comments you receive are from representatives of
9 local programs?
10 MR. AUGUST: It is a very broad base from four
11 units representing union manufacturers and local
12 officials that all agreed on this.
13 MR. CAPUANI: I believe what they are concerned
14 about is the Board would accept it; but then if you
15 found fault later, the Board can reject that
16 technology.
17 MR. GRANT: They can bring something back for
18 you to review and disapprove.
19 MR. CAPUANI: If we found, like the Isis --
20 MR. GREGORY: That had no Certificate.
21 MR. CAPUANI: Right, but, say, a situation like
22 that happened where we found fault with the rope,
23 like they did in California, we can bring that
24 information back to the Board and pull that

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1 technology back.
2 CHAIRMAN CHRISTENSEN: Doug, you had something
3 to say?
4 MR. JONES: I'm curious in my brain. In AECO,
5 there is how many, four agencies?
6 MR. GREGORY: There are three right now.
7 MR. JONES: Three, okay. Who sets the
8 standards for AECO and those agencies to do the
9 testing for this? Who sets the standard?
10 MR. GREGORY: American Society of Mechanical
11 Engineers.
12 MR. JONES: It's a third party?
13 MR. GREGORY: Same thing as elevator
14 inspectors. Who sets the standards for qualified
15 elevator inspectors? The ASME sets that standard.
16 Who sets the standard for the AECO? The ASME sets
17 that standard.
18 MR. JONES: They are the ones that actually set
19 up the provisions for testing, they set up the
20 protocol.
21 MR. GREGORY: They set up the process that has
22 to be followed by AECO.
23 MR. JONES: Protocol, is that not a right word?
24 MR. GREGORY: Yeah, that's fine.

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1 MR. JONES: My concern is that you didn't have
2 three agencies that set their own standards, but
3 there is somebody else. There is a fox watching the
4 henhouse, for lack of a better right.
5 MR. GREGORY: That's exactly right.
6 MR. JONES: We don't want that situation.
7 MR. GREGORY: The ones who want to be AECOs
8 have to meet certain requirements set in an ASME
9 standard, and they audit.
10 It's the same thing as the QEI certified
11 inspectors. ASME audits -- there is a whole
12 department that audits these people that are --
13 let's say NAESA is the certifying organization for
14 inspectors. Every year ASME audits NAESA, to make
15 sure they are not playing fast and loose with their
16 qualifying elevator inspectors.
17 MR. JONES: Is that something the Board would
18 have access to that process?
19 MR. GREGORY: Part of the way ASME makes money
20 is selling those standards. You can buy them. Go
21 on the ASME.org website, navigate around, and you
22 can buy the standard.
23 MR. JONES: I guess my concern, though,
24 Mr. Gregory, obviously we're not going to know all

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1 those standards, like you mentioned here before, we
2 are not experts in that field, if this new
3 technology comes before the Board, are we going to
4 be able to see the process by which this new
5 technology got here, in a manner which we can
6 understand the process, not necessarily the
7 technology?
8 MR. GREGORY: There's no reason why you can't
9 ask the manufacturer for his submittal. The AECO --
10 it's like UL approving this power supply for my
11 computer.
12 When whoever made this in China went to
13 get this certified by UL as an acceptable power
14 supply, they had an agreement with UL, a
15 non-disclosure agreement.
16 So, what's in here may all be in that
17 information that UL -- in the UL file, but they will
18 not disclose it to me, because whoever made this
19 doesn't want me going into the basement of my house
20 and copying them things.
21 So, you would have to have the
22 manufacturer agree to release -- have their file
23 released.
24 MR. JONES: At least to the Board?

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1 MR. GREGORY: Yes.
2 MR. JONES: Okay. The reason I say this, for
3 example, with UL, somebody may bring a product to UL
4 for testing, but they will set the standards by
5 which UL has to do that testing, don't they, to some
6 degree? This is how it needs to be tested.
7 MR. GREGORY: UL has a whole lot of UL
8 standards. Let's say a hoist door interlock for
9 elevators, UL 108. That is a UL standard.
10 They test them here in Northbrook. They
11 have a whole apparatus assembly that tests them, how
12 many cycles, et cetera, et cetera. Then they will
13 issue you the ability to put UL on your hoistway
14 door interlock that says "UL" and a file number.
15 That file number identifies what you told
16 UL how you make this thing. Then UL comes out to
17 your factory at least every year, depending on how
18 many you are making, and it may be more frequently,
19 and they look at all your parts bins and everything;
20 and they see if you are actually making it the way
21 you said you are making to make it.
22 In other words, are you putting whatever
23 is going to be in here, there is a UL guy in China
24 who is going to that factory and making sure they

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1 are really doing what they said they are going to do
2 to get approval.
3 MR. JONES: That I understand. My concern is
4 protocol. So we can understand the protocol how any
5 new technology has been looked at, so we know that
6 when we take a look at it as a Board, we know it's
7 gone through the rigors of something other than just
8 those manufacturers that have set a protocol for the
9 testing of their equipment.
10 It is beyond that, or more tight than
11 that, correct?
12 MR. GREGORY: They have to do what is called
13 the risk assessment. I'm on the task group. We are
14 doing risk assessment for the elevators using --
15 firefighters using elevators during fires. That is
16 a result of 9-11.
17 We've been working on this for five years,
18 and we're just about to have code language. It is
19 not easy. It is slow, because everything you make a
20 change to, then you got to look at what those
21 changes do.
22 Each of those change may have another
23 hazard, and you keep chasing these hazards down.
24 So, we meet four times a year for three days, and

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1 it's, you know, it is a very -- we're only meeting
2 four times a year for three days. If I am, let's,
3 say X, Y, Z Intergalactic Elevator Company, I can
4 assign 20 people to this.
5 They can work 40 hours a week, 52 weeks a
6 year, until they get this whole thing done.
7 Obviously they can do it in a shorter time, but they
8 have to go through the same process of analyzing all
9 the risks of this new technology, this new widget.
10 As I say, if we tried to build an elevator
11 from scratch under new technology, it would probably
12 take 200 years to go through all of that stuff. It
13 would be a disaster.
14 That is why the prescriptive code works
15 out well for the run-of-the-mill stuff. Something
16 new that comes along, everybody says, "That is new,
17 we don't know what that is."
18 So, a large process is mandated by A17.7,
19 because you have to go down and trace all the risks
20 associated with it. I don't mean to pick on Otis,
21 but Otis has the coded steel belts.
22 So, they went through that whole process
23 to get those approved by AECO, and Rick is always
24 walking around with certificates. He's got one in

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1 every pocket. He's got a briefcase full, whatever.
2 They went through this huge process. So
3 what's the issue with the coated steel belt? Well,
4 it is still steel wire rope, okay. Inside that is
5 steel wire rope, which is the same thing we've been
6 using since the beginning of Elijah Otis, who
7 happens to not be related to the Otis Elevator
8 people at all.
9 It's not true, I was not the guy who cut
10 the rope and let it fall. But there's a huge
11 process they go through, and they trace down all of
12 the potential problems of this coated steel belt.
13 They show how they are going to eliminate
14 those problems; and then they take that whole
15 process to AECO, who looks at it and says, "You
16 didn't look at this problem, go back and start all
17 over again."
18 MR. JONES: I don't mean to cut you short. My
19 concern is this: We were the AHJ, as I'm
20 understanding it, right?
21 MR. GREGORY: You, yes.
22 MR. JONES: The Board. Are we going to have
23 sufficient understanding for any new technology, if
24 it is brought through AECO agencies, to be able to

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1 make an informed decision as to whether or not we
2 are going to make it, in language we can understand,
3 because we are not going to be able to take a look
4 at all the documentation that you four people had to
5 go through for new technology?
6 Ultimately, it's our responsibility to
7 make that call.
8 MR. GREGORY: You are correct. That's why you
9 depend on the AECO. That is why it's been put onto
10 a recognized third party, who is not under the
11 control of a manufacturer, you know, whose
12 reputation is on the line if they agree to something
13 that is not really equivalent.
14 MR. JONES: I appreciate that. They are not
15 the AHJ, we are. We have to be able to make the
16 call. Are we going to be able to, do you think,
17 reasonably well?
18 MR. GREGORY: I wouldn't worry. I think you
19 have to depend on the AECO. The same thing as you
20 depend on ASME and the A17 Elevator Code for your
21 basic code, you have to depend on the AECO.
22 That's the nuts and bolts of it. You can
23 get all the documentation you want out of, let's
24 say, Otis, but what do you use to judge that with.

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1 I mean, myself, I'm an electrical
2 engineer. I have a Master's Degree, and I have one
3 mechanical patent and one electrical patent, but
4 does that mean I am going to understand something
5 unusual? Not at all.
6 MR. JONES: I don't pretend we are at that
7 point. What I am saying is ultimately we have to
8 make that call.
9 MR. GREGORY: Yes.
10 MR. JONES: It's not a robber-stamp situation.
11 What Kelly was talking about, when it comes to our
12 attention, we do have to take time to get that at
13 least clear enough in our minds to make sure all the
14 Ts have been crossed and Is dotted, and AECO is a
15 part of that.
16 MR. GREGORY: AECO is what you are depending
17 on. Just another side, the Isis, that would never
18 have passed an AECO. That would never have gone
19 through, never. They did not go their whole process
20 completely. That's a long story.
21 MR. JONES: I appreciate your helping me
22 understand that. Thank you.
23 MR. AUGUST: Let me clarify real quickly for
24 the Board. The only change that is being requested,

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1 from what is originally in our rules, our original
2 rules we had submitted already required 90 days
3 notice, the only thing that is being changed is the
4 fact the Board is required or requested to notify
5 the manufacturer and the locals in advance 30 days
6 of advance of the hearing dates. That the big
7 change being asked here.
8 90 days was in the original rules that
9 were already submitted in the first notice. They
10 basically carried that over to here.
11 MR. GREGORY: Elaine, there is a typo in there.
12 MS. DEL GRECO: Yes, AECO, we the got it.
13 CHAIRMAN CHRISTENSEN: What typo?
14 MS. DEL GRECO: We got AEOC as opposed to AECO
15 for AECO.
16 MR. GANIERE: I mean, a correction in section
17 A, at the end of the first line we have "underdog"
18 in there twice.
19 CHAIRMAN CHRISTENSEN: Kelly, you got a
20 correction?
21 MR. WELLER: Joe or Dick, as it stands, once we
22 pass this, no technology -- no new technology can
23 come before this Board for approval without a
24 Certificate of Conformance based on AECO, whatever

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1 you want to call it?
2 MR. GREGORY: People can come here, but I
3 wouldn't consider it.
4 MR. WELLER: I don't think they can. By this
5 process, I don't think they can.
6 MR. GREGORY: That's good.
7 MR. WELLER: That is what we're looking for.
8 MR. GREGORY: You are looking for that, yes.
9 MR. WELLER: That's fine.
10 CHAIRMAN CHRISTENSEN: Is there anymore
11 questions or additions?
12 (No response.)
13 CHAIRMAN CHRISTENSEN: None being, all those in
14 favor, say aye?
15 (A chorus of ayes.)
16 CHAIRMAN CHRISTENSEN: All those against?
17 (No response.)
18 CHAIRMAN CHRISTENSEN: Ayes have it.
19 MR. AUGUST: Rule D, or item D, that was the
20 provision that was added last time was conveyance
21 owner information. It is not a rule. It is not
22 statutory. It is not a requirement.
23 All four parties suggested this would be
24 better served removed from the rules, since they are

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1 really not a rule, it is more advisory information,
2 and for the Fire Marshal to post it on our website.
3 Again, the Board, or the OSFM, suggested
4 we agree and that we just post this information. We
5 remove it from the rules and post on it our web
6 page. Well, this should be struck from the rules
7 and posted on our website.
8 CHAIRMAN CHRISTENSEN: Rick?
9 MR. JANDORA: I move we accept this change.
10 CHAIRMAN CHRISTENSEN: Is there a second?
11 MR. WELLER: Second.
12 CHAIRMAN CHRISTENSEN: Any questions?
13 (No response.)
14 CHAIRMAN CHRISTENSEN: All those in favor, say
15 aye.
16 (A chorus of ayes.)
17 CHAIRMAN CHRISTENSEN: All the those against?
18 (No response.)
19 MR. AUGUST: Item E, the current language is
20 everything including the thing that is highlighted
21 or that I highlighted in yellow. One party out of
22 the four ask that be stricken.
23 It is our OSFM's advice we keep the
24 current rules, which you approved before, which had

