

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

*Chairman Frank Christenen
September 8, 2011*

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

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1
2 ELEVATOR SAFETY REVIEW BOARD MEETING
3 September 8, 2011
4 8:30 a.m.
5 The Report of proceedings had in
6 the meeting of the above-entitled cause, taken
7 before SUSIE SHANAHAN, a Certified Shorthand
8 Reporter and Notary Public in and for the County
9 of Cook and State of Illinois, at 9511 West
10 Harrison Street, Des Plaines, Illinois, on
11 September 8th, 2011, at the hour of approximately
12 8:30 a.m.
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1 PRESENT:
2 ELEVATOR SAFETY REVIEW BOARD
3 MR. FRANK CHRISTENSEN, Chairman
4 MR. WILLIAM BOGDAN
5 MR. DAVID A. DATILLO
6 MR. JOHN D. FINCHAM
7 MR. THOMAS GANIERE,
8 MR. GERALD GROSS
9 MR. MARK HERTSBERG
10 MR. RICHARD JANDORA
11 MR. TOM JIRIK
12 MR. K. DOUGLAS JONES
13 MR. AL POPOWITS
14 MR. KELLY WELLER
15 MR. GERALD WOLIN
16
17 ELEVATOR SAFETY REVIEW BOARD MEMBERS NOT PRESENT
18 MR. ROD GILLES
19 MR. CRAIG GRANT
20 MR. BRIAN WILSON
21
22 OFFICE OF THE STATE FIRE MARSHAL-ELEVATOR SAFETY
23 STAFF
24 MR. ROBERT CAPUANI, DIRECTOR
 MR. BILL BARNES, GENERAL COUNSEL
 MS. ELAINE DEL GRECO
25
26 CONSULTANT
27 MR. DICK GREGORY

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1 CHAIRMAN CHRISTENSEN: I am going to call the
2 meeting to order. Bob, will you lead us in the
3 Pledge of Allegiance.
4 MR. CAPUANI: Let's have a moment of silence
5 for all our veterans out there who lost their
6 lives for our country and those fighting for it.
7 {Whereupon, the Pledge of Allegiance
8 was recited.}
9 CHAIRMAN CHRISTENSEN: Has the Board had a
10 chance to review the minutes of July 14, 2011. Is
11 there a motion?
12 MR. WOLIN: Gerald Wolin. So moved.
13 CHAIRMAN CHRISTENSEN: Is there a second?
14 MR. BOGDAN: I'll second
15 CHAIRMAN CHRISTENSEN: You know what, we have
16 a new court reporter so I think you should say
17 your names.
18 MR. WOLIN: Jerry Wolin. Motion to accept
19 the minutes.
20 MR. BOGDAN: Bill Bogdan. Second.
21 CHAIRMAN CHRISTENSEN: Any questions on the
22 additions or corrections?
23 {No response.}
24 CHAIRMAN CHRISTENSEN: All those in favor

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1 say aye.
2 {A chorus of ayes.}
3 CHAIRMAN CHRISTENSEN: All against.
4 {No response.}
5 CHAIRMAN CHRISTENSEN: Ayes have it. Moving
6 on to old business. A, Elevator Safety program
7 progress report by Director Bob Capuani.
8 MR. CAPUANI: Active elevators, 32,756.
9 Licensed contractors, 99. Inspection companies,
10 48. Inspectors, 203. Mechanics 1,455.
11 Apprentices 686. Municipalities with agreements,
12 179. Permits issued to date, 1,789. Certificates
13 issued to date, 20,391.
14 CHAIRMAN CHRISTENSEN: Is that all?
15 MR. CAPUANI: Right.
16 CHAIRMAN CHRISTENSEN: All right. Moving
17 onto B, Code change outlining the differences in
18 newer editions.
19 MR. GROSS: I've got a question for you.
20 Bob, when you talk about registered, is that
21 demolished?
22 MR. CAPUANI: Yes.
23 MR. GROSS: Full conveyances, 26?
24 MR. CAPUANI: The actual number registered is

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1 32,756.
 2 MR. GROSS: So 32 a from there. And then
 3 when you talk about the certificates issued, is
 4 that year-to-date?
 5 MR. CAPUANI: No, to date from when we
 6 started. It's not this year, no. It's from the
 7 beginning.
 8 MR. WOLIN: Is that just state?
 9 MR. CAPUANI: That's just state, yes.
 10 Certificates and permits are from when we started
 11 day one.
 12 CHAIRMAN CHRISTENSEN: All right. To the
 13 outline the changes in newer editions.
 14 MR. BARNES: If you don't mind, I'm going to.
 15 CHAIRMAN CHRISTENSEN: No, please do.
 16 MR. BARNES: Bill Barnes. This section of
 17 the agenda sort of dovetails with our efforts to
 18 update the administrative rules. And as you all
 19 recall, the Board has voted on certain changes and
 20 actions with JCAR and approved certain changes to
 21 the rules, but we didn't make the deadline, so the
 22 understanding is that we were going to resubmit
 23 the rules. But before we resubmitted those rules,
 24 the decision was made we should probably get

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1 everything into the rules, amend the rules with
 2 everything possible before starting this again.
 3 We realized that one of the things that needed to
 4 be done is update to the safety codes adopted by
 5 the rules and required by the Act.
 6 And one of the documents set out or
 7 distributed to you is the red-line documents which
 8 changes the version of section 1000.60 that was
 9 approved by the Board and JCAR to address or
 10 reflect the proposed updates to the codes that the
 11 Board is to consider. Some of these are simple
 12 and some of them are a little less simple. You'll
 13 see in 1000.60A, we're updating A17.1 from 2007 to
 14 2010. We're also including for the first time
 15 A17.5, the elevator electrical equipment
 16 standards, and also A17.6 2010, the standard for
 17 elevator suspension compensation and governor
 18 systems. This C and D, A17.5 and A17.6 I'd like
 19 to address in just a second. Another one of the
 20 updates we're doing is F, which is QEI, we're
 21 going from 2007 to 2010. And finally the last
 22 page, we are updating A17.2 from 2007 to the more
 23 recent 2010. So what I expect Mr. Gregory to
 24 address are what exactly are these new changes

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1 from 2007 to 2011 or 2007 to 2010 in regard to
 2 A.17 and the others.
 3 The one we need to address is the
 4 addition of A17.5 and A17.6 for the first time. I
 5 think the Board needs to consider whether or not
 6 you want to include them or not. So I would
 7 expect Mr. Gregory to address those standards,
 8 what they mean, what their impact is and how they
 9 will enhance the safety of the registered names
 10 here in the State of Illinois. If the Board seeks
 11 to include A17.5 and A17.6 in the rules, the
 12 question then is how do we do that? Do we do it
 13 through the legislature or do we do it through the
 14 rules.
 15 My reading of Section 35 of the Act says
 16 that the Board can adopt rules and those rules
 17 shall establish criteria consistent with the Act
 18 and including the provisions listed therein. So
 19 the Act says the Board shall adopt standards
 20 including A17.1, ASCE 21, QEI, 810.4 and A18.1.
 21 There are two prevailing lines of thought here.
 22 One is that -- which is my thought, is that the
 23 Board can adopt those codes that it feels coincide
 24 with the standards and criteria set forth in the

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1 Act for licensing elevator mechanics, inspectors
 2 and the installers of elevators and it's not
 3 limited to A17.1, ASCE 21 and those few Codes
 4 listed in 31. There's another line of thought
 5 that says that the Board is limited to only
 6 adopting those Codes which are specifically
 7 addressed in Section 35.
 8 I put a call in to JCAR yesterday, to
 9 gauge the waters, figure out what was going to be
 10 the reception if we throw in A17.5 and A17.6 for
 11 the first time, and I got kind of a lukewarm
 12 reception. Based upon the history of the Act and
 13 the fact that in the past JCAR has balked at
 14 including standards in the rules that were not
 15 specifically referenced in the Act. A17.7, I
 16 believe, is the most recent example.
 17 I talked with JCAR about the most
 18 efficient way of doing this and my recommendation
 19 to the Board would be if the Board decides to
 20 adopt A17.5 and A17.6, we put them in the version
 21 of the rules that we send to JCAR. If JCAR
 22 rejects them, we just cut them out and then
 23 proceed as before, just without A17.5 and A17.6
 24 and then if deemed necessary, we go to the

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1 legislature and get the necessary legislative
2 approval. So that's where we are.
3 So the two things that I think the Board
4 needs to consider now are the upgrades presented
5 here. The upgrades in the existing Code and also
6 the adoption of A17.5 and A17.6 which have not
7 been included in the rules to this day. So with
8 that if there are any questions, I'll answer them,
9 but it might be best if Mr. Gregory weighs in on
10 the differences that were considered as well.
11 MR. GREGORY: Any questions for Bill first?
12 MR. WOLIN: My understanding when Senate Bill
13 139 was passed, it was very specific intent to
14 limit the standards to those that are listed in
15 the Act. So I don't think my interpretation is
16 we're not in position to vote on them today.
17 Now, another factor is it would be nice
18 to see a copy of the standards that we're going to
19 be voting on. As Dick indicated in his memo, that
20 there's been a delay in getting the standards. So
21 my recommendation without even voting on it, I
22 think the thing to do is once we get a copy of the
23 standard and had a chance to review them, make a
24 recommendation to the appropriate authority to be

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1 included in the legislation.
2 CHAIRMAN CHRISTENSEN: Rick?
3 MR. JANDORA: Rick Jandora. Within A17.1,
4 there are several standards that are referenced
5 and you're required to comply with them. As an
6 example, if you're to construct a hoistway door
7 with glass, you're required to meet the glass
8 requirement that's set forth under 16 CFR part
9 1201. So my question is, we have an adoption of
10 A17.1 which is always going to lead you to so many
11 several standards that we have to comply with. We
12 can't possibly add all of those to our statute.
13 If we added all of those to our standards to our
14 statute, Section 35 would be this long with all
15 the referenced standards that you're required to
16 comply with within A17.1. And so for me, I see
17 that we're adding the electrical code requirements
18 and I'm curious why we're adding the electrical
19 code requirement when they are, in fact,
20 referenced within 17.1. Why are we not adding the
21 glass requirement if someone were to construct a
22 glass hoistway door. So you'll see, it under
23 Section 9.1. 9.1 is going to list dozens of
24 standards that are all referenced within 17.1 that

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1 you have to comply with to satisfy 17.1. So I
2 don't know, Dick, if you have comments on that. I
3 don't know why we're picking some and not picking
4 others I guess is my question.
5 MR. GREGORY: Dick Gregory. I'll try to do
6 this in a manner orderly more or less. A17.1 used
7 to be issued every three years and with an
8 addendum in between. We no longer do the
9 addendums, we do them every three years. So in
10 2007 there was an 08 and a 09 addendum. 2008, 8,
11 9 B. With 2010, there will be no addendums. The
12 next A17.1 will be in 2013.
13 The theory behind that was -- well, I'm
14 the guy that made the motion so I can tell you
15 what my theory was, that most people did not adopt
16 the addendums and so we were just kind of like
17 wasting time. And the need for addendums was
18 always figured because there would be new
19 technology. But since we have A17.7, new
20 technology, there is a way to get your new
21 technology in there by getting a certificate of
22 compliance, but this -- it's referenced in A17.1,
23 but this Board had an issue with A17.7 because it
24 was not written in the Act. It's referenced by

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1 A17.1 2007, but it was not referenced in the Act,
2 and we had some arguments and you probably know
3 those arguments better than I do.
4 The next thing that happened, for
5 example, we'll pick on Rick with oh this is coated
6 steel black belts with different suspension means.
7 So he had a certificate of compliance in
8 accordance with A17.7. Other people came out with
9 different suspension means and with smaller wire
10 ropes. So under the auspices of the mechanical
11 committee of A17, it was decided we've got to make
12 provisions for these various suspension means.
13 And over a period of years -- and let me tell you,
14 it takes years, A17.6 was developed and A17.6 is
15 suspension means, compensation means, governor
16 means for elevators. And so it covers ordinary
17 wire ropes like we're all used to, it covers a
18 smaller diameter wire rope, it covers the coated
19 steel belts and it covers aramid ropes and it
20 imposes a whole lot of additional testing
21 criteria. So A17.6 2010, and A17.1 2010, are hand
22 in glove. The suspension means improvisation was
23 taken out of A17.1 2010 and put into A17.6 2010
24 pretty much lock, stock and barrel.

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1 So if you upgrade to A17.6 2010 and
2 you do not adopt A17.6 2010 suspension means, are
3 you going to end up of in the same boat where
4 people are going to argue about A17.7? That's
5 what you've got to consider. The Code is very
6 clear that they are hand and glove. So that's
7 A17.6 issue.
8 Does anybody have any questions for
9 me on that? Yes, Jerry.
10 MR. WOLIN: Jerry Wolin. The question, are
11 you saying that you take the new version of 17.1
12 plus the version of 17.6, it's absolutely
13 identical in term of the requirements?
14 MR. GREGORY: They're upgraded. They're
15 substantially upgraded. The requirements -- A17.6
16 now allows smaller diameter steel wire ropes. So
17 you're not going to see a lot of variances for
18 that request. It allows for Otis's flat steel
19 belts, so you're not going to see requests for
20 variances for that. And it allows aramid ropes
21 under certain conditions and it's a very complete
22 standard. It took a long time to get through. I
23 was one of the roadblocks, as it were, because I
24 wanted a lot of safety issues in there, which

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1 everybody finally agreed to, and that's why it's
2 finally issue. Did not issue a three year cycle,
3 it probably took six years to get it done. A lot
4 of pressure was put on me to just agree, but I
5 didn't. It's a lot.
6 And A17.1 2010 under suspension means and
7 their connections, only the following shall be
8 permitted: Steel wire ropes constructed in
9 accordance with ASME A17.6 part one. Aramid fiber
10 ropes constructed in accordance with A17.6 part
11 two. And non-circular elastimer coated steel
12 suspension members constructed in accordance with
13 ASME A17.6 part three.
14 A17.1 is telling you to comply with
15 A17.6. The Board could take the attitude that we
16 don't have to adopt to A17.6, but then what
17 happens if somebody says, Well, you didn't adopt
18 that so we can put in spaghetti for suspension
19 means because we don't have A17.6, you know.
20 That's where you end it. It was made to be a
21 sister code culled out. So I don't know if that
22 helps you. It's an upgrade from 2007 in that the
23 other suspension means are in A17.6. And the
24 criteria for inspection is there also. So this is

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1 something that the inspectors need.
2 And I will tell you this, the inspectors
3 when they take they're requalification exams with
4 whoever they're qualified by NAESA, EIWPF
5 whatever, they're going to have A17.6 in order to
6 take their test and pass. It's all part and
7 parcel of it.
8 Any other questions? Did I answer you,
9 Jerry?
10 MR. WOLIN: Yes, you did, but the conclusion
11 I came to based on your answer, we truly shouldn't
12 adopt the A17.1 at this time. You know, I for one
13 don't really know what's in there. We haven't had
14 any feedback from others as to whether or not
15 there's anything in these new standards that we
16 should be cautious about. So I'm hesitant to vote
17 yes today.
18 MR. JANDORA: I believe we're required by
19 statute to adopt the latest edition of the code in
20 12 months of its effective date.
21 MR. BARNES: Adopt or amend. You don't have
22 to adopt it wholesale, okay. Don't adopt certain
23 issues that don't meet you're approval, things
24 you're uncomfortable with.

