

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ELEVATOR SAFETY REVIEW BOARD MEETING

REPORT OF PROCEEDINGS, had at the meeting of the
ELEVATOR SAFETY REVIEW BOARD before CHAIRMAN THOMAS GANIERE,
at the Office of the State Fire Marshal, 1035 Stevenson
Drive, Springfield, Illinois 62703, commencing on the 9th
day of November, A.D. 2010, at the approximate hour of 8:30
a.m.

Keefe Reporting Company
11 North 44th Street
Belleville, Illinois 62226
(618)277-0190
(800)244-0190

1 BOARD MEMBERS PRESENT:

2 CHAIRMAN THOMAS GANIERE
TOM JIRIK

3 DAVID DATTILO
ROD GILLES

4 K. DOUGLAS JONES
GERALD GROSS

5 GERALD WOLIN
RICHARD JANDORA

6 JOHN FINCHAM
AL POPOWITS

7 MARK HERTSBERG
KELLY WELLER

8 CRAIG GRANT

9 OSFM STAFF PRESENT:

10 BILL BARNES, LEGAL COUNSEL
ROBERT CAPUANI, DIRECTOR OF ELEVATOR SAFETY

11 JAMES AUBIN, INSPECTOR
ELAINE DEL GRECO

12 MAGGIE DELHEIMER

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CHARIMAN GANIERE: Call the meeting to
2 order. We are going to call the meeting to
3 order. Call the meeting to order. Please rise
4 for the Pledge of Allegiance.

5 [WHEREUPON A MOMENT OF SILENCE
6 WAS OBSERVED FOR THE ARMED
7 FORCES, AND THE PLEDGE OF
8 ALLEGIANCE WAS RECITED BY ALL.]

9 MR. CAPUANI: Before the meeting starts,
10 I'd like to welcome the new general counsel,
11 Bill Barnes, to the board members.

12 MR. BARNES: I'm happy to be here.

13 CHAIRMAN GANIERE: Short and sweet, huh?

14 Frank can't be with us today. So I'll be
15 acting as general chairman.

16 The first is to review and take action on
17 the review of session minutes from
18 September 21st. Is there any additions or
19 corrections to those minutes?

20 [NO RESPONSE.]

21 CHARIMAN GANIERE: Is there a motion to
22 approve?

23 MR. WILSON: So move.

24 CHAIRMAN GANIERE: Please state your name
25 for the court reporter when you're talking and

1 then talk, okay?

2 MR. WILSON: Wilson.

3 CHARIMAN GANIERE: Is there a motion or
4 second?

5 MR. WOLIN: Second. Wolin.

6 CHARIMAN GANIERE: Any further discussion?

7 [NO RESPONSE.]

8 CHARIMAN GANIERE: All in favor?

9 [CHORUS OF "AYES."]

10 CHARIMAN GANIERE: The "ayes" have it.

11 Okay. Elevator Safety Program report.

12 Mr. Capuani?

13 MR. CAPUANI: I'm Bob Capuani. Registered
14 conveyances active, 31,784; under state rule,
15 12,596; under the local rule, 19,188. Licensed
16 contractors, including limited contractors, 99;
17 inspection companies, 48; licensed inspectors,
18 216; licensed mechanics, limited mechanics,
19 1,617; licensed apprentices, 697;
20 municipalities with agreements, 174; permits
21 issued to date 1,430, and certificates issued
22 to date, 13,215.

23 CHAIRMAN GANIERE: Are there any questions
24 concerning the report?

25 MR. WELLER: Bob, what's expired status

1 and withdrawals from the database? What's that
2 mean at the bottom?

3 MS. DEL GRECO: If the license has expired
4 and not been renewed, if someone's retired,
5 their license gets withdrawn from the database.

6 MR. WELLER: When it says conveyances?

7 MS. DEL GRECO: That's for the licenses,
8 right.

9 MR. WELLER: Got you. That's all right.

10 CHARIMAN GANIERE: Any other questions?

11 [NO RESPONSE.]

12 CHARIMAN GANIERE: Okay. Moving on. Item
13 B, report on contractor investigation.

14 MR. CAPUANI: Okay. I was ordered by this
15 board to do an investigation on American
16 Hoist & Manlift and for a Ed and Les James.
17 What we found out in our investigation is we
18 have a job history from a Ed James and Les
19 James where they started at Carlsen Elevator.
20 His resume says that they worked as mechanics
21 on elevators and hoists from May 2010 to the
22 present. Carlsen's records showed that they
23 started June 4th. So in between May and
24 June 4th, I have no idea where they worked,
25 okay?

1 Then they went to work for American Hoist
2 on 8-24 of 2010, and they were dismissed from
3 American Hoist & Manlift on October 24th of
4 2010.

5 I do have a representative here from
6 American Hoist & Manlift, which would like to
7 address the board on these issues. So,
8 Mr. Chairman, if it would be okay with you, we
9 can call American Hoist up here.

10 CHARIMAN GANIERE: For the board, could
11 you state your name.

12 MR. ANDERSON: I'm Joe Anderson, and Kate
13 Walsh.

14 MS. WALSH: Kate Walsh. We both work for
15 American Hoist & Manlift. It's a family-owned
16 company. We're siblings, and it's owned by our
17 parents.

18 MR. ANDERSON: We missed the last board
19 meeting. We read the minutes and realized that
20 we should have been here. We were told that we
21 didn't need to be here.

22 We started out as a belt manlift company
23 looking to expand our business. A lot of the
24 belt manlifts are being taken out and being
25 replaced with the cages, which is now covered

1 by the A17. We hired Les and Ed James in
2 October to head up that division.

3 MS. WALSH: In August.

4 MR. ANDERSON: Well, August. And --

5 MS. WALSH: Relied on him.

6 MR. ANDERSON: Relied on him and his
7 knowledge with the State and his experience as
8 having owned a company, which was Anchor
9 Elevator, to tell us the right way and how to
10 go forward with an elevator business.

11 They came in, and we didn't have a state
12 license. Ed James was in charge of getting us
13 a state license. I didn't really know any
14 background on Ed like I do now. I realize now
15 that he has a pretty extensive background.

16 So there was problems with us getting a
17 license. That's when we hired a lawyer, not
18 knowing the background, to help us obtain that
19 license.

20 MS. WALSH: That was after -- I believe
21 your board meeting in July has addressed the
22 American Hoist versus the Carlsen and whether
23 or not he should have a license or not. I
24 believe that's when the license was originally
25 denied. And we worked with the attorney and

1 the State to properly apply for that license
2 and obtain it, I guess, through the proper
3 channels.

4 In the meantime, we had subbed our work
5 through Carlsen, which was a licensed elevator
6 contractor. And that's -- Bob had stated who
7 paid Ed and Les during that time until their
8 license was approved, and then they came out to
9 our payroll once we had a business.

10 MR. ANDERSON: The license was -- we had
11 that license August 13th .

12 MR. ANDERSON: The first payroll was on
13 August 24th. Prior to that, it was all
14 subbed through Carlsen Elevator.

15 At that time, once we got our license, we
16 had them on our payroll. It became apparent
17 that -- the State came in investigating Ed and
18 Les's history with our company. We did not
19 know the background. We since know the
20 background and have --

21 MS. WALSH: Done investigating of our own.

22 MR. ANDERSON: Our own homework and did
23 not like what we found.

24 We have multiple handouts. And Ed and Les
25 came in on August --

1 MS. WALSH: 19th .

2 MR. ANDERSON: August 19th to give us
3 notice that they would be resigning, that they
4 weren't happy working for us, and that they
5 would be starting their own company. We asked
6 what that company -- how was that going to
7 work, that we had some open jobs. "And we
8 think you should sub all the work to us." We
9 said, "What? How do you think that's going to
10 work, you know, because the contracts are in
11 our name." Well, they said, that, "You know,
12 you don't have a licensed mechanic. Without
13 us, you can't really do the work," which is
14 true.

15 So they then -- I said, "What name are you
16 guys planning on using?" "We don't know yet,
17 but we're thinking about using Amerihoist &
18 Elevator." And I said, "Well, that's not
19 really going to work because that's too similar
20 to our name, and you're going to cause market
21 confusion. And, you know, how are you going to
22 work the insurance and everything else?"
23 "Well, we're working on that. We're going to
24 see how that goes."

25 Well, we said, "Okay. You guys are going

1 to resign." And we thought that was a good
2 idea. And that was on a Tuesday. We said,
3 "Well, there's some open jobs. I think you
4 should finish out the week." Plus that's the
5 end of the payroll. They finished up jobs on
6 Friday, and they had a service call over the
7 weekend. So actually whatever that Sunday
8 was -- I believe it's the 26th -- was their
9 actual last date.

10 But in the meantime, I looked up the name
11 they proposed to use. They had already
12 incorporated that name on October 15th, which
13 was prior to our company meeting. We have
14 company meetings every Tuesday. So then I
15 realized that they had done that behind my back
16 and incorporated very similar to us. So to
17 make sure that there was no market confusion, I
18 sent out letters to all our vendors and to
19 customers because the name is so close, I
20 didn't want parts ordered with my credit in
21 their name.

22 Also some parts were -- they tried to
23 deliver to his house, and he was ordering parts
24 under Ed Anderson.

25 MS. WALSH: Our family name.

1 MR. ANDERSON: And our last name is
2 Anderson, and his last name is James.

3 The plot thickened when we started doing
4 collections on outstanding invoices.

5 MS. WALSH: I don't know if you see this
6 packet. It starts out with the vendor
7 information. It's kind of by category. This
8 one shows the part that we bought and sell to a
9 customer, and the second page is what we
10 invoiced the customer for that part. And then
11 we were calling for collection for the
12 customer, and they weren't returning our phone
13 calls. And they're approaching past the 60-day
14 mark, but before 90 days. We said if we didn't
15 hear back, we were going to have to file a
16 lien. And the customer called back furious,
17 and that they had already paid Ed James cash.
18 He gave them a discount for instead of the
19 2,900 that the invoice is for, he charged them
20 2,500 and gave him cash.

21 And on the next page, you'll see the text
22 message that it came from his cell phone to the
23 customer that says, "Tell them don't answer the
24 collection calls from American. I went on my
25 own." So we've now unfortunately had to file a

1 lien with that customer on their building. So
2 we collect on the part that we showed they paid
3 for.

4 And there's just correspondence
5 between -- you know, if you want to read
6 through it on your own time -- from the
7 customer, Twisted Shamrock and us, and how they
8 were trying to contact Ed and getting stories
9 about that they should be covered under
10 warranty, but it was something that was put in
11 prior to him looking for a company.

12 And then the last page is just a police
13 report that was filed regarding the collection
14 of cash because both that customer and us are
15 out the money.

16 MR. ANDERSON: It's a bar and restaurant,
17 so they would have access to paying in cash.

18 Also, I think in that e-mail, it shows
19 that he tried to even get out of that
20 situation. Ed made a fake contract that said
21 that they had a contract that was dated in May,
22 and he didn't even work with us in May. And
23 the lady, I think, states that he came over
24 there with a contract that showed that it was
25 our fault, and she said it was never signed by

1 them. She goes she knows she didn't sign any
2 contract.

3 MS. WALSH: And even so, if it was under
4 warranty, then why did he take \$2,500 cash from
5 her? So why it should be covered doesn't make
6 sense on why he collected cash for something
7 that was covered, so.

8 MR. WELLER: Did you know any of this was
9 going on until Bob started the investigation?

10 MR. ANDERSON: No, sir. I only know what
11 they -- what we were told and what I believe.
12 So once the investigation came under way, I
13 opened my eyes and was a little upset that I
14 didn't see a lot of that stuff prior.

15 We built this business from our basement,
16 and it took us 12 years to get it where we were
17 at.

18 MS. WALSH: I mean, we wear a lot of
19 different hats in the company. So sometimes it
20 takes a little bit of digging.

21 MR. DATTILO: Dave Dattilo. Can you give
22 us an idea of the magnitude, the number of
23 customers and the volume of dollars?

24 MS. WALSH: In total?

25 MR. DATTILO: Yes.

1 MS. WALSH: Probably about in that time
2 span, from June through July, there's probably
3 about -- oh, gosh -- maybe \$300,000 worth of
4 work that was done between repairs and
5 maintenance contracts.

6 MR. ANDERSON: Yeah. A lot of our
7 customers are the power plants.

8 MS. WALSH: Some of our existing
9 customers.

10 MR. ANDERSON: And we thought it would
11 also be a good fit that a lot of times we're in
12 these plants, and they ask us if we work on
13 elevators, and we always said "no." We
14 thought, well, once we have elevator guys, that
15 would just open another avenue to our business.
16 So we did crack the door a little bit, and we
17 got Baldwin energy, which is Dynergy. We've
18 got them into Exelon, Kincaid Energy,
19 Pocahontas Coal. So there were some
20 significant projects there that were, you know,
21 \$30,000, \$32,000 worth of work. And the
22 customers have since said that they, Ed and
23 Les, have contacted them to continue to do the
24 work as Amerihoist & Elevator. So that kind of
25 held me under the gun here. I had a contract

1 with them, and they tried to switch it.

2 I also was contacted by my insurance
3 company that said that they were trying to
4 piggyback, allegedly trying to piggyback the
5 insurance saying that they were similar --

6 MS. WALSH: And the ownership was tied.

7 There's another packet that starts out
8 with our letterhead, and that's what action we
9 kind of took once we alerted what was going on.
10 So there's a letter that goes to our customers
11 just to indicate that we had a new company,
12 what the name was, that we're not affiliated.
13 A similar letter goes to the vendors to make
14 sure that there aren't any parts being ordered,
15 and then a letter.

16 MR. WELLER: Why is this date with the
17 subcontract agreement -- why is this
18 subcontract date different, later than the one
19 that you sent out to your clients?

20 MR. ANDERSON: That was his proposed idea.

21 MR. WELLER: So he sent this to you?

22 MR. ANDERSON: Yes, that I should sub all
23 A17 work to Amerihoist & Elevator when I'm
24 American Hoist & Manlift. So if you read that,
25 even some of the comments in there, less

1 parts -- I mean, the contract is pretty
2 ridiculous.

3 MS. WALSH: That was after they had given
4 notice. So basically that we were in the
5 process of finding -- so this was kind of the
6 fix in the meantime. Like, here. Sign this
7 agreement, give us all of your work, and you'll
8 have a valid license. So obviously that
9 contract wasn't signed. That was part of the
10 potential.