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1 that included in it, in the definition, for multiple
2 reasons.
3 First of all is because that standard is
4 already adopted. It is in the current A17.1 one,
5 which the Board has already adopted in the rules.
6 The rules are not adopted, but it is already
7 approved to push forward in the rules.
8 Number two, the new technology provision,
9 now it clearly identifies what new technology is and
10 identifies the process that needs to come before the
11 Board.
12 So, it is our recommendation we make no
13 change to that. We keep that definition as is,
14 since there's already safeguards in place for any
15 new technology be brought before this Board for
16 approval before it is enacted.
17 MR. FINCHAM: If we're going to indicate that
18 17.7 is something we want to have in there, are we
19 being redundant by having it in here? It is already
20 in 17.1.
21 MR. AUGUST: Yes, it is already adopted in
22 A17.1.
23 MR. FINCHAM: My concern is if we have
24 specifically adopted it, if a manufacturer or

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1 supplier would come in and present new technology to
2 us that it complied with A17.7, could we then
3 legally deny it? I mean, if you show you are in
4 compliance --
5 MR. AUGUST: The Board has broad powers always
6 to deny.
7 MR. FINCHAM: I question, too, whether or
8 not -- it's good that we would ask them to show us
9 compliance, but by adopting 17.7, itself, are we not
10 then requiring ourselves to approve it, if they show
11 they've complied with that standard?
12 CHAIRMAN CHRISTENSEN: Craig?
13 MR. GRANT: Just a question. I wish Alec was
14 here.
15 MR. AUGUST: Alec is here.
16 MR. GRANT: Does the Board have an obligation
17 not to act in an arbitrary or capricious way in its
18 role as authority having jurisdiction if we denied
19 use of new technology that had a Certificate? Would
20 we be vulnerable for that?
21 MR. FINCHAM: That is essentially what my
22 question is.
23 MR. WELLER: I am curious what capricious would
24 mean.

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1 MR. GRANT: Based without engineering analysis.
2 MR. WELLER: Not necessarily. You can make a
3 decision, this is a lay Board, and as a lay Board,
4 you can make a decision based on a prudent man kind
5 of theory.
6 MR. GRANT: I'm aware of the prudent man theory
7 for that, but the provision isn't prudent-man based,
8 it's engineering based, as for the approval process
9 to a level that had to go through a nationally-
10 recognized testing and approval process.
11 I guess what my concern is are we exposed
12 for restraint of trade, if we decline use of new
13 technology that has gone through this elaborate
14 nationally-recognized approval process through a
15 code that we actually enact under our rules and
16 regulations?
17 MR. WELLER: We are part of that approval
18 process.
19 MR. GRANT: I understand that. I understand
20 what happens when we approve it, but what I wanted
21 to know was are we in any way exposed for those
22 issues, if we do not approve it without the
23 equivalent findings, equivalent level of engineering
24 findings?

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1 MR. MASSINA: I do think that the burden --
2 your hypothetical is what happens if having gone
3 through the A17.7 process, it comes before this
4 Board, and the Board would choose, for whatever
5 reason, that process wasn't sufficient, or for
6 whatever reason that the Board felt that particular
7 technology should not be offered for use in the
8 State of Illinois, correct?
9 I think, unfortunately, I missed some of
10 the discussion earlier about that actual 17.1
11 process, but based on my layman's understanding of
12 it, I think the burden for the Board to overcome
13 would be significant because of the testing, because
14 of my what my understanding of the rigorous testing
15 and the approval process that goes into that very
16 process.
17 So, could the Board disapprove or not
18 approve that technology? Yes. There would have to
19 be a pretty good reason. I think if it is just a
20 mere "we don't like it" probably would not be
21 sufficient.
22 MR. GREGORY: You realize, again, from the
23 point of view of the American Society of Mechanical
24 Engineers, we recognize, and we wrote these codes,

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1 but we recognize at the ASME, that you are the
2 authority.
3 You are going to do what you are going to
4 do. We may have spent years writing these codes
5 since 1921, not me, but you are the authority, and
6 we, as the code-writing agency, recognize that. So,
7 I think you just keep it the way you had it before,
8 and we recognize that.
9 MR. AUGUST: I believe even the standard gives
10 the authority. It is very broad based. I don't
11 think we could arbitrarily disagree because Craig
12 said, "I don't like it."
13 You have to have more than that. If there
14 is some reasonable "let's do it," I think it is not
15 an issue.
16 MR. JONES: My concern is that there is some
17 empirical data to support the new technology being
18 used in the field. I think ultimately as the AHJ in
19 the State of Illinois, we have to take that into
20 consideration.
21 It's got nothing to do with all the fine
22 work that ASME and AECO all those things done. The
23 question we have is has it been used? That is the
24 first question, has it been used? Is there

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1 empirical data to support it's been used in the
2 field and is sufficient?
3 That, to me, is outside of the realm of
4 A17.7. That is something that we, as a Board, have
5 to consider when that issue comes before us.
6 Like Craig said, we're not going to be in
7 a position to be liable if we say, "No, we don't
8 want to use this yet, because they haven't used it
9 in Iowa for 15 months," or something like that.
10 That's something that we, as a Board, still have
11 responsibility, as I understand it.
12 One other question, if I could. In
13 getting to this A17.7, we said we've adopted it. Is
14 it in the Senate Bill 149, is that A17.7, is it in
15 the Senate Bill?
16 MR. AUGUST: A17.1 is adopted in Senate Bill.
17 That is statutory. Because that is adopted, A17.1
18 adopts A17.7.
19 If not, it is ridiculous to have to go
20 back to have senators to look at A17.1 and adopt 200
21 pages of codes they cite there. If they've adopted
22 A17.1 as statutory, A17.1 now adopts it. This is
23 just one of eight pages of different codes that it
24 cites.

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1 MR. JONES: My understanding, correct me if I'm
2 wrong, Joe, if this is the case, we've adopted
3 A17.1, but A17.7 is adopted as a reference.
4 MR. AUGUST: No, it is adopted as part of the
5 code, and one of the things that allows you to meet
6 A17.1.
7 MR. JONES: Is that your understanding, too,
8 Alec?
9 MR. MASSINA: Yes, it is.
10 MR. AUGUST: Again, we've taken a different
11 step. Even though it is adopted, and without
12 anything more, they would automatically get the
13 A17.7 Certificate. If it automatically meets A17.1
14 standards, it would automatically go in.
15 What the Board has asked now once they get
16 that, even though it still meets A17.1 requirements,
17 and is qualified or whatever the proper word
18 underneath it is, it still comes before this Board
19 for a final look-through and see what happens.
20 MR. GREGORY: I think that is why you want to
21 keep this reference in here, so that it is perfectly
22 clear.
23 CHAIRMAN CHRISTENSEN: Before there is any more
24 questions, I need a motion.

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1 MR. BOGDAN: I make a motion to adopt the OSFM
2 recommendation concerning item E.
3 CHAIRMAN CHRISTENSEN: Is there a second?
4 MR. JANDORA: Second.
5 MR. JONES: Can I ask a question at that point?
6 CHAIRMAN CHRISTENSEN: Any questions?
7 MR. JONES: Yes, if I may, please.
8 CHAIRMAN CHRISTENSEN: Yes.
9 MR. JONES: My question then would be if it's
10 adopted already, if it's already adopted, is it
11 necessary to put it here, if it's already been
12 adopted? Is it necessary to add that?
13 MR. AUGUST: It just makes it clear.
14 MR. MASSINA: I think given the fact -- I mean,
15 the rationale maybe for that clarification is given
16 the fact that we've had several meetings, just
17 amongst this Board here on this very issue, there
18 obviously is some uncertainty.
19 That is the thinking behind it, just to
20 make it clear.
21 MR. JONES: It's a clarification issue then,
22 okay.
23 MR. WELLER: Well, the motion to vote is not to
24 change the original language.

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1 MR. AUGUST: Yes.
2 MR. WELLER: Which we already voted on today.
3 CHAIRMAN CHRISTENSEN: Yes. Is there anymore
4 questions?
5 (No response.)
6 CHAIRMAN CHRISTENSEN: All the those in favor,
7 say aye.
8 (A chorus of ayes.)
9 CHAIRMAN CHRISTENSEN: All those against?
10 MR. JONES: One nay.
11 MR. FINCHAM: Nay.
12 CHAIRMAN CHRISTENSEN: Two nays. Ayes have it.
13 MR. AUGUST: Item F. Bob, it is your turn,
14 buddy. You can explain the reasons to talk about
15 where we were. If you look at it, it is broken down
16 in three steps. The very first one is what is
17 currently in the language.
18 It says, "Current draft A, B and C." That
19 is the current language that was approved at the
20 Board meeting some time ago before we submitted it
21 to J-CAR.
22 The next paragraph where it says,
23 "Suggested draft was submitted by three of the four
24 parties." They ask that be changed to the suggested

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1 draft.
2 Then if you go to the second page, it says
3 "OSFM amended draft." After reviewing it, we tried
4 to expand upon what the OSFM's original draft was,
5 to allow a little more leeway and not give up part
6 of the provision to try to get compliance.
7 If we do what is suggested, there is no
8 compliance. Everybody goes out, they do the
9 inspection, they do the maintenance. We're stuck
10 that chasing our tail.
11 The reality is since we've had this in
12 place, with respect to other things, people have
13 registered their elevators when we put them on the
14 spot, and we do get certain people who certify for
15 operation.
16 This is kind of forcing people to do it
17 that can't get service. Your floor.
18 MR. CAPUANI: Anyone got any questions on this
19 first? Let's go that way. What we're trying to do
20 here is the same thing as registrations.
21 We're having a problem policing the state,
22 and we can't get conveyance owners to apply for a
23 Certificate of Operation. So, basically what we're
24 saying is that a mechanic -- we're allowing

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1 inspection companies to go in if they don't have a
2 current Certificate where they can do the
3 inspection.
4 We're giving some options, "Should a
5 situation occur where an elevator contractor has
6 been contacted to remove a trapped or injured person
7 from a conveyance, or render the conveyance out of
8 service for reasons of safety, the licensee may
9 perform such work, but must notify the Elevator
10 Division within 24 hours.
11 "Two, the inspection company may have his
12 license inspector perform the requested inspection,
13 prior to receiving permission from the OSFM,
14 provided the inspection company notifies the OSFM
15 within 72 hours by fax or E-mail. The inspector may
16 put the conveyance out of order, if he or she
17 determines the conveyance is unsafe to operate.
18 "Three, a licensed mechanic may work on a
19 conveyance with an expired Certificate of Operation,
20 if there is a final inspection report not older than
21 30 days posted in the equipment room, prior to the
22 conveyance owner applying for and receiving their
23 annual Certificate of Operation. Should the
24 inspection report be older than 30 days, the

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1 elevator contractor must notify the OSFM within 72
2 hours."
3 Plus, what we're going to do, too, is on
4 our website right now for registered conveyances, I
5 believe it's the address, the county, the building
6 name, we're going to add, for all the conveyances
7 under state rule, we're going to add the expiration
8 date on our website.
9 So, companies and mechanics can refer to
10 our website and find out what the expiration date of
11 that conveyance would be.
12 CHAIRMAN CHRISTENSEN: Before any questions --
13 MR. CAPUANI: I am sorry, and the conveyance
14 owner can also apply for a 60-day authorization,
15 like they apply for a 30 day for registration, so
16 there is a lot of options here.
17 CHAIRMAN CHRISTENSEN: I'll accept a motion at
18 this time.
19 MR. JONES: I'll motion in favor.
20 CHAIRMAN CHRISTENSEN: In favor of which?
21 MR. JONES: To adopt these rules as amended.
22 MR. GREGORY: The OSFM rules?
23 MR. JONES: Yes.
24 CHAIRMAN CHRISTENSEN: The OSFM rules.