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1 MR. GREGORY: The major differences between
2 A17.1 2007 and A17.1 2010, and I'm hitting the
3 major differences, I'm not going line by line,
4 item by item, requirement by requirement.
5 Periodic tests were moved from Section 8.11 to
6 8.6. Section 8.11 is periodic inspections. The
7 test portion, not the inspection portion, the test
8 portion was moved into Section 8.6, maintenance
9 repair and replacement because it was decided that
10 the people who actually do the test, it's not
11 Patty's inspectors who go out there and do the
12 test. They're witnessing -- the tests are done by
13 elevator mechanics and they're the responsibility
14 of the building owner. So this moves it into an
15 area where the building owner and the elevator
16 mechanics are going to be aware of what they're
17 supposed to do.
18 Another major change is suspension means
19 and I kind of already beat that to death here. So
20 that's the major -- there's a lot of other small
21 things that have been improvement. There's always
22 changes in fire emergency operation, firefighters
23 emergency operation. There were some issues -- in
24 my FEO K1 Key became the standard key, okay. I had

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1 a big argument with the -- we call him the Code
2 God, Ed Donohue, I said, You've got to be more
3 definitive of the FEO K (1).
4 He said, No, they're all the same.
5 I said, No, they're not all the same. So
6 now I have two different FEO K (1)s. But the code
7 changed and defined this exactly so there will be
8 no more two. There is one made for one method and
9 the other method. So you need to adopt the latest
10 code in order to keep this stuff all up-to-date,
11 and you realize, that's not retroactive either.
12 CHAIRMAN CHRISTENSEN: Kelly?
13 MR. WELLER: Weller. First question to Bill
14 and second question to Rick. Bill, on B, the
15 safety and elevator section for A17.3, I've got
16 three versions. And again, we didn't do a very
17 good job of dating these prior versions, but I've
18 got versions to where that 17.3 2005, has that
19 been changed?
20 MR. BARNES: No, we're not upgrading because
21 it's been accepted.
22 MR. WELLER: Okay. Then this Section 1060 D
23 then would have to be amended.
24 MR. BARNES: Yes, thank you.

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1 MR. WELLER: And then to Rick. Based on
2 you're comments which I think are extremely
3 relevant, why would we have needed it in the first
4 place under Section one? Because what it's doing
5 is telling us that the American Society of
6 Mechanical Engineers is going to be the gospel for
7 installing and inspecting and so forth. Why did
8 we go to the specifics of A and saying okay,
9 instead of just stopping us at one and just say
10 okay, we're going to be put in an elevator and
11 that will be based on the whole Society of
12 Engineers's criteria. Why did we specify the
13 actual elevator Code unless we wanted it or they
14 wanted it specific to certain sections? So I
15 understand where you're going with that, but if
16 that's the case, then we don't need A, B, C, D or
17 E, we just stop at one.
18 MR. JANDORA: Well, A is A17.1, okay, which
19 is basically the Code for elevators. B is A17.3
20 which is the Code for existing elevators which is
21 referenced within Section 8.6 of the Code if it's
22 adopted. And then in our case it is somewhat
23 adopted, certain items have been adopted.
24 MR. WELLER: There's been some inconsistency

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1 in that that we need to --
2 MR. JANDORA: And then as far as A18.1, it's
3 my opinion that that is an entirely different
4 Code. A18.1 is for lifts that aren't addressed
5 within A17.1. So it's a separate Code all
6 together. And, Dick, you can correct me if I'm
7 misstating that. And then the QEI one is
8 basically the qualifications for inspectors. And
9 then I know nothing about the people mover
10 standard. But that is not -- from what I
11 understand A17.1, referenced in A17.1.
12 MR. WELLER: If your mission statement which
13 is A all conveyances, it doesn't tell me just
14 certain conveyances, it says all conveyances, and
15 then it gives me the criteria for all conveyances
16 to be regulated or to be installed and maintained
17 and according with the Act. I think they were
18 very specific in A when they said all conveyances.
19 That means everything that we have to get a
20 conveyance. That's how I'm reading it. So I
21 don't see that it's inappropriate to have anything
22 that you have to get a conveyance be detailed in
23 the standard that would have to build it and
24 inspect it to or maintain it too, so.

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1 MR. GREGORY: Well, if I might make a point.
2 You might consider that a bus or automobile is a
3 conveyance. So we're not the bus and automobile
4 people, that's why we have to be working on
5 elevator, escalator.
6 MR. WELLER: Yes, but it doesn't say that.
7 It doesn't say all conveyances that are buses. It
8 says all conveyances that are designed,
9 constructed, installed, operated, inspected,
10 tested, maintained, altered, repaired in
11 accordance with the following standard. So all
12 conveyances.
13 MR. GREGORY: Of ASME. But, okay, a
14 conveyance is solely something that only moves
15 people? What about a pick and place machine? You
16 know, conveyor. Is a conveyor a conveyance? This
17 is why I think you list the different Codes.
18 MR. WELLER: I agree with you. We're saying
19 the same thing, but I agree with you.
20 MR. GREGORY: So I think that's why you've
21 got to start out with A17.1.
22 MR. JANDORA: I guess the point I was trying
23 to make, and maybe I confused it a little bit.
24 There are so many standards referenced within

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1 A17.1. For example if I need to install a ladder
 2 in a machine room, a permanent fixed
 3 non-combustible ladder shall conform to ANSI
 4 A14.6, which is a whole separate Code, and that is
 5 a requirement of A17.1. So when we're adding the
 6 electrical Code requirements which are referenced
 7 within A17.1, why aren't we adding the many dozens
 8 of other standards that are also incorporated by
 9 reference within A17.1.

10 And A18.1 is completely a separate
 11 standard and ASCE 21 is a completely separate
 12 standard that are not addressed within A17.1.

13 MR. WELLER: Weller. So A17.5 is not
 14 specific -- is A17.5 specifically addressed in
 15 after 17.2?

16 MR. GREGORY: Yes. A17.5 is specific to
 17 elevator equipment. So it's elevators,
 18 escalators, dumb waiters, moving walks and similar
 19 stuff and it's a conglomeration of the U.L.
 20 Standard and the CSA Electrical Standard made into
 21 elevator as one electrical standard. And it's a
 22 standard of electrical safety. So you should not
 23 have a shocking experience when you push the
 24 button on it or especially if you're an elevator

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1 person and you open the controller cabinet.

2 MR. JANDORA: And I guess another point I
 3 want to make, if we go onto just pick a handful of
 4 these standards that we want to incorporate within
 5 our rule, does that then mean I can go put a rope
 6 ladder in a machine room? Because we didn't
 7 incorporate ANSI A14.3 into our rules. So that's
 8 the point I think I'm trying the make. I think we
 9 have to say that A17.1 is the standard and all
 10 Codes referenced in it as part of A17.1 are
 11 applicable, period.

12 MR. WELLER: So the broader the better?

13 MR. JANDORA: I think so. And you're only
 14 going to confuse the matter if you just go and
 15 pick this one and this one over here, you're going
 16 to meet the electrical requirement, or they didn't
 17 pick the ladder requirement, and I think a rope is
 18 fine and I don't think that's what we want to do.

19 CHAIRMAN CHRISTENSEN: If there's no more
 20 questions by the Board, I'm going to open it up
 21 for public comments because I think there's a lot
 22 of people that want to speak on it. Margaret
 23 Vaughn, would you like to speak on this?

24 MS. VAUGHN: Yes, Illinois Code

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1 Administrator. We don't have any objection to
 2 A17.5 or A17.6, but we do feel they should be
 3 spelled out in statute. As far as the timeliness
 4 of it, it would probably take less time if we
 5 could get it agreed to, we can get it through the
 6 veto session and that way it would be immediately
 7 effective versus JCAR which could take months. It
 8 would be quicker to doing through the legislature.
 9 If not, I think the legislative intent when we
 10 changed the Act several years back, to spell out
 11 specifically in statute exactly what Code, just
 12 because a Code is referenced in A17.1, doesn't
 13 mean that the entire Code is to be adopted in its
 14 entirety.

15 Let's see. The other issue is JCAR last
 16 spring or last year kicked back the rules. We had
 17 to put that in the statute. If we can do that now
 18 and put it in veto session, that would save time
 19 in having JCAR rejecting it, and then we can talk
 20 about what we're going to do next to do it more
 21 efficiently, and then legislative intent to the
 22 Act that these two Codes are adopted immediately.

23 MR. WELLER: So it's you're constituent's
 24 opinion that Rick is not correct that the broader

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1 is better that we have to be specific?

2 MS. VAUGHN: Because it's something
 3 referenced in its entirety it must be adopted.

4 The legislature issue that when we changed that,
 5 they wanted Section 35A they wanted everything
 6 specific spelled out. In Section H of Section 35,
 7 they took just certain parts of A17.3 and spelled
 8 out what specific part. So there's a legislative
 9 precedence. They didn't want the entire code
 10 spelled out or part of the code, they want that
 11 spelled out. The more specific we are as far as
 12 the legislature goes.

13 CHAIRMAN CHRISTENSEN: All right. Michael
 14 Gibbs?

15 MR. GIBBS: I think I can clarify some things
 16 for the members of the Board. One thing that's
 17 not being considered with this is the Act was
 18 being discussed years ago. Okay. Years ago the
 19 A17.1 was the all-encompassing do all end all
 20 elevator Code. Since then 2, A17.3, A17.5, 6, 7
 21 have all evolved into their own little books. On
 22 my shelf in my office years ago, A17.1 was it and
 23 it was this big {indicating}. Now later in life,
 24 there's A17.1 this big {indicating} and I have all

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1 these other little books right next to it. So I
2 think we're kind of getting caught up in the true
3 description of the elevator Code. Whereas a
4 decade ago, A17.1 was the elevator Code. Now the
5 elevator Code is A17.1 and all these little books
6 make up the elevator Code. So that's a
7 distinction no one has addressed yet. So Mr.
8 Wolin, with your discussion about is it part of
9 the Code, if we were having this discussion while
10 the Act was being discussed in the Congress and
11 legislature, that's what they were talking about
12 because there was only one. The other ones have
13 all been broken out since then to clarify, and
14 like what Mr. Jandora said, to add detail to what
15 3, 7, 8 are all talking about, whereas before it
16 was all in one, wasn't all detailed.
17 CHAIRMAN CHRISTENSEN: Kahn Josephson.
18 MS. JOSEPHSON: Yes, did submit a written,
19 three pages. It originally supports the Board's
20 adoption of A17.1 2010 which does include A17.5
21 and A17.6 in there. I mean, it's our belief those
22 reference standards are a part of A17.1 2010 if
23 you approve that adoption. And then also on
24 behalf Of NEII, would you support the Board

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1 approving the adoption A17.7-CSAB 444 as well.
2 MR. WELLER: Can you tell us who NEII is?
3 MS. JOSEPHSON: Oh, I'm sorry. National
4 Elevator Industry, Inc.
5 MR. WELLER: Is that a for profit or
6 not-for-profit organization?
7 MS. JOSEPHSON: I believe it's a
8 not-for-profit. NEII is an outgrowth of the
9 Elevator Manufacturers Association established in
10 1934. It's officially renamed National Elevator
11 Industry, Inc., in 1969 and it's the premier of
12 National Trade Association representing the
13 industry of firms to install, maintain and
14 manufacture including parts or components,
15 elevator, escalators, moving walks and other
16 transportation products.
17 MR. WELLER: Thank you.
18 CHAIRMAN CHRISTENSEN: So in actuality you
19 represent Otis, Schindler, Kone?
20 MS. JOSEPHSON: Correct.
21 CHAIRMAN CHRISTENSEN: I think that's what
22 they're looking for.
23 MS. JOSEPHSON: Yes, all of the member
24 companies, correct, Otis, Schindler and many other

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1 elevator companies as well.
2 CHAIRMAN CHRISTENSEN: Okay. Any other
3 questions. Okay. Don Plass.
4 MR. PLASS: Good morning. My name is Don
5 Plass, P-I-a-s-s. I'm the Director of Code
6 Enforcement for the Village of Hoffman Estates. I
7 want to thank you very much, Gregory, for what you
8 explained. That was a very good explanation, I
9 thought. ASME A17.1 I believe has over 300
10 referenced standards in the back of the book.
11 ASME A17.1 is not exactly like what the Building
12 Code is. The Building Code in chapter one --
13 well, we have reference standards in the back of
14 the book too. We don't have 300, but we have
15 quite a few. But what we do is the Codes and
16 standards referenced in this Code shall be
17 considered part of the requirements of this Code
18 to the prescribed extent of each sets reference.
19 So I think, Rick, what you were saying is if it's
20 in the back and it's a referenced standard in the
21 back of A17.1, you have to do it. Is that
22 paraphrasing it?
23 MR. JANDORA: Yes, but I mean there are
24 specific requirements within A17.1 that, you

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1 know -- I'll read one as an example. You know,
2 enclosures shall be permitted to be glass provided
3 it's laminated glass conforming to -- I don't even
4 know these Codes -- ANSI Z97.1, 16 CFR part 1201.
5 So I have to conform with that
6 requirement if you want a laminated glass
7 enclosure and you will find it referenced there in
8 9.1, which is the referenced standards in the
9 back. But it is very specific when I'm building
10 something, it's going to tell me what standard I
11 have to conform to and in this case it's very
12 specific on what part I have to conform to.
13 MR. PLASS: And what the Building Code is, is
14 actually, we tell you -- let's just say elevators
15 right now. We could be looking at fire
16 suppression layout. The Building Code will tell
17 you when it has to be installed. Now if you go to
18 glass elevators or anything like that, I'm sure if
19 you go in the back here, I'll have ANSI in here.
20 It will explain to me and it would be referenced
21 to me as a Code official that I have to look for.
22 So I mean, we do have a lot of different
23 specifically mentioned in the Code, but we don't
24 go ahead and we don't list every single standard

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1 in the Codes over there, when we adopt a Code, we
2 adopt it here as a Building Code and the reference
3 standards are in the back, they become part of the
4 Code. Now, I think as Marvin said, as Code
5 officials we don't have an objection to 17.5, we
6 did not object to 17.7, but I just can't see that
7 we have a whole list all the way down the line and
8 we have two pages of A17s where A17.1 is the
9 standard and they are referenced. I understand it
10 has broken down. We have the ICC family of Codes
11 which everyone knows there's quite a few, but I
12 believe that we don't need to be going through and
13 putting every standard in there separately. It is
14 a referenced standard in the back of A17.1 and
15 that would be fine.
16 MR. BARNES: Can I ask a question?
17 MR. PLASS: Yes.
18 MR. BARNES: Are you agreeing with the
19 statement that A17.1 includes by reference A17.5?
20 MR. PLASS: Yes.
21 MR. BARNES: By adopting A17.1, you're
22 thereby adopting A17.5 and 6?
23 MR. PLASS: Correct. I think that's what I
24 said earlier.