11 There's one other one that starts with
12 invoice status, and that's from an Anchor
13 Elevator, which I believe is an old -- their
14 old company. That's from one of their old
15 vendors who is asking the status of payment
16 from their old company, and then you can see
17 Les's reply, which says -- or I'm sorry -- Ed's
18 reply, which basically says take the old
19 invoice we owe you from Anchor, and we're going
20 to get new stuff with you with American Hoist,
21 and there's some excess in that job that will
22 cover it. So we'll just pay it all in full,
23 and I'll pay my old debts off through this new
24 company. So that's kind of in here. And that
25 started back in August. And, again, we had no

1 idea until we shut off his e-mail and kind of
2 started doing our own digging after Bob
3 contacted us.

4 So then we Googled Anchor Elevator's Web
5 site. And that's when we --

6 MR. ANDERSON: And we realized that our
7 contact information was on his contact page.

8 MS. WALSH: So if you go to Anchor
9 Elevator, it refers to our company, which we
10 never gave any permission to list us as that.
11 It gives our company's telephone and fax, but
12 if they want information, it's to his personal
13 e-mail. The next page is asking him to please
14 take it down.

15 And then the same day we ask him to take
16 it down, we get an e-mail from his IT person
17 which says, oh, it was a misunderstanding. I
18 thought you wanted it to be Amerihoist. But if
19 you look at the date, he sent that to that IT
20 guy back on August 10th, and that was prior
21 to him creating the new company under that
22 name.

23 MR. WELLER: It sounds pretty extensive.
24 There's a lot.

25 MR. ANDERSON: There's more. We haven't

1 even --

2 MS. WALSH: Yeah, and this is just a
3 sample.

4 MR. WELLER: Well, what do you want us to
5 do as a board to help you? Where are you at in
6 this process? What can we do?

7 MR. ANDERSON: We have since sent a cease
8 and desist, a letter to Ed that was supposed to
9 be delivered yesterday to his house. As of
10 this morning, I don't know the status -- if he
11 received it or if he was home.

12 And it seems to me that they work as -- Ed
13 and Les work as a pair. They've jumped from
14 every company. I've now since talked with
15 Smart Elevator. Sue came in to talk to me and
16 explained the situation. She also brought an
17 accountant with her, who happened to be --

18 MS. WALSH: Knowledgeable of past
19 information.

20 MR. ANDERSON: Of past information. Also
21 we talked to -- I think his name is Ron at
22 Carlsen and got a similar type story from him.

23 I feel like, you know, they work as a
24 team. They kind of play good cop, bad cop,
25 because we were under the assumption that,

1 okay, Les was a good guy. He just kind of
2 followed his brother. But I don't know see
3 how, if you went bankrupt, you could have a
4 company in your name. So I would assume that
5 Les has the company name, which I don't know,
6 because it's filed under a -- an accountant's
7 office filed for the application with the
8 State.

9 MS. WALSH: I don't know that there's, I
10 guess, a clear remedy as far as our case. We
11 since obviously have gotten a new business
12 license. We've signed with the union. We're
13 going forward, doing work as our own. I guess
14 our biggest scare is that that happens to
15 someone else from their new company. And then
16 they're using a name so similar to ours, that
17 there's going to be confusion.

18 MR. WELLER: So let's make sure you're
19 covered. You've got your license in place?

20 MS. WALSH: Yes.

21 MR. WELLER: You're going to the elevator
22 site without the Jameses?

23 MS. WALSH: Yes.

24 MR. WELLER: And you're going to do it
25 with an agreement with --

1 MR. ANDERSON: We met with Local 2.

2 MR. WELLER: Okay.

3 MR. ANDERSON: We've met with the State.
4 We've got our correct license. There was no
5 lapse in the license. We transferred that to a
6 different licensed mechanic who happens to be a
7 Local 2 guy. We then hired -- there was no
8 work performed in the window that they had left
9 and to when we became -- we made sure, and we
10 didn't even sub any work out. There just
11 happened -- when they entered in October --

12 MS. WALSH: The 24th was their last day.
13 We didn't have any work until yesterday.

14 MR. WELLER: This is not going to be
15 signed --

16 MR. ANDERSON: No, not at all, no. And we
17 then -- Monday, yesterday, was our first day.
18 We had two Local 2 guys come out, and they went
19 to change rollers at the Baldwin Energy Plant.
20 So we could have been -- the guys showed up;
21 they knew --

22 MS. WALSH: The State was really actually
23 helpful with helping us.

24 MR. ANDERSON: Opening our eyes to kind of
25 seeing the problem.

1 MS. WALSH: Once the investigation
2 started.

3 MR. ANDERSON: Like we said, we're small.
4 I mean, a lot of times I'm in the field doing,
5 you know, service calls myself. So you don't
6 always, you know, watch -- you don't always
7 have time to watch every little thing.

8 And you assume since Ed went bankrupt, you
9 know, "I just want a check. I just want to be
10 able to earn some money." Okay. He happens to
11 be from the same parish as my dad.

12 MS. WALSH: He lives in the same
13 neighborhood.

14 MR. ANDERSON: And lives right around the
15 block, okay? We felt like, oh, this could be a
16 good fit. He could help us out. Well, we had
17 no idea about the baggage that came with that,
18 but since have tried to rectify that as fast
19 and as quick as possible.

20 So I appreciate your time. And thank you.
21 Sorry we missed the last meeting.

22 MR. JIRIK: I noticed there's a police
23 report on there.

24 MR. ANDERSON: Yes. It's a theft over
25 \$300, and you know, it's a felony theft charge.

1 MS. WALSH: That's for that invoice.

2 MR. ANDERSON: There's also multiple
3 answers from Ed as to why he kept the money.
4 One said that he was trying to have leverage in
5 case he didn't get paid. Another one was he
6 paid someone \$1,200 cash out of his pocket to
7 help him work on the job. Now it's, "Well, the
8 contract was with you, and you would have had
9 to pay that to me anyway." I mean, there's a
10 hundred reasons. As many days of the week,
11 there's a different excuse. And that seems to
12 be the case. A lot of times with --

13 MS. WALSH: That's why we just kind of put
14 some information together to just show you what
15 we're basing our information on.

16 MR. ANDERSON: It's not hearsay. It's
17 actually some black and white.

18 MS. WALSH: That's just what we found. So
19 there are some missing jobs that we're waiting
20 payment on, and who knows if this is the end of
21 it yet or not. But we have lost a handful of
22 some of the customers that have chosen to go
23 with their new company. I think we gave you
24 the new contact information from them as well
25 as who the customers are.

1 MR. ANDERSON: Yeah. And I believe that
2 one, Kalabich Realty or Property Management,
3 that's his new office location in the city. So
4 there's some sort of tie there, but I don't
5 know any other details.

6 MR. WELLER: Bob, has the new company
7 filed for license?

8 MS. DEL GRECO: No.

9 MR. CAPUANI: No.

10 MR. WELLER: How can they be taking their
11 customers?

12 MR. CAPUANI: Actually, Jim Aubin and Tom
13 Lee visited these four facilities, and they do
14 not have a contract with Amerihoist & Elevator
15 as far as we know.

16 MR. WELLER: That's you?

17 MR. ANDERSON: No. That's the problem.

18 MR. CAPUANI: Amerihoist. Amerihoist &
19 Elevator.

20 MR. WELLER: No contract?

21 MR. CAPUANI: No. And as far as we know,
22 they haven't done any work.

23 MS. WALSH: Yeah, other than we have
24 letters that they sent saying that they're
25 staying with Ed and Les. So I think I put one

1 of them in there, but I have some other faxes
2 from customers to our office.

3 MR. CAPUANI: We recommend to this board
4 that we schedule a hearing for Ed and Les James
5 in the January meeting. Any recommendation?

6 CHAIRMAN GANIERE: Do you have anything
7 else to add?

8 MR. ANDERSON: Just that, you know, it's a
9 shame that this has happened to multiple
10 companies, and you know, potential customers.
11 If you're the customer, and you think you're
12 dealing with a company like we built our name
13 on and our reputation on, and the
14 customer -- like the public companies that are
15 left with all their employees standing there
16 going, "Hey, we can't use our elevator now." I
17 mean, it affects a lot of people. I mean,
18 besides me and my family, I mean it affects a
19 lot of other, you know, small vendors and stuff
20 and suppliers, even the insurance company.
21 It's just a shame that it's allowed to happen.

22 MR. DATTILO: I just have two questions
23 for my own edification.

24 CHAIRMAN GANIERE: Remember to state your
25 name before you start talking.

1 MR. DATTILO: Dave Dattilo. This other
2 group that is taking their name, they're not
3 licensed by the State?

4 MR. CAPUANI: No, they're not, not at this
5 time.

6 MR. DATTILO: And then, number two, any
7 inspections they've done, are they -- then they
8 wouldn't be valid inspections, would they, in
9 the eyes of the State?

10 MR. CAPUANI: Correct, correct. As far as
11 we know, they haven't done any work yet. They
12 haven't.

13 MR. DATTILO: Okay, but if they do --

14 MS. DEL GRECO: They are licensed
15 individuals, though.

16 MR. CAPUANI: Yeah, they are licensed
17 mechanics, but not as a company.

18 MS. DEL GRECO: Right.

19 MR. CAPUANI: So they would need to go in
20 as a licensed contractor to do work.

21 MR. DATTILO: So they could do that as
22 individuals?

23 MS. DEL GRECO: Yes.

24 MR. CAPUANI: If they have a contractor's
25 license, which they don't.

1 MR. DATTILO: Thank you.

2 MR. ANDERSON: Thank you.

3 MR. CAPUANI: Thank you.

4 CHARIMAN GANIERE: It sounds like -- I
5 would agree, Bob, that we need to schedule a
6 hearing on the licenses that they do have. I'm
7 not exactly sure what our remedy is, other than
8 them doing licensee work without a license,
9 other than turning it over to the Attorney
10 General's office also. I think there's many
11 issues here that we need to address, and I
12 think there's issues here that other people
13 need to address.

14 MR. BARNES: Well, I think -- Bill Barnes.
15 I think the board needs to hear the story
16 straight from the mouth of the James' boys.
17 Serious questions are raised by what's provided
18 here. I feel it would be some heated debate,
19 I'm sure, but I think we need to give them a
20 chance to defend themselves. I know they
21 appeared before the board meeting two meetings
22 ago or a meeting ago. I think Ed was before
23 the board, but that was before this whole thing
24 blew up.

25 So we need to get their story and advise

1 them if it's in the board's -- if the board is
2 so willing, you know, we could -- I presume we
3 could proceed with revoking their licenses. I
4 would have to take a look at the statutory
5 authority of the board before we did that.

6 MR. WELLER: Weller. I was just
7 concerned, should we have someone from the
8 Attorney General's office in concert with us?
9 If there's been fraud, that's going to lead to
10 a different direction.

11 MR. BARNES: And the Attorney General,
12 especially in instances of fraud, they want to
13 be involved. So now that we've heard this, I
14 can contact the Attorney General on the board's
15 behalf and advise them of what's going on,
16 provide them with the information that's
17 necessary and hopefully provide them with your
18 contact information. I'll talk to you after
19 the meeting.

20 MS. WALSH: Sure.

21 MR. BARNES: And then we can proceed.

22 But as for the licensure issues, I think
23 the board needs to talk to the James' boys, and
24 I need to take a look at the board's authority
25 to revoke.

1 MR. GRANT: Grant. As a question, do we
2 have the power to subpoena the James' brothers
3 for this purpose of this hearing?

4 MR. BARNES: I don't think -- we
5 can't -- there is no subpoena power at all.

6 MR. GRANT: Okay.

7 MR. BARNES: What we can do is we can
8 request their presence and lay out the
9 allegations, and advise them that it's in their
10 best interests to be here and explain
11 themselves, because future board actions are
12 going to be based upon, you know, what they do
13 or don't say.

14 MR. GRANT: As a question of that, is
15 anything conditional to the license issued by
16 this board, though, that if you decline a
17 request from the board to attend, that in any
18 way you breach your ethical obligations under
19 that license?

20 MR. BARNES: I don't know that, and I can
21 look at that. I don't know if anyone knows
22 that. I don't know if this issue has ever
23 been --

24 MR. GRANT: I would like to see them here
25 is my rationale for this. And that if that is

1 any potential leverage, I would urge us to
2 consider using it.

3 CHAIRMAN GANIERE: Just a little
4 follow-up.

5 I don't know if we can compel them to
6 attend, but we certainly can go on and take
7 action even if they don't attend. I mean, they
8 have to be given the right or the availability
9 to attend under the constitution of due process
10 laws for one thing. But if they choose so not
11 to attend and they were noticed that the
12 hearing was going to take place, that's their
13 prerogative. We can still go on and take the
14 evidence that we get and take whatever
15 appropriate action we need to take after that.

16 MR. WILSON: Wilson. Could their license
17 be suspended until such time as they appear?

18 MR. BARNES: I don't know.

19 CHAIRMAN GANIERE: Without having a
20 hearing?

21 MR. JIRIK: Tom Jirik. This came up
22 before, this Amerihoist, that they were trying
23 to kind of jump through the system. They were
24 going through Carlsen, wasn't it? And doing
25 work for them? So now I think they're probably

1 doing the same thing now, but they're probably
2 going through somebody else. I would suggest
3 if we could suspend their license, I suggest
4 that we do that immediately.

5 CHAIRMAN GANIERE: Is there any other
6 questions or comments?

7 MR. HERTSBERG: Bob, do you know who is
8 presently serving the James' brothers'
9 customers?

10 MR. CAPUANI: No, I don't.

11 MR. HERTSBERG: I would assume that
12 they're taking their customer list from company
13 to company to company as they go through the
14 companies?

15 MR. CAPUANI: Yes, we have a list of
16 their --

17 MR. HERTSBERG: Right. Maybe we should
18 investigate if they're being serviced.

19 MR. CAPUANI: Jim Aubin and Tom Lee have
20 visited a few of these. I'll have them visit a
21 few more.

22 MR. BARNES: Have you found anything?

23 MR. AUBIN: No.

24 MR. CAPUANI: No.

25 MR. HERTSBERG: Somebody is doing it.

1 MR. CAPUANI: I understand.

2 MR. HERTSBERG: Somebody is doing the
3 shutdowns on the elevators.

4 MR. CAPUANI: I understand.

5 MR. GRANT: Grant. Just as a point of
6 clarification, do you feel that it would be
7 best served to wait two additional months from
8 today for this hearing in order to start
9 our -- to utilize whatever process we have set
10 up to resolve these issues? Is there anything
11 we can do -- if we prefer, an earlier date or a
12 special meeting due to the concern? I'm in
13 favor of that.

14 I would also really like to get something
15 from perhaps our legal counsel as soon as we
16 could that would outline what our options and
17 obligations are for this kind of allegation so
18 that we'd have a good understanding how we
19 would proceed at the time the hearing was
20 actually conducted.