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1 MR. JONES: The amended draft.
2 CHAIRMAN CHRISTENSEN: Is there a second?
3 MR. DATTILO: I'll second.
4 CHAIRMAN CHRISTENSEN: Now on the question?
5 Rick?
6 MR. JANDORA: My question is does our statute
7 require maintenance to be performed?
8 MR. CAPUANI: I don't believe our statute
9 requires. All it says it has to have an annual
10 test.
11 MR. JANDORA: Dick?
12 MR. GREGORY: Since the statute adopts A17.1,
13 whether you are 2007 or '8 or '9 now, Section 8.6
14 requires maintenance. So, by following along,
15 maintenance is required.
16 MR. JANDORA: So, my question is: Is the
17 responsibilities of the owner, the conveyance
18 owners, is to have their equipment maintained and
19 their equipment inspected, in order to obtain a
20 Certificate of Operation, which is issued annually?
21 An inspector comes in to review the
22 equipment, and one of the items to make sure is
23 being performed is maintenance. If maintenance is
24 being withheld, due to not having a Certificate of

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1 Operation, how will we allow the conveyance owners
2 to be in compliance to get the Certificate of
3 Operation?
4 MR. CAPUANI: Well, they can obtain a 60-day
5 extension. This is the same issue we had with
6 registration, it is the same issue.
7 MR. JANDORA: The only concern I have with
8 registration is registration was a one-time thing.
9 You registered one time for the life of that
10 conveyance.
11 The Certificate of Operation is an annual
12 issuance. It is something that will be issued every
13 year.
14 MR. CAPUANI: Correct, we have got conveyances
15 out there that have never been inspected; and we got
16 maintenance companies out there doing maintenance,
17 and they know they've never been inspected.
18 We have had maintenance mechanics with
19 broken backs on equipment that weren't inspected for
20 20 years, and they go and do an inspection and the
21 cylinder blows out. So, it's really the safety for
22 the mechanic also.
23 MR. JANDORA: What does that have to do with
24 the riding public, if you are not maintaining it and

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1 not inspecting it?
2 MR. CAPUANI: I'm sure if you go in there and
3 not maintain it, I am sure they are going to apply
4 for -- I would hope they would apply for an
5 extension.
6 MR. AUGUST: I am hoping the companies are
7 advising them if they don't have a registration
8 occupancy, they need to call us for an extension,
9 and inspection companies are doing the same.
10 MR. WELLER: To me, this looks like an olive
11 branch. I like this recommendation. I am just
12 going to ask a couple questions.
13 Is there a legal reason why the OSFM
14 Administrator needs to be changed? Why are we
15 opposed to that? They struck "Administrator" and
16 put "OSFM" in its place.
17 Isn't that redundant, or is there some
18 reason why that is a problem?
19 MS. DEL GRECO: You're liking the suggested
20 draft?
21 MR. WELLER: Yes, I'm looking at the suggested
22 language.
23 MR. AUGUST: The suggested reason why it was
24 brought up, why we pose that thing, is the fact

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1 we'll get 1,000 phone calls. They'll go out and
2 continue the work on it, and they will call us after
3 the fact say, "I was here, they weren't registered."
4 MR. WELLER: Break it in little pieces.
5 MR. AUGUST: That is the main reason for it is
6 an after-the-fact thing. We had better luck when we
7 said, "You need do something up front if you want to
8 have service provided."
9 MR. WELLER: What is the difference between
10 Administrator and OSFM?
11 MR. GRANT: Local versus state.
12 MR. WELLER: This language gives us more
13 authority, not less, because if OSFM is us, and
14 Administrator is local, this language gives us a
15 broader pallet to enforce the rules.
16 MR. GRANT: The registration of it. I mean, I
17 think the difference is that Administrator could be
18 Local Program Administrator.
19 MR. WELLER: We want OSFM.
20 MR. GRANT: I am not sure that is the case
21 relative to local program agreements, is it? Are
22 they not permitted to issue their Certificate of
23 Operation at the local level, not through the state
24 level?

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1 MS. DEL GRECO: If they have an agreement with
2 us, they may issue a Certificate at the local level.
3 MR. CAPUANI: The municipalities, they have a
4 local elevator agreement with OSFM. They in total
5 must apply to that municipality for an extension to
6 obtain a current Certificate of Operation.
7 MR. AUGUST: The top part of that only applies
8 to those elevators we control that don't fall under
9 municipalities agreement.
10 MR. WELLER: We can't change "Administrator" to
11 "OSFM"?
12 MR. AUGUST: You are right.
13 MR. WELLER: I am looking for a reason they
14 want the change.
15 MR. AUGUST: Administrator, I think, and I
16 don't have the rules, it may very well be defined as
17 us, in which case it doesn't need to be changed.
18 MR. JANDORA: The statute under "definitions,"
19 Administrator means the office of the State Fire
20 Marshal.
21 MR. AUGUST: It doesn't need to be changed.
22 MR. WELLER: It's one and the same?
23 MS. DEL GRECO: Right.
24 MR. WELLER: Then the other reason what would

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1 be our objection to protect the public versus to
2 avoid penalty? I mean, it's -- I mean, really, does
3 it matter?
4 MR. JONES: In this case, I would think the
5 public has greater protection at this point, because
6 of the way this is drafted, because you are allowing
7 the work to be done on the elevator during this
8 timeframe, while you are working things out with the
9 OSFM, right?
10 MR. WELLER: I'm suggesting taking the language
11 and breaking it apart. The only reason you suggest
12 certain language is you're trying to get a favorable
13 read on the law, either if you are going to be sued,
14 or you are going to administer.
15 So, why make the change? So, if it's a
16 change that just makes it more eloquent, or make it
17 look like we're doing something that is perceived
18 better by the public, fine. If there is a legal or
19 administrative reason why we wouldn't do that, then
20 I could see that change.
21 MR. JONES: What are you suggesting, Kelly,
22 change the language?
23 MR. WELLER: I think it is a half loaf. What
24 do we care? If they want to protect the public,

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1 give them some, fine. If it doesn't change what
2 we're trying to do, give them the language.
3 MR. BOGDAN: I have a question. The motion was
4 to adopt the OSFM amended draft; is that correct?
5 MS. DEL GRECO: Correct.
6 MR. BOGDAN: That doesn't have either of the
7 languages you are talking about, Kelly.
8 MR. WELLER: Thank, Tom.
9 MR. BOGDAN: I have one more question. When a
10 contractor or an inspection company goes out to a
11 conveyance, are they required of to obtain the
12 registration number, the issuance date and receive a
13 Certificate of Operation?
14 MR. CAPUANI: One more time.
15 MR. BOGDAN: When an inspection company or
16 contractor goes out to a conveyance, are they
17 required to see the conveyance registration number,
18 the issue date and the Certificate of Operation?
19 MR. CAPUANI: Yes.
20 MR. BOGDAN: Then I would make a suggestion in
21 A, the first line, the word should be changed to
22 "shall." "Should" is permissive, "shall" is
23 mandatory.
24 CHAIRMAN CHRISTENSEN: Is there anymore

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1 questions?
2 (No response.)
3 CHAIRMAN CHRISTENSEN: So we have it correct on
4 the motion, this is the OSFM's amended draft. Did
5 you want to amend to put "shall".
6 MR. BOGDAN: If the maker and the seconder are
7 agreeable that be an amendment.
8 MR. JONES: I'm agreeable with that.
9 CHAIRMAN CHRISTENSEN: All right. No more
10 questions, all those in favor, say aye.
11 (A chorus of ayes.)
12 CHAIRMAN CHRISTENSEN: All those against?
13 MR. JANDORA: Nay.
14 CHAIRMAN CHRISTENSEN: We're going to move
15 back, with the Board's approval, to old business.
16 Is there a motion to go back to old
17 business?
18 MR. WOLIN: So moved.
19 CHAIRMAN CHRISTENSEN: Is there a second?
20 MR. FINCHAM: I'll second.
21 CHAIRMAN CHRISTENSEN: Any questions?
22 (No response.)
23 CHAIRMAN CHRISTENSEN: All those in favor, say
24 aye.

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1 (A chorus of ayes.)
2 CHAIRMAN CHRISTENSEN: Ayes have it.
3 MR. MASSINA: First of all, I apologize for
4 walking in late. I inextricably put 9:00 a.m. I
5 apologize. I am glad I'm not the only one.
6 Before addressing items 4B and C, I want
7 to let everyone know that at the next meeting, there
8 will be a different attorney in this chair. I'm
9 leaving the State at the end of this month.
10 It's actually been going on for quite some
11 time, kind of working out the details of the timing.
12 I'll obviously be working with the new -- there will
13 actually be a Deputy General Counsel starting
14 tomorrow at the Fire Marshal's Office. So,
15 hopefully there won't be much of a lapse there. We
16 will be working on these issues, as well as others.
17 In part, because of that, I've exchanged a
18 number of phone calls with Kone, and since it's just
19 a matter of missing phone calls and leaving
20 messages, but I think it's probably about two weeks
21 ago when I thought this was going to happen sooner
22 rather than later, and by "this" I meant my
23 departure, I thought it would be wise for the new
24 person to take over that.

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1 It would be silly to start negotiations,
2 and then have someone else take over kind of
3 midstream. That is one of the first things I will
4 be touching base with the new Deputy General Counsel
5 tomorrow. We will get moving on that right away.
6 So, I assume there aren't any questions there.
7 As to 4C, Bob and I have discussed that.
8 We did take a look at it. There had been a previous
9 opinion drafted by the previous General Counsel at
10 the Fire Marshal's Office that basically stated once
11 that OSFM entered into an agreement with a
12 municipality, there is really explicit acceptance
13 that that municipality had the authority to run that
14 program in any way, shape or form it chose, as long
15 as it met the minimum requirements that we
16 developed, that we, OSFM, developed.
17 Actually, I believe there is a position
18 paper to that effect on the agency website as well,
19 but we did take a look at it. It has some internal
20 discussion. At this point, the office felt it was
21 wise to stage that route and to leave that to the
22 municipality.
23 Obviously given that position, I think
24 we're happy to reach out where there are problems or

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1 concerns. Obviously we're happy to reach out to the
2 particular municipality and walk through those
3 issues and see if there really are problems that we
4 feel need to be addressed.
5 In some cases, there are legitimate issues
6 that we can work with a municipality on. We do that
7 all the time, not elevators so much. Obviously we
8 will be happy to do that. I guess I can speak for
9 the guy who hasn't even started yet, I am sure he
10 will be happy do that.
11 It's easy to say, since he's not here, but
12 in any event, I think that is where we stand right
13 now. We've not decided really to sway or change
14 course from where we've been at for some time on
15 this particular issue.
16 CHAIRMAN CHRISTENSEN: Is that it?
17 MR. MASSINA: Yes, sir.
18 CHAIRMAN CHRISTENSEN: Okay. Back to new
19 business. Continuing education program for
20 approval. Do we have NEIEP here?
21 MR. McCANN: Yes.
22 CHAIRMAN CHRISTENSEN: Ray McCann is the
23 Administrator of the NEIEP Program in Chicago.
24 MR. McCANN: R-a-y M-c-C-a-n-n. Before I put

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1 on NEIEP, on behalf of NEIEP, I put names requesting
2 to get this committee to approve our online
3 continuing ed in the form of education approved to
4 meet your requirements with your stated specific
5 codes that were already incorporated into the
6 program that exists. That does give an outline of
7 some of the requirements.
8 CHAIRMAN CHRISTENSEN: Is there any questions
9 for the Board?
10 (No response.)
11 CHAIRMAN CHRISTENSEN: Is there a motion to
12 accept NEIEP's program?
13 MR. GILLES: So moved.
14 MR. WELLER: Second.
15 CHAIRMAN CHRISTENSEN: Any questions?
16 (No response.)
17 CHAIRMAN CHRISTENSEN: All those in favor, say
18 aye. I am sorry, Bob?
19 MR. CAPUANI: You supplied us with a
20 Certificate of Completion?
21 MR. McCANN: Yes, they will receive that
22 Certificate. That is the last page, Bob.
23 CHAIRMAN CHRISTENSEN: With the two hours
24 co-training?

