

Elevator Review Board Meeting
Elevator Safety Review Board Meeting

-VS-

May 24, 2012

Reporter: Ann Marie Hollo, CSR

Keefe Reporting Company
618-277-0190 or 800-244-0190
Reporter@KeefeReporting.com

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 FRANK
CHRISTENSEN, at the Office of the State Fire Marshal,
Springfield, Illinois, commencing on the 24th day of May,
A.D. 2012, 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 FRANK CHRISTENSEN
DAVID DATTILO
3 JOHN FINCHAM
TOM GANIERE
4 ROD GILLES
CRAIG GRANT
5 GERALD GROSS
MARK HERTSBERG
6 RICHARD JANDORA
TOM JIRIK
7 K. DOUGLAS JONES
KELLY WELLER
8 GERALD WOLIN
9 DICK GREGORY, Consultant to Board
10
11 OSFM STAFF PRESENT:
12 BILL BARNES, LEGAL COUNSEL
JAMES AUBIN, ACTING DIRECTOR
13 CHET JANUS
14
15
16
17
18
19
20
21
22
23
24
25

1 CHAIRMAN CHRISTENSEN: Please rise for the
2 pledge of allegiance.

3 [PLEDGE OF ALLEGIANCE WAS RECITED.]

4 CHAIRMAN CHRISTENSEN: Has the Board had a
5 chance to review the minutes with possible
6 action on February 9, 2012? Is there a motion
7 to accept?

8 MR. WOLIN: I'll make the motion.

9 CHAIRMAN CHRISTENSEN: Is there a second?

10 MR. GANIERE: Second.

11 CHAIRMAN CHRISTENSEN: Any questions or
12 any additions or corrections?

13 [NO RESPONSE.]

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

16 [CHORUS OF "AYES."]

17 CHAIRMAN CHRISTENSEN: All those against?

18 [NO RESPONSE.]

19 CHAIRMAN CHRISTENSEN: The "ayes" have it.
20 Old business, Elevator Safety Program
21 progress report by Acting Director James Aubin.

22 MR. AUBIN: I'll take it. Licensed
23 contractors/limited contractors, active, 100;
24 licensed inspection companies, active, 46;
25 licensed inspectors, active, 180; licensed

1 mechanics/limited mechanics active, 1,510;
2 licensed apprentices active, 699;
3 municipalities with agreements, 181; permits
4 issued between November 1st of '11 through
5 2-7-12, 109; and certificates issued new and
6 renewals between November 1 and February 7,
7 3,303.

8 CHAIRMAN CHRISTENSEN: Thank you. Has the
9 Board had a chance to review the minutes of the
10 September 8, 2011 meeting? Is there a motion
11 to accept?

12 MR. WOLIN: So move.

13 CHAIRMAN CHRISTENSEN: Is there a second?

14 MR. DATILLO: Second.

15 CHAIRMAN CHRISTENSEN: Any additions or
16 corrections?

17 [NO RESPONSE.]

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

20 [CHORUS OF "AYES."]

21 CHAIRMAN CHRISTENSEN: All those against?

22 [NO RESPONSE.]

23 CHAIRMAN CHRISTENSEN: The "ayes" have it.
24 Rules update, Bill Barnes.

25 MR. BARNES: I have good news and I have

1 bad news. Which do you want first?

2 CHAIRMAN CHRISTENSEN: Give us the bad
3 news.

4 MR. BARNES: The bad news is we're losing
5 Elaine Del Greco at the end of this month. I
6 wanted to leave that for the last, but we'll
7 get to that.

8 The good news is the rules passed finally.
9 We circulated a marked-up version of the rules
10 that were -- or that were passed out of JCAR
11 with no comment and no objection. There were
12 some last minute sort of -- I wouldn't say
13 horse trading, but wrangling between the OSFM
14 on the Board's behalf and JCAR following the
15 JCAR meeting of last week. JCAR had asked for
16 a 45-day extension because there were outlying
17 questions and concerns raised by members of
18 JCAR. As it turns out, those questions were
19 very minor and just needing clarification
20 follow-up by the State Fire Marshal. But that
21 gave Vickie Thomas, the executive director of
22 the JCAR agency, a chance to go over the rules
23 with a very fine-tooth comb. And they raised a
24 bunch of comments and questions, and was asked
25 if she needed consistency in correcting

1 internal inconsistencies within the rules. We
2 worked with JCAR to get those resolved, and as
3 a result, they passed with no issue at the last
4 meeting.

5 So the bad news that I was referring to is
6 Elaine Del Greco whose departure at the end of
7 this month is going to be a big blow to the
8 OSFM, and also more importantly, to the
9 elevator division because she was the laboring
10 warrior in doing a lot of the administrative
11 work with regard to the elevator division.

12 So what we are tasked with right now is
13 trying to figure out a promulgation date for
14 the rules, meaning when are they going to take
15 effect, and we have to articulate that date in
16 the document we file with the Secretary of
17 State. So Jim and Elaine are working together
18 to sit down and figure out what exactly needs
19 to be done administratively before the rules
20 take effect. That could be anything from
21 updating the OSFM website to updating forms, to
22 updating frequently asked questions documents
23 on the Web, to revising each and every local
24 agreement that we have to reflect the new codes
25 that have been adopted.