21 MR. BARNES: I can do that. I can get it
22 by next week, and we can schedule a special
23 meeting.

24 MR. GRANT: I mean, it's up to the
25 remainder of the board for such things. I

1 just -- I am a little reluctant to wait 60 days
2 before we have an opportunity to hear the other
3 side of this story.

4 MR. BARNES: Well, keep in mind also that
5 we're going to get the attorney general
6 involved as well. They may be a heck of a lot
7 quicker that we can be, given the fact that we
8 can't compel the James' brothers to be before
9 us and to give their story. So I will get
10 something hopefully together by next week.

11 MR. GRANT: If I may, would it be
12 something that's possible that with the
13 information provided here to us today, turned
14 over to the attorney general's office, if they
15 saw something that they decided they could act
16 upon or would want to act upon, and schedule a
17 timeframe, that we might be able to make it a
18 joint type of hearing or meeting where we could
19 hear at the same time they did?

20 MR. BARNES: That all depends on the
21 context of, you know, if it's a deposition or,
22 you know, what type of sworn statement the
23 attorney general is going to be taking from
24 them. I can certainly broach the subject. I
25 will certainly offer our assistance to the

1 attorney general in any -- anything that they
2 need. But, you know, I think we just need to
3 broach the subject with them.

4 Now that we have this information -- it
5 sounds like a pretty widespread fraudulent
6 activity -- I think they will take a pretty
7 hard look at it and move quickly. With that
8 being said, I will get together sort of a white
9 paper of sorts as to what this board can and
10 cannot do in such instances.

11 MR. GRANT: Thank you.

12 CHAIRMAN GANIERE: Anything else?

13 MR. CAPUANI: Bob Capuani. Until we hear
14 the results of this hearing, the OSFM will not
15 issue a contractor's license.

16 CHAIRMAN GANIERE: Okay. Anything else?

17 [NO RESPONSE.]

18 CHARIMAN GANIERE: Okay. Moving along
19 then. Under item number 4-C, a variance
20 request from Schuyler Sanborn on 301 East Green
21 Street, Champaign. As you recall, this was an
22 issue that we took up last time for a variance
23 request to decrease the runway height? Was
24 that --

25 MR. CAPUANI: The machine room height.

1 CHAIRMAN GANIERE: The machine room
2 height.

3 MR. SANBORN: Man, that's a tough act to
4 follow.

5 My name is Skyler Sanborn, spelled
6 correctly on the agenda if you needed spelling
7 for it.

8 I'll pass out some info here to kind of
9 respond to some of the things that we talked
10 about at the last meeting. And basically the
11 first two sheets are reinsertion of the
12 information that was provided with the variance
13 request as far as the status of the room. A
14 lot of discussion last time was on what the
15 actual room configuration was like. So if you
16 look in the pages starting -- numbering 4, I
17 believe, there are some photos, and I also drew
18 up some schematics showing the different types
19 of conduit.

20 A brief overview again of where we're at
21 on this room. The variance request is on two
22 items that are both governed by the fact that
23 the floor of the machine room is raised 1 foot
24 to accommodate the overrun, but the ceiling of
25 that machine room was not raised that same 1

1 foot. Our head room in that room shrunk down 1
2 foot during construction. So clear height to
3 the underside of the slab was 7 foot. And
4 while that 7-foot 84-inch dimension matches the
5 code, there are some items that come down from
6 that ceiling. The structural items that the
7 beam that runs across and also some ceiling
8 mounting, that is detailed on the sheets there.

9 So the drawings tried to address the
10 couple of comments that were made about, you
11 know, dealing with a few different types of
12 items. One being structural and the other
13 being conduit.

14 On Page 8, you can see the layout of the
15 conduit that runs to serve the power for the
16 unit. This is really the larger conduits that
17 come through this room, which are the primary
18 feeds to the elevator. So the orange lines
19 that you see there, they're cutting across the
20 room there, that's one of your overhead
21 obstructions that we have in the room. And
22 then I provided also the dimensions from the
23 floor, the underside of the conduit. And then
24 also I included a dimension to where there's a
25 connector. And you can envision where those

1 two conduits connect to each other, that
2 connector bumps down. I'll give the
3 dimensions. So I gave that one as well. So
4 you can see what the lowest condition is for
5 that.

6 And then the pages just kind of -- I
7 pulled out each individual so you can see the
8 next one, which would be the elevator controls.
9 So there's some conduit that runs across the
10 ceiling for that. And then also the control
11 trough. The wiring trough that goes to feed
12 the hoistway also runs along a beam at a lower
13 elevation.

14 I'm kind of going through this quickly
15 here, but I'm looking at each of them as we're
16 talking.

17 The next one is the lighting. There are
18 some light fixtures mounted on the ceiling and
19 then the branch circuitry that feeds those.

20 And then the last one is the fire alarm.
21 We have two smoke detectors in the room, and
22 then also some relay boxes for the fire alarm
23 that runs down through the inside of the
24 cabinets.

25 So the low points in here kind of make out

1 a -- I circled it on the fire alarm and on the
2 controls, are where the conduit has to come
3 across the beam. So they ran it down low. And
4 you can make it out in a couple of the pictures
5 as well.

6 So hopefully this information allows us to
7 talk about the different elements that are
8 creating the head room condition there.

9 And I made -- was one of the board members
10 able to visit the site?

11 MR. GILLES: Yeah, I looked at it.

12 MR. SANBORN: Okay. One of the
13 maintenance guys said somebody stopped by. So
14 I was glad to hear that, that there
15 was -- somebody had eyes on the scene there as
16 well.

17 So the other thing that I was asked to
18 report on was communication with the structural
19 engineer on what we can do on the structural
20 items. Again, we're -- most of the conduit is
21 up hovering in the 79- to 80-inch range. So
22 that would be in the 6'7", 6'8" range. The
23 beam that cuts across the room here is a 1-foot
24 beam so it drops down to 6 feet. And the beam
25 that hovers over the door or that creates the

1 header for the door to the beam is also that
2 same elevation. So those are the two
3 structural items that restricted head room
4 there.

5 I was able to clear it with the structural
6 engineer. You can see it on the very last
7 page, Page 12 there, that he said for that
8 opening, we can cut up the beam and create a
9 similar opening that goes across the beam from
10 the control side of the room to machine --
11 where the motor side of the room is. So we can
12 cut out that -- that slab is overdesigned
13 because it would span that amount. So we can
14 create an opening there.

15 So on Page 12, I'm showing you what I
16 would propose as the overhead structure for
17 remediation, and this would take care of that
18 part of the variance. That would be cutting
19 the beam up over the door, putting in a 6'8"
20 door, and then add a 3-foot span between the
21 control side of the beam and the machine side
22 of the beam, creating a similar opening, and
23 then installing a -- I'm calling it a wire mesh
24 partition, essentially a barricade to keep
25 anyone from stepping beneath that space.

1 Yes?

2 MR. WELLER: Weller. Sky, you don't need
3 a variance then if you can get to the door
4 height, right?

5 MR. SANBORN: Exactly. That's why I'm
6 saying if we can -- with this, our inspector
7 would be able to just not mark that offense.

8 MR. WELLER: We have no decision to make
9 on the door?

10 MR. SANBORN: I was going to suggest you
11 deny my variance on that because I'm going to
12 take care of the door.

13 MR. WELLER: I understand. Right.

14 MR. SANBORN: And then the largest portion
15 of the issue in the inside of the space is that
16 6-foot beam that comes across. And what I can
17 do is create a code compliant opening across
18 that beam. And then by wire mesh partition,
19 what I'm envisioning is almost like when you
20 see a storage room? You know, something that
21 is open visible through, but it's a barricade
22 to prevent anyone from stepping through, trying
23 to duck under, etcetera. So, in effect, it
24 will be a wall there from the face of the beam
25 down.

1 I'm showing a little leg off of that wire
2 partition as well that would actually take care
3 of the wire trough portion that comes under the
4 beam, and then ducks down and dives into the
5 hoistway. So, again, to keep anybody from
6 trying to step underneath that part of it.

7 So that is the structural part of it.

8 And then I just wanted to open up for
9 discussion providing that information, I guess,
10 on the conduit and light fixtures and fire
11 alarms.

12 CHARIMAN GANIERE: Questions for Skyler?

13 MR. WELLER: Weller. The beam on the
14 back, you're asking the beam on the back wall,
15 I guess, was the other question. No
16 recommended changes to that? Just the signage?
17 Where the padding is that you've got there
18 already?

19 MR. SANBORN: No. The beam, I will
20 actually -- where there's that red line.

21 MR. WELLER: On the back wall.

22 MR. SANBORN: This is --

23 MR. WELLER: The picture on Page 6, this
24 one back here?

25 MR. SANBORN: Yes.

1 MR. WELLER: That one is not going to be
2 cut or changed.

3 MR. SANBORN: No. That one is. That's
4 actually the middle of the room.

5 MR. WELLER: Oh, really? That's not on
6 the wall?

7 MR. SANBORN: No. The picture to the left
8 shows it a little bit better, I guess. You can
9 kind of see that the machine is sitting behind
10 that. So that's the mid span of the room,
11 right where you see on the sketch is that
12 dashed line is the beam that runs overhead, mid
13 span.

14 MR. WELLER: Wow.

15 MR. SANBORN: Yeah, two dimensions.

16 MR. DATTILO: Is this right here?

17 MR. SANBORN: Yes. The upper right
18 picture, you can kind of make it out. You see
19 that continuing into the picture on the left?

20 MR. WELLER: I see it, yes.

21 MR. SANBORN: That's a 6-foot -- it drops
22 down to 6 feet separating the control side.

23 MR. DATTILO: Why a mesh wall then?

24 MR. SANBORN: Yeah. We'll cut out a
25 portion that will create the correct size

1 opening, an 84-inch opening going from one side
2 to the other, and put the wire mesh partition
3 to prohibit access.

4 MR. GILLES: Gilles. Are you talking
5 about -- because the beam is wide, are you
6 talking about it being on both sides?

7 MR. SANBORN: Both sides.

8 MR. GILLES: If you put it on the middle,
9 you'd still get a head knocker?

10 MR. SANBORN: Right, no. It will be
11 something so that from both sides, it's flush.
12 Essentially -- you remember the wire trough
13 runs along the face of it?

14 MR. GILLES: Right.

15 MR. SANBORN: We put it at the outside
16 face of that wire trough so that doesn't become
17 a head knocker as well. So, yeah, you're left
18 with a flush surface.

19 MR. GILLES: The way that conduit is ran,
20 when it comes out of the controller and over to
21 the machines, as it ducks over to that bay,
22 there's a LV right there, and they've got pad
23 over it, but who knows how long that will stay
24 there? In my opinion, that's an issue, too.
25 If a guy is standing in that control room

1 trouble shooting or whatever, if he turns
2 around, that stuff is right in his face. I
3 mean, I know there is -- I don't know how wide
4 that is. That is between the beam and the
5 controller, but rerouting that conduit would be
6 a good idea, too. That stuff is low. I took
7 some measurements. And I'll be honest with
8 you; I wrote them down and forgot where I wrote
9 them down, but it's low.

10 MR. SANBORN: Yeah. No, they are. Those
11 would be on the control page, which is the one
12 with the blue. And you can see where it takes
13 a dive underneath that beam.

14 MR. GILLES: That's big.

15 MR. SANBORN: Yeah. So that low point is
16 called out at 66, and that was what I was
17 saying in the little arm off the wall on
18 Page 12, I would actually go around that. So
19 it becomes -- it would be inside that wall.

20 MR. GILLES: But you're on the machine
21 side?

22 MR. SANBORN: Yes.

23 MR. GILLES: How about the controller
24 side?

25 MR. SANBORN: Both.

1 MR. GILLES: It doesn't look like it's
2 shown here on the drawing.

3 MR. SANBORN: It's about 6 inches off
4 there. The width of that trough is about a
5 6 X 6 box, and it comes down. It would be
6 built to encapsulate that.

7 MR. GILLES: Does that become a head
8 knocker, though?

9 MR. SANBORN: No. It would be a flush
10 wall.

11 MR. GILLES: I understand.

12 MR. SANBORN: Basically to encapsulate
13 that conduit, you can't step on that.

14 MR. GRANT: Is that -- you're talking
15 about basically bringing the wire mesh down on
16 the side of that?

17 MR. SANBORN: Correct.

18 MR. GRANT: So then it's plain -- it's
19 here, and it's basically a wing wall
20 of -- expanded around there?

21 MR. SANBORN: Yes.

22 MR. GRANT: Got it.

23 MR. SANBORN: So it would keep you from
24 walking or stepping underneath it. From the
25 outside, it would look just like a flush wall

1 except it's wire mesh inside.

2 Kind of one of my thoughts is putting
3 it -- not a drywall wall, but using something
4 with screws. So if they needed to access the
5 conduit inside, they can remove the wire mesh
6 and get to it.

7 MR. GRANT: I have one. Is it appropriate
8 to ask Rod a question since he had actually
9 been there, if I could?

10 Rod, would you feel that the split of this
11 into two separate rooms effectively with a
12 clear height door between the two, I understand
13 how it solves head room, but does it in any way
14 adversely affect serviceability?

15 MR. GILLES: No. I mean, yes, it does,
16 but there are other machine rooms that have
17 this similar configuration.

18 My concern when I was there -- and I was
19 not going to support this variance because of
20 it -- is because of the length of that thing.
21 I mean, when you service elevators, you're back
22 and forth from controller to machine and vice
23 versa, and you would have to pass under this
24 thing several times in a routine service. And
25 people are going to knock their head on it.

1 When I walked underneath it, my head rubbed,
2 and I'm average height, but a guy that had a
3 hard hat or something on, it would be a
4 definite inconvenience and a safety issue.

5 And I think that it would, especially if
6 he uses mesh, you can still stand in a
7 controller and observe the machine, how much
8 running -- whether the 36 inches is wide
9 enough, I guess we could debate that. But,
10 yeah, I think it would be okay. I really do.

11 MR. GRANT: We're not getting into working
12 clearance off the controller, you don't think?

13 MR. GILLES: No.

14 MR. GRANT: Okay.

15 MR. CAPUANI: Bob Capuani. Hey, Rod,
16 what's the distance -- do you know what the
17 distance is between that number 1 controller
18 and the raceway right there?

19 MR. GILLES: What's that?

20 MR. CAPUANI: On the lower left-hand
21 corner picture, you see the number 1 controller
22 there and then the raceway coming down off of
23 that beam? Do you know what the distance
24 between that controller and the base of that
25 raceway is? Do you know how much working

1 clearance does he have working on that number 1
2 controller to that raceway?