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1 MR. McCANN: We'll attest that both of them,
2 along with the machine room maintenance.
3 MR. CAPUANI: There will be something stated
4 they went through two hours of code?
5 MR. McCANN: Yes, the outline is in here, the
6 two hours of code they will be going through.
7 MR. CAPUANI: We want the Certificate to state
8 they've gone through two hours of code.
9 MR. McCANN: Yes, it will be on there also.
10 MS. DEL GRECO: Is that the Illinois State
11 Licensing Course, is that the two hours of code
12 update, Ray?
13 MR. McCANN: Yes.
14 MS. DEL GRECO: He wants that to say two hours.
15 MR. CAPUANI: Two hours of code.
16 MR. GREGORY: Minimum.
17 MR. CAPUANI: Minimum.
18 CHAIRMAN CHRISTENSEN: All in favor, say aye.
19 (A chorus of ayes.)
20 CHAIRMAN CHRISTENSEN: All those against?
21 (No response.)
22 CHAIRMAN CHRISTENSEN: Ayes have it. Otis
23 Elevator?
24 MR. TURCHIOE: George Turchioe, Otis Elevator

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1 Company. G-e-o-r-g-e T-u-r-c-h-i-o-e.
2 I wasn't aware we needed to make
3 submittals beforehand. I do apologize. I have some
4 handouts. I have a syllabus, syllabi.
5 CHAIRMAN CHRISTENSEN: So like bob asked
6 before, you will have a Certificate that says they
7 went through two hours of co-training?
8 MR. TURCHIOE: Yes, sir, that's submitted.
9 CHAIRMAN CHRISTENSEN: Any questions?
10 (No response.)
11 CHAIRMAN CHRISTENSEN: Is there a motion to
12 accept Otis' continuing education?
13 MR. WELLER: Weller.
14 CHAIRMAN CHRISTENSEN: Motion made. Is there a
15 second?
16 MR. SWIENTON: Darrel Swienton, second.
17 CHAIRMAN CHRISTENSEN: Any questions?
18 (No response.)
19 CHAIRMAN CHRISTENSEN: All those in favor, say
20 aye.
21 MR. GILLES: I just have one question. I know
22 a lot of mechanics' licenses are coming due soon. I
23 just want to make sure is this going to be
24 incorporated in time with Otis and with others?

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1 I got guys that are their license are
2 coming due in the fall and early winter. Is this
3 going to be incorporated in time for them to get the
4 two hours of code training necessary?
5 MR. TURCHIOE: What specific operation is that?
6 This is something on behalf of the Chicago region.
7 The region is in downtown Chicago and Lombard.
8 MR. GILLES: But Otis is Otis, isn't it?
9 MR. TURCHIOE: Don't let me misrepresent. I'm
10 the Regional Field Engineer for Otis in the Chicago
11 region.
12 MR. GILLES: Right. If we approve this, this
13 is going to be approved for Otis throughout the
14 State of Illinois, correct?
15 MR. TURCHIOE: Yes, that is also my
16 jurisdiction. Yes, sir, that's correct. I cannot
17 speak specifically. I would need to know the area,
18 is it Springfield?
19 MR. GILLES: Peoria and Springfield.
20 MR. TURCHIOE: I need to speak to Tim Nation,
21 or the business manager down there and say, "Look,
22 if this is coming up, if you need that training."
23 MR. GILLES: I can do that.
24 MR. TURCHIOE: I am sorry, your name, sir?

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1 MR. GILLES: Rod Gilles.
2 MR. TURCHIOE: If you want, I will communicate
3 that to our offices directly.
4 MR. GILLES: That's fine. I just wanted to
5 make sure those that need this, get it.
6 MR. TURCHIOE: It's available to them.
7 MS. DEL GRECO: Elaine Del Greco. So, if the
8 Certificate from Otis comes in without this two
9 hours of code update on it, then we're going to send
10 that application back that continuing education has
11 note been completed.
12 MR. TURCHIOE: I would say so.
13 MS. DEL GRECO: You said you are doing for
14 Chicago. Will whoever does certificates downstate
15 know about this?
16 MR. TURCHIOE: They would come through me.
17 MS. DEL GRECO: They would come through you?
18 MR. TURCHIOE: Yes, that's correct.
19 MS. DEL GRECO: Okay. I just want to be sure
20 that everybody from Otis is covered.
21 MR. TURCHIOE: Yes, it is.
22 MR. WELLER: As the maker of the motion, will
23 you commit to making sure that gets done, so all the
24 field reps understand?

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1 MR. TURCHIOE: I would submit I will take care
2 of that directly.
3 CHAIRMAN CHRISTENSEN: Anymore questions?
4 (No response.)
5 CHAIRMAN CHRISTENSEN: All those in favor, say
6 aye.
7 (A chorus of ayes.)
8 CHAIRMAN CHRISTENSEN: All those against?
9 (No response.)
10 CHAIRMAN CHRISTENSEN: Ayes have it. Kone?
11 MR. WHITE: My name is Brad White. I handed
12 out packets to everybody. The certificates are on
13 the very last page. It says two hours of training
14 on it.
15 All parties that will be given the
16 training has this packet, and will be performing it
17 in the next month or two, so everybody can get their
18 license.
19 CHAIRMAN CHRISTENSEN: Is there a motion to
20 accept Kone's?
21 MR. JANDORA: Motion to accept.
22 CHAIRMAN CHRISTENSEN: Is there a second?
23 MR. GRANT: Second.
24 CHAIRMAN CHRISTENSEN: Any questions?

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1 (No response.)
2 CHAIRMAN CHRISTENSEN: All the those in favor,
3 say aye.
4 (A chorus of ayes.)
5 CHAIRMAN CHRISTENSEN: All those against?
6 (No response.)
7 CHAIRMAN CHRISTENSEN: Ayes have it. ACM
8 Elevator?
9 MR. GIULIANO: My name is Leonard Giuliano,
10 L-e-o-n-a-r-d G-i-u-l-i-a-n-o. Also, I apologize,
11 we didn't submit before, but we are using the same
12 program as Otis. It does have two hours on the
13 Certificate for this training.
14 CHAIRMAN CHRISTENSEN: Is there a motion to
15 accept?
16 MR. WELLER: So moved.
17 MR. WILSON: Second.
18 CHAIRMAN CHRISTENSEN: Any questions?
19 (No response.)
20 MR. WELLER: All the those in favor, say aye.
21 (A chorus of ayes.)
22 CHAIRMAN CHRISTENSEN: Against?
23 (No response.)
24 MR. WELLER: Ayes have it.

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1 MR. CAPUANI: Mr. Chairman, I would like to ask
2 the Board to ask these companies that they submit
3 some type of a training schedule to our office that
4 we can sit in on the classes.
5 CHAIRMAN CHRISTENSEN: I think we did at a
6 meeting tell them we can come in at any time to
7 these classes.
8 MR. CAPUANI: I don't have a schedule.
9 MR. JANDORA: I'll make that motion.
10 CHAIRMAN CHRISTENSEN: Would you send out a
11 letter requesting that, Bob?
12 MR. CAPUANI: I'm asking you.
13 CHAIRMAN CHRISTENSEN: We will accept it. I
14 don't think we have a problem with that. How are
15 you going to notify the companies? I know we have
16 some companies here, but don't we have 100
17 contractors?
18 MR. CAPUANI: We could send out an E-mails. We
19 have all the contractors in an E-mail. We can send
20 out an E-mail requesting a schedule.
21 CHAIRMAN CHRISTENSEN: You want to make a
22 motion, Rick?
23 MR. JANDORA: I make that motion the companies
24 with an approved continuing education program notify

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1 the Office of State Fire Marshal on the dates in
2 which they intend to provide the training.
3 CHAIRMAN CHRISTENSEN: Is there a second?
4 MR. WOLIN: I'll second, Wolin.
5 CHAIRMAN CHRISTENSEN: Any questions?
6 MR. WELLER: How would that affect the online
7 training?
8 MR. JANDORA: With the exception of the online
9 training.
10 CHAIRMAN CHRISTENSEN: Anymore questions?
11 (No response.)
12 MR. WELLER: All those in favor, say aye.
13 (A chorus of ayes.)
14 CHAIRMAN CHRISTENSEN: All those against?
15 (No response.)
16 CHAIRMAN CHRISTENSEN: Ayes have it. Thyssen
17 Krupp.
18 MR. SULHOFF: My name is Tom Sulhoff from
19 Thyssen Krupp Elevator, S-u-l-h-o-f-f. We propose
20 we are going to hire Joe Donnelly to come in and
21 give a two-hour code training class to bring the
22 guys up to any new codes or current code that is
23 being designated by the State of Illinois; and then
24 we're going to give at the end of the class, it's

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1 going to be in December, they will give a
2 Certificate stating they've had two hours of
3 code-training class that they can turn in to the
4 State.
5 MR. CAPUANI: I would request the time and
6 place for that code class, please.
7 MR. SULHOFF: First week of December, it will
8 be in our office.
9 MR. CAPUANI: Can you send a letter to our
10 office?
11 MR. SULHOFF: Yes.
12 MS. DEL GRECO: They will be sending in two
13 certificates when they renew their licenses: One
14 for the safety training, which is now taken as six
15 hours; and then two hours for the code update.
16 MR. SULHOFF: Right.
17 MR. GREGORY: You've already approved Joe
18 Donnelly.
19 MR. CAPUANI: I want to be at the class.
20 MR. JANDORA: I move we accept.
21 CHAIRMAN CHRISTENSEN: Is there a second?
22 MR. WILSON: Second.
23 CHAIRMAN CHRISTENSEN: Any questions?
24 MR. GANIERE: All the other education providers

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1 just kind of put together the curriculum and put
2 together the specifics of it.
3 MR. SULHOFF: We will submit one. Joe is
4 putting it together now. I just contacted him.
5 MR. WELLER: Have it submitted, so we have it
6 on file so if there is a question, we got a
7 curriculum.
8 CHAIRMAN CHRISTENSEN: Anymore questions?
9 MR. GILLES: I got one. Is this downstate
10 going to do the same? You are here on behalf of?
11 MR. SULHOFF: I'm not sure if they are coming
12 up here. I was told they were coming up here and
13 having it at our office.
14 CHAIRMAN CHRISTENSEN: Anymore questions?
15 (No response.)
16 MR. GANIERE: All those in favor, say aye.
17 (A chorus of ayes.)
18 CHAIRMAN CHRISTENSEN: All those against?
19 (No response.)
20 CHAIRMAN CHRISTENSEN: Ayes have it. Closed
21 session to review the minutes of the closed session
22 held on March 9th.
23 MR. JANDORA: You want to go to public comment?
24 CHAIRMAN CHRISTENSEN: Why don't we do that.

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1 We are going to go to public comment first.
2 Do we want to make a motion on that?
3 MR. JANDORA: I move we go to public comment at
4 this time.
5 MR. GROSS: Second.
6 CHAIRMAN CHRISTENSEN: Any questions?
7 (No response.)
8 CHAIRMAN CHRISTENSEN: All those in favor, say
9 aye.
10 (A chorus of ayes.)
11 CHAIRMAN CHRISTENSEN: All those against?
12 (No response.)
13 CHAIRMAN CHRISTENSEN: Ayes have it. Don
14 Plass.
15 MR. PLASS: Good morning. Thank you for
16 letting me speak. My name is Don Plass, D-o-n
17 P-l-a-s-s. I'm the Director of Code Enforcement for
18 the Village of Hoffman Estates.
19 I'm also representing Code Officials here
20 in Illinois through the Illinois Council of Code
21 Administrators. I've been coming here for three
22 years, and I have to say there is really a big
23 improvement on how this is all functioning and how
24 it's working.