1 So we are -- you know what? I can't give
2 a specific date, but we're trying to build in
3 as much time as possible to give us the
4 opportunity to get everything done before those
5 things are promulgated. The very outside date
6 in the spectrum is, I believe, October 7th,
7 which is one rule from the date that we filed
8 for first notice in this last round of
9 rule-making. So at the very latest, these
10 rules will take effect in October, but we will
11 certainly endeavor to come up with a date
12 that's a little -- that's before that so we can
13 get these in effect, because I know we all
14 worked very hard to get the changes in the
15 rules and passed, and we want to see the new
16 minutes. So that's where we are on the rules.
17 And I'll take any questions if you have them.

18 MR. GREGORY: Are you going to publish
19 this in clear format?

20 MR. BARNES: Well, you can --

21 MR. GREGORY: I know how to do it.

22 MR. BARNES: You can look at it in final
23 draft, but we -- you know, the final rules will
24 be published by the Secretary of State when we
25 file that, that notice with them. But if

1 anyone here on the Board has issues with
2 viewing the document that we sent out with all
3 the changes, I thought it would be important
4 for you at least to see the changes that were
5 reflected in that document. So just to give
6 Jim or myself a call, and you can delete
7 Elaine's number from your speed dial. Any more
8 questions?

9 MR. GREGORY: Not having read the whole
10 thing, did you also put in here ASME A17.6,
11 which is a companion to 2010, which is a
12 companion to A17 2010?

13 MR. BARNES: If it's not in there, then it
14 was not put in there. I don't believe -- was
15 that a Board recommendation to put that in?

16 MR. GREGORY: Well, they go together,
17 because without A17.6, you have no requirements
18 on hoisting, on suspension means. And I did
19 not search the document; I'll be honest.

20 MR. BARNES: Do you know, Jim?

21 MR. AUBIN: I don't think so.

22 MR. BARNES: I don't remember an A17.6.
23 I'm looking at A17.7.

24 MR. GREGORY: Yeah, that's new technology.

25 MR. BARNES: No. But, again, if it wasn't

1 recommended by the Board, it's not in there.

2 MR. GREGORY: Can the Board just
3 arbitrarily say, "Hey, A17.6 is adopted because
4 it's by reference in A17.1"?

5 MR. BARNES: That's a good point, and that
6 goes back to a discussion that we've had in the
7 past, which is, you know, does the rule adopt
8 those codes which are in the other code? And,
9 you know, I believe the discussion that we had
10 in the past was that to the extent that a code
11 refers to another code, it is essentially
12 adopted by the Board. Because correct me if
13 I'm wrong, I believe the discussion was that if
14 we weren't required to list out each and every
15 code that was referenced in A17.1, that this
16 rule-making would be, you know, several
17 thousand pages long.

18 MR. GREGORY: You are correct.

19 MR. BARNES: So I believe that we're okay
20 with that.

21 MR. GROSS: We're also -- if you were
22 making reference to it, would the reference be
23 at the current code? I mean, I don't know how
24 much they would change throughout, you know,
25 year to year.

1 MR. GREGORY: A17.6 --

2 MR. GROSS: Yeah.

3 MR. GREGORY: -- is new. There's no
4 change. There's only one edition.

5 MR. GROSS: What about the other
6 references outside of it?

7 MR. GREGORY: They're attempted to be kept
8 up-to-date in A17.1.

9 MR. GROSS: But is it clear, is it A17.1
10 that says to use the most current? Or does it
11 reference what year?

12 MR. GREGORY: No, no. It will reference a
13 year. Sometimes it references most current and
14 sometimes it references years. It depends on
15 the particular code or standard they're
16 referencing. We're referencing.

17 MR. BARNES: To the extent that we've
18 adopted A17.1, which is the version that we
19 accepted --

20 MR. JANDORA: 10.

21 MR. BARNES: Does A17.10 reference
22 specific editions of the code that it adopts by
23 reference?

24 MR. GREGORY: Mostly. If there's some,
25 let's say, controlled, if there's some

1 knowledge that they have different editions.

2 MR. BARNES: Does that answer your
3 question?

4 MR. GROSS: That sometimes becomes an
5 issue, you know, for different editions. And,
6 like I say, if there's no other editions, then
7 you're okay.

8 MR. BARNES: Yeah, but, again, I think
9 it's burdensome for the rules to adopt
10 specifically every code that's referenced in
11 A17.1.

12 MR. GROSS: It should say the "most
13 current," and then you're done with it.

14 MR. GRANT: A simple question. I wanted
15 to clarify, though, that we did take the
16 specific edition of A17.7 in this update and
17 identify its mandatory application for the
18 exemption performance-based. That is not a
19 reference code within A17.1?

20 MR. GREGORY: Yes, it is.

21 MR. GRANT: But why we wrote that
22 out -- is the 07 the edition of that one?

23 MR. GREGORY: It's the latest edition.

24 MR. GRANT: We made that distinction in
25 the list of nationally recognized codes in the

1 language we've adopted?