3 MR. GILLES: You know what? I'm not sure,
4 Bob. Do you know? It seemed awful -- there
5 was a lot of room there.

6 MR. SANBORN: Yeah, you can make it out in
7 that middle picture as well, too. You're
8 looking almost dead on that gap between the
9 raceway on the left there and machine 1 on the
10 right.

11 MR. WELLER: That raceway is what you've
12 got the green bar on number 12 on, the little
13 L, right?

14 MR. SANBORN: Right. Because as it is,
15 you can see you can kind of duck underneath it.
16 So it would be a way to prevent it.

17 MR. WELLER: So you're just forcing the
18 servicer to walk around it?

19 MR. SANBORN: Yeah. So they would be
20 going around. And kind of to that point, our
21 first thought on building this partition was
22 plywood, and I said, no, it would be great if
23 they could stand there and see the machine. Or
24 if there's two guys working up there, they can
25 talk to each other, at least not making it two

1 separate rooms to the extent possible.

2 MR. WELLER: So -- Weller. Sky, the last
3 thing that needs addressed is just a conduit,
4 the various miscellaneous conduit on the
5 ceiling.

6 MR. SANBORN: Exactly. Our ceiling mount
7 controls power, controls light and fire.

8 MR. WELLER: No modifications on that?
9 Just it is what it is?

10 MR. SANBORN: That's what I'm continuing
11 the variance request for is for those items.
12 So trying to take care of the low points and
13 address the -- create the clear opening from
14 the control side to the machine site and
15 getting rid of the door, and then asking for a
16 variance on the lights and conduit. What I
17 tried to do was show with the pictures in the
18 schematics where those items are.

19 MR. JANDORA: Jandora. Has Dick Gregory
20 reviewed this new information?

21 MR. CAPUANI: Has Dick Gregory reviewed
22 the new information?

23 MR. SANBORN: I haven't talked to him.

24 MR. JANDORA: Do we know -- you know, it
25 sounds like we're creating a partition that is

1 grounded, right? And NEC requires certain
2 clearances between control equipment?

3 MR. SANBORN: I did --

4 MR. GRANT: 3 feet. That's why I asked
5 about the working clearance off of that
6 controller. The voltage on this is still under
7 3 feet, right?

8 MR. GILLES: And I don't know any
9 measurements. I didn't take any. So I would
10 have to --

11 MR. GRANT: I mean, we're working from the
12 face of the controller cabinet to the back
13 wall. We don't -- I mean, we need to make sure
14 we have the 36-inch clear space. And that's
15 why I'm asking about this, because I really
16 like the solution proposed, but it comes at a
17 potentially much more dangerous cost on whether
18 you bump your head. And I don't want to solve
19 the forest and forget about the fact that an
20 individual tree was the part that got you.

21 MR. GILLES: To be honest with you, when I
22 went and looked at it, I wasn't looking for
23 that. My opinion was that if it was a hazard,
24 I wanted to raise the roof up. So I guess I
25 didn't look at it from that point of view, and

1 that's why I didn't check those measurements.
2 I really never thought about it.

3 MR. GRANT: It looks as if it would be
4 12 -- what was the depth of the room? Is that
5 marked?

6 MR. SANBORN: It's not marked there. It's
7 actually about 12 1/2 feet, I think.

8 MR. GRANT: Is the door 3 feet in width?

9 MR. SANBORN: What I've sketched there?
10 Roughly.

11 MR. GRANT: Is the actual door 3 feet, you
12 think?

13 MR. SANBORN: Yeah.

14 MR. GRANT: It was a 3.0 door?

15 MR. SANBORN: Just to kind of follow up
16 with what you're leading to there, I did run
17 this by the inspector for the --

18 MR. GRANT: Greg Sacks?

19 MR. SANBORN: Yeah. And asked him his
20 thoughts on this, and he brought up the exact
21 same thing about maintaining clearances.
22 Basically I said on the items that I'm going to
23 try to take care of, what he thought about it,
24 so he would be able to walk in and say, yes,
25 it's good. I want to know what else he would

1 bring up.

2 MR. GRANT: Grant again. If I could, I
3 would suggest -- I understood Rod's point about
4 the beam having a wide phalange width, that can
5 affect it. But if we are close at that 36 in
6 any way, if we compress the width of this
7 screen wall that we're putting up closer
8 together so that you have less of that beam
9 sticking out -- and you really can't get going
10 underneath of it to hit your head -- it would
11 be more important, I think, to make sure we had
12 that fold up the working space, than ever
13 compromise on that side of it for the head
14 room, and yet still try to do our best with
15 both.

16 MR. GILLES: I agree.

17 MR. SANBORN: It should not encroach.
18 We've got some space there.

19 CHAIRMAN GANIERE: I'll make a couple
20 comments.

21 I think you've done a decent job of trying
22 to remediate the situation, but I'll be honest
23 with you. For me, it still comes down to this
24 is new construction. There should be no reason
25 for these variances. If everyone was doing

1 their job properly, and they were reviewing the
2 codes, and they make the change in the
3 elevator, they should have known that other
4 changes were going to need to be made, and
5 those should have been made then, and we
6 shouldn't be addressing the variance now and
7 discussing this. That's my opinion. I'm one
8 member of a 17-member board. But that's my
9 opinion.

10 I do think Mr. Capuani brought it up that
11 we should have our consultant review these
12 drawings and get his comments and questions on
13 that. I don't know what the timeframe of this
14 construction is. I mean, if you could
15 elaborate on that.

16 MR. SANBORN: Sure. As far as the door
17 and the beam, it's us getting a hold of the
18 right door going there. At this point, I mean,
19 the laborer is obviously on hand to start doing
20 the work on the door and the partition.

21 CHAIRMAN GANIERE: Is the building open
22 yet?

23 MR. SANBORN: Yeah, it is.

24 CHAIRMAN GANIERE: It is? And this
25 elevator is operating?

1 MR. SANBORN: Yes.

2 CHAIRMAN GANIERE: Okay.

3 MR. SANBORN: And I can certainly send the
4 stuff to Dick Gregory.

5 At this point, you know, yes, obviously
6 everything should have been caught ahead of
7 time. My goal is to try to minimize the
8 downtime on both of those. The power is the
9 biggest concern, rerouting those two large
10 service feeds to both elevators. The lights
11 are not a big issue; the smoke detector is not
12 a big issue. The control wiring obviously,
13 there would be some downtime involved with
14 those. That's my goal on these is trying to
15 eliminate as much downtime of the building as
16 possible.

17 MR. WELLER: Sky, if we vote on this in
18 January, is this going to have any impact on
19 you? If we wait until January and have Dick
20 give us this? I mean, I would just -- I'm of
21 the opinion I would rather vote to get this
22 going, but I'm not comfortable that you've
23 shown me that there's 3 feet between the
24 controller and the wire mesh. So I just want
25 to make sure that that piece is met, and I

1 would be okay with your variance.

2 MR. SANBORN: And that item
3 there -- obviously it's a dimension I wished I
4 would have taken, if --

5 MR. WELLER: It looks close on your
6 drawing, but I don't have a ruler.

7 MR. SANBORN: It's not a to-scale drawing.
8 It's a schematic.

9 But installing that wire mesh partition is
10 not part of what I would, I guess, try to be
11 asking a variance on. If it didn't work, we
12 would have to relocate that control wiring
13 conduit because my inspector pointed that out
14 right away, that he actually threw the numbers
15 right out. About 3 feet and I think 30-inches
16 wide --

17 MR. GRANT: At a minimum of 30 ordinarily
18 for the cabinet.

19 MR. SANBORN: You know, he pulled those
20 right out that whatever I put up, it couldn't
21 encroach anything.

22 So to answer your question, I was going to
23 try to take action on these things over
24 Christmas break while -- this is primarily
25 student housing at the University of Illinois.

1 While the students were gone. So we were going
2 to -- whatever impact it did have on downtime,
3 we were going to minimize it by that way.

4 So that was going to be my goal is to come
5 out here with a direction on it. You know, we
6 will do what we need to do, trying to get it
7 done over that time.

8 MR. GRANT: Grant. I was wondering if,
9 one, we could get a dimension drawing e-mailed
10 to Elaine and distributed to the board in
11 advance of that.

12 But I would ask that if -- what is it that
13 we would want Dick to evaluate? Just this
14 working clearance issue? Or do we think there
15 are other elements of this that our consultant
16 provides to us that we aren't getting with
17 Rod's site visit or other expertise from Bob
18 and other -- here at the office? I thought it
19 was all head room and that the solution
20 shouldn't make it worse than -- you know, we
21 don't want to solve one thing and make a bigger
22 problem with something else. If we think this
23 solves the head room issue to a level that's
24 acceptable, which is my understanding, we are
25 talking about a half-inch in head room on

1 conduits? Or as much as an inch at the smoke
2 detectors or lights?

3 MR. SANBORN: It's more. 84 inches is
4 what the code requires, and some of these come
5 down to the 79-inch range.

6 MR. GRANT: I'm sorry. I thought it was
7 80 inches, and not 84.

8 MR. SANBORN: That's the door.

9 MR. GRANT: Well, I'll make the point if
10 they don't cream your head going in at a
11 80-inch height of a door, which is a 6'8" door
12 opening that we typically go in, that you don't
13 tend to cream it on the smoke detector inside
14 the room either.

15 But my point is, that in the interest of
16 trying to resolve this in a way that's
17 meaningful, I just am wondering what we're
18 waiting two months for Dick to tell us if it's
19 about measurements. If we could vote
20 contingent on verification that's acceptable to
21 us, that the dimension -- the minimum NEC code
22 dimensions are there. And I don't care if you
23 have perhaps the state elevator -- licensed
24 elevator inspector confirms that with them, and
25 they jointly submit it back to the board, and

1 it confirms that this solution would provide
2 the necessary NEC working clearances. That is
3 all we need to know for that to be an
4 acceptable conclusion for the board, and we
5 would wrap it up considerably sooner.

6 MR. WELLER: Weller. To our attorney, is
7 it possible for us to grant variance and apply
8 a fine for -- I'm trying to encompass both
9 sides of this.

10 They built a new building. They really
11 should have had it built to specification. And
12 now you reached a point where they're asking us
13 to make a very good leap of faith to keep this
14 thing moving forward, but there needs to be
15 some repercussion from the fact that they
16 missed this the whole way, and that shouldn't
17 be part of the ongoing way new construction
18 gets done. There needs to be some
19 administrative fine or penalty that would kind
20 of not make this just a rubber stamp. If
21 someone screws up, we come in and help them fix
22 their building.

23 MR. BARNES: Right. And just after this
24 discussion about the James' issue, I was
25 looking through the Act as to the powers that

1 the board has. And the board, its powers are
2 mainly just to set rules. And the
3 administrator of the OSFM has the -- it appears
4 to me at this point has the most of the
5 authority to -- in the context in the James'
6 context, to revoke, penalize, suspend licenses.

7 Now, in the context of an elevator permit,
8 I would -- at this initial stage, I would have
9 to say that that would be the OSFM's bailiwick
10 to do that. I think the board could recommend
11 a tentative approval, given certain actions
12 taken, but the pecuniary or the penalty side
13 comes with the OSFM.

14 So what I would recommend is that the
15 board set forth, you know, a resolution or have
16 a move to create a resolution whereby this
17 building owner or the builder has to meet
18 certain specifications that will be temporary.
19 You know, it will be a temporary grant of
20 approval pending certain -- pending proof that
21 whatever you need to put yourself at ease has
22 been done and after which the actual permit
23 will be granted -- or the variance. Excuse me.
24 That's what I would recommend. Because I
25 haven't seen any ability for the board to issue

1 fines. That comes from the OSFM. I'd be happy
2 to discuss that issue.

3 MR. GRANT: Grant. Just a question,
4 Kelly. Which party would you look to penalize?
5 The building owner?

6 MR. WELLER: Great question.

7 MR. GRANT: Because you wonder if the
8 elevator company that made the installation
9 goes, "Hey, wait a minute. I can't make this
10 work and meet the regulations under the code
11 under which I'm obliged and licensed to
12 follow."

13 MR. WELLER: I think all paths lead to the
14 general contractor. But my thought is nothing
15 harmful. Like a thousand-dollar fine just to
16 say "You should have known better to have this
17 happen." Because for us to take three meetings
18 to screw around with this, which is
19 appropriate, but not on new construction. So
20 there needs to be something that says, "Really.
21 You should have thought this through a little
22 better."

23 CHAIRMAN GANIERE: What message does that
24 send? It sends the message that "Okay. Go out
25 and build a new building. And if we decide to

1 change something, oh, don't worry. The hell
2 with it. We'll just get a variance. They
3 might fine us a thousand bucks."

4 MR. WELLER: (Inaudible.)

5 MR. GANIERE: Well, yeah, okay. I
6 understand what you're saying. But in my mind,
7 there shouldn't be a variance, period. Fix it;
8 you fix it right. I don't care. I mean, I
9 understand that's a significant cost. Not my
10 fault. Not the code's fault.

11 MR. WELLER: Sky, would you like us to
12 take a vote?

13 MR. BARNES: Well, Bob raised an
14 interesting point. I even questioned whether
15 or not the OSFM can issue fines against the
16 builder or the contractor because we don't have
17 mandatory control over the builder. I mean, we
18 just -- we can say that we'll do it, and we'll
19 try, but based on my knowledge, we don't have
20 the statutory or rule of authority to levy
21 fines against someone that we don't regulate.

22 MR. SANBORN: I can say I paid \$400 to
23 come do this. So if there's kind of a built-in
24 fine for preventing a variance, I mean, if you
25 wanted to levy it that way.

1 MR. WOLIN: Wolin. Question. A lot of
2 times when there's the point about not creating
3 a variance, if we don't grant a variance, what
4 is it going to cost to solve the problem so
5 that this meets all the specifications?
6 Question number one.

7 Question number two. You know, what does
8 this cost? If the proposed solution costs a
9 hundred thousand, but to change it so that no
10 variance is required costs 200 off the top, if
11 the answer is it's a million, then I would
12 think twice. Is there a way of getting rough
13 estimates?

14 MR. SANBORN: Yes, we did. And the cost
15 to do what I'm showing here is, I think, a
16 couple hundred thousand dollars. The labor to
17 cut out the door, buy the door, build the wire
18 mesh partition, that's pretty minimal. The
19 cost to relocate all the conduit is -- we're
20 looking at probably \$20,000 to \$30,000. So
21 it's not astronomical. The big goal, like I
22 said, that we're looking for is trying to get
23 the room workable without making it less
24 functional. And then also get the downtime on
25 both elevators minimized without ripping out as

1 much conduit as we need to. That's the larger
2 task, I think, at hand.