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1 CHAIRMAN CHRISTENSEN: Patty?
2 MS. YOUNG: I have no comment for this
3 particular topic.
4 CHAIRMAN CHRISTENSEN: Steve Cutaia?
5 MR. CUTAIA: No comment.
6 CHAIRMAN CHRISTENSEN: Terry Shanklin?
7 MR. SHANKLIN: Terry Shanklin. I'm with the
8 Just Elevators Inspection. I just have a small
9 question in regards to the discussions about
10 listing each individual section of the Code that
11 is referred to in A17.1.
12 MR. GREGORY: No.
13 MR. Shanklin: In the Act --
14 MR. GREGORY: Terry, it's listing the ASME
15 standards that are referred to in A17.1 that are
16 part and parcel of A17.1 as Mr. Gibbs pointed out.
17 We're not trying to list every reference of
18 everything. It's ASME A17.1 series of Codes,
19 that's one. And I think, you can correct me on
20 this, Bill Barnes, and that is the issue arose
21 because it was considered that A17.7 was directly
22 referenced by A17.1. Inherently we had an A17.7
23 and people argued that point.
24 MR. BARNES: Yes, that's the crux of the

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1 issue.
2 MR. GREGORY: That's the crux of the issue.
3 I mean, I can agree with Rick 100 percent, and
4 with Mr. Gibbs 100 percent that it's all wrapped
5 up, but we've been down this path and we got our
6 wrists slapped.
7 MR. PLASS: So they want to be more specific
8 than that, is that the description?
9 MR. GREGORY: Yes. You may remember me
10 sitting in the office working on the original
11 legislation, because I worked with you guys on the
12 original legislation, but we didn't have A17.6 at
13 that time. We didn't have A17.7 at that time.
14 And we just wrote it the way we wrote it.
15 MR. SHANKLIN: Sometimes I think like less is
16 more and I would say that if you go with reference
17 Codes, A17.1 and include reference Codes, I think
18 you cover it and I tend to think that less is more
19 in that regard. So I agree with Rick Jandora,
20 what he said is that to have it and specified
21 would be voluminous to say the least.
22 CHAIRMAN CHRISTENSEN: Thank you. Okay. Is
23 there a motion by the Board?
24 MR. PLASS: Frank, if I could have one quick

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1 thing to read.
2 CHAIRMAN CHRISTENSEN: Go ahead.
3 MR. PLASS: Thank you, Mr. Chairman. Don
4 Plass. This is part 29 reference codes and
5 standards. It says this part -- this is out of
6 ASME A17.1. This part covers the codes standard
7 and specifications, incorporated in this Code by
8 reference and the specific additions that are
9 applicable. This part also lists the names and
10 addresses of the organizations. Only that portion
11 of the Code, standard or specification as
12 specified by the requirements in this Code is
13 applicable. So again, if you go back to glass
14 enclosed elevators, it's in the referenced
15 standards here and it must be followed. So go
16 ahead.
17 MR. JANDORA: I would just like to address
18 one other item. There was an editorial mistake
19 made in the A17.1 2007 edition in that within the
20 Code itself, A17.7 was referenced however when you
21 go back to the referenced document under A17.1
22 it's absent. They forgot to add it. You will see
23 it added in 2008, so perhaps adding A17.7 within
24 the legislation, which is what we just did this

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1 past summer makes sense so that it is clear, but
2 now if you look at A17.1 2008 and on, it's there
3 now. It's a referenced standard in the back of
4 Section 9.1. So it may have made sense with the
5 performance based Code debate.
6 MR. POPOWITS: Al Popowits. If I make a
7 point here is that 17.6 is not referenced in the
8 Act. It's not in the Act. And I think we're
9 circumventing the Act by attempting to adopt it
10 this way. We're going around the Act. I think we
11 should go to legislature and I think that we
12 should put it through legislature. It's possible,
13 it's possible to do it efficiently, maybe during
14 veto session, but I think if we go this route,
15 we're going to be slapped again. I'm not at all
16 comfortable with simply adopting 17.6. Thank you.
17 MR. WELLER: Mr. Chairman, can I ask
18 Margaret, she's pretty much the only one who is
19 kind of on the other side of it, if she could
20 maybe address some of the comments and help us
21 maybe to understand both sides a little better?
22 CHAIRMAN CHRISTENSEN: I think Bill already
23 told us the comments, they had a conversation.
24 They already notified us what the comments were.

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1 MR. POPOWITS: Can I hear? I would like to
2 hear.
3 CHAIRMAN CHRISTENSEN: Go ahead. Margaret
4 Vaughn.
5 MS. VAUGHN: The three Codes we're talking
6 about is A17.1, adopting the newest version.
7 That's specifically spelled out in Section 35A.
8 The Board to adopt or amend to adopt the latest
9 editions of standards referenced in the sub
10 sections within 12 months within the date of the
11 standard. I think by statute, we have to do
12 something with A17.1, either to adopt the whole
13 thing or you have to amend to adopt part of it.
14 Go ahead.
15 MR. WELLER: Is everybody in agreement with
16 that first part? Do we have any dissenters that
17 we're going to amend the 2010 Code we're going to
18 bring in? All right. So we got that one done.
19 MS. VAUGHN: And then, Dick, 17.5, 17.6 is
20 what you wanted?
21 MR. WELLER: Yes.
22 MS. VAUGHN: It's our position that Section
23 35A does not specifically spell out A17.5 and
24 A17.6. And in H, it does spell out A17.3, but

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1 just certain sections. So the precedent is here
2 that any Code that's adopted in its entirety or
3 partially needs to be spelled out specifically in
4 statute, and since A17.5 and A17.6 aren't in
5 either I or H, then they need to be adopted in
6 statute as was A17.7. And recently within the
7 past year, they tried to put it in the rule and
8 again JCAR said no, stop it, instead of going back
9 and changing the law, so the veto session is
10 coming up in the latter part of October, November.
11 If this is something the board needs to adopt, I
12 think the question is do we do it by rule or do we
13 do it by statute. If we do it by statute, we can
14 try to get it into the veto session. If we do it
15 by rule without doing it by statute, it can be
16 kicked back and the board will meet in November,
17 and by that time, the veto session will be over
18 and it will start in January and then it will be
19 six months.
20 MR. WELLER: Bill, it's your opinion that you
21 agree with her, I seen.
22 MR. BARNES: There are two ways to go about
23 this. I read the plain language of the statute
24 different. That being said, there are two routes

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1 to go here, but also I think there's a third
2 route. If the Board decides by adopting A17.1
3 2010 we are including .5 and .6, then there's no
4 reason to deal with .5 and .6. And that's I think
5 one of the issues that need to be addressed. We
6 heard different opinions. And so the question is
7 by adopting A17.1 2010, are we inherently adopting
8 .5 and .6, and if not, then we go to veto session,
9 which is probably safer. I don't really care how
10 we do it. I want to do it the most efficient way.
11 MS. VAUGHN: A tactical question. If we
12 submit A17.5 and A17.6 through rule without doing
13 it statutorily first and JCAR rejects it, what
14 impact would that have on the timeline for getting
15 the remainder of the rule package?
16 MR. BARNES: I don't think it would have an
17 impact at all. The last rule making effort, we
18 were horse trading up until the 13th hour.
19 MS. VAUGHN: When they kicked back A17.7,
20 could you have adopted the rest of it?
21 MR. BARNES: When they kicked it back to us,
22 we just took it out. So we didn't have to start
23 all over again, we started along the pipeline.
24 The rule-making pipeline.

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1 MS. VAUGHN: If you submit the package to
2 JCAR could they approve everything but, and then
3 later it can be adopted?
4 MR. BARNES: Yes.
5 MR. WELLER: I'm concerned in that if we
6 don't do the broader aspect of it, I think Rick's
7 opinion is pretty solid. It sounds like that's
8 the right way, because if we go through and we try
9 to push A5 and A6 through and for some reason the
10 legislature or JCAR said no, now what ability do
11 we have to regulate either one of those sections
12 to Code, because now we have a clear legislative
13 intent and we don't have any authority there I
14 don't want to test that if there's no reason to.
15 MS. VAUGHN: I don't know that there would be
16 any objection by the legislature.
17 MR. WELLER: But there's always going to
18 be -- I mean, the risk there versus what we -- The
19 only other way I see it being challenged is for
20 someone to build a conveyance, have it not follow
21 one of the A5 A6 standard, have it come before us
22 for a variance and then someone at the
23 administrative review level say we didn't have any
24 authority to hear the variance. And that's a long

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1 way around to having the legislature go, we don't
2 agree with you.
3 MS. VAUGHN: But then we would have to agree
4 that all 300 Codes that are referenced in the back
5 of the book are also adopted it.
6 MR. WELLER: Until somebody challenges it,
7 isn't it a fair, a presumption?
8 MS. VAUGHN: Well, based on the assumption
9 everything being spelled out in statute, I don't
10 think the legislature will care one way or the
11 other. What it will care about is it's trying
12 to be full and it's not spelled out, I think
13 that's where the legislature came down in 2009 and
14 that Codes were being enforced that were not
15 statute. They said, any code you want to adopt,
16 we want it spelled out here.
17 MR. WELLER: Isn't it agreed they will
18 process that --
19 MS. VAUGHN: The legislature, it's such a
20 technical issue. What they do understand and
21 comprehend is their statutory authority to do it.
22 CHAIRMAN CHRISTENSEN: Thank you. Before we
23 go there, we're still going to go to questioning,
24 but could I get a concurrence with the Fire

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1 Marshall's Office or nonconcurrence of what the
2 recommendation is? Does everybody understand that
3 you're either agreeing with this or not,
4 concurrence or nonconcurrence. Is there a motion?
5 Hang on one second. I'm going to be going to a
6 question right after we get more.
7 MR. PLASS: I just wanted to ask Mr. Gregory
8 if he has a 2010 A17.1 if he can confirm that
9 A17.5 and A17.6 is actually in the reference
10 standard before you go any farther?
11 MR. GREGORY: I have it on the screen and
12 there's an editorial problem. A17 2, 3, 4, 6 and
13 7 are all listed in the reference standards and
14 A17.5 isn't. And yet in the body of the Code we
15 say A17.5. Oh, I know why. It's listed
16 somewhere, it's under CSA standard.
17 MR. PLASS: Thank you, Mr. Chairman.
18 MR. GREGORY: It's CSA. Because CSA is
19 actually the publisher of that, it's going to be
20 listed under the Canadian standards. When I find
21 it --
22 CHAIRMAN CHRISTENSEN: Again, is there a
23 motion to accept or not accept, concur or
24 nonconcurrence of this recommendation?

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1 MR. WOLIN: I'll make a motion, but I mean
2 the explanation, this was a very helpful
3 discussion. It's clear to me that all we have to
4 do is go with option three which is adopt the
5 newest version of 17.1 and therefore I would make
6 a motion to not concur with the recommendation of
7 State Fire Marshal.
8 CHAIRMAN CHRISTENSEN: Is there a second?
9 MR. FINCHAM: John Fincham. Second.
10 CHAIRMAN CHRISTENSEN: Is there a question?
11 {No response.}
12 CHAIRMAN CHRISTENSEN: All those in favor say
13 aye.
14 {Chorus of ayes.}
15 CHAIRMAN CHRISTENSEN: Against.
16 {No response.}
17 CHAIRMAN CHRISTENSEN: Is there a
18 recommendation by the Board or a motion by the
19 Board? Jerry?
20 MR. WOLIN: I would like to make a motion to
21 adopt the current version of A17.1 which I guess
22 is the year 2010.
23 CHAIRMAN CHRISTENSEN: Is there a second?
24 MR. JANDORA: Second. Jandora.

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1 CHAIRMAN CHRISTENSEN: On the question, is
2 there a question?
3 MR. WELLER: Is there a procedural way we can
4 get legislative intent through JCAR that says that
5 they concur with this? That the broader Code
6 in -- you know, can we get a witness from the Fire
7 Marshall's Office to go on record, say this is
8 what we're doing, maybe get them to concur so we
9 have at least a direction that they know that
10 they're agreeing with the interpretation that we
11 have? I mean, Margaret is making a great point,
12 but I think it's clear to me that the broader way
13 the better we are until we get challenged.
14 MR. BARNES: And I would add, this my limited
15 involvement in this, the broader is better is what
16 we've been doing in the past. We've never
17 addressed A17.5 or A17.6 because I think we all
18 understood the they were all melted into the this
19 A17.1 which has been the Code for decades. I
20 could open a line of dialogue with JCAR, I
21 suppose, a phone call, but that would also delay
22 us by three months until we come back here. If we
23 want to err on the side of caution, I have no
24 qualms about that. But it seems to me that by

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1 voting so as to -- with the understanding that .5
2 and .6 are included in .1, that falls in line with
3 the understanding of the past five years, things
4 have been done in the past.
5 MR. WELLER: Then some organization or entity
6 wantd to carry a bill and we were neutral on it to
7 specify that, we wouldn't have an opposition to
8 it, but we wouldn't be on record supporting it
9 either.
10 MR. BARNES: Correct. Quite frankly in the
11 JCAR process, there's public comments. I mean, to
12 the extent there are people out there that feel
13 that .5 and .6 or any other Code for that matter
14 should be spelled out for specificity, we'll hear
15 it.
16 MS. VAUGHN: Bill, maybe the way to do that
17 in the Act A17.1 to say including referenced
18 documents or including current referenced
19 documents. So then that would cover everything
20 that happens to be under referenced documents
21 listed at the time and then we wouldn't have to
22 get into any specific.
23 MR. BARNES: Yes, that's a good idea.
24 MR. JONES: Would that last sentence have to

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1 be -- where would --
2 CHAIRMAN CHRISTENSEN: Where would it go?
3 MS. VAUGHN: It would go in 35A.
4 MR. JONES: It would go in the Act?
5 CHAIRMAN CHRISTENSEN: Right.
6 MR. JONES: We could go back and legislature
7 would put that line put in? Can we do that?
8 MS. VAUGHN: You can say we can do this with
9 the idea, including referenced documents in the
10 statute the next time the legislature is in
11 session.
12 MR. WELLER: I'm not comfortable with that
13 being --
14 MR. BARNES: Oh, it's not you.
15 MR. WELLER: I'm comfortable with the
16 language, you know, being neutralized on it, but I
17 don't know if we want to be the author on that.
18 MR. BARNES: I can't really speak for the
19 Fire Marshal, if that's something that the Fire
20 Marshal wants to champion.
21 CHAIRMAN CHRISTENSEN: We're still on motion.
22 Okay. Back to the original motion if everybody
23 remembers. Is there any more questions on it?
24 MR. DATTILO: Dave Dattilo. I heard a couple

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1 of comments. This has been very helpful to me.
2 Both of the comments say the same thing, but they
3 say it differently and I want to understand this
4 is where we're going. One of the comments I heard
5 was the referenced standards become part of the
6 standard. And the other comment said the same
7 thing, they're incorporated on in the Code by
8 reference, and that's what we're saying, right?
9 MR. BARNES: Yes.
10 CHAIRMAN CHRISTENSEN: Any other questions?
11 All those in favor say aye.
12 {Chorus of ayes.}
13 CHAIRMAN CHRISTENSEN: All those against?
14 {No response.}
15 CHAIRMAN CHRISTENSEN: Ayes have it. Okay.
16 MR. BARNES: I was just going to say, we
17 still have to address QEI and we also have to
18 address A17.2. So the QEI is going from 2007 and
19 2010. I think we voted on that, because I think
20 all we voted on last was A17.1, and then we also
21 have A17.2 which goes from 2007.
22 CHAIRMAN CHRISTENSEN: We'll take one at a
23 time before we go to questions. Is there a motion
24 to accept QEI 2010?