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1 I'm very happy to say it's really doing a
2 good job. It's come a long way. Thanks, Bob.
3 MR. CAPUANI: Thank you.
4 MR. PLASS: I put down on my sheet to talk that
5 I was going to be, for the rules, I was going to be
6 for opposing them and for going along with approving
7 them.
8 I have to say after listening to
9 everything that you went through here, I am very
10 happy, because I have been involved in all of the
11 negotiations for the last year-and-a-half through
12 all of the different groups that have been in here,
13 and I think today was really well done.
14 I appreciate you putting in "shall"
15 instead of "should." When Moses came down from the
16 mountain, he didn't have the 10 suggestions.
17 The only thing I would like to say is
18 A17.7, and I know Mr. August has mentioned that it's
19 been adopted into A17.1, and I'm also glad that you
20 brought up to add new technology after A17.1 2007,
21 the other amendments, because A17.7 is not in the
22 2007.
23 So, you would have had a problem with
24 that. So, that is good. The thing I see is the

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1 rules actually say that you should be going into
2 Section 35 of the act. Those are the only -- let me
3 read this, "The Board shall adopt or amend and adopt
4 the latest edition of the standards referenced in
5 Section 35 of the act within 12 months."
6 Now, A17.1 is in there, ASME QE11 is in
7 there, ASCE 21 is in there. A17.3 was struck, but
8 it was added back in with the certain additions to
9 it there.
10 It does have ANSI 10.4 in there, but I
11 believe ANSI 10.4 was removed. A17.7 is a standard,
12 and actually it is referenced standards in A17.1.
13 There's 350 some standards in there.
14 When you adopt A17.1, all those referenced
15 standards go along with it. It says it in here that
16 you only have the ones in here that are supposed to
17 be -- entitled to be listed in here are as in the
18 act.
19 Now when we went through the last over at
20 Kone, Mr. Suffredin asked me if Code Officials would
21 object to A17.7 being brought through the
22 legislative process. Code Officials would not
23 oppose that.
24 I mean, that's the prerogative, and if I

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1 was asked, I would say, "Yes, go ahead with it." I
2 do believe that A17.7 should be put in here because
3 if you just go ahead and put that in here as an
4 adopted standard, not following the act, you would
5 be setting a precedent that you could take any --
6 the Board could go ahead and take any standard and
7 put it in there.
8 That's really all I have to say. Thank
9 you.
10 CHAIRMAN CHRISTENSEN: Patty Young?
11 MS. YOUNG: Good morning. My name is Patty
12 Young, P-a-t-t-y Y-o-u-n-g. The topic I wanted to
13 address is something that Mr. Capuani had brought
14 up. I just want to confirm clarification.
15 The suggested OSFM response to the
16 Certificate for the 60-day extension, I do
17 appreciate as an inspection company, and I am sure
18 many of the other inspection companies as well, the
19 flexibility that it does provide.
20 One of the things that was mentioned in
21 the language, and maybe I misheard, and I would like
22 clarification, is that if an inspector can go in,
23 but if there is no Certificate, that within an X
24 amount of time after the fact, there needs to be

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1 some sort of notification to OSFM.
2 I want to make sure that the clarification
3 that I'm looking for is the responsibility. That
4 the responsibility ultimately is the building owner
5 who goes up onto the OSFM website to fill out the
6 60-day extension, because the language that I heard
7 or picked up was provided the inspection company
8 notifies in 72 hours.
9 That gives me the impression that the
10 inspection company, if we were not able to do that
11 within 72 hours, and it's not our responsibility to
12 apply for the Certificate, it is ultimately the
13 building owner, that the inspection company could be
14 penalized or put in jeopardy for violating
15 something, and I want to get clarification on that.
16 MR. CAPUANI: No, I think we're just asking the
17 inspection company to notify us within 72 hours,
18 like a courtesy call, that this elevator at this
19 location does not have a current Certificate of
20 Operation. We'll follow through.
21 MS. YOUNG: Young the word "provided" is a
22 pretty strong word versus the word "courtesy."
23 MR. CAPUANI: It says, "Receiving permission
24 from the OSFM provided the inspection company

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1 notifies OSFM within 72 hours."
2 We would like the inspection company to
3 notify us, yes, if they do not have a current
4 Certificate of Operation.
5 MS. YOUNG: But I want to clarify if that were
6 not to happen, is there is anybody in jeopardy?
7 MR. AUGUST: Yes, it could be penalized. Yes,
8 it is a requirement for the inspection company to
9 notify us. If it happens too many times, we'll take
10 whatever the appropriate penalties the Board
11 suggests.
12 MS. YOUNG: Then I go to where in the act is
13 that stating that somebody could be penalized for
14 that, because they did not notify about Certificate?
15 I totally understand the registration.
16 That has it written all over the place,
17 but I just want to make sure in the act, that there
18 is supporting evidence to that, in order for that to
19 be in enforced.
20 MR. MASSINA: My copy of the statute is in the
21 car, as I was shamefully hanging my head in walking
22 in late. There is very broad authority in the act
23 for the OSFM to administer this program.
24 Not every single thing that is in these

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1 rules are spelled out specifically in the enabling
2 statute.
3 MS. YOUNG: The concern I have is everybody
4 today, due to the economy, is taxed with their
5 labor, and this is an administrative transaction to
6 get the notification.
7 If per chance it didn't happen at 72
8 hours, and it ended up being a week, I don't want to
9 have ramifications to come back against anybody.
10 MR. MASSINA: I understand. I think it's just
11 from a regulatory drafting perspective, it is hard
12 to draft something that says, you know, in 72 hours,
13 or a week, you know.
14 Obviously I think this Board has shown for
15 quite some time that they are willing, as this
16 office is willing, to exercise its discretion and
17 not send someone a letter saying, "We got a notice
18 from you in 73 hours, and that's a problem."
19 I mean, just like you don't have the
20 resources, we don't have the resources either to
21 reach out to someone and say, you know, "We've
22 gotten three notices late, we're now going to have
23 to go through this whole process and go to the
24 attorney general."

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1 It is not efficient for anybody.
2 Obviously our desire, Bob's desire, is to work with
3 everyone to make sure we are getting the information
4 he needs, and that the office needs, to implement
5 this program. So, if it's --
6 MS. YOUNG: That's the main reason why I
7 brought this up.
8 MR. MASSINA: Joe was alluding to it as well.
9 If this is a chronic problem, we're getting notice
10 after notice after notice two three four weeks after
11 the fact, that's a problem that we're going to have
12 to address, but no one has time to initiate the
13 enforcement process over something that is three
14 days late. It's not going to happen.
15 MS. YOUNG: If you are notified, what is the
16 action that OSFM will take upon my notification to
17 the office? What will you do with it? What is the
18 value?
19 MR. MASSINA: That it doesn't have a
20 Certificate?
21 MS. YOUNG: Uh-huh.
22 MR. CAPUANI: We would contact the owner of the
23 building.
24 MS. YOUNG: And?

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1 MR. CAPUANI: That's the first step.
2 MR. MASSINA: Again, to address your initial
3 question of -- I'm sorry, your initial concern that
4 we're going to be arbitrary how we handle these
5 72-hour notices, what you are asking now is the big
6 issue, and that is what do we do with a conveyance
7 that doesn't have a Certificate.
8 That is our primary concern, obviously
9 from a safety perspective. I understand you have
10 those concerns, too. Again, in weighing what's the
11 most important thing for us to address is not three
12 days late. It's what did we do --
13 MS. YOUNG: It goes back to there are many
14 things in the act that say building owner
15 responsible for this, billing owner responsible for
16 that.
17 I have yet to see a building owner come
18 before the Board for irresponsibility.
19 MR. WELLER: From a practical point of view,
20 you go into -- walk me through something that would
21 be a concern.
22 You go into a building and you inspect,
23 and it doesn't have a conveyance registered, right?
24 That's what we're talking about?

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1 MS. DEL GRECO: A Certificate of Operation.
2 MR. WELLER: Certificate of Operation. It
3 doesn't have a Certificate of Operation. You see
4 that, now what do you do?
5 MS. YOUNG: At this point, I am probably going
6 to take the stance I am going to fail them.
7 MR. WELLER: You get a charge to the owner for
8 going out there, right? You're going to notify
9 them, "Hey, I can't inspect this, you don't have a
10 Certificate of Operation," right?
11 MR. JANDORA: She performs her service.
12 MS. YOUNG: I can do it based on what the
13 amendment is. The concern is after the fact.
14 MR. WELLER: That's even better. So, you go
15 ahead and inspect it, and you give them a clean bill
16 of health, right? And then something happens, and
17 then the lawyers find out that this thing wasn't a
18 registered or didn't have a Certificate of
19 Operation.
20 MS. YOUNG: I would advise the building owner,
21 "You need to go up onto the website."
22 MR. WELLER: Wouldn't you want to do that as
23 well, just to protect yourself, as quick as
24 possible?

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1 MS. YOUNG: Definitely. My concern is the way
2 I have picked up on hearing it was that an
3 inspection company has to provide to OSFM to do it.
4 That is putting the responsibility on me as the
5 inspection company.
6 MR. WELLER: I think it's taking the
7 responsibility off of you, because now you've done
8 the inspection. You said, "I'm walking away. I'm
9 telling the OSFM it doesn't have a Certificate of
10 Operation."
11 Now if something happens between A and B,
12 you can go. By the way, I would put it writing.
13 MS. YOUNG: I understand. It's also being
14 logged in to the 72 hours. If I didn't get to it
15 within the 72 hours, due to other things, that I do
16 not want to have anything come back to us saying,
17 "You did not notify us in 72 hours."
18 MR. JANDORA: In order to get a Certificate of
19 Operation, her company needs to do their job. They
20 need to inspect it, to make sure it's in
21 conformance.
22 If it is in conformance, they get a
23 Certificate of Operation. That's how you obtain a
24 Certificate of Operation.

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1 MR. GREGORY: They pay for it.
2 MR. WELLER: Where am I missing? Where is the
3 disconnect?
4 MR. JANDORA: If she goes out there, and she's
5 not allowed to work on it.
6 MS. YOUNG: I'm allowed to work on it.
7 MR. CAPUANI: She can inspect it, but --
8 MR. JANDORA: I understand.
9 MR. WELLER: I am trying to understand.
10 MR. JANDORA: Kelly was under the impression,
11 at least I think you were, she couldn't work on it.
12 MR. WELLER: Well, I saw the 72-hour provision,
13 I saw the 60-day provision.
14 MR. CAPUANI: Because they automatically don't
15 get a Certificate of Operation. She passes the
16 elevator, they get an inspection.
17 Now they have to submit that inspection
18 report with a Certificate of Operation application
19 to our office, and then they are invoiced, then they
20 receive the Certificate of Operation.
21 Just because Patty does the inspection,
22 doesn't mean they automatically get a Certificate of
23 Operation.
24 MS. YOUNG: I will never have control over when

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1 they do apply for the Certificate. I could show up
2 on a Monday, it could take them three months to
3 apply.
4 MR. WELLER: By that you mean the owner?
5 MS. YOUNG: The owner, building owner.
6 MR. CAPUANI: She would notify our office that
7 this location does not have a current Certificate.
8 So, in turn, we would contact the owner.
9 MR. WELLER: At any point in time, is the
10 elevator unsafe, or is it just unregistered?
11 MR. CAPUANI: It doesn't hold a current
12 Certificate, but it will hold a current inspection
13 report.
14 MS. YOUNG: If the inspection report passes,
15 that shows that it is certificate worthy.
16 MR. WELLER: Just for my state of mind, if you
17 don't pass it, and they got to get it worked on, now
18 what happens?
19 MS. YOUNG: In an open-territory situation,
20 they may ask me to return. They may never call
21 again. They may not invite us back.
22 MR. WELLER: So, in that case, we would have no
23 way of in knowing that that didn't have a
24 Certificate of Operation? So, we would have to rely

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1 on you, as the eyes in the field, to let us know; if
2 not, we would have no way of knowing.
3 MR. SWIENTON: Patty's concern is instead of
4 three days, it took me five days, because I am so
5 busy, is she going to get in trouble taking five
6 days to notify instead of three?
7 MS. YOUNG: Can we have a bigger range in
8 business days to notify within seven to ten business
9 days possibly? I just want a little bit more
10 flexibility, because like I said, we're all being
11 taxed for doing administrative activities.
12 MR. WELLER: Usually I can't speak to, so I
13 will let Alec speak. Usually when they say 72
14 hours, that is business hours, that's not Saturday
15 or Sunday. Where would we stand?
16 I think she's got a valid point, how do we
17 fix it, or should we fix it?
18 MR. GRANT: Public comment starts ahead of our
19 action. That is how we fix this. If we would have
20 heard this before we took this action.
21 MR. WELLER: We changed it around.
22 MR. MASSINA: You can also raise questions, you
23 know, while the you're discussing it. That is
24 another issue for another day.