3 MR. WOLIN: So we're talking about 20,000
4 total to remediate it so that no variance is
5 required? Is that what you said?

6 MR. SANBORN: That's what it looks like.
7 And, like I said, that's less the concern than
8 the overall downtime.

9 And one of the solutions that we looked at
10 for -- we have to create a route for the
11 conduit to get across the room, one way or
12 another, is actually building a separate wire
13 mesh partition before you come in the door that
14 would allow for a 4-inch header to cross over
15 so it would have another doorway in there. And
16 our concern there is it would meet the letter
17 of the code, but may actually reduce the
18 functionality, if you want to call it that.
19 You're going through another partition. So
20 meeting the intent may make things worse was
21 our concern.

22 But the cost, to answer your question, was
23 not astronomical.

24 MR. WOLIN: Wolin. In order for me to
25 make an intelligent decision, what I would need

1 to see laid out is what it would cost to
2 totally remediate it and what the implications
3 are. Like how much downtime? Are you talking
4 about one day of downtime or three weeks of
5 downtime? I'd like to see that laid out. And
6 then the same thing for the quick fix here,
7 which you pretty much have done. But I
8 personally cannot make an intelligent decision
9 unless I see that.

10 MR. CAPUANI: Bob Capuani. To remind the
11 board, this is the board's decision. OSFM has
12 denied this variance with our OSFM's
13 consultant. So this is purely now the board's
14 decision for this variance.

15 MR. BARNES: Is the appeal.

16 MR. CAPUANI: Yes.

17 MR. BARNES: And the board, like I said,
18 doesn't have the power to assess fines, but
19 what you do is you can grant or deny. That's
20 what you can do. And the variance, as
21 proposed, can be modified to meet your
22 specifications, but you either grant or deny.

23 MR. GRANT: Grant. I want to be sure I'm
24 clear in understanding this.

25 As submitted with this revision today, the

1 only -- the variance request has been modified
2 because of Skyler's request that we skip the
3 issues about the head room at the beam because
4 we have isolated that created-compliant
5 openings across it.

6 So the only element of the variance before
7 us then remaining is for conduit clear height,
8 which is denoted on this drawing. I don't
9 believe that Mr. Gregory reviewing that again
10 for consultation is critical. I do think we
11 have to confirm that this proposed solution
12 with the wire mesh meets those clearances that
13 are mandatory clearances. We could not allow
14 them, nor could an elevator company or
15 inspector accept a reduced work clearance.

16 So I think if we could assure ourselves of
17 that being met, we would only be acting upon
18 the height of a conduit and smoke detector and
19 light fixtures within that clear ceiling
20 height.

21 Am I -- I think that is a correct
22 understanding of where we're at with this
23 revised variance?

24 MR. GROSS: I have one question. What was
25 the height from the floor to the ceiling?

1 MR. SANBORN: That's 7 foot. It was
2 originally 8 foot, and when the room moved up,
3 it became 84 inches.

4 MR. GROSS: Oh, it is 84 inches?

5 MR. SANBORN: To the ceiling. So wherever
6 we have a conduit mounted on a light fixture
7 mounting, it drops down to 84 inches. If
8 everything was on the wall, there would be
9 no --

10 MR. GROSS: Actually, with what I see
11 here, outside of the two lights at 79 and
12 3-quarter inches basically, which would be a
13 quarter inch shy of the 80 inches,
14 accessibility requirements for this rule meet
15 all the accessibility requirements. Not that
16 it's a machine room or not anybody with
17 accessibility needs, but 80 inches is usually
18 the cut-off. And you're allowed to go off the
19 wall, you know, 4 inches, any portion of the
20 wall with the conduit. So you can -- if you
21 needed an extra few inches here and there for
22 30 inches. Mine would be more on the clearance
23 of the machinery. When you put in that wall,
24 that you would have the 36-inch clearance on
25 either side.

1 MR. SANBORN: Okay.

2 MR. GRANT: I don't want to beat this, but
3 I think he points out to a very good element.
4 This is Grant again. That the 4 inches off the
5 wall that you're talking about also applies to
6 that edge of that beam. If the wall is in the
7 center point of that phalange, you
8 theoretically could have 4 inches of the
9 phalange showing on either side of that wall
10 and still meet that same criteria because of
11 the depth of that. So I would suggest that
12 that is a means by which we have to work with
13 that clearance to help that solution.

14 And I assure you all, board members, I
15 wouldn't be interested in voting for a variance
16 that in any way compromised that working
17 clearance for the controller, and would have to
18 have approval with that being verified. If
19 that's not possible, then it would not be
20 continued.

21 MR. GROSS: The lighting would be the most
22 economical way to retrofit the lighting off
23 from the side wall. That would be an easy fix.

24 MR. SANBORN: And as I indicated to you,
25 the light fixtures and the smoke detectors are

1 kind of the easy ones because they don't
2 interfere with the operation of the elevator.
3 I do think the room might be more prudently lit
4 if we lit from the side, but we can address
5 that with additional light fixtures.

6 And to your point, too, the inspector did
7 point out -- and if we were to create an
8 additional situation, it would just spiral out,
9 because he would then reject it on that and say
10 whatever solution has to be so there's not an
11 additional exception.

12 CHARIMAN GANIERE: Further comments or
13 questions?

14 MR. WILSON: Wilson. Bill, you did say
15 that this board could entertain -- could
16 approve this variance contingent upon that?

17 MR. BARNES: Yes, I believe we can.

18 CHAIRMAN GANIERE: I guess before any
19 motion is made, I think, myself, I would like
20 to have our consultant's input on a proposed
21 fix, and also the clearances, if they're going
22 to be correct or not before I would vote. I
23 think -- well, I think my vote --

24 MR. WILSON: If you are putting a
25 contingency in there, then if they don't meet

1 the contingent -- the contingencies, then the
2 variance is null and void, correct?

3 MS. DEL GRECO: Correct.

4 MR. BARNES: Then that is denied.

5 CHAIRMAN GANIERE: I understand. I know
6 how contingencies work. Other contingencies
7 are made, and they go by the wayside.

8 MR. WELLER: What he's asking for -- and I
9 think that Craig is articulating it very
10 well -- is a variance on the conduit and other
11 necessary piping that has to run across the
12 ceiling. Everything else they've met and
13 remediated, but we just want some more
14 satisfaction that that is correct. Dick can
15 look at that whenever he gets back, and within
16 a week or two weeks -- let's be
17 reasonable -- can have your recommendation.
18 What Dick can't do is say "yes" or "no." He
19 just is going to tell you, yes, this
20 meets -- this remediation is acceptable and
21 does not violate further code, right? Create
22 any further code violations. We're going to
23 vote to give you the variances on the conduit
24 and the necessary piping that needs to go
25 across the ceiling.

1 I would make the motion to grant your
2 variance for the piping and various conduit
3 that you've outlined with the acceptance of the
4 modifications that you proposed on the height
5 of the beam being approved by Dick Gregory, our
6 OSFM consultant.

7 CHAIRMAN GANIERE: Is there a second?

8 MR. GRANT: Second.

9 CHAIRMAN GANIERE: I have a question on
10 your motion. Kelly, you're only saying that
11 Dick is going to review the cutout of the beam
12 and nothing else?

13 MR. WELLER: We're going to grant the
14 variances on the conduit, either "yes" or "no."
15 I mean, we're either going to vote on it or
16 not, but what we don't know is whether the
17 accessibility of the beam configuration that
18 they've created --

19 MR. GRANT: Working clearance?

20 CHAIRMAN GANIERE: What about the
21 clearances between the mesh --

22 MR. WELLER: That's what we're asking him
23 to look at.

24 CHAIRMAN GANIERE: When you said the
25 cut --

1 MR. WILSON: That's different.

2 MR. WELLER: I'll expand on what my
3 thought was. Whatever remediation they're
4 doing on that height to be reviewed.

5 CHAIRMAN GANIERE: Is that agreeable?

6 MR. HERTSBERG: Sky, after it's done,
7 whatever remediation is proposed, it will be
8 inspected, correct?

9 MR. SANBORN: Yes.

10 MR. HERTSBERG: It's 3 feet anyway. He
11 has to do it. Otherwise it won't pass the
12 inspection.

13 MR. SANBORN: Greg Sacks indicated that to
14 me that whatever we do, it better not open up
15 another exception. It has to meet code.

16 CHAIRMAN GANIERE: Is there further
17 discussion?

18 [NO RESPONSE.]

19 CHARIMAN GANIERE: I'll do a roll-call
20 vote on this. So please state your name and
21 your vote.

22 I'll start with you.

23 MR. WELLER: Weller. Yes.

24 MR. GROSS: Wait. I'm sorry. Could you
25 reiterate what we're voting on?

1 MR. JANDORA: Jandora. Abstain.

2 MR. WILSON: Wilson. Yes.

3 MR. DATTILO: Dattilo. Yes.

4 MR. POPOWITS: Popowits. Yes.

5 MR. GRANT: Grant. Yes.

6 CHAIRMAN GANIERE: Ganiere. No.

7 The motion is passed.

8 Submit something as soon as you can to

9 Mr. Gregory.

10 MR. SANBORN: I'll send it to Dick.

11 MR. CAPUANI: Can you copy -- can you copy

12 me on that please?

13 MR. SANBORN: Yes.

14 CHAIRMAN GANIERE: Okay. New business.

15 Schindler Elevator, approval request for new

16 technology.

17 MR. PETERLIN: Good morning. Jim

18 Peterlin.

19 First of all, thank you for letting us

20 come here to introduce our new MRL 3300 product

21 and certifications. We have a gentleman here

22 supporting the company from the code

23 standpoint, R and D, and technical standpoint

24 as well. We sent literature to the board and

25 the letter from Dick Gregory as well. That was

1 presented in October. So I guess you can
2 review and look at that. We're here to answer
3 any questions relative to that.

4 We could bore you with a PowerPoint
5 presentation. However, that is if you want to
6 see that, we do have that available, and go
7 through some of the issues or areas of concern.

8 MR. JONES: Jones. Question. Can you get
9 that on line? Do you have a PowerPoint that
10 you could give us on line?

11 MR. PETERLIN: We can certainly do it
12 here. I know it doesn't make sense because we
13 have a huge audience here. I think what we
14 presented is certainly where we want to go with
15 it at this point, is through the public review
16 here. Again, I have representation here, if
17 you want to talk about code or want to talk
18 about the R and D aspects of it. They can
19 certainly cover the points right now.

20 I'm sorry. The projects we have, we have
21 permitted two jobs in Chicago with this
22 product, and we're looking to permit two
23 additional units here in Illinois.

24 MR. CAPUANI: Have you sold any units
25 outside the City of Chicago yet?

1 MR. PETERLIN: We have one that's pending.

2 MR. CAPUANI: Pending the board's
3 approval?

4 MR. PETERLIN: Yeah, but I didn't feel
5 comfortable without getting the approval.

6 MR. CAPUANI: You haven't got approval.

7 MR. PETERLIN: I'm sorry?

8 MR. CAPUANI: You have to get approval.

9 MR. PETERLIN: Yes.

10 MR. CAPUANI: There's no "comfortable"
11 about it. You have to have approval, period.

12 MR. PETERLIN: Understood.

13 MR. WOLIN: Wolin. When I looked at this,
14 I looked at it from two standpoints. One was
15 technical and the other is procedural. From a
16 technical standpoint, Dick Gregory has reviewed
17 it. I'm not an elevator expert. I will defer
18 to his judgment. If he says it's okay, that's
19 fine with me. Other people on this board have
20 much more technical background than I do, and
21 they may have some more questions.

22 From a procedural standpoint, a couple of
23 comments. One of the things I did is I went
24 out to my favorite tool, Google, and put in
25 "Schindler" and put in "variance," and I came

1 up with a Texas Department of Licensing and
2 Regulation approval of this, and they approved
3 it, okay? But I thought it was very
4 significant what they did.

5 What Texas did -- and I would encourage
6 the board to consider doing the same thing if
7 it ever comes up for a similar 17.7
8 approval -- is they sent a letter to Schindler,
9 and they did several things in the letter. One
10 is, they stated all of the things that they had
11 to ensure, like the elevator would only operate
12 at a certain speed and things of that sort.
13 And they have about -- I don't know -- about 10
14 different things that they said you have to do.

15 Now, that information is probably included
16 in the information that Schindler already sent
17 us, but it's in different parts. This way, you
18 have one letter between the State of Illinois
19 and Schindler saying these are things you have
20 to do.

21 One of the other things they did was they
22 said -- I'll just read it. "Until such time as
23 the Schindler Model 3300 MRL with STM is fully
24 compliant with the adopted standard in Texas,
25 all sales contracts for the Model 3300 will

1 contain a clause that informs buyers that this
2 product has been approved under the new
3 technology variance provisions of Chapter 754."
4 And it gives another alternative.

5 So what I'm saying is, my recommendation
6 is that when the future things come before
7 us -- actually, including this one -- before we
8 actually officially approve it, we should have
9 a similar letter that the board reviews as part
10 of our package. So we're approving this letter
11 between the State of Illinois and the elevator
12 company.

13 Second of all, from a procedural
14 standpoint, we really haven't approved 17.7
15 yet. We approved it, but the rules have not
16 been posted and gone through JCAR. So 17.7, as
17 far as I understand, is not really an official
18 standard. So I'm not sure we can give a 17.7
19 approval. But what I think we can do is grant
20 an approval on an elevator-by-elevator basis.
21 And, you know, I look forward to Bob or the
22 attorney offering additional thoughts on that.
23 Those are my procedural comments.

24 Oh, one other thing. What we may want to
25 do is actually table this until we get all

1 these things resolved. However, I'm not going
2 to make a motion to that effect, because based
3 on the discussion, we may want to take some
4 vote today.

5 MR. GRANT: Grant. I have a question
6 related to the testimony at last -- at our last
7 board meeting. I was under the understanding
8 that 17.7, because it is referenced by A17.1,
9 it actually is an eligible testing and
10 administration criteria. It's alternative
11 technology, but that that is done -- whether we
12 adopt it independently or not, we could take
13 action to exclude it, as I understood it, but
14 not -- did not have to have such action to
15 include it from being able to be considered, if
16 I understood Dick Gregory's discussion on this
17 correctly. I was wondering if anyone else on
18 the board or on staff recollects that
19 differently.

20 MR. JANDORA: Jandora. That's my
21 recollection as well. That the beginning
22 sections of ASME A17.1, it's clearly defined
23 that you either install a system that is fully
24 compliant with everything that is in A17.1 or
25 meet the requirements of A17.7, which is the

1 performance based standard. Which after
2 looking at this information here, it seems that
3 they've gone through the correct avenues and
4 received AECO certifications for all the
5 subsystems or components that are not meeting
6 the A17.1 standard, which I believe is what
7 Dick Gregory confirms in his letter to the
8 board and Bob Capuani.