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1 MR. GANIERE: So moved.
2 MR. BASTERT: Second.
3 CHAIRMAN CHRISTENSEN: Any questions?
4 {No response.}
5 CHAIRMAN CHRISTENSEN: All those in favor say
6 aye.
7 {Chorus of ayes.}
8 CHAIRMAN CHRISTENSEN: All those against.
9 {No response.}
10 CHAIRMAN CHRISTENSEN: Ayes have it. And
11 then the guide for inspection of elevators,
12 escalators, moving walks, et cetera, A17.2.
13 Instead of 2007, it's 2010. Is there a motion to
14 accept?
15 MR. FINCHAM: I'll move.
16 CHAIRMAN CHRISTENSEN: Is there a second?
17 MR. WOLIN: I'll second.
18 CHAIRMAN CHRISTENSEN: Any questions?
19 MR. JANDORA: Question. A17.2. Where is
20 that? What item number?
21 MR. BARNES: You recall with JCAR we had them
22 turn in a recommended standard. They had a
23 hang-up about it being a Code --
24 MR. JANDORA: Yes, I got it.

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1 CHAIRMAN CHRISTENSEN: No more questions?
2 All those in favor say aye.
3 {Chorus of ayes.}
4 CHAIRMAN CHRISTENSEN: All those against.
5 {No response.}
6 CHAIRMAN CHRISTENSEN: Ayes have it. Okay
7 Doug?
8 MR. JONES: Just a question getting back to
9 A17.1 in that last time that Margaret said, how do
10 we get that in? Do we have all adopted referenced
11 standards --
12 MS. VAUGHN: We can put something like
13 current so that way if they add new items to their
14 referenced documents, then that would cover
15 everything that happens to be under referenced
16 documents listed at the time.
17 MR. BARNES: I don't think your question is
18 focused on the language, but the mechanism.
19 MR. JONES: Right.
20 MR. BARNES: So he someone needs to champion
21 that cause. I can't really speak for the Fire
22 Marshal something he wants to introduce via the
23 legislature.
24 MR. JONES: Is that something that would be

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1 helpful, I guess would be the question down the
2 road, or is it all covered the next time we adopt
3 the next A17.1? I don't know. We just adopted
4 A17.1 just now with all the referenced standard.
5 Will this be an issue down the road to have an
6 adoption or do we need that language to adjust the
7 Act? I'm just asking.
8 CHAIRMAN CHRISTENSEN: Rick.
9 MR. JANDORA: From my perspective those
10 referenced documents are A17.1. To comply with
11 the A17.1, you have to comply with those
12 referenced standard requirement. It even goes
13 back to back to ASME QE1.1. The ASME QE1.1 is
14 requirement 8.10.1.3, the inspector shall meet the
15 qualification requirement of ASME QE1.1 It's
16 there as a reference to satisfy A17.1 once again.
17 I don't have any problems if we keep wanting to
18 add things, but again, it just creates confusion
19 from my perspective.
20 MR. GANIERE: And, Rick, I have a tendency to
21 agree with you. We all know we live in a
22 litigious society, and if it's not spelled out,
23 some people say I don't have to do it. But I do
24 think the way to do it is to amend the Act it

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1 incorporates all referenced Codes. Or at the very
2 least with the Act is amended in some other way
3 for whatever reason, someone on the floor either
4 at the house or the senate says that's what it's
5 doing. Then we'll have at least the legislative
6 intent in the record somewhere. But I think the
7 best way to do it is to amend the Act that says
8 that, you know, it includes all referenced Codes.
9 MR. WELLER: I'll test the water. I make a
10 motion that we ask the Fire Marshall's Office to
11 give his opinion on that and if the Fire Marshal
12 is so inclined to carry that forward in his
13 legislative agenda.
14 CHAIRMAN CHRISTENSEN: Do we need a motion on
15 that?
16 MR. WELLER: I would say that we could ask
17 him to put this that on his legislative agenda and
18 if they want to do that, it doesn't hurt us as a
19 Board to do support that MR. GANIERE: I'll second
20 that.
21 CHAIRMAN CHRISTENSEN: Any motion made and
22 second. Any questions?
23 {No response.}
24 CHAIRMAN CHRISTENSEN: All those in favor say

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1 aye.
2 {Chorus of ayes.}
3 CHAIRMAN CHRISTENSEN: All those against.
4 {No response.}
5 CHAIRMAN CHRISTENSEN: Ayes have it. Okay.
6 Moving on. On NAEC Apprenticeship Program
7 subcommittee report item 4C. Numbers to the board
8 as a subcommittee. Is there somebody that would
9 like to speak on this?
10 MR. JONES: I'll help you start out with
11 this. What we did, this is something that came
12 from a request from Patti Bonner, NAEC in terms
13 of -- when I was reading our minutes, the request
14 was will the Board accept the guidelines of NAEC
15 for an apprenticeship program. As I understand it
16 we're not accepting apprenticeship program per say
17 because there isn't one yet. What they're asking
18 you to do is accept documents. What the Act says,
19 there has to be some kind of equivalency and in
20 terms of our counsel in terms of equivalency in
21 the Code, and looking at section 45, there is no
22 standard per se that could be identified other
23 than -- and, Rick, correct me if I'm wrong, other
24 than the fact that a person can go through the

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1 various program and take the SET exam and that is
2 what the --
3 CHAIRMAN CHRISTENSEN: CET.
4 MR. JONES: CET exam, and that was what we
5 considered to be substantially equal to the NEIEP
6 Program. That being said, looking at the
7 apprentice program, the gold standard is needed,
8 there's no doubt in my mind, but that's not what
9 we were asked to do. So what we're looking at, is
10 there substantial equivalency. And I think what
11 it boiled down to, yes, there is as long as they
12 can pass the state exam. And perhaps Patti would
13 like to speak later on that. From that
14 standpoint, I don't know that we have any reason
15 to deny the guidelines we have. Rick, can you add
16 to that?
17 MR. JANDORA: I thought you hit everything
18 great. From our perspective, just to elaborate a
19 little bit, Section 45 item C4 of the Act
20 itself requires a certificate of completion of an
21 elevator mechanic apprenticeship program
22 substantially equal to those of this Act and
23 registered with the U.S. Department of Labor. It
24 appears to be registered with the U.S. Department

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1 of Labor, that certificate has been provided to
2 us, and then goes back to Doug's point, what are
3 standards substantially equal to the Act? There
4 really are no standards defined in the Act as
5 relates to training or apprenticeship
6 requirements.
7 In order to obtain a license, you can
8 satisfy a couple of things. You can gain three
9 years of work experience and then sit and take the
10 state test. You can have been grandfathered, and
11 I think that grandfathering period has passed, so
12 that's not an option for you. And then the other
13 option is to go through the NEIEP apprenticeship
14 program, which is National Elevator Industry
15 Education Program. And then finally four. So
16 four seems to be the avenue in which you can
17 obtain a license via this NAEC Program. And based
18 on what I have seen, if you go through the avenue
19 of C1, we are requiring that you have no training
20 whatsoever other than on-the-job training. You
21 can go work in the field and what you learn out in
22 the field is What you're going to learn and then
23 sit for the exam that's administered by the state
24 which is the CET exam, you can become a licensed

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1 mechanic. This to me offers something more. At
2 least it's a requirements to have specific hours
3 that need to be satisfied as it relates to
4 on-the-job training and it also has specific
5 course work that you have to obtain and complete
6 over the course of that apprenticeship period.
7 To me, I would rather see somebody
8 come to the state as a licensed mechanic via the
9 C4 requirements versus just go out into the field
10 and learn what you learn and hopefully pass the
11 Test. So to me, this is a bit superior. If we
12 had to find a little equivalency, this is a little
13 bit better than if you come through A1 avenue.
14 And that's just some information we wanted to
15 share with that.
16 MR. WELLER: Do we have a motion?
17 CHAIRMAN CHRISTENSEN: We don't, but I was
18 also going to let Patti speak on this. Bonner,
19 right?
20 MS. BONNER: Yes.
21 MR. JIRIK: Rick, what is Patti's question
22 brought to accept this program, approve this
23 program? If they're looking to approve this
24 program, I have some issues with that.

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1 CHAIRMAN CHRISTENSEN: Doug?
2 MR. JONES: I think in reading the notes,
3 what Terry asked us to do is approve the
4 guidelines, not necessarily the apprenticeship
5 program. The apprenticeship program is another
6 animal in my estimation. What they were asking us
7 to do is look at their guidelines. That was our
8 first discussion. Beyond that, I don't know what
9 our -- I talked to Bob regarding this. I don't
10 know what position we have as a Board to approve
11 the apprenticeship program. I don't know if we go
12 with that. What the legislative authority is
13 whether if the federal government has said this is
14 an approved apprenticeship program, are we
15 preempted because it's federal? I don't know. I
16 don't think I can answer the question. So we're
17 not looking at the approval of apprenticeship
18 program at this point in my estimation, but rather
19 we're looking at what she had requested, an
20 acceptance of us of the guidelines of the
21 apprenticeship program which is substantially
22 appropriate in the Act. I'll let Patti speak on
23 that. Would you like to come up, please?
24 MS. BONNER: Yes. I am Patti Bonner with the

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1 National Association of Elevator Contractors.
2 What we're asking is in your legislation and in
3 your licensing, there is an avenue for successful
4 certificate of professional completion of the
5 mechanic examination, a nationally recognized
6 training program for the elevator industry, such
7 as the National Elevator Training Program or its
8 equivalent. When we understand that the national
9 recognition that NEIEP has passed with this
10 legislation is the fact that their national
11 guidelines are approved by the U.S. Department of
12 Labor and the NAEC's national guidelines are
13 approved by the National Department of Labor. So
14 we're asking you to consider us to be an
15 equivalent. If you do recognize that, then you're
16 correct, anyone who wants to use these guidelines
17 will take them to the local DOL to get their
18 apprenticeship program approved with our
19 guidelines as a template. We're asking that you
20 consider our program equivalent because in order
21 to get certified, you must take an exam with us
22 and that exam happens to be the same exam the
23 state is using.
24 MR. DATTILO: Okay. You're asking equivalent

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1 to what, a NEIEP program?
2 MS. BONNER: Correct, because we have the
3 same national recognition as the NEIEP Program and
4 that our guidelines has been approved the same as
5 NEIEP has been approved and we are not an
6 association.
7 CHAIRMAN CHRISTENSEN: Patti, I got a
8 question for you, and probably the only question I
9 got on it since you're just asking the standards
10 be approved. What I get out there is that you
11 grandfathered a lot of people in over the CET, is
12 that correct?
13 MS. BONNER: They were grandfathered in based
14 on their experience and passing our certification
15 exam.
16 MR. GREGORY: The number I got was over 600?
17 MS. BONNER: No, they was approximately 500,
18 but they had not all maintained their --
19 CHAIRMAN CHRISTENSEN: And some of them
20 passed the apprenticeship program that went
21 through the apprenticeship program, is that
22 correct or no?
23 MS. BONNER: We have approximately 80 who
24 have gone through the four year program, yes. At

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1 this point in time we have 462 who are certified
2 with approximately 80 of those.
3 CHAIRMAN CHRISTENSEN: Now the
4 grandfathering. I know you set a date and it went
5 over that date. Is the grandfathering over?
6 MS. BONNER: It is over with. You have to
7 have had -- at one point you had to have five
8 years experience as of December 31st, 2004. When
9 we've gone through the -- we're going through ANSI
10 accreditation for the certification program and
11 going through that process, they requested that we
12 change that to 2007, and we did that. I don't
13 anticipate that that will be changed again, but
14 based on that, if you had five years experience as
15 of December 31st, 2007, and that's documented
16 experience, then you were allowed to take an exam
17 in order to become certified. And you had to take
18 that exam within 120 days of examination and pass
19 that exam at 80 percent.
20 MR. DATTILO: You're talking about the CET
21 done through the state?
22 MS. BONNER: It's done through the state, but
23 the questions, the content of that exam, those
24 questions is currently being used by the state for

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1 the state exam.
2 MR. JIRIK: Where do they take test at?
3 MS. BONNER: They take it within their
4 company with proctors.
5 CHAIRMAN CHRISTENSEN: They're taken off the
6 computer?
7 MS. BONNER: They are, they're taken off the
8 computer.
9 MR. CAPUANI: Is that an open book test?
10 MS. BONNER: No, it is not. It is not open
11 book. There are two proctors that are kind enough
12 to stay while they do the exam. They were taken
13 in the NAEC guidelines, closed books, no notes, no
14 phones. They must show an I.D. that they are
15 truly that person that proctor has sent in, that
16 proctor statement is notarized along with his
17 driver's license or some type of photo I.D. and
18 that proctor cannot be their supervisor.
19 MR. WELLER: I think this is a conversation
20 we really shouldn't be having because when you
21 hear what's required of an elevator industry
22 apprentice, she's already got what she's asking
23 for. Now if you want to bring us an
24 apprenticeship program for us to approve, then we

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1 can make a motion to either accept or deny an
2 apprenticeship program, but we have no -- you
3 don't need us to do anything.
4 MS. BONNER: We're asking you to consider us
5 an equivalent.
6 MR. WELLER: But that's irrelevant. It
7 doesn't matter whether you're equivalent. It's
8 not required by the Act. So I don't want to make
9 a motion on something that gives validity or
10 credibility is something that we don't need to do.
11 You have what you have through the Bureau of
12 Labor, right? And any time you want to bring a
13 apprenticeship program before us, if you want
14 to --
15 MS. BONNER: But I'm not bringing an
16 apprenticeship program before you. What I'm
17 saying is --
18 MR. WELLER: But that's the issue. We can
19 only vote on an apprenticeship program. Why would
20 we vote on saying that you're an accredited
21 Department of Labor elevator apprenticeship? I
22 got that. And the Code doesn't require us to
23 bless or to accept the Department of Labor.
24 MS. BONNER: What we're asking is that where

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1 your current regulation or your current statute
2 says examination of a nationally recognized
3 training program for specific training such as the
4 National Elevator Training Program or its
5 equivalent.
6 MR. WELLER: Okay. Fine.
7 MS. BONNER: We're asking you to recognize us
8 as its equivalent.
9 MR. WELLER: But you don't need that. Here's
10 the requirement, and I'll read it to you verbatim
11 to be an elevator apprentice.
12 MS. BONNER: We're asking about mechanic.
13 MR. WELLER: Well, what's that?
14 MR. GREGORY: Apprentice is not a mechanic.
15 MR. WELLER: How are we blessing an
16 apprenticeship program?
17 MS. BONNER: We're asking to recognize us as
18 an equivalent and the documentation or the stand
19 that we're taking that we are saying that we are
20 equivalent just as the NEIEP program is nationally
21 recognized because their guidelines have been
22 approved by the DOL, now so has ours.
23 MR. WELLER: But aren't those apprentices?
24 MS. BONNER: The NEIEP program is a program