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1 To the particular question here, I was
2 smiling, I think I would interpret it to be 72
3 hours.
4 MR. WELLER: Hard 72?
5 MR. MASSINA: Yes. So, again, there are ways
6 to tweak that 72 hours and turn it into, you know,
7 three business days.
8 Two points here, I am speaking for Bob,
9 but one I don't think he has a huge concern with
10 whether we are picking three days, four days or six
11 days.
12 I think his concern is we get notified, so
13 that way we can address issues of concern when they
14 arise. That is issue one.
15 Issue two is, again, I understand any
16 business entity wanting specificity in our rules,
17 because they want to be very clear about what their
18 potential liability is, that it's absolutely fair.
19 And that is why we have these discussions,
20 whether it is before this Board or any other rules
21 we draft, because we want that kind of
22 communication, so we can have the best possible
23 rules that we can.
24 That being said, no one is getting sued

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1 for submitting a notice in 60 hours. Now, you get
2 20 notices, two weeks after the fact, then we're
3 obviously going to be concerned. We're probably
4 going to call Patty, or whomever, and say, "Come on,
5 this has been a problem. Is there something we can
6 do to make this work better?"
7 But, again, I don't want to diminish your
8 concerns. I know I believe it is legitimate. I
9 understand what you are saying. I hope you are not
10 interpreting what I am seeing as not caring, because
11 I do.
12 I want to be very clear, we have, just
13 like Patty, we have enough to do than to pursue
14 anyone for being 8 hours or even 20 hours late.
15 MR. JONES: Just a question. Liability is
16 still on the business owner for anything, right?
17 It's not -- the liability is not on her?
18 CHAIRMAN CHRISTENSEN: No.
19 MR. JONES: The notification issue, if she
20 notifies the building owner that she's within --
21 she'll do that immediately, I would think, right?
22 That's within that 72-hour timeframe.
23 That's where the liability lies, more so
24 than her talking to or notifying the Office of the

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1 State Fire Marshal.
2 That being the case, she still needs to
3 get the information to the Office of State Fire
4 Marshal as soon as possible; but there shouldn't be
5 a penalty, I wouldn't think, unless it was
6 egregious, then it would have to come before the
7 Board.
8 CHAIRMAN CHRISTENSEN: Right, I think that is
9 what Alec said.
10 MR. GREGORY: Bob, do you accept E-mail?
11 MR. CAPUANI: Yes.
12 MR. GREGORY: So it's a piece of cake.
13 CHAIRMAN CHRISTENSEN: Yes. All right, Patty?
14 MS. YOUNG: I just want to make sure, in
15 summary, that there is no liability on any of the
16 inspection companies if there is past 72 hours.
17 CHAIRMAN CHRISTENSEN: That's what they said,
18 Patty. As long as it wasn't a regular thing.
19 MR. MASSINA: Let me try and add some
20 specificity there, to try and either put you at ease
21 or make you more concerned. You can be the judge of
22 that.
23 You know, our issue for this particular
24 provision is whether, and I think yours is, too, not

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1 liability so much as whether the OSFM is going to
2 pursue a penalty.
3 MS. YOUNG: Correct.
4 MR. MASSINA: Liability is kind of a different
5 issue. Egregious, that word does not appear in that
6 provision; but again, from a work standpoint, the
7 only time we would be interested in pursuing a
8 penalty for a violation of that provision is when
9 it's egregious and repeated.
10 And our efforts at working things out with
11 an individual company, for whatever reason, maybe
12 you told us to pound sand, who knows, but again, we
13 are not going to pursue a penalty on that provision
14 when we have more important things to be concerned
15 about.
16 We just don't have the time for it. I
17 don't want you to walk away thinking we're never,
18 ever, ever, ever, three evers, going to pursue a
19 penalty, because we might. Who knows what
20 circumstances might come down in the future.
21 Maybe we really have a, quote-unquote, bad
22 attitude that we have to unfortunately pursue some
23 kind of a penalty. It is not our interest, it's
24 not our desire. Work with us. That's all we really

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1 want.
2 I can promise you we're not -- you know,
3 one or four or five instances, when it comes in five
4 days not three days, that's not the problem. We're
5 not going to pursue a penalty for that.
6 Just work with us. We have to have some
7 kind of a guideline or time timeframe in there.
8 That is really what it is.
9 MS. YOUNG: I thank you for listening to my
10 concern. I just wanted to put it out on the table
11 so that it is heard.
12 MR. SULHOFF: Thank you.
13 CHAIRMAN CHRISTENSEN: Dan Baumann?
14 MR. BAUMANN: Dan Baumann, B-a-u-m-a-n-n. I
15 suppose you know how to spell Dan.
16 I represent 1500 members of Local 2 in
17 Chicago, roughly 65 elevator companies that those
18 employees work for. Not last month, the last
19 meeting in July, I came in front of the Board.
20 I know this isn't a Board's decision, I
21 believe it was the OSFM that made the decision on
22 American Hoist, Ed James, they received their
23 license.
24 Okay, I just want to let you know I

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1 represent those eyes and ears that you are talking
2 about, Kelly, that are out in the field, and that
3 have been affected by that man and the past
4 companies that he held.
5 They have been affected. So, you allowed
6 him to have that license, and it's -- I just wanted
7 to come up and basically state, in my own opinion,
8 it was a poor decision.
9 Thank you for your time.
10 CHAIRMAN CHRISTENSEN: Mike Gibbs?
11 MR. GIBBS: I have nothing. Thank you.
12 CHAIRMAN CHRISTENSEN: That's the end of public
13 comment. We're going to go into closed session.
14 Why don't we take a five-minute recess.
15 (WHEREUPON, certain proceedings
16 were had in closed session.)
17 MR. WELLER: Weller to make the motion that we
18 maintain the six months -- what would be the correct
19 way to say it, that we keep the minutes closed?
20 MR. BOGDAN: The minutes from March 9th to
21 continue need of confidentiality.
22 CHAIRMAN CHRISTENSEN: Is there a second?
23 MR. WILSON: Second.
24 CHAIRMAN CHRISTENSEN: It's been seconded. Any

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1 questions?
2 (No response.)
3 CHAIRMAN CHRISTENSEN: All those in favor, say
4 aye.
5 (A chorus of ayes.)
6 CHAIRMAN CHRISTENSEN: All those against?
7 (No response.)
8 CHAIRMAN CHRISTENSEN: Ayes have it.
9 MR. WELLER: I'm going to make a motion, I'll
10 open it up to a second, and then any framing we need
11 to do to get it correct.
12 I would like to make a motion that the
13 Board begin an investigation -- that Bob begin the
14 investigation into, I want to get this right,
15 American Hoist, Carlson and Mr. James -- is that the
16 correct party?
17 CHAIRMAN CHRISTENSEN: Yes.
18 MR. WELLER: As to determine if there's any
19 violations that could have occurred in the period
20 between the bankruptcy of the first company and the
21 licensing of American Hoist.
22 CHAIRMAN CHRISTENSEN: Alec, legal question.
23 It is not on the agenda, can we still do it?
24 MR. MASSINA: No, but I think the fact that we

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1 have the statement on the record is sufficient for
2 us to acknowledge we are, in fact, going to do that.
3 We understand it's the will of the
4 individual members that have discussed this issue
5 for us to do that.
6 CHAIRMAN CHRISTENSEN: Do we need a motion or
7 just a statement?
8 MR. MASSINA: I think the statement, if Kelly
9 doesn't mind, I think that is sufficient. We will
10 absolutely proceed, and we will begin that in
11 earnest tomorrow.
12 MR. WELLER: With that said, I want to see it
13 as a new business item on the next agenda.
14 CHAIRMAN CHRISTENSEN: Duly noted. Variances
15 and appeals, Dick Gregory to report on variances for
16 309 East Green Street, Champaign, Illinois, Schaler
17 (phonetic) Sanborn Architects.
18 MR. GREGORY: Do they want to make their appeal
19 first, or do you want my recommendation first?
20 MR. CAPUANI: Let them make their appeal. It's
21 their variance. The Board voted this down, and
22 you'll see what they -- you could read the history
23 and see what they've upgraded.
24 MR. SANBORN: I can walk you through it. My

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1 name is Skyler Sanborn. I'm actually with the
2 builder of the building not the architect.
3 This building is 309 East Green. It's
4 24-story apartment building, housing mainly students
5 at the University of Illinois. As Mr. Capuani said,
6 we had three items listed as variance items on the
7 initial inspection; and just as an update on those,
8 we worked with the building, with the constraints of
9 the building, to bring them up to code, to the
10 extent possible.
11 The three items were -- two of them
12 related with the machinery head room, and the third
13 being the access to the room which was at the time a
14 ladder leading to a platform.
15 That third one is on the last page of the
16 handout that I gave you. That one has been
17 completely changed out. We installed a stair and
18 platform that meets all the codes there.
19 The remaining two have to do with the head
20 room and machine room. Quick synopsis of how they
21 came to be, where it's at, it was designed
22 originally with the eight-foot clear head room as
23 called out in A17.1.
24 During construction with the shop drawing,

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1 the overrun for the car inside the hoistway called
2 for another foot than what was planned. The floor
3 of the machine room was actually moved up by a foot.
4 Unfortunately, the ceiling or the roof of
5 the building did not go up by that same foot, so the
6 effective clear head room inside that room went down
7 to 7 feet and 84 inches is what A17.1 calls for.
8 So, we have some structural items that are
9 in that room, which bring it under 84 inches, and
10 also new conduit that house the tower and control
11 wiring for the elevators as well.
12 I think the first one listed there shows
13 the door into the space. It is bound by a
14 structural concrete beam overhead that limits the
15 height of that door to right to the 71 inches
16 instead of the 6 foot 8; and inside the room,
17 there's a beam running across, which again is that 6
18 foot.
19 The provisions that were made, since our
20 last discussion with you, in addition to the stair
21 being installed instead of the ladder, is some
22 overhead protection and markings on the beam running
23 across the machine room, and the door having
24 notification of lower head room inside, with some

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1 notification of markings there as well.
2 A couple things I wanted to point out, one
3 of the machines in that machine room is actually
4 installed entirely within those conditions. One of
5 them was dropped in from above, as you would see on
6 a high-rise; and then the other was installed by
7 bringing the motor and all the parts and pieces up
8 into that room and constructed within that space,
9 and it's been operating there as well.
10 One thing that I don't know if it got
11 included or not, but I just received it yesterday,
12 was I had asked our third-party inspector, Greg
13 Sacks with Superior Elevator, he has been on site
14 kind of throughout this process and asked him, as
15 well as Chet Janson, to kind of provide some form of
16 comment.
17 I spoke with Chet. He wasn't able to
18 attend this meeting, Greg sacks as well. He
19 provided a letter. I made 14 copies. I didn't make
20 20. I can pass them out. I can read it to you,
21 however you would like to have that. I can do both.
22 MR. CAPUANI: Pass it out. Two words to the
23 Board, new construction. That's my only comment to
24 this Board.

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1 CHAIRMAN CHRISTENSEN: I also want to hear that
2 recommendation.
3 MR. BOGDAN: I don't know if you know the
4 answer to this question or not, you said a change
5 required the floor to move up a foot.
6 Was there original elevator equipment in
7 the original plans, and then that changed? Is that
8 what required.
9 MR. SANBORN: I'm assuming the structural
10 drawings were done based on a certain elevator type.
11 I'm not sure what it was originally based on, but
12 what the actual elevators selected and being
13 installed, the overhead run or the overrun that was
14 required called for one foot more than what was on
15 the structural drawing.
16 MR. BOGDAN: So, one piece of equipment was
17 specified, but another was used; is that right?
18 MR. SANBORN: Again, there are multiple
19 specified. It was a Global Tardif Elevator was
20 installed. I don't know, I am not sure what the
21 architect would have used as the basis of their
22 design.
23 If it was, say, a Kone elevator, they
24 might have had a different overrun that they based

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1 it initially. During the shop drawing submission,
2 when they saw it needed one more foot, a sketch came
3 out to raise that by a foot, but not the head room
4 or the overhead.
5 So, what would be the roof the building
6 overhead height of the building was raised by that
7 same thing.
8 MR. WELLER: Your pages aren't numbered. You
9 got a couple pictures of this machine room. Now,
10 this is a working room, right?
11 MR. SANBORN: Correct.
12 MR. WELLER: This, to me, looks like a break
13 room. It's got peanuts on the chair, tables, you
14 got a sink and air conditioner. Is the air
15 conditioner required for the equipment?
16 MR. SANBORN: The air conditioner is required
17 for the equipment. That is not a sink, that is a
18 cabinet, I think, with a bottle of cleaner sitting
19 on top of it. That's kind of --
20 MR. WELLER: Is this a break room of some kind?
21 MR. SANBORN: This is at the ultimate height of
22 the room. That is actually not a can of peanuts.
23 It is a coffee can they put some bolts in.
24 MR. WELLER: Thank you for the clarity. I am

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1 concerned this looks like a break room.
2 MR. SANBORN: The only people that can get up
3 there is the building maintenance and obviously the
4 elevator people have a key as well.
5 To get there, if you want to go to the
6 last page, you can kind of see you have to climb the
7 steps.
8 MR. WELLER: I saw the steps.
9 MR. SANBORN: That can must have been what they
10 had in the room when they brought the nuts and
11 bolts, threw it in the can. I guess it is easier
12 than carrying a handful in your pockets.
13 CHAIRMAN CHRISTENSEN: Dick, would you like to
14 report on this?
15 MR. GREGORY: I have a problem with granting a
16 variance of this type in a new construction
17 building. Because it's new construction, it can all
18 be built to make everything fit.
19 If this was an older building, I actually
20 would probably not have an argument, because you got
21 an older building. There's all kinds of weird
22 things you find in old buildings, and you have to
23 make adjustments for old buildings, or tear it down,
24 and maybe it's historic or something, I don't know.