9 CHARIMAN GANIERE: Any comments or
10 questions?

11 [NO RESPONSE.]

12 CHARIMAN GANIERE: Mr. Wolin, on some of
13 the things that you brought up in that letter
14 that you read from Texas, Mr. Gregory does say
15 are addressed in Schindler's submission. I
16 don't know if it addresses all 10 of them, but
17 it does say that -- it addresses like the
18 elevator rise. And number 4 is limited
19 capacity and limited speeds, so.

20 MR. WOLIN: Wolin. I agree. But the
21 letter from Dick Gregory is to us. You know,
22 what this does -- it's from the State of Texas
23 to Schindler, and I think there's a big
24 difference there. So what I'm suggesting is
25 that it's okay for Dick to write a letter to

1 us, and in the future he may want to continue
2 doing it, but in addition when we vote, we
3 should have a letter from us directly to the
4 company specifying all these things.

5 MR. WELLER: Weller. I guess it is
6 feasibly possible that JCAR could strike or
7 propose a revision to this. I mean, it is a
8 possibility, but I do think we can do what
9 we've always done, which is grant a
10 elevator-by-elevator basis until JCAR does
11 approve these. I mean, that at least gives us
12 some procedural correctness, or if that's the
13 right word. But I could see your point as
14 well, and I don't know how that would -- I
15 could make the point that we wouldn't have
16 changed it if we already had the authority.

17 MR. JANDORA: It's hard to say. You can
18 look back at the meeting minutes, and you go
19 back to August of 2007. You know, the rules
20 that apply to the Act prior to Senate Bill 149
21 being adopted, we had an acceptance of
22 performance code. And then when it went to be
23 published, there was a grammatical error,
24 right?

25 So we had -- it said A17.1, and then it

1 went on to say "and" A17.1 performance based
2 code, because it was just an error made on the
3 .1 because it continues to further define it as
4 the performance based code.

5 So from my perspective, I think this board
6 has to approve the performance based code and
7 pass the rules. And now it's just a matter of
8 trying to clarify it. You know, here we are
9 again, two, three years later trying to clarify
10 that that was the intent from the beginning.

11 MR. WELLER: I think in the interim, it
12 doesn't hinder our ability to vote on this. It
13 just would be a case-by-case basis until JCAR
14 approved the rules.

15 MR. JANDORA: It doesn't seem fair. It
16 seems that, you know, Otis and Kone both have,
17 you know, the ability to go under the AECO
18 certifications, under the performance based
19 code, to go in and sell a product that we're
20 now going to limit Schindler's ability to do
21 that.

22 MR. WELLER: I think we've always done it
23 on a case-by-case basis, but we did make a
24 switch at some point in time. Did we make that
25 switch for a while?

1 MR. JANDORA: May of 2009, Otis Elevator
2 received approval. November of 2009, Kone
3 Elevator received approval, both having an AECO
4 certification. And here they're doing the same
5 thing a year later.

6 MR. WELLER: What if we vote on that as a
7 blanket certification pending JCAR's approval
8 and JCAR changes the language. I guess we
9 would have to go back and revisit it anyway.

10 MR. JANDORA: We would have to go back and
11 revisit every one.

12 MR. CAPUANI: Bob Capuani. Otis did go
13 through a trial period.

14 MR. JANDORA: We all did.

15 MR. CAPUANI: Right. So I believe
16 Mr. -- what Jerry is saying is that we should
17 go through a trial period also with Schindler.
18 I kind of agree with him because the board has
19 the authority to make determinations for new
20 technology.

21 MR. JANDORA: You're right. It is
22 different from that.

23 CHAIRMAN GANIERE: Other comments or
24 questions?

25 MR. JONES: Jones. Getting back to what

1 Mr. Wolin talked about before. Using this as
2 kind of a basis for also looking at 3300 using
3 this same criteria for making sure that all
4 this -- you know, similar. I don't want to use
5 Texas entirely here, but using these 10 points
6 that the State of Texas used, I'd like to look
7 at those and see if those are something we want
8 to take a look at and have as part of the
9 process, I think, would be something we need to
10 take a look at as the board. And if that takes
11 time for the whole board to absorb this, then I
12 would also suggest that we wait on it.

13 MR. POPOWITS: Al Popowits. To be very
14 frank, there's a lot of information that's
15 being thrown at us at once. Can we table this
16 for today and then go to the next meeting on
17 this?

18 CHAIRMAN GANIERE: Are you making a
19 motion?

20 MR. POPOWITS: Yes, I'd like to make that
21 motion.

22 CHAIRMAN GANIERE: There's a motion to
23 table this. Is there a second to the motion on
24 the motion to table it?

25 MR. JONES: Jones.

1 MR. GANIERE: Mr. Jones.
2 All in favor to table it to the next
3 meeting? Is that your motion?
4 MR. POPOWITS: Yes, correct.
5 CHAIRMAN GANIERE: The next regular
6 meeting?
7 MR. POPOWITS: The next regular meeting.
8 CHAIRMAN GANIERE: Okay. All in favor?
9 [CHORUS OF "AYES."]
10 CHAIRMAN GANIERE: Opposed?
11 [CHORUS OF "NAYS."]
12 MR. GRANT: Roll call please.
13 CHAIRMAN GANIERE: Let's take a roll call.
14 I'll start with Mr. Grant this time.
15 MR. GRANT: No.
16 MR. POPOWITS: Yes.
17 MR. DATTILO: Dattilo. No.
18 MR. WILSON: Wilson. No.
19 MR. JANDORA: Jandora. No.
20 MR. HERTSBERG: Mark Hertsberg. No.
21 MR. FINCHAM: Fincham. Yes.
22 MR. GROSS: Gross. No.
23 MR. WOLIN: Wolin. Yes.
24 MR. JONES: Jones. Yes.
25 MR. GILLES: Gilles. No.

1 MR. JIRIK: Jirik. No.

2 MR. WELLER: Weller. No.

3 CHAIRMAN GANIERE: Ganiere. Yes.

4 Do you have a count?

5 MS. DEL GRECO: No. I'm sorry.

6 MR. WELLER: How about we put up our
7 hands?

8 CHAIRMAN GANIERE: The "nos" have it. The
9 motion to table fails.

10 MR. WELLER: I'm sorry. I didn't get your
11 name.

12 MR. PETERLIN: Jim Peterlin.

13 MR. WELLER: Jim? So you've got an
14 elevator outside of the City of Chicago that
15 you're looking to get started on, right?

16 MR. PETERLIN: Yeah. We haven't made the
17 sale yet obviously.

18 MR. WELLER: I mean, I agree with Rick's
19 point. I can understand your point, too. I
20 mean, why don't we grant you the variance for
21 this specific opportunity. I mean, to go ahead
22 and give one. And what's involved is then come
23 back and revisit it with the blanket exception
24 of going forth. Would that be acceptable?

25 MR. PETERLIN: Sure. We'd like to get the

1 approval moving forward today, and this job is
2 not sold yet. So, you know, that could linger.
3 The only concern that I have is if we
4 could -- Rick could probably attest to, putting
5 a sales team out there trying to sell a
6 product, and we really can't sell it until we
7 get the approval. If it's a case-by-case
8 basis, I understand that.

9 My next question would be then if we're in
10 Thompson's jurisdiction, they then would have
11 to give us that approval, I would assume, on
12 that particular -- no?

13 MR. JANDORA: Jandora. So they presented
14 us with a performance based certification that
15 states that they are meeting all of the safety
16 requirements necessary to ensure that the
17 riding of the public would be riding safe
18 conveyance. We have the board's consultant
19 who's reviewed all the information that they've
20 provided, and based on the reports, seems
21 satisfied with what's been presented. I am not
22 sure what we're waiting for. It just seems
23 that they've complied with everything that they
24 need to comply with. It's a new product. If
25 we want to, you know, further define that, I

1 mean, I believe the AECO certification speaks
2 for itself on that. There are restrictions on
3 what you can and cannot do, you know, from
4 speed and the things that, you know, Texas
5 provided in letter form.

6 I move that we approve this product and
7 accept the AECO certifications as an acceptable
8 means of selling an approved product in the
9 State of Illinois.

10 MR. GROSS: Gross. Second.

11 CHARIMAN GANIERE: Is there any further
12 discussion on that? We had a lot of discussion
13 before the motion was made. Any further
14 discussion?

15 MR. HERTSBERG: I have a question for Jim.
16 Has this system been installed anywhere else in
17 the world?

18 MR. PETERLIN: It's been in Europe for
19 about three or four years.

20 MR. HERTSBERG: How many units?

21 MR. PETERLIN: Go ahead and state your
22 name.

23 MR. REHMAN: My name is Aziz Rehman.
24 Honestly, the question of the use in Europe,
25 about five years ago, and we have got approval

1 in North Carolina, New York and Ontario,
2 British Columbia, Alberta and then West
3 Virginia. Maybe about 10 or more. And there
4 are other states that are close to getting
5 approved. So it has a very good safety record.

6 [WHEREUPON THE REMAINING REMARKS
7 MADE BY MR. REHMAN WERE
8 UNINTELLIGIBLE BY THE REPORTER.]

9 MR. WELLER: Weller. In any of the
10 applications, has there been any modifications
11 or any requests made by the approving authority
12 on the installations?

13 MR. REHMAN: Not that I'm aware of, but
14 there were questions about the present design.

15 [WHEREUPON THE REMAINING REMARKS
16 MADE BY MR. REHMAN WERE
17 UNINTELLIGIBLE BY THE REPORTER.]

18 MR. WELLER: So no limitations?

19 MR. REHMAN: No limitation. The
20 limitations are, for example --

21 [WHEREUPON THE REMAINING REMARKS
22 MADE BY MR. REHMAN WERE
23 UNINTELLIGIBLE BY THE REPORTER.]

24 MR. GRANT: Grant. If I could, I think we
25 could perhaps address the reservation of the

1 board's approval authority with the letter by
2 merely indicating that we have reviewed this
3 product, our consultants reviewed it, and that
4 if it is installed and used as approved by the
5 A17.7 process, that the Elevator Safety Board
6 of the State of Illinois approves its use.

7 And we do need to make, I think, a
8 statement as a board that we have accepted it,
9 rather than just the motion. It is good that
10 the elevator company gets it.

11 And, in fact, I would suggest that if we
12 want to have Dick Gregory consult about proper
13 language for that such approval letter, that we
14 would then include it in our letters out to
15 Otis and others who have had similar approvals
16 under this A17.7 provision. But what we would
17 do is we would still be demonstrating and
18 recording for the company, as well as for their
19 customers, that we acted on this, and that we
20 did so following, you know, the documented
21 engineering that was required in order to get
22 this approval.

23 And I think we would be able to do that,
24 provide a -- because adding these items that
25 Dick Gregory has already said are in there, I

1 find that --

2 MS. DEL GRECO: Redundant.

3 MR. GRANT: -- unnecessary and redundant
4 and potentially confusing. It's important that
5 we approve it, but it's also important that the
6 companies are free to move a product that's
7 gone through all this testing and analysis up
8 front. I don't want to hold him back from
9 offering the citizens of Illinois an option to
10 use a very affordable means of vertical
11 transportation. So I would really urge you to
12 consider voting for this now.

13 MR. CAPUANI: Question. Capuani. I'm not
14 familiar with the Schindler product. I'm
15 familiar with the Otis product. The Otis
16 product has a monitoring device for the
17 suspension means. Does Schindler have a
18 similar device that would shut the unit down?

19 MR. REHMAN: Yes, to fully comply with the
20 code. And we do have one of the devices for
21 measurements and for slippage. All these are
22 required in A17.1 2010, which is likely to be
23 published by the end of this year. We have
24 fully complied with that. And I think what you
25 discussed about compliance with the

1 certification.

2 So Schindler, in your submission, you will
3 find three certifications. One was for when a
4 suspension --

5 [WHEREUPON THE REMAINING REMARKS
6 MADE BY MR. REHMAN WERE
7 UNINTELLIGIBLE BY THE REPORTER.]

8 MR. REHMAN: So we not only meet those two
9 components that meets the design, it meets the
10 A17 requirements.

11 MR. CAPUANI: So there is a device that
12 will shut this unit down?

13 MR. REHMAN: Definitely. It will shut it
14 down. Now, depending on the -- for example, if
15 it detects a slippage, then it will immediately
16 stop, you know, the power.

17 [WHEREUPON THE REMAINING REMARKS
18 MADE BY MR. REHMAN WERE
19 UNINTELLIGIBLE BY THE REPORTER.]

20 MR. REHMAN: We fully comply with all the
21 requirements of the new A17.1 to be published
22 in 2010, as well as 17.6.

23 CHARIMAN GANIERE: Sir, can you come up
24 and give the court reporter the spelling of
25 your name so she can get it down?

1 MR. REHMAN: Okay.

2 CHARIMAN GANIERE: Okay. That's good.

3 MR. CAPUANI: One more question. Capuani.
4 Do you have a product running in Illinois -- in
5 Chicago you said?

6 MR. PETERLIN: Not yet. It's sold.

7 MR. CAPUANI: Okay.

8 MR. GILLES: I just want to -- Gilles --
9 clarify. And I apologize, but I couldn't
10 understand the gentleman.

11 I went and visited the site because they
12 put one in Davenport, and I went over there to
13 look at it. I asked the very same question
14 that Bob did about it, about the monitoring
15 system that's similar to what Otis has. It
16 monitors the condition of the cables inside the
17 tower? I was told that, no, that Schindler
18 didn't have that. But I don't think that's
19 what I got out of him.

20 MR. REHMAN: No.

21 MR. GRANT: Could he come up here?

22 MR. GILLES: I was told that generally
23 it's built into it. After a million trips, it
24 shuts the unit down?

25 MR. REHMAN: Yes. Basically the new code

1 requires -- because it goes not by -- like in
2 the olden days, you would count the number of
3 broken wires. Now the new requirement says
4 that you will establish a very good strength.
5 If the strength of the elevator of the rope
6 goes beyond less than 60 percent, that will
7 do -- stop the elevator.

8 Now what Schindler did, it took it one
9 step extra. What we do is, the new strength,
10 if it goes below 80 percent, we shut the unit
11 down. Now, the next question, 80 percent.
12 A17.6 says you do the testing and establish
13 what the designated strength is to do. What we
14 did on each production length goes to the
15 testing. It goes to about 3 million per cycle,
16 and each trip makes three bends. So what it
17 does is it tests the amount of trips. Each
18 trip goes from the bottom to the first landing,
19 and we count it as one trip. And once it
20 recognizes that it has met 1 million trips, it
21 will shut it down. And this number of trips
22 are -- each trip is monitored. Each trip is
23 counted.