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1 that the locals are using as their standard for
2 when they submitted their apprenticeship program
3 to the local DOL.
4 MR. WELLER: So what you're asking us for is
5 an apprenticeship program.
6 MS. BONNER: No, sir. We're asking you to
7 consider us equivalent to the NEIEP program.
8 MR. WELLER: You're asking us for your
9 education program to treat people who are learning
10 to be in the elevator industry, correct, whether
11 mechanic, an apprentice -- I'm just reading what
12 the Code tells me.
13 MS. BONNER: The NEIEP program has not always
14 been approved apprenticeship program. They have
15 been approved apprenticeship program since 2005.
16 MR. WELLER: It's irrelevant to me. All I
17 want to know is what I'm voting on or what you're
18 asking me to do in an elevator apprenticeship
19 program.
20 MS. BONNER: The guidelines, we're asking you
21 to consider us equivalent to NEIEP. We're asking
22 you to consider us a nationally recognized program
23 such as the NEIEP program.
24 MR. WELLER: Isn't NEIEP an apprenticeship

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1 program? So you're asking me to be say that
2 you're an accredited apprenticeship --
3 MS. BONNER: We're not saying since, then why
4 is the NEIEP program in here?
5 MR. WELLER: I have no idea.
6 CHAIRMAN CHRISTENSEN: Hang on. I'm not
7 going to have a back and forth here. Patti, just
8 so you so know, in Chicago the apprenticeship
9 program is accepted. Otis Elevator and Local 2
10 was accepted in 2001. So they did have
11 apprenticeship program in the Chicago area since
12 2001.
13 Is there any more questions to Patti?
14 Because I actually got the less, the rest of the
15 public comment. There's other people that would
16 probable like to speak on this.
17 MS. BONNER: Okay. Thank you.
18 CHAIRMAN CHRISTENSEN: Terry Shanklin.
19 MR. SHANKLIN: Yes, I'd like to speak on
20 that. I agree with Mr. Weller in regards to as
21 far as approving or making it a standard. I think
22 that the Act speaks about the NEIEP program as the
23 minimum standard. And under the minimum standard
24 is governed by the Department of Labor and the

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1 IUEC and NEIEP make sure you have 144 hours of
2 class training per year which was cut down.
3 Originally it was going to be 288 and they made it
4 144 because of our 1700 hours of on-the-job
5 training. And I think those requirements are
6 governed and watched by the Department of Labor.
7 I'm not real sure if, in fact, this Board would
8 want to say that that is the equivalency of NEIEP
9 training without thoroughly investigating what
10 those standards are. But just to say we want you
11 to accept our standards, what are those standards?
12 What is the educational program? I've been a
13 elevator constructor for 32 years. I was an
14 officer of IUEC for 35 years. I've traveled
15 around the country and I've seen what was said to
16 be apprenticeship programs be nothing but a
17 facade. There was no training going on in order
18 to get the prevailing amount of work that was
19 going on in that area.
20 So I would suggest that this Board be
21 very careful in regards to setting standards or
22 accepting standards that are said they are
23 standards that meet the equivalency without
24 looking. Thank you for you're time.

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1 CHAIRMAN CHRISTENSEN: Thank you. Margaret,
2 would you like to speak on this?
3 MS. VAUGHN: No, unless the question needs to
4 be clarified. I guess what she's saying, if
5 someone applied for a license, would her program
6 be acceptable, is that correct?
7 MS. BONNER: Yes.
8 MS. VAUGHN: So I don't have an opinion yes.
9 MR. DATILO: Is she asking the method or the
10 equivalent? From what I read it's not equivalent
11 to the program.
12 MR. WELLER: Mr. Chairman, Weller. That's a
13 debate we can have when we see the actual
14 apprenticeship program. They have what they need.
15 All that's required for a company or an entity to
16 bring an apprenticeship program is a U.S.
17 Department of Labor certificate. All right. So
18 the next thing is, XYZ Elevator Company, XYZ
19 program, XYZ college. Doesn't matter to us who it
20 is. They bring that certificate with the actual
21 program and then we can make a debate whether it's
22 substantially equivalent or not. Right now we
23 have -- it's not even a discussion.
24 MR. JONES: I have to go with what Kelly said

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1 here. We're not looking at the apprenticeship
2 program today, we're looking -- she's asked us to
3 look at the guidelines. Are the guidelines --
4 according to Act, are the guidelines sufficiently
5 equivalent for us to use to set up an
6 apprenticeship program. That's what I'm asking.
7 MR. WELLER: She doesn't meet that.
8 CHAIRMAN CHRISTENSEN: I'll the finish with
9 the public comments. Don Plass, would you like to
10 speak on this.
11 MR. PLASS: No.
12 CHAIRMAN CHRISTENSEN: Patty Young?
13 MS. YOUNG: No.
14 CHAIRMAN CHRISTENSEN: Steve Cutaia?
15 MR. CUTAIA: No comment.
16 CHAIRMAN CHRISTENSEN: We go back to the
17 question. Is there a motion? Kelly, is there
18 motion not to accept this or motion to accept or
19 table it or --
20 MR. WELLER: Here's my humble opinion. If we
21 make a motion on this and we say no, now you can't
22 bring an apprenticeship program. If we make a
23 motion and say yes, you can bring an
24 apprenticeship program. If we do nothing, you

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1 bring apprenticeship program. Why would we want
2 to put this to a vote that potentially you could
3 not bring us an apprenticeship program. That
4 doesn't make any sense to me and I would say you
5 would not ask us not to make a motion. You make a
6 great statement, but a motion might not be the
7 right thing to have. I think it's just a non --
8 it's a comment, you heard it, we'll look for the
9 apprenticeship program.

10 MS. BONNER: I had a member who called down,
11 and asked about this program. He was told that
12 NEIEP, NAEC have a person appear before you and
13 ask if he could even submit an apprenticeship
14 program. That's what we're doing, we're trying
15 too meet the need of that member.

16 CHAIRMAN CHRISTENSEN: Patti, could you tell
17 me who told him that?

18 MS. BONNER: No, I can't tell you who told
19 him that.

20 MR. WELLER: I would ask that Mr. Barnes we
21 assess that with staff and if we have a Department
22 of Labor certificate, then we review the program,
23 not the guideline.

24 MR. CHRISTENSEN: Yes.

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1 MR. POPOWITS: Can't we simply have a test
2 case? Let somebody come up with a program before
3 us, apprenticeship program, and if there's a
4 problem in connection with that, that will come
5 out right then there. It's a test case.

6 CHAIRMAN CHRISTENSEN: And also, you know,
7 would have to get accepted in the Illinois
8 Department of Labor. Let's say a company decided
9 to use their program, they would have to go to the
10 Department of Labor. The person to talk is Harry
11 Dispenza {phonetic spelling} and that's accepted.
12 Once that's accepted, it's done.

13 CHAIRMAN CHRISTENSEN: Yes.

14 MR. GANIERE: I think, correct me if I'm
15 wrong, but I think what Patti is saying, NEIEP or
16 equivalent. Who is the body that determines that
17 it's equivalent? Is that us or is that Illinois
18 Department of Labor?

19 MR. BARNES: Addressing that concern, nothing
20 in the Act addresses the Boards's authority over
21 that. And I also look at Sections 3 and 4 of 45C.
22 Both of those deals with trained programs or
23 apprenticeship programs where the equivalency or
24 the substantially equivalent nature those -- of

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1 the items at issue are the program itself, not
2 just guidelines.

3 CHAIRMAN CHRISTENSEN: Rick.

4 MR. JANDORA: I'm trying to understand why
5 you're pursuing the C3 avenue versus the C4
6 avenue? It seems to me that C4 avenue would be
7 much easier for you.

8 MS. BONNER: And it's possible, and the C4
9 avenue is something our company can use, if he has
10 approved the apprenticeship program. What he's
11 trying to do is those folks who have already gone
12 through the program, give them an avenue for
13 getting licensed in the state because we feel that
14 we are equivalent to the NEIEP program. From our
15 understanding why what makes them a nationally
16 recognized training program is because their
17 guidelines was approved by the Department of
18 Labor. So we went down that avenue. We had our
19 guidelines approved by the Department of Labor.

20 So we have that same national
21 recognition. We're on that same list of
22 nationally recognized programs, NEIEP programs.
23 We're just trying to make it more avenues for our
24 members, and try to make it as easy for

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1 underwritten policies. Please note, nobody,
2 there's not one single individual who needs to be
3 certified got there without taking an exam of some
4 sort. And that exam is the very same exam that
5 the state is using. So in our opinion if you pass
6 our exam, which is the same as the state exam, why
7 would I need to take both exams?

8 CHAIRMAN CHRISTENSEN: You know, Patti, we go
9 back and forth on that, and I would differ because
10 the exam that they take for the CET with the
11 companies, they could have the answers in front of
12 them. With the state test, there is no book,
13 there is no nothing. There is answers for the CET
14 test that could be in front of them without the
15 state looking at it. So I would differ on that,
16 but that's my opinion.

17 MS. BONNER: They don't know what the
18 questions would be, we don't publish those
19 questions. There are two proctors who are
20 watching them who are taking notes and, you know,
21 they can give you copies of those proctors
22 statements, they could give you copies of driver's
23 license of the people that proffered that exam.
24 Anybody who is proctor at an exam is CET

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1 certified. If they are found to have falsified
2 any of those documents, they will lose their
3 certificates. And in many states their will lose
4 their license if they lose certification.
5 CHAIRMAN CHRISTENSEN: Okay, Patti, I'm not
6 going to go back and forth.
7 MR. GANIERE: How does it work now if someone
8 wants to take apply for a license? Where does he
9 go now?
10 CHAIRMAN CHRISTENSEN: To the state. If it's
11 not done in NEIEP apprenticeship program, which
12 they have to sit down for a test and it's a pretty
13 lengthy test. It's not done from that, then they
14 have to show their time in service, am I correct?
15 And then they would have to sit down with the
16 State Fire Marshall's Office and take the test.
17 MR. GANIERE: With the NEIEP program, do they
18 sit down and take the test?
19 CHAIRMAN CHRISTENSEN: No, they do not. MR.
20 GANIERE: They take it at the school or whatever.
21 CHAIRMAN CHRISTENSEN: Okay. Is there a
22 motion, no motion, table? Doug?
23 MR. JONES: I'd like to make a motion to
24 table it to our next meeting. I think there's too

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1 many questions here still regarding what our
2 authority is as a State Board. My understanding
3 is we as the Board have only authority to put in
4 the statute. My concern is very clear as to what
5 our level of authority is. Kelly makes a good
6 point. I don't know Patti needs to be here at
7 this point. I think perhaps it may be only the
8 apprenticeship is brought forth. Do they have to
9 bring the apprenticeship program for what it's
10 worth? My understanding currently is that they
11 do. What could is that something that we need to
12 determine from the Departments of Labor. Are we
13 preempted by the federal. These are questions
14 that have to be answered in my own mind and I
15 would also like Craig Grant to be a part of that.
16 MR. GANIERE: I'll second the motion.
17 CHAIRMAN CHRISTENSEN: It's been seconded
18 to table. No questions, all those in favor
19 say aye.
20 {Chorus of ayes. }
21 CHAIRMAN CHRISTENSEN: All those against.
22 {No response.}
23 CHAIRMAN CHRISTENSEN: Okay. We table it.
24 Moving on, new business.

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1 There's been a request made to the board
2 to move not to new business but for variances and
3 appeals because the people that came out, they
4 have to catch a flight. Is there a motion to
5 move?
6 MR. JONES: So moved.
7 CHAIRMAN CHRISTENSEN: Is there a second?
8 A VOICE: Second.
9 CHAIRMAN CHRISTENSEN: Any questions?
10 {No response.}
11 CHAIRMAN CHRISTENSEN: All those in favor say
12 aye.
13 {Chorus of ayes.}
14 CHAIRMAN CHRISTENSEN: All those against.
15 {No response.}
16 CHAIRMAN CHRISTENSEN: Ayes have it. We're
17 going to take a five minutes recess.
18 {Whereupon, a short recess was
19 taken.}
20 CHAIRMAN CHRISTENSEN: We're going to call
21 the meeting to order. Again, this is for
22 variance, River Birch Senior Living, Springfield,
23 Illinois. Representatives, please state you're
24 name.

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1 MR. HARDY: Tom Hardy and Larry Sap. We have
2 built a shared housing facility in Springfield and
3 the Department of Public Health has licensed us as
4 a private residence shared housing is under their
5 Code. We're not required to put in an elevator.
6 It's a single floor with a walk-up basement in the
7 back. Egress and safety and everything is all
8 through the backside of the building. There is no
9 need to access the elevator for anything for fire
10 safety those issues. We put the elevator in for
11 the convenience of the residents who may want to
12 go from the lower level to the first floor and do
13 that. The staff is only there to assist them to
14 maybe use the elevator.
15 The elevator is key operated so you have
16 to have a key to get in it. There's no public
17 access to the building. The building is locked
18 and so it's just like you're home. You have to
19 have a key to get in the building. You have to be
20 allowed in, escorted if you're there to visit one
21 of the residents of the home. So we installed a
22 residential elevator, TK access, ThyssenKrupp is
23 the elevator that's installed in there. And after
24 all of that thinking we had done everything

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1 appropriately, we found out we can't get the
2 proper licensing of the elevator because it's been
3 determined as a commercial elevator and it's not a
4 commercial elevator. It's a residential elevator
5 that's installed. Our desire is that we would be
6 classified as a private residence shared housing
7 with people sharing one home together and a
8 convenience elevator to go from the lower level up
9 to the next level.

10 CHAIRMAN CHRISTENSEN: What it would help the
11 Board members, do you have a picture of the
12 elevator itself?

13 MR. HARDY: Yes, I do.

14 MR. CAPUANI: And this elevator is used by
15 multiple residents and visitors?

16 MR. HARDY: Well, you're right. You can't
17 control who could go to the elevator with their
18 family member and go up and down the elevator.

19 Here's a picture of a closet door so you
20 don't even know that there's a elevator there.
21 Here's a picture of the elevator with the door
22 open. And here's a picture of the key pad that
23 you have to have to be able to access the elevator
24 and use it. So the general public cannot access

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1 the building and use the elevator. We're only two
2 staff people on duty at any one time in shared
3 housing. That's all we're required to have to
4 assist the residents to maybe occasionally get in
5 the elevator or use it if they don't know how, the
6 staff would do that. You know the speed of an
7 elevator, nobody takes an elevator when there's
8 only one flight down. We don't need to transport
9 food. There's no laundry to be transported.

10 There's no reason to use the elevator other than
11 for the convenience of a senior citizen who can't
12 use the steps.

13 MR. CAPUANI: But the visitor has the option
14 of using the elevator.

15 MR. HARDY: Not without a key.

16 CHAIRMAN CHRISTENSEN: What is the speed of
17 elevator?

18 MR. HARDY: Very slow. The specks are in
19 there. I don't know if this has a speed.

20 MR. POPOWITS: What is in the basement?

21 MR. HARDY: There are six bedrooms in the
22 lower level.

23 MR. POPOWITS: Six bedrooms in the basement?

24 MR. HARDY: Yes. Here's a picture of the

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1 exterior of the home. It's built in a residential
2 area. It's residential zoning.