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1 This was built from scratch. It should
2 meet all the codes when it's done. Having been in
3 Boston at a task group meeting, I talked to one guy
4 who is on the State of Massachusetts Elevator Board,
5 and knowing that this is coming down, I asked him,
6 "John, what would you do in this situation?"
7 He says, "Oh, we wouldn't grant this. We
8 just had one with Thyssen. They put in 10 elevators
9 with 15 floors each, and the doors were all wrong,
10 and we made them change them all." That is 150
11 doors. That is a huge deal.
12 But he said, "In Boston, we have a lot of
13 ancient buildings, and we grant variances on old
14 buildings anyway."
15 So, my recommendation is we do not grant
16 the variance, and that they reconstruct the building
17 as necessary to meet the code.
18 MR. SANBORN: Can I read the letter from the
19 inspector?
20 CHAIRMAN CHRISTENSEN: We have that. Bob, do
21 you have a comment on this?
22 MR. CAPUANI: OSFM refused the variance
23 earlier.
24 MR. BOGDAN: I would have to agree with

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1 Mr. Gregory. We've had various variances come
2 before this Board concerning new construction.
3 There is no reason for variances for new
4 construction.
5 Somebody dropped the ball somewhere. When
6 the elevator equipment was changed from one company
7 to another, the architect or someone dropped the
8 ball. They didn't do their due diligence, to make
9 sure everything is correct.
10 That is not our fault. We are here as the
11 Safety Review Board. To grant variances to new
12 construction, because of someone else's mistake, I
13 don't think is right.
14 CHAIRMAN CHRISTENSEN: Kelly?
15 MR. WELLER: Sky, right?
16 MR. SANBORN: Yes.
17 MR. WELLER: Okay, somewhere along the line,
18 you didn't do a very good job explaining to me how
19 the code didn't get followed.
20 Tell me how this problem occurred, and
21 then tell me realistically how you can fix it, and
22 what that would mean? Two different questions.
23 MR. SANBORN: As far as how the code did not
24 get followed, the initial drawings did show a foot

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1 clear with a beam coming down to a 7-foot overhead,
2 and the selected elevator or actual installation was
3 a Global Tardif traction elevator that had a
4 specified overrun.
5 I forget the number of X, which was one
6 foot greater than what was planned for in the
7 architectural and structural drawings. So, the
8 architect issued a sketch to us to raise that floor
9 by one foot. So this machine room sits on top of
10 the hoistway.
11 The floor moved up by one foot. The
12 ceiling of that room, which is the roof of the
13 building, did not move up by that same foot, so we
14 lost a foot of total clear space within the machine
15 room.
16 MR. WELLER: So, when the architect asked you
17 to raise it a foot, did he say -- did he suggest you
18 need to raise the roof a foot?
19 MR. SANBORN: No. We build off of drawings,
20 and ASIs and RFIs. There is a sketch that came out,
21 I believe it was an ASI, which called out the
22 elevation that you see there 270, 10 for the roof
23 and 270 for the floor.
24 MR. WELLER: When you go back, if we don't

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1 grant this, who are you going to talk to, the
2 architect, the building owner, the construction
3 company, who missed this?
4 MR. SANBORN: Collectively all of us, I guess.
5 It's the building did have an architect of record.
6 It did have an elevator consultant, and we had us,
7 as well as the construction manager is probably
8 going to be on the hook more than anybody.
9 You know, the name "poor work" gets thrust
10 upon us. This was not a design-built contract but a
11 design-assist contract. We had a lot of input on
12 the design.
13 MR. WELLER: How much to fix it?
14 MR. SANBORN: To be honest, I don't know. This
15 is all cast in place concrete structure. These
16 elevators are both in operation.
17 We have about, I think, 416 residents
18 there; and without taking the elevators out of
19 commission, tearing the roof off, again, I'm not
20 sure. There are huge consequences there.
21 MR. GRANT: It's 24 stories. Can this roof be
22 raised without re-erecting the tower crane required
23 to erect this building originally?
24 MR. SANBORN: I don't believe so. It's hard to

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1 show how the building is. The elevator tower raises
2 about --
3 MR. GRANT: They have to buy somebody else's
4 land, or rent it to erect a tower.
5 MR. SANBORN: If I can make a picture with my
6 hands here. The elevator tower rises 30 feet above
7 between what would look like two legs of an H and
8 the elevator tower arises above.
9 The closest floor adjacent on either side
10 is about 20 feet below; and then on the north and
11 south side is about 190 feet below.
12 It's the 8th floor what it drops down to.
13 That is a big concern, if we have to tear it off. I
14 don't know how we would access it with materials and
15 hoisting structural materials, demolition there in
16 the existing building. There is a big concern.
17 MR. CAPUANI: How long have these elevators
18 been running?
19 MR. SANBORN: Right at two years, September
20 '08.
21 MR. CAPUANI: So, there's no Certificate of
22 Operation, there's no temporary Certificate of
23 Operation?
24 MR. SANBORN: I believe it's temporary.

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1 MR. CAPUANI: Did it pass inspection?
2 MR. SANBORN: Yes.
3 MR. CAPUANI: It passed inspection?
4 MR. SANBORN: With the three variance items
5 listed came before the Board the first time we made
6 the revisions.
7 MR. CAPUANI: But you have no current
8 Certificate of Operation? None?
9 MR. SANBORN: I don't know if it's called a
10 temporary certificate.
11 MR. CAPUANI: You would have got the temporary
12 certificate from us.
13 MR. SANBORN: I'm not sure on that. I could
14 check with the building owner or with Greg Sacks to
15 see if he knows.
16 MR. WELLER: Can we break this down into three
17 things, so we can focus on what we need to focus on?
18 The ladder is fine, take that off.
19 MR. GREGORY: Take that off the list.
20 MR. WELLER: We are down to two. What about
21 the door?
22 MR. GREGORY: The door should be 6 foot 8
23 inches high.
24 MR. WELLER: It's 54.

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1 MR. SANBORN: 71. The initial unit that was in
2 there, it went up to 71 inches to maximize the
3 amount that was there.
4 MR. WELLER: The door can be fixed.
5 MR. GREGORY: No, they can't be, they have a
6 beam over the door.
7 MR. GRANT: The beam is over the door, which is
8 also the same problem. It doesn't cover all the
9 machine room, it covers at various bearing points.
10 It is a false beam and a big open room. When you
11 come to that one, you got no head room.
12 MR. GREGORY: What's on the roof, or there is
13 just the roof? You don't have a 200-foot antenna on
14 top?
15 MR. SANBORN: They do have some radio and
16 satellite equipment.
17 MR. GREGORY: You don't have a monster thing up
18 there?
19 MR. SANBORN: Not like the Sears or Hancock
20 Building.
21 MR. WELLER: What's the beam holding?
22 MR. SANBORN: The roof, itself.
23 MR. WELLER: That's not something you could
24 modify.

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1 MR. GRANT: It's the beam supplying the hoist.
2 We wouldn't have to rope the elevators, because
3 that stays fixed. You got to take off the concrete
4 roof. You have to cut it into slabs.
5 MR. WELLER: Would that be a beam that runs
6 from side to side of that concrete precast, or is
7 that a precast slab roof?
8 MR. SANBORN: Cast in place.
9 MR. WELLER: When you say "cast in place,"
10 there is no iron beam running across the head of
11 that door.
12 MR. SANBORN: It is reinforced concrete beam.
13 MR. WELLER: You can get in with a saw and jack
14 that up, if this doesn't hamper the integrity of the
15 roof?
16 MR. SANBORN: It's there to support to the
17 roof.
18 MR. WELLER: Have you checked that? If there
19 is nothing above it, what's it holding?
20 MR. SANBORN: The slab.
21 MR. GRANT: If I understand this type of
22 construction, and I think I do, it is reinforced
23 concrete pored in place. So, it is reinforced.
24 The beams are connected to the roof slab.

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1 The slab is tied to the exterior walls, it is with
2 rebar embedded. So, saw cutting it out in sections
3 that you can take off the roof, without imposing too
4 heavy of a load on to the adjacent areas to take it
5 out of there.
6 MR. WELLER: I am not talking about taking it
7 out. I am talking about taking a saw and cutting
8 off the jamb height and cut off the section you
9 need.
10 MR. GRANT: It is tied to the span. The side
11 of the beam is done with concrete and steel design.
12 MR. WELLER: The beams run this way.
13 MR. GRANT: It's supporting the snow load
14 criteria for the roof plus its own dead load.
15 MR. GROSS: How big is the beam?
16 MR. SWIENTON: Excuse me, you're getting a
17 little carried away. The problem is this is new
18 construction. One of your people, architect,
19 builder, or somebody screwed up.
20 We're not here to figure out how they can
21 fix it. The elevator isn't meeting the right
22 criteria. I vote no, until you meet the right
23 criteria.
24 CHAIRMAN CHRISTENSEN: Darrel, are you making a

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1 motion?
2 MR. SWIENTON: That we deny the variance. I
3 would like to make the motion.
4 CHAIRMAN CHRISTENSEN: There has been a motion
5 made to deny the variance. Is there a second?
6 MR. BOGDAN: I'll second.
7 CHAIRMAN CHRISTENSEN: There's been a second.
8 Now onto the question.
9 MR. GRANT: My concern is I don't think the
10 head room at the door is of consequence to the beams
11 at the other locations, because you enter from the
12 outside.
13 It is the depth of the door opening that
14 is -- I think it is shown to be about a foot, is it
15 not, where that height is restricted?
16 If you come into the door from the
17 outside, then that goes down a tunnel, you are not
18 going into an attic walking around.
19 The issue has really been you can't --
20 even if that doesn't pose any safety feature or
21 issue to a person working on it, or to firefighters
22 or to anybody else, the issue about the lower head
23 room height, because the vast majority of the square
24 footage of the machine room is compliant.

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1 It is at the beams where it restricts
2 that, and the question I have is: What does that
3 obstruction do to the persons who are charged to go
4 into that elevator to do service or maintenance or
5 respond to an emergency? What is going on there?
6 To me, the benefit of that provision for
7 the code is important to understand. The thing that
8 the code requires this for is for good working
9 clearance and safe working clearance for the people
10 going in there.
11 We're talking about impingement in a small
12 area; and the cost to correct it, I understand you
13 say it's somebody else's fault, somebody else has to
14 do this, it is a big deal to do it.
15 I'm just asking I think we're obliged to
16 consider what it is that is being compromised by
17 this current location right now that creates a
18 concern under the code.
19 MR. WELLER: That would be a good question. If
20 they came to us before they built it and asked for
21 that variance, not just go ahead and build
22 something, now you guys work it out.
23 MR. GRANT: I understand that point, I do. My
24 point would still come back to why would we consider

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1 giving it to them then if we don't do it now?
2 We want a pound of flesh if something
3 doesn't go like it should. The code is important to
4 us. It is there for a reason. Those provisions are
5 there for a reason.
6 I dealt with this for 28 years as a Code
7 Official on when somebody screws up, and it's a big
8 deal to get it sorted out, 24 stories up with a lot
9 of other work.
10 If the issue is this puts somebody in
11 harm's way, I understood that concern about the
12 hotel variance; and I agree, I think that may have
13 been a mistake on my part.
14 I don't think this one is anywhere near
15 the same issue, and I would ask the elevator
16 professionals on this staff, the guys that have been
17 up there doing this kind of work, are you scared by
18 this?
19 Does this concern you, aside from the
20 principle it's new construction? Does this in any
21 way, shape or form worry you or your guys that you
22 represent for these two locations where we got low
23 head room? Nobody is on their hands and knees here.
24 MR. WELLER: The bottom issue, this all could

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1 have been avoided if they would have checked things
2 out before they built it. We're trying to solve
3 their screwup. I don't think it is our job to solve
4 their screwup.
5 CHAIRMAN CHRISTENSEN: You got a question?
6 MR. SANBORN: I do. That was part of what I
7 was asking Greg Sacks or Mr. Janson to be here to
8 make that comment.
9 They've been the eyes on the ground, as
10 far as not just hearing it from me, but speaking to
11 the safety of the room. It has been functioning.
12 They were able to make the installation of
13 one of those machines within these conditions, the
14 entire machine with that condition.
15 And then since Mr. Sacks wasn't able to be
16 here, I asked him to provide some form of comment
17 speaking to the safety, because the fire and life
18 safety concerns for the building proper for the
19 public and for the men working on the machine.
20 It's obviously of utmost importance. I
21 wanted to have some form of statement there, since
22 he's been on the ground seeing the conditions.
23 We're not trying to get by an unsafe condition here.
24 One of the requests made in one of the