24 MR. GILLES: Visually looking at them,
25 those cables, the condition of them, you're

1 relying -- I mean, you're covered up by the
2 belt. So will there be a visual examination of
3 them annually? There has to be. But all you
4 can see is the belt. That's my only saying
5 about these types of machines is trying to make
6 sure that they're still safe.

7 MR. REHMAN: If you look, you will find
8 that there needs to be a visual check, a
9 visible, but how you establish that, that could
10 be only identified by testing --

11 [WHEREUPON THE REMAINING REMARKS
12 MADE BY MR. REHMAN WERE
13 UNINTELLIGIBLE BY THE REPORTER.]

14 MR. GILLES: I would feel better if an
15 elevator technician could look at that and tell
16 if it's -- I supported your competitors, but I
17 still have a hangup about them, too, but they
18 had a device that monitored and could tell you.

19 MR. REHMAN: Let me answer. For example,
20 this device --

21 [WHEREUPON THE REMAINING REMARKS
22 MADE BY MR. REHMAN WERE
23 UNINTELLIGIBLE BY THE REPORTER.]

24 MR. GILLES: I understand. It doesn't
25 mean I have to agree.

1 CHAIRMAN GANIERE: Any further questions?

2 MR. DATTILO: Mr. Chairman, for the
3 record, because I know she had stopped, could
4 we have a synopsis of the conversation? Rod,
5 could you tell us what you -- is that fair?

6 MR. GILLES: Okay. All I was looking for
7 is when we discussed the Otis product, they
8 have a device that clamps to the belt, and it
9 monitors I think -- Rick help me out. Is it --

10 MR. JANDORA: Resistance.

11 MR. GILLES: Resistance. So if that
12 starts to change, then it's detecting
13 that those -- the cable may be breaking down.
14 It's not a visual inspection. It's not as good
15 as what I would like to see. And I was asking
16 if Schindler had a device that was similar to
17 that. And the Otis thing actually clips and
18 cuts through the belt and touches the cable.
19 So like Rick said, it reaches resistance so
20 they can tell.

21 That's all I was -- because I do have a
22 concern about these products, because an
23 elevator mechanic can go -- on a steel rope,
24 you can look at it, and you can make
25 determinations. You know, if it's bruised or

1 if it's starting to break up or if it's
2 starting to shrink. I don't know that that
3 determination can be made with these products.
4 It doesn't mean I'm not going to support what
5 they're doing, but I do have some concern.

6 MR. DATTILO: And what's your
7 understanding of the answer to your question?

8 MR. GILLES: It's all based on math and
9 theory is what I understood.

10 MR. DATTILO: Okay.

11 MR. GILLES: I could be wrong.

12 MR. REHMAN: To ensure that each product
13 has a certain strength requirement, you'll find
14 out that what we do is every production run, we
15 test one to make sure that that has the
16 strength requirement.

17 [WHEREUPON THE REMAINING REMARKS
18 MADE BY MR. REHMAN WERE
19 UNINTELLIGIBLE BY THE REPORTER.]

20 MR. CAPUANI: I believe when the board
21 accepted the Otis GEN2, it was -- Otis had to
22 install the monitoring device on every unit
23 installed. Am I correct?

24 MR. JANDORA: Initially when we were
25 seeking variances on the job-by-job basis, it

1 was conditioned upon having our Pulse
2 monitoring system, our belt monitoring system
3 installed. Then when we came through with our
4 accredited elevator and escalator certifying
5 organization certificate, the AECO certificate,
6 that is conditioned upon Pulse being installed
7 as well. We have to have Pulse on every job in
8 order to install it, but that's part of our
9 certificate today.

10 So from -- can I ask a question? Jandora.

11 So the degradation of the cords within the
12 belt is based on the number of runs?

13 MR. REHMAN: Yes.

14 MR. JANDORA: There's a baseline integrity
15 established based on your testing and based on
16 number of bends that you incur over the use of
17 the elevator that determines how it will
18 degrade? And it's an 80 percent degradation is
19 what you were looking at to determine when it
20 needs to be replaced in lieu of a 60 percent
21 degradation that is allowed by the standard?

22 MR. REHMAN: We were going a step further.
23 It comes down to 80 percent to the shutdown
24 element --

25

1 [WHEREUPON THE REMAINING REMARKS
2 MADE BY MR. REHMAN WERE
3 UNINTELLIGIBLE BY THE REPORTER.]

4 MR. JANDORA: And then these runs, is that
5 a full run or is that a full cycle or the
6 number of runs?

7 MR. REHMAN: Because when, for example,
8 any steel wire, the number of bends. Now, for
9 every run, it goes through three bends, forward
10 bends. So one trip, whether it is one or two
11 bends, one segment will go through two bends.
12 So what we do or what the elevator does, for
13 every -- it will go through 3 million cycles
14 and make sure that it is more than 80 percent.
15 So when the elevator is installed, we monitor
16 the number of trips, which is in a computer.

17 And also every time the inspector of the
18 performance is on the site, he will write down
19 the number of trips made, so the number of
20 trips made. Now, once the trip is on the 1
21 millionth cycle, the elevator will stop, and it
22 cannot be restarted until and unless there's a
23 change in the suspension means.

24 MR. HERTSBERG: The question was, the trip
25 is measured?

1 MR. REHMAN: The trip is counted every
2 time an elevator runs, makes one trip.

3 MR. HERTSBERG: So it could be one stop or
4 more?

5 MR. REHMAN: It will be counted as one
6 trip, and it will count one million trips
7 before it shuts down.

8 MR. JANDORA: Every time.

9 MR. REHMAN: I mean, it may not be there.
10 Every time the motor runs, they know it.

11 MR. CAPUANI: Question. So on a daily
12 basis, there's no device monitoring these
13 cables? It's based on calculations?

14 MR. REHMAN: You know, like right now,
15 even if you look at --

16 [WHEREUPON THE REMAINING REMARKS
17 MADE BY MR. REHMAN WERE
18 UNINTELLIGIBLE BY THE REPORTER.]

19 MR. CAPUANI: I think our concern is this
20 is new suspension.

21 MR. REHMAN: You have to understand the
22 side that six --

23 [WHEREUPON THE REMAINING REMARKS
24 MADE BY MR. REHMAN WERE
25 UNINTELLIGIBLE BY THE REPORTER.]

1 MR. GRANT: Grant. My question is, is
2 that I firmly believe that the approval process
3 under 17.7 reviewed this issue much more
4 rigorously than we are even concerned about it.
5 There's no doubt in my mind after first
6 generation belt failures that this issue has
7 been scrutinized beyond any other aspect of
8 safety in this elevator. There's no doubt in
9 my mind that that's the case. I ask if there's
10 other board members here who have dealt with
11 this issue, if you disagree, please say so.

12 But the fact is, is that creating a new
13 method for monitoring this -- don't forget,
14 gentlemen, our steel ropes aren't monitored on
15 a daily basis either, not by a long shot. So I
16 guess we don't have the same features between
17 these manufacturers, but what we do have is a
18 documented, rigorous, professional engineering
19 analysis of the safety of this proposed piece
20 of equipment by experts, including our own
21 expert that supports our board. I would urge
22 us not to dissect technology that's been so
23 rigorously reviewed again at the expense of one
24 company contrasting it with another's, when I
25 don't really believe any of us at this table

1 carry the credentials to regulate the trade of
2 a piece of equipment that has undergone that.
3 I really urge us not to overstep our technical
4 expertise on this please.

5 MR. REHMAN: Can I --

6 CHAIRMAN GANIERE: Hold on. Mr. Jandora?

7 MR. JANDORA: I just have one other
8 comment. There is a new suspension standard
9 that was published a month, two months ago,
10 which is the A17.6, which is the new means of
11 suspending a conveyance. Is this belt that you
12 have fully compliant with A17.6 standard,
13 which, oh, by the way is going to get
14 introduced in the 2010 A17.1 edition, which we
15 will have to adopt within 12 months of its
16 effective date? So A17.1 2010 will be here.
17 Is there a code person here? If it's not
18 completed already, it will be in the next month
19 or two, which will introduce the suspension
20 standard, which will be our standard one year
21 following. Is it fully compliant with A17.6?

22 MR. REHMAN: A17.6 has been published. It
23 fully complies with it now. A17.1 2010, which,
24 you know, has reference to A17.6. It has gone
25 through all the process of the reviews. And

1 the last time I was at a board meeting and I
2 checked with the secretary, she said before the
3 end of the year, this 2010 edition will be
4 published.

5 CHAIRMAN GANIERE: The answer to the
6 question is, yes, it meets with A17.6? Okay.

7 MR. JONES: Just to put my mind at rest
8 just a little bit here, one of the points that
9 was -- again, I'm referring to this document
10 from the folks down at Texas. They said that
11 one of the points they had was until such time
12 as Schindler Model 3300 MRL has, in essence,
13 fully complied with the adopted standards in
14 Texas, all sales contracts for this model will
15 contain a clause that will inform buyers this
16 product has been approved under the new
17 technology provisions.

18 The only question is -- and maybe you can
19 answer this, and tell us. What does that mean?
20 Until it has fully complied to the adopted
21 standards of Texas? Has Texas got different
22 standards?

23 MR. REHMAN: Well, I don't -- I mean, I
24 don't know, because I haven't studied it in
25 detail. You know, that's another segment of

1 the standard. It could be that --

2 [WHEREUPON THE REMAINING REMARKS
3 MADE BY MR. REHMAN WERE
4 UNINTELLIGIBLE BY THE REPORTER.]

5 MR. JONES: Well, they approved it. They
6 gave a blanket approval, but they also put some
7 caveats in here that make me a little nervous
8 because they say it's not within their
9 standards. I obviously don't represent Texas,
10 but I'm not entirely clear what it is.

11 [WHEREUPON THE REMAINING REMARKS
12 MADE BY MR. REHMAN WERE
13 UNINTELLIGIBLE BY THE REPORTER.]

14 MR. POPOWITS: Just for my own
15 edification. There's a lot being thrown out
16 here. Has A17.6 been published and passed by
17 JCAR?

18 MR. CAPUANI: It has not even been
19 introduced. The board would have to adopt that
20 standard.

21 MR. POPOWITS: Again please?

22 MR. CAPUANI: The board would have to
23 adopt that standard. The board has one year
24 from the time it's published to adopt that
25 standard. That was not included with the rules

1 that were submitted to JCAR.

2 MR. POPOWITS: When you say "have to be,"
3 what does that mean exactly? I'm sorry. For
4 those of us not in the elevator industry, what
5 does that mean? Would have to be approved? We
6 have one year to approve it?

7 MR. CAPUANI: To adopt it.

8 MR. POPOWITS: To adopt it.

9 MR. CAPUANI: The board has one year to
10 adopt it after it's published. We have not
11 adopted -- the board has not adopted it yet.

12 MR. POPOWITS: A17.7? What about 17.7?

13 MR. CAPUANI: The rules have not gone to
14 the second hearing.

15 MR. POPOWITS: Thank you.

16 CHAIRMAN GANIERE: Other questions or
17 comments? Now, we do have a motion on the
18 table. The motion was to -- I believe the
19 motion was to approve this new technology.

20 Can you go back and read it?

21 [WHEREUPON THE FOLLOWING MOTION WAS MADE BY MR. JANDORA.]

22 "I move that we approve this
23 product and accept the AECO
24 certifications as an acceptable
25 means of selling an approved

1 product in the State of
2 Illinois."

3 MR. POPOWITS: Not by site by site, but
4 overall approval, correct?

5 MR. CAPUANI: Correct.

6 MS. DEL GRECO: Correct.

7 CHAIRMAN GANIERE: No further questions?

8 [NO RESPONSE.]

9 CHARIMAN GANIERE: All in favor?

10 [CHORUS OF "AYES."]

11 CHAIRMAN GANIERE: Opposed?

12 [TWO "NO'S" WERE VOICED.]

13 CHARIMAN GANIERE: No. The "ayes" have
14 it. I counted two "no's."

15 Next, continuing education programs,
16 Schindler Elevator.

17 MR. GREEN: Kent Green. Good morning.
18 Schindler Elevator. I'll send these around for
19 your review and approval.

20 Two particular components, the life jacket
21 and the rope gripper. I had some folks in. I
22 had Mark Hennessey from our Adams group to
23 present with regard to the code. There is a
24 lot of historical data on it, anecdotal
25 stories. Probably more importantly, we went

1 through the testing, functionality of it with
2 the inspectors, whatever mechanics have to go
3 through, how it's done.

4 The first part of that is the
5 presentation. The second part was a handout
6 for just a lot of tech training on it. The tab
7 on the right side, that would get you into the
8 rope gripper component that we went through.
9 That was done in September by Joe Henrichs
10 (sp), one of our field engineers. And, again,
11 we went through all the -- you know, the code
12 history on it, why it's here, why we're doing
13 it. And, again, we went through a lot of the
14 testing functionality of it on a category
15 testing for the inspections.

16 CHARIMAN GANIERE: Comments or questions?

17 MR. JANDORA: This training has already
18 been provided?

19 MR. GREEN: Yes, it has. We did two
20 events in August and two in September. The
21 rope gripper was in September. We had safety
22 meetings. I had to present this and go through
23 this PowerPoint presentation, along with the
24 handout for the technical side of it. Yes?

25 MS. DEL GRECO: Elaine Del Greco. I have

1 a question. You've done these on these
2 specific dates. When a license expires,
3 training is supposed to be within one year of
4 that expiration date. If you have licenses
5 coming up next year with this, outside these
6 dates, are you going to do this training again?
7 Are you going to present another program for
8 2011?

9 MR. GREEN: It will be another program,
10 yes. Or they're just going to have to roll in
11 on the Web site and do it by themselves for two
12 hours, yes.

13 MS. DEL GRECO: Okay.

14 MR. JANDORA: My only comment --
15 Jandora -- is the other approvals that we've
16 given to the other companies, they've requested
17 approval in advance of providing the training,
18 and you know, the reason for that is we wanted
19 to be able to spot-check the training to make
20 sure that it's being conducted in a manner
21 within which it's being presented to us. I'm
22 not saying that that's not the case here, and
23 I'm not saying that the material that you've
24 provided isn't sufficient. It's just it's not
25 something that we're used to doing after the

1 training that's already been performed.

2 MR. CAPUANI: Capuani. We've rejected
3 licenses to companies who have issued
4 certificates prior to being approved by the
5 board.

6 CHAIRMAN GANIERE: I guess I would have to
7 agree. I mean, I don't know if this is a place
8 we want to go where we're approving continuing
9 education after the fact.