3 MR. GREGORY: Let me make a couple of
4 comments here. When I first heard of this, you
5 know, my brain doesn't work at a hundred miles an
6 hour anymore. But private residence elevators are
7 installed in a private residence or similar
8 elevators installed in buildings as a means to
9 access to private residences within such building
10 provided the elevators are so installed that they
11 are not accessible to the general public or to
12 other occupants of the building.

13 So you have other occupants of the
14 building. So this private residence elevator does
15 not meet the elevator Code. However, it occurred
16 to me because of all of our previous Code
17 discussions here and then realizing ThyssenKrupp
18 Access, there could be a type A18.1 platform lift
19 and then you would be allowed to have it as a
20 platform lift so people with wheelchairs and --
21 they're not limited to private residence. A18.1,
22 and I don't have that code on this computer. I'm
23 waiting. Hurricane Irene prevented ASME sending
24 it to me. But now, it's in the mail now. I got an

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1 e-mail yesterday. But an A18.1 platform lift can
2 be installed, I believe, in this situation and if
3 ThyssenKrupp Access who makes those products, if
4 they could reclassify this as an A18.1 platform
5 lift, I think you're troubles go away. Who
6 installed this?

7 MR. SLAP: A fellow by the name of Clint
8 Davis. I don't know his company name.

9 MR. WELLER: How many people occupancy does
10 this facility hold?

11 MR. HARDY: There are 14 bedrooms. Here's a
12 floor plan.

13 MR. WELLER: So would that be 14 people or
14 would that be 14 couples?

15 MR. HARDY: No. We're maximum by Code by
16 Department of Public Health, it's 15 people.

17 MR. WELLER: So 15 is the maximum you can
18 have?

19 MR. HARDY: Yes, that's the first floor.

20 MR. WELLER: Couple of concerns jump out at
21 me which I hope you already thought of. The type
22 of residents you have in the basement with an
23 elevator, there could be an instinct to go to the
24 elevator in an emergency and that's the absolute

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1 wrong thing to do. How are you --
2 MR. HARDY: They have fire safety drills and
3 everything that we do, we have evacuation times
4 and stuff. Everybody has to be ambulatory so they
5 have to be able to leave the building on their
6 own. So we can't have senior citizens who
7 can't --
8 MR. WELLER: Okay. Because there's no fire
9 service in this elevator.
10 MR. HARDY: We're sprinkled. Our building is
11 fully sprinkled and we have telephones in the
12 elevators.
13 MR. SLAP: There is other lower level access.
14 MR. WELLER: So is there egress.
15 MR. HARDY: Every bedroom has its own egress,
16 and then there's doors for safety construction we
17 had to do.
18 CHAIRMAN CHRISTENSEN: Dave?
19 MR. DATTILO: I understand you have two
20 people upon staff. Are they there 24?
21 MR. HARDY: Yes.
22 MR. DATTILO: So are they only people with
23 keys?
24 MR. HARDY: Probably. A house manager that

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1 maybe has one, but they probably control the
2 access so people are not running up and down the
3 elevator. The staff that are there have control
4 of the key at the time.
5 MR. CAPUANI: What I think he's asking for is
6 to change their classification. As of right now,
7 the inspectors don't inspect this elevator, it's
8 not an elevator. If you change it like you said
9 to a lift, then the inspector would inspect, they
10 would get their certificate. Right now they can't
11 get a certificate of operation.
12 MR. GREGORY: I understand. I don't have the
13 A18 Code in front of me, but I happen have another
14 place I'm consulting for where this same issue is
15 coming up. They have a residential elevator and
16 it's no longer a residence. So they're wanting to
17 do something and, you know, I've been thinking
18 about it for two months now, and I finally
19 realized maybe a platform lift would solve the
20 issue.
21 MR. WELLER: This shows five buildings?
22 MR. HARDY: There are only three buildings at
23 the present time.
24 MR. WELLER: And only three of them have

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1 elevators in them. So we're multiplying this
2 times three?
3 MR. SLAP: Well, times five.
4 MR. GROSS: We're talking about congregate
5 living of 16 or fewer, correct?
6 MR. SLAP: Under public health it's 16 or
7 less. With the City of Springfield --
8 MR. GROSS: So you have three separate
9 buildings, three separate residences?
10 MR. HARDY: Yes.
11 MR. GROSS: That are 16 or less?
12 MR. HARDY: We've been residential in every
13 part of construction to date.
14 CHAIRMAN CHRISTENSEN: Doug?
15 MR. JONES: These residential per the IPC
16 Code. What Mr. Gregory is saying is reclassify
17 this. It's probably above Code for a lift, but we
18 have to look at that.
19 MR. GREGORY: I thank Rick for sharing his
20 computer. In A18.1 2008, vertical platform lifts.
21 Section 2 applies to vertical platform lifts
22 installed in locations other than in or at a
23 private residence for use by the mobility
24 impaired.

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1 That's exactly what you're wanting to do.
2 And you're not a private residence in the eyes of
3 the A17.1 Code, so I think you should ask your
4 vendor and ThyssenKrupp Access and say, Okay, what
5 do you have to do to make this a A18.1 Section 2
6 device? And then you can register and there
7 should be no issues. I mean, the issues I always
8 get concerned with residential elevators or
9 vertical platform lifts is the clearance between
10 the hoistway side of the swing door that looks
11 like a closet door, the clearance between that and
12 the car, the clearance to the sill, because that's
13 where most of the injuries occur, and you don't
14 want to see my pictures.
15 MR. SLAP: You mentioned wheelchair awhile
16 ago. They go in there. I mean --
17 MR. GREGORY: I understand, but you're trying
18 to classify it as a residential elevator, but it
19 can't be a private residence area in A17.1 Code.
20 About eight or nine years ago, we broke out the
21 whole section of A17.1 Code with a platform lifts
22 and the incline stairway lifts and all that stuff.
23 We broke them out and made them a separate
24 committee. Okay. And that's the A18.1 Code.

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1 MR. SLAP: A18, that's a different model than
2 the LEV which we have.
3 MR. GREGORY: I don't know.
4 MR. SLAP: You said they might reclassify it.
5 MR. GREGORY: I don't know. I mean,
6 ThyssenKrupp Access manufactured it. You said
7 it's a couple of years ago. So ThyssenKrupp
8 Access was in Grandview, Missouri. They since
9 bought National Wheel-O-Vator {phonetic spelling}
10 in Illinois and I think they moved all operations
11 here. So they have the horsepower mentally to
12 figure out if they could do that for you.
13 MR. SLAP: Okay.
14 MR. GREGORY: Travel is two floors?
15 MR. HARDY: No.
16 MR. GREGORY: How far is the elevator door?
17 MR. HARDY: We've probably nine foot ceilings
18 in the basement, so it's going up ten feet, or
19 something like that.
20 MR. GREGORY: Yes. You're not going to have
21 a problem with that.
22 MR. HARDY: Okay.
23 MR. GREGORY: This says Long Elevator put it
24 there. Did Long Elevator install it?

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1 MR. SLAP: It may have been the company.
2 Long is now owned by Kone.
3 MR. SLAP: Right now it's owned by Lifts of
4 Illinois.
5 MR. GREGORY: Lifts of Illinois?
6 MR. SLAP: Yes.
7 CHAIRMAN CHRISTENSEN: Tom had a question.
8 MR. GROSS: If I put this elevator in my
9 private residence, I will be compliant, is that
10 what you're telling me?
11 MR. GREGORY: Yes, because there's just you
12 and your wife and your kids.
13 MR. GROSS: No, no, because of my private
14 residence, it's big enough, I could convert that
15 and I can have 5,000, 4,000 private residents, I
16 could convert to an R3 and I could have, you know,
17 I could comply with this.
18 MR. WELLER: But you're not meeting the
19 elevator standard.
20 MR. GREGORY: Okay. So I've got a basement
21 and three yards above grade at my house and I
22 could put a private residence elevator that -- and
23 I should have done that 30, 40 years ago, but, of
24 because I'm in an R1 zoning, but if I converted

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1 the second floor and third floor to a different
2 family, well, it wouldn't cut the mustard. It
3 wouldn't be a single family private residence.
4 MR. SLAP: We should we go there.
5 MR. HARDY: No.
6 MR. GROSS: I don't know if I, I don't agree
7 with the intent. I mean, the intent of what their
8 facility is doing, it's a single family vertical
9 residence that has --
10 MR. HARDY: Multiple bedrooms.
11 MR. GROSS: Just like a private residence can
12 have 12 or 13 bedrooms too. I really have an
13 issue with this.
14 MR. HARDY: With no access to the public.
15 MR. GROSS: Not necessarily. It's just like
16 somebody came over to your private residence
17 visiting you, and you let them in the door, they
18 could use the private elevator.
19 MR. WELLER: You could make that leap if one
20 of the family members in the unit only had access
21 it. If you had one person in the elevator and
22 they were the only person who could access it, or
23 that particular unit was the only unit that could
24 access it, then maybe you could make the stretch

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1 that it's private residence. But under what it
2 says in our rules, it can't be non-multi family
3 and that's what it says. So the variance would
4 be, you want us to make it a private residence and
5 I think what I'm hearing is it might be --
6 MR. GROSS: It's not multi family.
7 MR. WELLER: Well, then all of them have to
8 be related.
9 MR. GROSS: No.
10 MR. WELLER: That's what it says.
11 MR. GROSS: I mean, where they're coming
12 from.
13 MR. HARDY: If this doesn't work, our next
14 step is to request a variance that we be allowed
15 to retain this elevator and license it as a Lula
16 and get approval to use it and continue with the
17 licensing process that we already started and get
18 it inspected and operate it as a Lula with a
19 variance for that, avoid it comes through another
20 media. Is there a way to discuss this issue if
21 this other Issue doesn't work? Can we discuss
22 variance for that?
23 MR. GREGORY: You have your elevator guy look
24 at the section of A17 Code that cover Lulas. I

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1 mean, Lulas do not need fire service. Forget it.
2 Don't need that. So you don't have it, so that's
3 fine. Lulas are limited in the rise, but you've
4 got to have a three story Lula and you're only
5 one, one story, so.
6 MR. HARDY: We've installed phones. We were
7 told we had to have phones put in to have it
8 compliant with Lula.
9 MR. GREGORY: If it meets the Lula
10 requirements, that's another alternative. So now
11 you have two alternatives. You have A18.1 --
12 MR. HARDY: Right. To avoid coming up to
13 another hearing, is there another way to get a
14 variance approved for a Lula just in case we don't
15 get the approval of the A18?
16 MR. GREGORY: If it's a Lula, you wouldn't
17 need a variance.
18 MR. GROSS: You don't need a variance if it's
19 a Lula.
20 MR. HARDY: They won't inspect it. It's a
21 residential elevator.
22 MS. Del GRECO: How is it registered? It's
23 registered with us, correct?
24 MR. SLAP: No, that's part of the issue.

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1 MS. Del GRECO: Oh, you haven't even had it
2 registered.
3 MR. HARDY: We finally got the tags. We have
4 the tags now.
5 MS. Del GRECO: Okay. The tags are the
6 registration.
7 MR. HARDY: But the inspector won't come and
8 inspect it because he has been told it's going to
9 be denied.
10 MS. Del GRECO: Do you know what the numbers
11 are?
12 MR. SLAP: Yes.
13 MS. Del GRECO: What are the letters
14 preceding it?
15 MR. HARDY: Here they are.
16 MR. GREGORY: L, Lula.
17 MS. Del GRECO: They're registered as a lift.
18 MR. SLAP: Yes. That's what they told us we
19 need to apply for.
20 MS. Del GRECO: Registered as a lift?
21 MR. SLAP: Yes.
22 MR. GREGORY: Is there an issue with it not
23 meeting the Lula section of A17.1?
24 MR. JANDORA: The Lula section of A17.1 is

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1 going to require 24 hour communication from --
2 MR. HARDY: We have it. We've got the
3 phone.
4 MR. JANDORA: The question is, what is the
5 deviation from the Lula requirement.
6 MR. GREGORY: We're not going to engineer
7 this whole thing for you, we're just telling you
8 there's two routes that are very obvious then.
9 Get your elevator people to say what kind of
10 variances there are. This is a Lula and what
11 variances would you have if it was a A18.1 section
12 2 vertical platform lift, which is clearly allowed
13 in your situation? Both. Both are clearly
14 allowed.
15 MR. HARDY: Okay. If we can find an a fire
16 elevator qualified for the task.
17 MR. GREGORY: One, a Lula or a vertical
18 platform.
19 MR. WELLER: And we're in Springfield in
20 November.
21 MR. HARDY: We have a sale pending.
22 MR. SLAP: We thought we were all approved,
23 have the inspection done, we had the phones
24 installed, did the tweaking and I was on them to

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1 have it done. And I finally found that out, I
2 called Lifts Along the Illinois because they have
3 to go with the inspector. Lifts of Illinois was
4 waiting to hear from the inspector. I called the
5 inspector, he kind of implied that well, I've been
6 told that they're not going to pass, so we weren't
7 doing anything, we wouldn't even pass so they're
8 not going to come down.
9 MR. GREGORY: Who was the inspector.
10 MR. SLAP: Landers, Jason Landers.
11 MR. WELLER: The risk that you have is that
12 you ask us to make a decision on whether this is a
13 private residence under the Code for A17.1. And I
14 would think your strategy for us to make a vote
15 would not be the best thing to approach at this
16 point in time.
17 CHAIRMAN CHRISTENSEN: Tom?
18 MR. GANIERE: Why are we saying it's not a
19 private residence elevator? I want to hear that
20 explanation again because I'm not sure if I agree
21 with that.
22 MR. GROSS: By the definition of private
23 residence.
24 MR. GREGORY: Well, here's what it says.

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1 Private residence means a separate dwelling or a
2 separate apartment or condominium unit in a multi
3 family dwelling occupied by members of a single
4 family, and that's probably where you're getting.
5 Arguing over a single family unit and excludes a
6 unit used on a timeshare basis by more than one
7 family over a period of time.
8 MR. GANIERE: And that's, Kelly, that's what
9 you're hanging your hat on where it says single
10 family unit. I'm not sure I know what a single
11 family unit is. A unit usually would reference
12 the building itself, not the occupants of the
13 building.
14 MR. WELLER: Well, I could go to any
15 condominium in Chicago no matter the size or space
16 and say it's single family because each unit is
17 single, so you don't have to have an elevator that
18 meets the Code.
19 MR. GANIERE: We, no it.
20 MR. GROSS: That's within the condo.
21 MR. GANIERE: That's within the condo of if
22 the condo spans two floors, yes, that's correct,
23 but if it's five condos, I mean, it's no longer a
24 single family.