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1 statements that we were supposed to speak to is the
2 ability to rectify the situation, whether or not
3 that can be done. That's exactly what you were
4 speaking to there.
5 MR. JONES: Doug Jones. Have you had a
6 structural engineer look at all this, in terms of
7 what can be done, or have you had a structural
8 engineer look at it, what it would take to get it to
9 correct it?
10 MR. SANBORN: To take the roof off, no.
11 MR. JONES: It's been my experience sometimes a
12 structural engineer can come up with some ideas,
13 even if you got cast-in-place concrete, to
14 re-support various aspects of roof that are required
15 to get their appropriate head room; and without
16 having at least someone take a look at it, I think
17 that would be one of the first things you want to
18 do.
19 CHAIRMAN CHRISTENSEN: Jerry?
20 MR. GROSS: If I'm reading this right, you have
21 conduit and light fixtures are 70 to 80 inches above
22 the floor, this finished ceiling, is that 84?
23 MR. SANBORN: Yes.
24 MR. GROSS: We're talking about fixtures and

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1 conduit. Are the ceiling heights basically okay,
2 but the conduit and light fixtures -- I'll take it
3 one thing at a time.
4 MR. SANBORN: Correct.
5 MR. GROSS: The ceiling is at 84 inches?
6 MR. SANBORN: The ceilings is 84 inches. There
7 are some conduit. There are the power control lines
8 operating for the elevators, as well as light
9 switches, smoke detectors.
10 The lowest of them is at that 79 inches.
11 Most of the conduit and everything is 80 inches.
12 There is a couple light fixtures that are at the
13 four-and-a-half inch.
14 MR. GROSS: Where those areas are lower are
15 really more that other beam runs across than where
16 the conduit and light fixtures are, right?
17 MR. SANBORN: The only things that bring the
18 84 inches down below 84 inches are the beams which
19 come down to 6 feet or 72 inches, and then the light
20 fixtures and conduit, which are 79 to 80 inches.
21 MR. GROSS: The other item that is a deficiency
22 is the door, which is really 9 inches short of what
23 it should be?
24 MR. SANBORN: Correct.

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1 MR. GROSS: The opening is 9 inches, so we're
2 talking about the ceiling is okay, it's just the
3 conduit duty and the light fixtures?
4 MR. DATTOLO: And the beam.
5 MR. GROSS: And the beam, which is 9 inches.
6 We don't know really what the depth of the beam is,
7 if that can even be changed. I, personally, don't
8 see any life-safety concerns.
9 I mean, looking at this, I know it is a
10 screw up. Anybody here that says they haven't made
11 a screw up on any construction jobs are a liar. I
12 know I've made several ones, and I can see where
13 maybe the change order got passed where you raised a
14 foot you, had your finished ceiling, somebody looked
15 at that. You had the 84 inches that was required,
16 and you just had some conduit and fixtures get in
17 the way.
18 Fixtures can be fixed. They can be wall
19 mount. They can be put somewhere else. The conduit
20 that is there, you know, you can put maybe a
21 temporary wall where it just went down on the
22 conduit area and solve that just dividing up the
23 room even worse, but still be legal.
24 I, personally -- that's all I have to say.

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1 MR. BOGDAN: I appreciate your comments, but if
2 we do it here, why are we going to do it the next
3 time around, too?
4 The code is there for a specific reason,
5 and our job is to be the Elevator Safety Review
6 Board; and it's not necessary to enforce the code,
7 but to -- well, enforce the code.
8 If we allow one variance here, the next
9 person down the road is going to expect the same
10 thing. They are going to do it. They are going to
11 change something, and they are going to say, "You
12 know what, the Elevator Safety Board will give us a
13 variance for that. We'll just do it."
14 I'm sorry, that is not the way we should
15 be doing things. In older construction, I
16 understand the need for variances. In new
17 construction, I'm sorry, I don't understand the
18 need. That's all there is to it.
19 Who is liable for the mistake, I don't
20 know. I'm not so sure if your assessment is right.
21 I think it goes back further than what you're
22 saying. That's for lawyers, other lawyers than
23 myself to figure out.
24 I'm sorry, it is new construction. There

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1 should have been due diligence done on all aspects.
2 When one change is made, we know that causes a
3 domino effect, and that should have been looked at.
4 Evidently it wasn't.
5 CHAIRMAN CHRISTENSEN: Sky, could you get back
6 to us with an engineer's report what it would take
7 to lift that roof?
8 MR. WELLER: Or to fix it.
9 CHAIRMAN CHRISTENSEN: Or to fix it.
10 MR. SANBORN: Yes.
11 MR. GROSS: I got one. Let's go back to what
12 the code says. The code is there for really public
13 safety. These dimensions come out of areas of
14 public safety, and that's how the codes arrive.
15 Until lately, civil rights has started to
16 take place in the code and other issues. However,
17 talk about Performance-Based Code, what if -- and we
18 are looking at the life safety and workability of
19 this.
20 What if a Performance-Based Code or
21 modeling feature was done on this penthouse, saying
22 whether people could get out in case of emergency,
23 and looked at it on a Performance-Based Code and it
24 passed.

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1 I would say I could run Performance-Based
2 Code on this for life safety, for egress, and for
3 fire, and it would pass.
4 MR. BOGDAN: That's not the code we're dealing
5 with.
6 MR. GROSS: You also have to look at the
7 Performance-Based Code. What is this really?
8 You are talking about taking off the whole
9 penthouse roof, which it really complies. All we
10 are taking off the penthouse roof is for the
11 conduit.
12 MR. BOGDAN: And the beam, which is structural.
13 MR. GROSS: The beam is something that could be
14 looked at. It doesn't make any sense on what we are
15 trying to achieve.
16 What are we achieving, just that we abide
17 by the code? There comes some practicality.
18 MR. SWIENTON: The practicality came when they
19 didn't check before they did it. That is where I
20 have a problem.
21 CHAIRMAN CHRISTENSEN: Hang on. Dick, go
22 ahead.
23 MR. GREGORY: The Elevator Code, besides public
24 safety, looks at the safety of elevator personnel,

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1 which are mechanics and inspectors; and that's the
2 whole business of the overhead clearance and pit
3 clearance and all that kind of stuff. Okay?
4 There is more than just the general public
5 using the equipment that's covered in the Elevator
6 Code.
7 CHAIRMAN CHRISTENSEN: And emergency personnel.
8 MR. GREGORY: And emergency personnel, yes.
9 Those are all in the Elevator Code. The other
10 issue, if you want to look at performance based, you
11 better look at OSHA Regulations, because you may
12 have a different issue that you would come up
13 against, and I do not consider myself an OSHA
14 expert.
15 MR. GRANT: Based on where this location of the
16 beam impingements are, based on your knowledge, are
17 there working clearance issues to the serviceability
18 of the installation created by these?
19 Is there any kind of hazard that you saw,
20 based on where the equipment is located and these
21 beams are, that precludes safe head room to remove?
22 Is the equipment serviceable, and the
23 operation of maintenance, inspection, repair doable
24 just by where these beams fall?

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1 MR. GREGORY: Quite frankly, in my experience,
2 you can always figure out a way to do it. I mean,
3 it's always figuring out a way. It may be expensive
4 when you need to do it. It may require extra safety
5 precautions when you do it.
6 MR. GRANT: We do it all the time.
7 MR. GREGORY: There's always a scheme. I've
8 had one building where we cut a hole in the whole
9 roof, took a machine in and out with a helicopter.
10 It's doable.
11 The reality is how this probably came
12 about, because you went from, I'm guessing, 200 or
13 300 feet a minute with a geared machine, then you
14 went to 500 feet a minute with a gearless.
15 That is where you lost your head room in
16 the hoistway. That is how it happens. This is your
17 decision.
18 MR. JONES: Is it possible for us to table
19 this?
20 CHAIRMAN CHRISTENSEN: To me, that would be a
21 great idea. Are you talking about them getting an
22 engineering report?
23 MR. JONES: I think without getting a
24 structural engineer to look at these things, I think

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1 we are spinning our wheels. I will agree with
2 Darrel it is not our position to fix it.
3 We should have enough information from a
4 structural engineer to see what else can be done,
5 and I don't know that it's been done at this point.
6 I would move, if I can make a motion.
7 CHAIRMAN CHRISTENSEN: There is already a
8 motion, motion to table.
9 MR. JONES: I would motion to table it.
10 CHAIRMAN CHRISTENSEN: Is there a second?
11 MR. WILSON: Second.
12 MR. BOGDAN: Let me be clear, motion to table
13 for our next meeting?
14 CHAIRMAN CHRISTENSEN: For our next meeting.
15 MR. JONES: Yes, probably our next meeting.
16 There is no other way to get around it.
17 MR. SANBORN: I want to ask a question.
18 CHAIRMAN CHRISTENSEN: Hang on. Has it been
19 seconded?
20 MR. WILSON: Wilson seconded.
21 CHAIRMAN CHRISTENSEN: It's been seconded.
22 Sky, you want to say something?
23 MR. SANBORN: I just want to be clear what you
24 want to hear back from me. I will ask the

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1 structural engineer to see what we can do to cut
2 these out. I don't have the gentleman's name.
3 The gentleman who was speaking about the
4 conduit, and that we are dealing with kind of two
5 different issues there, I'll report back on the
6 structural integrity of what we can do, cutting out
7 the beams to create a 6-8 door.
8 It might turn into making a 6-8 door
9 between control room and machine room, as it goes
10 across there. If it's a doorway, can it be 6 foot
11 8; and then with the conduit going across there
12 right now, are we able to address that issue
13 separately?
14 Again, we have 84 inches, except where
15 there is a light fixture. The reason I bring that
16 up, some of those items is the control wiring and
17 power wiring were probably created by the extensive
18 shutdown for this. I want to know if we can look at
19 those issues separately.
20 MR. JONES: Get it done. Get all of that
21 information to us for our next meeting. We would
22 like to know what can be done to make this right.
23 It is new construction. It should be
24 right, it's not. What can you do to make it right?

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1 That is what I would like to know.
2 CHAIRMAN CHRISTENSEN: Did you get that, Sky?
3 MR. SANBORN: Yes.
4 MR. CAPUANI: One second. You have an
5 inspection report stating that the operation of the
6 elevator meets code, besides these variances? Was
7 there an inspection done?
8 MR. SANBORN: Yes.
9 MR. CAPUANI: I don't see how these are
10 running.
11 MR. SANBORN: I will ask Greg Sacks, and they
12 have the paperwork. I have copies.
13 MR. CAPUANI: That was a year ago, right?
14 MR. SANBORN: He's been out even as recently as
15 this summer. Greg has been doing, I assume,
16 follow-up inspections.
17 MR. CAPUANI: I need all those reports, the
18 full load tests, I need all of that, because you are
19 running right now without a current Certificate.
20 MR. GRANT: That is what I was asking. The
21 problem is that operation. I was concerned the
22 building remain accessible.
23 CHAIRMAN CHRISTENSEN: There is a motion on the
24 table to table. All those in favor, say aye.

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1 (A chorus of ayes.)
2 CHAIRMAN CHRISTENSEN: All those against?
3 (No response.)
4 CHAIRMAN CHRISTENSEN: Ayes have it. Is there
5 a motion to adjourn?
6 MR. BOGDAN: So moved.
7 MR. FINCHAM: Second.
8 CHAIRMAN CHRISTENSEN: All those in favor, say
9 aye.
10 (A chorus of ayes.)
11 CHAIRMAN CHRISTENSEN: All those against?
12 (No response.)
13 CHAIRMAN CHRISTENSEN: Ayes have it.
14 (WHICH WERE ALL THE PROCEEDINGS HAD.)
15
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1 STATE OF ILLINOIS)
2 COUNTY OF C O O K) SS:
3
4 Pamela A. Marzullo, C.S.R., being first duly sworn
5 on oath, says that she is a court reporter doing business in
6 the city of Chicago; that she reported in shorthand the
7 proceedings had at the foregoing meeting of the
8 above-mentioned cause; that the foregoing is a true and
9 correct transcript of her shorthand notes, so taken as
10 aforesaid, and contains all the proceedings had at the said
11 meeting.
12
13
14 PAMELA A. MARZULLO
15 License No. 084-001624
16
17 SUBSCRIBED AND SWORN TO
18 before me this _____ day
19 of _____ 2010.
20
21 _____
22 Notary Public
23
24

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