10 MS. DEL GRECO: We've not done that
11 before.

12 CHAIRMAN GANIERE: Right. It should be,
13 you know, like everyone else. It's before the
14 fact in order to get credit for it. I mean,
15 you can give any education you want.

16 MR. GREEN: We were hoping to roll it in.
17 Ultimately we're just doing this training and
18 thought we could comply here.

19 CHAIRMAN GANIERE: Like I said, you can do
20 any training you want. Whether it's going to
21 get credit for the continuing education or not,
22 I think in my mind, that needs to be submitted
23 ahead of time if it's going to be granted
24 continuing education, to allow the opportunity
25 for either staff or board members to attend and

1 to audit these trainings, these certified
2 training opportunities.

3 MR. GRANT: I just have a quick question.
4 Grant. Was this training material submitted to
5 the board office or to the director's office in
6 advance of today?

7 MS. DEL GRECO: No.

8 MR. GREEN: No.

9 MR. GRANT: Okay.

10 CHARIMAN GANIERE: Any further comments or
11 questions?

12 MR. GRANT: Grant, as a follow-up. The
13 consequence of this is a large number of people
14 who took this training will not have the
15 sufficient code training that's been approved
16 provided to them before their license expires.
17 So they have a choice, right, which is?

18 MR. GREEN: They do.

19 MR. GRANT: To secure a new license with a
20 different expiration date?

21 MR. GREEN: Yes.

22 MS. DEL GRECO: What Web site? Are you
23 talking about Schindler?

24 MR. GREEN: Mead (sp).

25 MS. DEL GRECO: Oh, Mead?

1 MR. GREEN: And they will have to do the
2 safety training, too. You know, it's
3 all-encompassing. It's not just a two-hour
4 training of the code. But we've had that six
5 hour already approved. Or actually the eight
6 hours.

7 MR. CAPUANI: So you would have to call
8 your field staff back in for the two-hour code
9 training, right? Correct?

10 MR. GREEN: Or they can do it on their
11 own. They could get to the Web site and go
12 through the testing at the site, and then that
13 rolls in for their licensing. I'm trying to
14 avoid that. You know, I just wanted to send
15 this up for approval.

16 MR. CAPUANI: You understand --

17 MR. GREEN: I absolutely do.

18 MR. CAPUANI: -- we cannot issue a license
19 because we've rejected licenses in the past
20 because it was presented -- the
21 certificaters (phonetic) presented it before it
22 was approved by this board. So it wouldn't be
23 fair to those mechanics that we rejected and
24 then we approved yours.

25 MR. GREEN: Sure, and understood.

1 CHARIMAN GANIERE: Any further comments or
2 questions?

3 MR. GILLES: Gilles. Bob, if
4 they -- Schindler's eight-hour program has
5 already been approved. All they would need is
6 the two hours. And I may have missed it, but
7 would your office accept a certificate from
8 Schindler? Because on the Mead Web site, you
9 can take the two-hour code separate from taking
10 that. So you would accept both certificates,
11 right?

12 MS. DEL GRECO: Yes.

13 MR. CAPUANI: Right.

14 MR. GILLES: I just wanted to make sure I
15 understood.

16 MR. GREEN: I've been told you can't.
17 It's all one. You had to roll that six-hour
18 safety portion of it into it, along with code.

19 MR. GILLES: I could be mistaken, but I
20 think it's possible to print the certificate
21 just with the code update or the continuing ed.
22 on a dual, I believe.

23 MS. DEL GRECO: I've not received anything
24 separate with just the code. All the new
25 certificates that have come in have had both on

1 approval of the code changes? Or no?

2 MR. CAPUANI: I don't believe so. I think
3 we're approving it for code class. It doesn't
4 really specify a certain code. It's just a
5 code class.

6 CHAIRMAN GANIERE: Okay.

7 MR. GRANT: So if I'm understanding --

8 CHAIRMAN GANIERE: Hold on. Mr. Wilson?

9 MR. WILSON: I was just going to make a
10 motion to approve on this point forward.

11 CHAIRMAN GANIERE: Is there a second to
12 that motion?

13 MR. HERTSBERG: I will second that.

14 MR. GRANT: I have a question. I think if
15 I understand this correctly, that would do him
16 no good, unless he brought back that same
17 vendor to go over the life jacket training or
18 to do something else. Effectively everybody's
19 licensed period won't -- it won't -- it won't
20 lapse for that. What will happen is, they took
21 the training in advance of their license
22 expiration date, but it wasn't approved. If we
23 approve it now, they have to get a different
24 training to get their current license renewed.
25 Would this year's training for this benefit

1 them in the subsequent licensure? That's what
2 I think is the problem. I see no benefit in
3 approving it if it does not.

4 MS. DEL GRECO: It all depends on when a
5 license expires.

6 MR. GRANT: Are yours all queued at the
7 same time based on the company's thing?

8 MR. GREEN: They're all over the board.

9 MS. DEL GRECO: Yeah.

10 MR. GRANT: So this may help actually some
11 personnel whose licenses have not -- are not
12 due?

13 MR. GREEN: I believe this would work for
14 the 2010 if you fall into that category or
15 maybe. I don't know. That's what I need to
16 know.

17 MR. CAPUANI: Capuani. If it was February
18 of -- say, it would go from February to
19 February. The exact date of the year, exact
20 year. So it's from the year prior through the
21 license expired from that date. It doesn't
22 mean necessarily 2010, 2011.

23 MR. GREEN: Okay.

24 MR. GRANT: So going forward has some
25 potential benefit.

1 CHARIMAN GANIERE: Anything else?

2 [NO RESPONSE.]

3 CHARIMAN GANIERE: The motion is to
4 approve from this date forward. All in favor?

5 [CHORUS OF "AYES."]

6 CHAIRMAN GANIERE: Opposed?

7 [NO RESPONSE.]

8 CHARIMAN GANIERE: The "ayes" have it.

9 Okay. Let's go on.

10 MR. GRANT: Mr. Chairman, Craig Grant.
11 Providing this information, obviously I will
12 recuse myself from voting on this. You have
13 before you a copy of it. This is this year's
14 code-based training that's on the inspection
15 procedural criteria of the code posted at the
16 University of Illinois. I'd be pleased to
17 entertain any questions you might have.

18 CHAIRMAN GANIERE: These classes have not
19 happened yet?

20 MR. GRANT: They have not. For point of
21 clarification, they have not been held. We
22 hope to gain your approval today so that they
23 may be conducted soon, since our elevator
24 mechanics' licenses all do have the same
25 expiration date.

1 MR. JANDORA: I move we approve.

2 MR. HERTSBERG: I'll second it.

3 CHARIMAN GANIERE: Any discussion?

4 [NO RESPONSE.]

5 CHARIMAN GANIERE: All in favor?

6 [CHORUS OF "AYES."]

7 CHARIMAN GANIERE: Opposed?

8 [NO RESPONSE.]

9 CHARIMAN GANIERE: The "ayes" have it.

10 MR. GRANT: Thank you, Mr. Chairman.

11 MR. HANDZIK: Paul Handzik, administrator
12 of the continuing education program at Urban.

13 Last year around this time, we presented
14 you folks with our program, which was approved
15 at the time. Since then we have had 36 of the
16 50 employees receive a little over 250
17 classroom hours. We have 20 employees with 10-
18 or 30-hour OSHA cards on record. We have 10
19 mechanics who have met the Urban requirements.
20 I've got the big white one -- I gave you guys
21 just the updates from last year in an effort to
22 save a few trees.

23 Looking at the overview -- pardon me. I'm
24 nervous. Public speaking is not my forte.

25 The overview has not changed the initial

1 paragraph. The program requirements, the only
2 change is that the code requirement has been
3 added.

4 The eligibility of participation paragraph
5 was entered as clarification. It was our
6 intent all along to open it to all our
7 employees. We just spelled it out. And the
8 general requirements were simplified. Last
9 year, we were offering employees a chance to
10 pick what classes they wanted. It caused more
11 confusion than what it was worth. Next year
12 we'll be offering a full 10-hour one-day
13 program as you normally see in most other
14 places.

15 The curriculum outline. Last year we did
16 not have a code course category. We have eight
17 courses there, but you'll notice the technical
18 program. For those of you with photographic
19 memories, it's down to two. There's two of
20 last year's technical programs were code
21 related. So we've just renumbered them. They
22 have not changed. The category testing is just
23 a simple going through the code point by point,
24 explaining to the mechanics this is what
25 they're looking for; this is how we need to

1 perform the test to do it.

2 The last of the eight classes is an
3 eight-hour introduction and overview, and that
4 had got a little long and tedious. So we added
5 the six intermediate courses, which are -- I'm
6 sorry -- C102 through C106. They just break it
7 into smaller sections so that it's easier to
8 approach hydraulics, have one program.
9 Traction, have another, and there's another
10 dedicated to common elements between the two
11 and the general requirements.

12 The one I'm excited about is C107, which
13 is -- covers 17.2. In hopes that the mechanics
14 gain exposure to the inspector's perspective,
15 it would allow them a different way of
16 approaching the machine room on a monthly
17 visit, as well as a way to work with the
18 inspectors that are there on an ongoing basis.

19 And then there are code course outlines,
20 if you care to take a quick look at them.

21 I'm going to plead my case for the same
22 argument that the Schindler gentleman just did,
23 only because our situation is slightly
24 different than what theirs was. Last year when
25 we presented to the board, Mr. Capuani

1 mentioned that the code requirement was
2 required, and we didn't have it. We agreed at
3 that time to include it. We had two courses,
4 which are part of this program that we have not
5 changed that were part of the program. We
6 rewrote the requirements at that time and
7 presented it to our employees that if they took
8 these two code programs, either of these two
9 code classes, they would be covered.

10 I understand your situation. And if you
11 vote not to go with that, I understand, but we
12 did invite you to come visit. We met all the
13 requirements that the gentleman from Schindler
14 was given as reasons why they were -- they
15 could not -- after approval, you know? I'm at
16 a little loss for words here. Does everybody
17 understand where I'm trying to go?

18 MR. CAPUANI: Let me ask you a question.

19 MR. HANDZIK: Sure.

20 MR. CAPUANI: You're asking for approval
21 of this, the 2011?

22 MR. HANDZIK: The 2011.

23 MR. CAPUANI: And you're asking for a
24 retro?

25 MR. HANDZIK: Well, those are changes in

1 the program currently in existence. I get 17
2 men who took classes last year that were in the
3 book, just as they were in the book now,
4 completely unchanged. They took them in the
5 first quarter before the board's requirement
6 was clarified. That went from eight hours to
7 six hours unless you get prior approval. My
8 fault for not getting here sooner. I'm trying
9 to make life easier for the men in the field.
10 I understand your situation if you choose not
11 to go with that, but I had to try. Because we
12 did meet all the requirements up front, I think
13 our situation is a little different.

14 MR. JANDORA: Jandora. I just -- you
15 know, I think everything that they have
16 prepared is fine, but I think it would be
17 unfair for us to approve a program
18 retroactively when we just denied one.

19 MR. CAPUANI: Absolutely.

20 MR. JANDORA: So I move that we accept
21 this program on a going-forward basis only.

22 MR. WILSON: Second.

23 CHAIRMAN GANIERE: Second, Mr. Wilson?

24 MR. WILSON: I second it.

25 CHARIMAN GANIERE: Is there any further

1 discussions?

2 [NO RESPONSE.]

3 CHARIMAN GANIERE: All in favor?

4 [CHORUS OF "AYES."]

5 CHARIMAN GANIERE: Opposed?

6 [NO RESPONSE.]

7 CHARIMAN GANIERE: The "ayes" have it.

8 Thank you.

9 Public comment? Patty?

10 MS. YOUNG: No public comment.

11 CHAIRMAN GANIERE: No public comment. Les

12 James?

13 MR. JAMES: No public comment.

14 CHAIRMAN GANIERE: Dan Bauman?

15 MR. BAUMAN: Dan Bauman with the Elevator

16 Constructors Local 2.

17 I had requested -- I had sent in a letter
18 to Bob Capuani about two months ago requesting
19 information on the Otis Elite System. I
20 understand that Otis had a REM system, which is
21 a remote elevator monitoring system, probably
22 since back in the '80s. They upgraded to an
23 Elite System. The Elite System supposedly has
24 remote reset availability to it, which means
25 that they can have somebody in New York, they

1 can have somebody in India, they can have
2 somebody anywhere in the country, anywhere in
3 the world reset an elevator that's here in
4 Chicago or here in Springfield and never
5 even -- never even view the elevator.

6 My question to you, Bob -- and I talked to
7 you a couple times -- where's the status on
8 that investigation that you've got going on?

9 MR. CAPUANI: Bob Capuani. I did go out
10 and visit the site in Hoffman Estates. There
11 is a monitoring device connected to this unit,
12 to the units out there. They could not answer
13 my technical questions at the time, but Otis
14 was nice enough to have an engineer to call me
15 from Connecticut. We have a meeting out there
16 November 29th with the engineers from Otis
17 that can answer all the questions on this unit.

18 So at the January meeting -- Dick Gregory
19 and I will attend this, and we will put
20 together a summary, and we'll introduce it to
21 the board in January.

22 MR. BAUMAN: Again, this would fall under
23 new technology, correct? And it should have
24 come in front of the board to be approved?

25 MR. CAPUANI: It's a fine line because I

1 really don't know what it does. Right now
2 they're saying it's a monitoring device. So
3 until we prove different, I would have to say
4 it's a monitoring device.

5 But the engineer -- both Dick Gregory and
6 I will meet with them November 29th, and we
7 will put together something.

8 MR. BAUMAN: I just want to put my
9 disapproval on this because it eliminates the
10 human contact that actually somebody is
11 visually seeing the unit out there.

12 MR. CAPUANI: I understand your concerns.
13 I do understand.

14 MR. BAUMAN: Okay. That will be about it.
15 Thank you.

16 CHAIRMAN GANIERE: And having heard all
17 the public comment, a motion to adjourn is in
18 order.

19 MR. JANDORA: So move.

20 MR. WILSON: Second.

21 CHAIRMAN GANIERE: Seconded by Mr. Wilson.
22 All in favor?

23 [CHORUS OF "AYES."]

24 CHAIRMAN GANIERE: The "ayes" have it.

25 [END OF MEETING.]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I, ANN MARIE HOLLO, a Certified Shorthand Reporter for the State of Illinois, CSR# 084-003476, do hereby certify that the foregoing is a true and correct transcription of the foregoing proceeding.

IN WITNESS WHEREOF, I have hereunto set my signature on November 12, 2010.

Ann Marie Hollo