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1 MR. WELLER: This isn't just one unit.
2 MR. GANIERE: The whole building is one unit.
3 MR. SLAP: When you say unit, they're not
4 separate apartments.
5 MR. WELLER: Right. The whole building is
6 one unit.
7 MR. GANIERE: Yes, I saw that.
8 MR. WELLER: I think the whole building is
9 one unit.
10 MR. GROSS: It is. A single family unit.
11 And it's considered a family, a single family up
12 to 16. If you have more than 16 congregate
13 members, then you got an issue. But they fall in
14 the guidelines of a single family unit and this is
15 a family.
16 MR. CAPUANI: Senior living.
17 MR. GROSS: It's not like a nursing home,
18 it's not transient housing. It falls under
19 residential. It's an R3 and there's an extension
20 for smaller groups. That's a single family and
21 they're considered a family unit.
22 MR. WELLER: So are these people buying this
23 space.
24 MR. GROSS: Mortgageholder.

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1 MR. WELLER: So they're transient?
2 MR. HARDY: No.
3 MR. WELLER: Well, how long are they going to
4 be there.
5 MR. HARDY: Till they die or can't function.
6 MR. WELLER: These are not owners. You're
7 renting a space?
8 MR. HARDY: Correct. They're renting a
9 bedroom.
10 MR. WELLER: They're coming in, and they're
11 not related. I mean, it's a great debate. I
12 think if you want a vote, have the vote, but I
13 think he's giving you a pretty good --
14 MR. SLAP: You're right. There are phones
15 everywhere that have shared rights and have six or
16 seven residents that have elevators, they're
17 residential elevators.
18 MR. BARNES: You want to give us the
19 addresses of those buildings?
20 MR. SLAP: We, I think the Department of
21 Public Health have those.
22 MR. GROSS: And also under R3, these
23 residents are permanent in nature. They are not
24 transient. This is what the Code has developed as

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1 an economical way of housing for seniors and I
2 think we're reading a little bit more into it.
3 MR. HARDY: What's the harm in a vote?
4 There's no harm in the vote saying it's
5 residential or not.
6 CHAIRMAN CHRISTENSEN: It's up to the Board
7 to vote. Is there a motion to accept the
8 variance?
9 MR. GANIERE: I'll make a motion to approve
10 the variance requested determining that it is a
11 private residence elevator.
12 MR. GROSS: Second.
13 CHAIRMAN CHRISTENSEN: There's been a second
14 made. Okay. Now, on the question. Kelly, I
15 heard you say one?
16 MR. WELLER: I would like Mr. Gregory to read
17 what the Code says and you make your own opinion.
18 MR. GREGORY: Section 5.3 private residence
19 elevators. Requirement 5.3 applies to elevators
20 installed in or at a private residence.
21 Requirement 5.3 also applies to similar elevators
22 installed in buildings as a means of access to
23 private residence within such buildings provided
24 the elevators are so installed that they are not

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1 accessible to the general public or to other
2 occupants in the building.
3 And my recollection of interpretations is
4 that I could build a four unit condominium and I
5 could have one private elevator serving unit one
6 and I'd have another one serving unit two, and
7 that's commonly done. But you would like to have
8 one unit, but you have other occupants. That's
9 what the Code says.
10 CHAIRMAN CHRISTENSEN: Rick, you had a
11 question?
12 MR. JANDORA: No.
13 CHAIRMAN CHRISTENSEN: Okay. Doug?
14 MR. JONES: When you say occupants, that
15 means people living there as occupants. That's
16 what we're talking about. We're not talking about
17 any other kind of occupancy, just people living on
18 a day-to-day basis.
19 MR. GREGORY: And the mice that run around.
20 CHAIRMAN CHRISTENSEN: Before I go to -- go
21 ahead, Bob.
22 MR. CAPUANI: I just want to caution this
23 Board to think about this. If you allowed this as
24 a private elevator residence, this elevator will

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1 not be inspected. There will be no guidelines for
2 this elevator. You'll visitors using this
3 elevator, you'll have workers using this elevator,
4 emergency personnel come in this building, they
5 might be using this elevator also. I would just
6 caution this Board to think about this.
7 CHAIRMAN CHRISTENSEN: Kelly.
8 MR. WELLER: I could give you a solution, a
9 stopgap solution that I would accept Tom's motion
10 if the key was limited to one unit. If you had
11 one person inside of that facility that could only
12 access that, and you want to say at room seven,
13 you know, you have access to the elevator and only
14 room seven by key, now at least you've got
15 something you can push on with and then I would go
16 with the other two. Short of that, I don't know
17 how they get around it.
18 MR. DATTILO: They already said they got a
19 staff of two.
20 MR. WELLER: It's got to be a resident.
21 They're an occupant. The staff makes it worse.
22 The staff doesn't help them, it hurts it.
23 CHAIRMAN CHRISTENSEN: Tom.
24 MR. GANIERE: I think you're defining the

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1 unit wrong. You're trying to say that each
2 individual bedroom is a unit and that's not the
3 case. We have one unit here. The building is one
4 unit. Each bedroom is not an individual unit.
5 CHAIRMAN CHRISTENSEN: Jerry.
6 MR. GROSS: The building is considered a
7 residence and it's like if I put this elevator in,
8 you're telling me that I have a family of five,
9 that I only one, Kelly, can have a key to it?
10 MR. WELLER: No, if they're all in the same
11 family and they're all in --
12 MR. GROSS: It is considered the same family.
13 I would like to point out the additional Civil
14 Rights Act. Right now this would be a family.
15 Under the new Civil Rights Act 2010, this is
16 considered single family and we don't want to get
17 into talking about families right now.
18 CHAIRMAN CHRISTENSEN: Bob, go ahead.
19 MR. CAPUANI: I would like to ask Mr. Gregory
20 a question.
21 MR. GREGORY: Yes, sir.
22 MR. CAPUANI: How many accidents have you
23 been out on single family homes that elevators
24 have never been inspected? Just a rough guess.

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1 MR. GREGORY: Well, I have one in Atlanta
2 right now, I have one in Wilmington, Delaware.
3 CHAIRMAN CHRISTENSEN: You have the two girls
4 that were killed in New Jersey, was it? New
5 Jersey?
6 MR. GREGORY: Yes. It's an issue. The girl
7 in Wilmington, Delaware, was killed. It met the
8 requirements of a private elevator.
9 MR. WELLER: So let's back up and look a
10 other occupants of the building. So you are
11 saying it would be all right for people who live
12 to use the elevator, but the staff couldn't use
13 the elevator. They don't live there. They're not
14 family. So the staff would have to be restricted
15 from using the elevator. There are other
16 occupants. We're splitting hairs. I want to work
17 with you. I don't want you to see you not get
18 this done, I just don't know why you're
19 approaching it from this angle.
20 CHAIRMAN CHRISTENSEN: Go ahead, Doug.
21 MR. JONES: If we were to grant the variance,
22 Bob, if we were to grant the variance, could it be
23 inspected at that point if the variance were
24 granted?

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1 MR. CAPUANI: No, they would be exempt.
2 MR. JONES: It would be exempt, it wouldn't
3 be inspected.
4 MR. CAPUANI: Yes.
5 CHAIRMAN CHRISTENSEN: Any other comments?
6 Motion was to grant --
7 MR. JANDORA: I just would like to make one
8 comment. If this does satisfy the Lula
9 requirements or if this satisfies the platform
10 lift requirements, you really don't need to see us
11 again. So if an inspector comes out there and
12 makes a determination that you are in conformance
13 with those two avenues as far as seeking
14 conformance with the code, it's done.
15 MR. HARDY: But I don't know why he wouldn't
16 come and inspect it.
17 MR. JANDORA: Call another inspector.
18 MR. HARDY: He said, if it's not a commercial
19 elevator, it won't be pass as a Lula, if it's not
20 stated as a commercial elevator. It has to be
21 stated as a commercial elevator.
22 MR. JANDORA: Well, I don't understand that.
23 MR. GREGORY: I think you need to talk -- the
24 two people that can handle this would be is your

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1 service provider and ThyssenKrupp Access. You
2 need to lean on them and say which of these are
3 you going to be able help us get this classified
4 as? You guys made it. We paid for it. If you
5 don't help us, we know some lawyers. Springfield
6 is full of them.
7 CHAIRMAN CHRISTENSEN: We're going back to
8 the original motion.
9 MR. GANIERE: Let me ask a procedural
10 question. If you vote on the motion for variance?
11 Is there a time frame before they could ask for
12 another variance?
13 CHAIRMAN CHRISTENSEN: No.
14 MR. GANIERE: They could ask at the very next
15 meeting?
16 MR. BARNES: Yes.
17 CHAIRMAN CHRISTENSEN: Go ahead.
18 MR. WOLIN: Dick, if it qualifies under the
19 to two mentioned, would inspections be required at
20 that point?
21 MR. GREGORY: Yes, and there are guidelines
22 for those inspections and it's straightforward.
23 It suddenly becomes a non-issue -- they wouldn't
24 even have to come here.

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1 MR. HARDY: If we could lean on them to tell
2 them that, but this Board said you don't need a
3 variance to be classified as a Lula if the
4 elevator qualifies as a Lula.
5 MR. GREGORY: If it qualifies as that, or if
6 it qualifies as an A18.1 Section 2 platform there.
7 CHAIRMAN CHRISTENSEN: Well, we need some
8 documentation from that elevator.
9 MR. GREGORY: The person got back to us is a
10 gigantic -- I mean, this is not like a mom and pop
11 in the back room or something.
12 MR. WELLER: And then your variance would be
13 potentially to have us view it as a Lula or a
14 lift, I mean, depending on what they tell you
15 rather than having it viewed as a private
16 residence.
17 MR. GREGORY: They wouldn't need a variance
18 MR. WELLER: What if they don't classify it?
19 MR. GREGORY: Well, if it was one something
20 simple thing --
21 MR. HARDY: We would need to come back for a
22 variance if it's a small thing.
23 MR. GREGORY: Right.
24 MR. CAPUANI: Well, you wouldn't have to come

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1 back necessarily as a variance. You can submit
2 the variance to me and I could submit it to Mr.
3 Gregory, and if it passes, you do not have to come
4 back here.
5 MR. GREGORY: Right.
6 CHAIRMAN CHRISTENSEN: All right. Tom?
7 MR. GANIERE: If it's agreeable, I'll
8 withdraw my motion and reconsider it at the next
9 meeting.
10 MR. GROSS: I agree.
11 MR. CAPUANI: Let me ask the Board a
12 question. In the meantime if he comes back with
13 documentation that this is a lift or Lula and Mr.
14 Gregory and I accept it, he would have to come
15 back to the Board?
16 MR. BARNES: He should certify it.
17 CHAIRMAN CHRISTENSEN: Okay. Moving back to
18 new business. Discussion on valve replacement.
19 MR. HARDY: Thank you.
20 CHAIRMAN CHRISTENSEN: Bob, do you have do
21 you have something for us on valve replacement?
22 MR. CAPUANI: One second, Mr. Chairman. A
23 question came before, there's some consideration
24 out there that a like for like replacement of the

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1 valve needs a permit or does not need a permit.
2 Okay. Dick, have you got anything on this?
3 MR. GREGORY: Okay. In the Code under
4 maintenance repairs and replacements Section 8.6.
5 8.6.3.11 replacement of valves and piping. Where
6 any valves, piping or fittings are replaced,
7 replacements shall conform with 3.19, which is
8 hydraulic elevator valves with the exception of
9 3.19.12.6 which is a certification of the valve,
10 replacement control valve must conform to the Code
11 under which it was installed.
12 So if I put in this, summarizing this, if
13 I've got an elevator I put in in the year 2000,
14 and it got a Eco valve or a Maxton valve a
15 Volverized 2 valve and I put in another valve, it
16 has to comply with 3.19 and the Code of 2000,
17 which is when the elevator was installed. So you
18 can be under that. Now, we don't in the Code tell
19 you whether you need a permit or not.
20 Okay. There's another section 8.7.3.24
21 which is under the alteration section, valves,
22 pressure piping and fittings. Where an existing
23 control valve is replaced with a valve of a
24 different type. And there's a whole host of

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1 interpretations on this. It shall conform to
2 3.19. Same thing.
3 Where relief or check valves or supply
4 piping or fittings are replaced as part of an
5 alteration. If we're just changing the valve,
6 that's not an alteration, that's a replacement.
7 The component shall replace or conform the
8 applicable requirements of 3.19.
9 Where electrically operated control
10 valves are installed in place of an existing
11 mechanically operating control valve, there's no
12 requirements. Which I won't go into because
13 you're probably never going to see around here
14 anymore a mechanically controlled valve. Tom, you
15 may have seen them, I don't know. You may have
16 not either.
17 MR. GANIERE: No.
18 MR. GREGORY: So from a Code point of view, a
19 permit is not required. However, any jurisdiction
20 that has an agreement with us certainly can pass
21 an ordinance and say, We want you to take out a
22 permit. Then it's up to them. No?
23 MR. JANDORA: So our legislation requires a
24 permit in the event you installed a new conveyance

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1 or in the event that you alter a conveyance. And
2 if this situation is classified as a replacement,
3 our legislation wouldn't consider this as a permit
4 required situation.
5 MR. GREGORY: Correct.
6 MR. JANDORA: Right. There's Ms. Cali can go
7 out there and decide that they want to
8 specifically require permits for replacement or
9 replacement for valves only, anybody can do that.
10 But unless they do that, our statute would not you
11 require you to full permit.
12 MR. GREGORY: Correct. I could tell you the
13 state of South Carolina to generate revenue
14 requires you to pull a permit to change a valve,
15 so.
16 MR. JANDORA: So an additional question. You
17 mention if you took an I2 valve and replaced it
18 with a Mack NUT4 valve. If I put a Mack NUT4
19 valve on an elevator that had an IT valve, would
20 that be considered a replacement?
21 MR. GREGORY: That's a replacement.
22 MR. JANDORA: And not an alteration?
23 MR. GREGORY: And not an alteration.
24 MR. JANDORA: Okay. Thank you.

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1 CHAIRMAN CHRISTENSEN: Any other questions?
2 Okay.
3 MR. JANDORA: One additional question. In
4 the event that we do replace a valve, category one
5 testing requirements, we do on an annual basis and
6 we're required to test the bypass on a valve to
7 ensure that conforms with the applicable Code
8 requirements while having a qualified elevator
9 inspection company witness that work. If I were
10 an elevator company were to come in and replace
11 the valve replacement, what are the requirements
12 as it relates to the witnessing of that bypass
13 set?
14 MR. GREGORY: Well, first of all you had
15 better set the bypass as a elevator company. I
16 don't see that there's any requirement that you
17 need witnessing. If you want it, do it.
18 MR. JANDORA: But the only requirement as far
19 as witnessing is concerned is you had category one
20 testing and category one testing is an annual
21 event.
22 MR. GREGORY: Right.
23 MR. JANDORA: And, therefore, sometimes
24 between the category one testing and the next

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1 scheduled category one testing, a valve was
2 replaced. The requirement to set bypass was left
3 on the elevator contractor as well as the elevator
4 mechanic, but the only requirement as it relates
5 to the witnessing of that bypass setting would
6 then again fall on that 12 month period.
7 MR. GREGORY: Yet if you had an elevator
8 inspection company come in and inspect that as a
9 category one, it could then reset when the months
10 would start.
11 MR. JANDORA: It would, yes, but there is no
12 requirement to do it in the interim.
13 MR. GREGORY: I don't see that.
14 CHAIRMAN CHRISTENSEN: Yes?
15 MR. POPOWITS: Local authorities, of course,
16 have agreements with the State Fire Marshall's
17 Office and I think this is a question as to can a
18 local authority, we know they can, set higher
19 standards. They're for revenue purposes or
20 whatever, they have a right to do that. And in
21 the agreement in section part seven, basically it
22 says in accordance with the Elevator Safety and
23 Regulation Act and the Administrative Rules with
24 the exception of registration fees, the fees and

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1 procedures for application, permits, inspection
2 and enforcement under the local authority's.
3 Under the local authority's program shall remain
4 the jurisdiction of the local authority in such
5 procedure shall take precedence procedures adopted
6 by the office of State -- basically, they can
7 effect precedence over us. So if they want to set
8 a higher standard, they can do it. And if they
9 want to require a permit to change a valve, they
10 can do it. So I don't see what argument the
11 people come in who basically don't want to pay for
12 the permit.
13 MR. JANDORA: Well, most municipalities will
14 publish their municipal code online. The
15 municipal code online very clearly states that
16 that's a requirement, but if you look at the City
17 of Chicago Municipal Code, I'm required to a
18 permit in the event I replace play soaps {sic}.
19 That's the requirement in the City of Chicago and
20 they reserve the right to do whatever they want.
21 But when it comes down to municipal what I'm going
22 to do or not, I would think that that would be in
23 their municipal ordinance. And it clearly states
24 that replacement of a control valve in their

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1 elevator section requires permit. And if it's not
2 there, it's not left for somebody to make up
3 whether or not they want it or not. That's the
4 problem.
5 MR. POPOWITS: So are we saying it was never
6 published? The requirement was never published?
7 MR. JANDORA: I've experienced the situation
8 where it is not under the elevator section for the
9 Municipal Code for a specific location that has
10 local rule, and if I saw that there, then I
11 wouldn't -- I think it would be very clear.
12 Because I agree with your statement that they
13 reserve the right to be more stringent, and they
14 have the right to create additional rules that are
15 above and beyond what is required by the statute
16 and our rules.
17 MR. WELLER: But it would have to be
18 codified.
19 MR. JANDORA: But it has to be there. It
20 can't be on the fly.
21 MR. POPOWITS: So you're saying this was not
22 codified?
23 MR. JANDORA: I did not see that.
24 MR. POPOWITS: Okay.

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1 CHAIRMAN CHRISTENSEN: Go ahead.
2 MR. JONES: In this case being the
3 municipality had adopted IBC, so essentially that
4 is the Code for them. So it is basically their
5 Code so they can use that if they interpret it in
6 such a fashion for it to be done as a repair
7 means. And it's specifically spelled out in the
8 elevator section of the municipality, I don't
9 know. But they could use the IBC for basis of
10 permits. They could use that section of the IBC
11 to say Yes, you meet.
12 MR. JANDORA: Well, there was a passage of
13 2006 statewide this past summer, correct?
14 MR. PLASS: Correct, July 11 2011. It's
15 active.
16 MR. JANDORA: So that would mean, if you're
17 saying IBC 2006 requires the replacement of a
18 valve to have a permit? I don't know that.
19 MR. JONES: Municipality could interpret it
20 that way. If they chose it as a repair, I don't
21 know that everybody would interpret it the same
22 way.
23 MR. WELLER: Wouldn't they have to
24 affirmatively say that? If they were going to go

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1 in excess of what the state requirement would be,
2 they would have to say that somewhere. It would
3 have to be posted somewhere.

4 MR. JONES: It's probably on their list of
5 permits required.

6 MR. WELLER: So if that's the case, then we
7 have to follow it. If it's not there, then they
8 can't --

9 MR. JONES: That's by interpretation. My
10 municipality don't do that, but they could,
11 whatever the municipality, they could say, here is
12 what the permit is requirement for. It should be
13 posted and it should be published. Yes, I think
14 that's fair.

15 MR. JANDORA: Yes.

16 CHAIRMAN CHRISTENSEN: Is there any more
17 discussion? Okay. I'm going the move onto public
18 comment. Steven Cutaia.

19 MR. CUTAIA: I'm a city official with the
20 City of Park Ridge. As I understand it, the state
21 also adopted the IBC. So Park Ridge has also
22 adopted the IBC and in there it uses the word,
23 removed, convert or replace. So it does use the
24 word replace. Now, again, the gentleman mentioned

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1 safety.

2 Getting back to, again, my interpretation
3 is replacing this valve the same as replacing a
4 light fixture or plumbing fixture. I have to lean
5 towards no. Again, I interpret this as really a
6 much more important device where I would have to
7 say that Park Ridge would need a permit on.

8 CHAIRMAN CHRISTENSEN: Thank you. Don Plass.

9 MR. PLASS: Again, hello. Don Plass,
10 P-I-a-s-s, Director of Code Enforcement, Village
11 of Hoffman Estates. Mr. Gregory was correct when
12 he said in A17.1, there is no place in A17.1 that
13 is a standard that says you have to have a permit.
14 Again, the A17.1 is the elevator standard which is
15 the installation instruction basically. It tells
16 you how to do things. The Code will not tell you
17 how to do things. But Chapter 1 of the
18 International Building Code is the administrative
19 section. Chapter 1 is the one that gives all the
20 Code enforcement, all the building officials our
21 authority and what our direction is to be able to
22 do this properly.

23 General section, scope. Provisions of
24 this Code shall comply to the construction,

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1 the responsibility is kind of thrown back and the
2 jurisdiction having authority. The City of Park
3 Ridge also has an amendment saying I'm responsible
4 for the decisions of determinations which kind of
5 throws me into a little predicament obviously. I
6 agree that the Code is kind of vague, but I think
7 it may be vague on purpose or it just can't
8 basically include everything.

9 For example, I could use that same
10 interpretation where you need a permit to replace
11 toilet or you need a permit to replace the light
12 fixture. Again, I have to use my determination on
13 the intent of the Code which is spelled out in the
14 IBC basically stating, the minimum safeguards for
15 public health and safety. Kind of using the
16 intent of the Code and what's the permit process.
17 We all know the permit process is the checks and
18 balances to make sure things are done right.
19 Permits submitted by a design professional, been
20 reviewed by a professional, installed by a
21 professional licensed by you and inspected by a
22 professional. Okay. So that's the checks and
23 balances, basically again falling back on the
24 intent to from effect the public health and

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1 alteration, movement, enlargement, replacement,
2 repair, equipment use and occupancy, location,
3 maintenance, removal and demolition of every
4 building or structure or any appurtenances
5 connected to or attached to such building. So
6 what it does here is more than what the A17.1
7 does. It does say repair any alterations. So I
8 would have to say yes, I would require -- just as
9 I would with Mr. Cutaia, a permit, and it is true,
10 July 1, 2011, the 2006 International Building Code
11 is a state code for any jurisdiction that does not
12 have an adopted Code. And the 2006 is exactly the
13 same as what this is in 2009.

14 MR. WELLER: Mr. Plass, would you make that
15 posted or make it known to the contractors who
16 work in Hoffman Estates?

17 MR. PLASS: I have it posted on our website
18 that the 2009 is adopted. I don't go section by
19 section by section.

20 MR. WELLER: I think maybe on this issue what
21 we're asking is that be a particular section that
22 might be addressed more specific. And if that's a
23 reasonable request, then that way there's no
24 confusion.

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1 MR. PLASS: It's a reasonable request.
2 Again, we could get back to having A17.7, A17.7 or
3 5 or .2 or .32. Do we need all of that? I have
4 it listed as -- this is the Code for Hoffman
5 Estates. I'd have to go through and pretty much
6 go through chapter by chapter by chapter
7 otherwise.
8 MR. WELLER: We're only having an issue with
9 this -- it seems like we're having an issue with
10 this particular --
11 MR. JANDORA: Here's where the confusion
12 comes in. A classification of alteration within
13 ASME A17.1. You are required to pull a permit.
14 So if there is a greater Code IBC that probably is
15 not under our purview, it's requiring us to pull
16 permits for valve replacement. I'm just not
17 familiar with IBC as I should be. So if you could
18 direct me to that section where it states that
19 those replacements I'm required to pull a permit,
20 then it seems like maybe not be a big issue.
21 MR. PLASS: Section 101.2 and also then if
22 you go to for permits, which would be section 105,
23 and then you go to section 105 is required
24 permits. Any owner or authorized agent who in

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1 intends construct, enlarge, alter or repair, move,
2 demolish, or change occupancy, structure or erect,
3 install, enlarge, alter, repair, remove any
4 electrical, gas, mechanical, plumbing system,
5 installation is regulated by this Code. Chapter
6 30 is the elevator section in this Code. So it is
7 regulated by this Code.
8 Work to be done. First make an
9 application to the building official and obtain
10 the required permit. That's pretty clear.
11 CHAIRMAN CHRISTENSEN: Go ahead.
12 MR. GREGORY: Does this mean when this guy
13 goes out and changes the light bulb and the
14 button, when he has to replace it, he should have
15 a permit?
16 MR. PLASS: I think Mr. Cutaita was very close
17 on that one there when he said about toilet,
18 maintenance apply maintenance at that point if
19 we're taking toilet out because of a malfunction
20 for the toilet and replacing the same thing,
21 toilet is a little bit different than the safety
22 of having an elevator out there with a valve. A
23 light is purely maintenance and lights are changed
24 all the time.

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1 MR. JANDORA: What about a relay? Or contact
2 on a relay? Or a shunt on relay? Or a coil on a
3 relay? It's hard --
4 MR. PLASS: Right. Right.
5 MR. JANDORA: And here at the end of the day,
6 this exercise creates a lot of costs that
7 eventually gets passed down to the conveyance
8 owners. I don't have a responsibility to have to
9 pay for those things. I don't own the elevator.
10 So when these types of things occur, we have an
11 elevator goes down, we go off to make a repair,
12 now we have to go through the permit process, now
13 we have to obtain a permit, we have to have an
14 inspector come out, we have to lug weights out to
15 the job or whatever it is that we have to do,
16 that's all coming at a cost that is being passed
17 down to conveyance owners. I'm not saying that I
18 want to overlook any critical safety step that is
19 necessary to ensure that we have safe conveyances
20 in this state, it's just I have yet to see
21 anything in here that very clearly explains it in
22 our statute that I would have to do that and I
23 guess I don't understand IBC inside and out to
24 determine whether or not I agree with what you

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1 said, I don't know yet.
2 MR. JANDORA: I think that's where talking
3 first to the Code official, wherever you are --
4 MR. PLASS: Yes.
5 MR. JANDORA: -- would be probably the
6 easiest. And if it came to me and you talked
7 about a valve I would require. I mean I've have
8 had several companies come in and they will call
9 me first or we catch them on the job site, one of
10 the two, and we will make a determination, I will
11 make the determination because I do have permits
12 in here. If it's a relay, to me a relay can be a
13 electrical switch at that point and I have to
14 agree that could be maintenance at that point. A
15 light bulb, obviously light bulbs been go out and
16 you're the putting same thing in there. We're
17 talking different things when you're putting a
18 valve in, that to me is more of a health safety
19 type thing for our people in there. Yes, you put
20 a relay back in and a relay can go bad. I can't
21 tell that.
22 MR. PLASS: What about hoist ropes?
23 MR. JANDORA: Hoist ropes definitely.
24 CHAIRMAN CHRISTENSEN. Jerry's been wanting

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1 to say something.
 2 MR. WOLIN: Yes, thank you. Jerry Wolin. I
 3 have a question. I live in a condo, an elevator,
 4 a lot of condos have elevators and many have just
 5 one elevator. The elevator breaks, the problem
 6 about is a bad valve or something else in the
 7 elevator. Permits sometimes take time especially
 8 if it happens on a weekend, whatever. What would
 9 the procedure be? Would the elevator be shutdown
 10 until the --
 11 MR. PLASS: You know, I couldn't speak for
 12 every municipality out there, but we try to be
 13 very responsive to our residents who are our
 14 customers in the village, something like that,
 15 let's say it did happen on a Saturday morning.
 16 Obviously they can start the work, but then Monday
 17 morning at 8:00 o'clock, I'd like to have somebody
 18 in my office applying for it and it would be
 19 worked in. We've allowed pretty much every
 20 elevator that I'm aware of in town that has a
 21 problem, same thing. It's no different than a
 22 water heater or a furnace that goes out. Let's
 23 say an analogy would be a furnace goes out in cold
 24 weather. Yes, it needs to be replaced

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1 been adopted statewide. So it's already there.
 2 So as far as I not liking part of it, it's very
 3 problematic, maybe we can simply put it in the
 4 Act. I think we have to look at what the question
 5 is.
 6 CHAIRMAN CHRISTENSEN: Terry Shanklin.
 7 MR. Shanklin: No comment.
 8 CHAIRMAN CHRISTENSEN: That's all for public
 9 comments. Anything from the Board?
 10 {No response.}
 11 CHAIRMAN CHRISTENSEN: Is there a motion to
 12 adjourn?
 13 MR. FINCHAM: So moved.
 14 CHAIRMAN CHRISTENSEN: Is there a second?
 15 MR. BARNES: Yes.
 16 CHAIRMAN CHRISTENSEN: All those in favor say
 17 aye.
 18 {Chorus of ayes.}
 19 {Which were all the proceedings had on
 20 this date.}
 21
 22
 23
 24

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1 immediately, but I expect to have a permit for it.
 2 So we can do an inspection. The key to this is
 3 the inspection after the valve is replaced, if
 4 there is a requirement for inspection. And I
 5 believe that pretty much any valve would be -- I
 6 think 319, I think that was --
 7 MR. GREGORY: Yes.
 8 MR. PLASS: So that would consider where the
 9 inspections would be in the requirement report.
 10 They could get on it, they would get working on
 11 it. Myself, my own municipality, I don't know how
 12 I would handle it. I don't know.
 13 CHAIRMAN CHRISTENSEN: Margaret.
 14 MS. VAUGHN: Yes, I think the question is
 15 whether there was authority in the law to be able
 16 to do this or not. As far as the cost of this, I
 17 don't think it can be factored in. If it costs a
 18 lot, and these change a lot, I think the question
 19 is on the table was there legal authority within
 20 the law, it's not spelled out in statute.
 21 However, the local agreements are designed to give
 22 the current administrator the authority to do what
 23 they want as far as permits.
 24 And then secondly the 2006 IBC has

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1 STATE OF ILLINOIS)
 2 COUNTY OF C O O K) SS.
 3
 4 SUSIE SHANAHAN, do hereby certify that
 5 she is a court reporter doing business in the City
 6 of Chicago; that she reported in shorthand the
 7 proceedings at the taking of said meeting and that
 8 the foregoing is a true and correct transcript of
 9 her shorthand notes so taken as aforesaid, and
 10 contains all of the proceedings given at said
 11 meeting.
 12
 13
 14
 15 _____
 16 SUSIE SHANAHAN, C.S.R.
 17 Illinois License #084-000863
 18 Date: September 28, 2011
 19
 20
 21
 22
 23
 24

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