2 MR. GREGORY: You've got the latest.

3 MR. GRANT: But 6 is different? I guess
4 that's what I'm asking.

5 MR. GREGORY: No. 6 is actually not
6 different, but it was issued later than A17.7.
7 So the very first edition is 2010.

8 MR. GRANT: That's my whole point is that
9 we made a difference in the way we approached
10 one of these and didn't for the others. 6 is
11 important. I'm in favor of doing that, but
12 then it would mean that we would -- seem to me
13 to apply the same logic to any of the
14 referenced codes or standards within A17.1.

15 MR. GREGORY: In A17.1, a lot of things
16 are referenced as latest editions. I have it
17 on the screen. A17.6 does not say latest
18 edition because there's only one edition. In
19 A17.1, A17.7 says latest edition, but we're
20 still only one. In a couple years, there will
21 be another one. By that time we'll have time
22 to revisit it.

23 MR. BARNES: And my fear is that if we
24 were trying to pass rules with JCAR that simply
25 reference the latest edition, then it wouldn't

1 pass muster, and it would kick back to us. We
2 would have to articulate the specific edition.
3 And then as we adopt subsequent editions, we
4 would have to go through the JCAR process
5 again. I have run into that problem in other
6 areas.

7 MR. GRANT: Did we not add A17 on purpose?
8 Previously it was not utilized, was it?

9 MR. GREGORY: It was referenced, and we
10 added it on purpose because there was
11 arguments.

12 MR. BARNES: And there was a mistake. The
13 last version of the rules reference A17.1 twice
14 when the second reference to A17.1 was actually
15 supposed to be A17.7.

16 MR. GRANT: All right. Thank you.

17 CHAIRMAN CHRISTENSEN: Any other
18 questions?

19 I'd like to thank the Fire Marshal, Larry
20 Matkaitis, for being here today. Thanks,
21 Larry.

22 Next, the code data plate and wiring
23 diagram compliance. Bill?

24 MR. BARNES: This dovetails on the
25 discussion and actually by the Board at the

1 last meeting. If you'll recall that -- and I
2 wasn't at the meeting, but I've got it in the
3 minutes, and I'm comfortable with the action
4 that took place, but the questions before the
5 Board were compliance dates with regard to
6 certain, for lack of a better term, maintenance
7 control requirements -- maintenance control
8 programs, wiring diagrams, maintenance records
9 and code data plates. And before the Board
10 were questions about compliance dates with
11 those various requirements.

12 Previously, May 13th of 2012 was the
13 deadline for compliance with those four
14 requirements. The question posed to the Board
15 at the last meeting was, can we extend the
16 compliance dates for any of those requirements
17 into the future for any number of
18 reasons -- cost, time, convenience, etcetera.
19 The Board's decision was to extend the code
20 data plate compliance date for one year until
21 May of 2013.

22 It decided also that the maintenance
23 control program, wiring diagram and maintenance
24 record requirements should be triggered and
25 should be in effect for all conveyances, all

1 registered conveyances in the State of Illinois
2 at least in the open territories, and in the
3 local territories, those subject to a local
4 agreement, provided that the local
5 administrator had not sought an exception or
6 variance from that requirement.

7 Since then, the State Fire Marshal has
8 received requests to reconsider that decision.
9 A proposal was made to Larry Matkaitis, the
10 State Fire Marshal, to consider the fact that
11 there are a number of compliance dates out
12 there and the potential confusion that could be
13 created by those compliance dates. Those
14 compliance dates include a date in 2015 when
15 the A17.3 requirements are triggered. You
16 know, the seven requirements.

17 There's also proposed amendments to the
18 Elevator Act right now, which, one, extends the
19 Sunset, which we're all in favor of, and number
20 two, moves up the compliance date for door
21 restrictors to January 1, 2014. So that's a
22 second compliance date.

23 We have a third compliance date of the
24 code data plate for May of 2013. And then we
25 have, I guess, the fourth compliance date would

1 be May of this month where it would be the
2 other three requirements triggered -- wire
3 diagrams, maintenance records and maintenance
4 control program.

5 The concern is that there's going to be
6 confusion out there amongst the regulating
7 community as to what date applies when and what
8 are they supposed to be doing when. And
9 there's also concern about additional costs in
10 having inspectors come out numerous times to
11 various conveyances to ensure that the
12 applicable requirements are -- you know, the
13 conveyances and compliance on specific dates
14 that are required.

15 The State Fire Marshal's number one goal
16 is public safety. That's the safety of the
17 conveyance writings, the public and also the
18 individual to inspect and maintain these
19 conveyances. We have had numerous -- well, I
20 shouldn't say "numerous." We've had meetings,
21 my agency on behalf -- as the administrator
22 with various state holders, at which time we
23 have articulated in no uncertain terms that we
24 are in favor of public safety. We are in favor
25 of maintaining the deadlines that are in

1 existence. And we feel that an elevator can't
2 be properly inspected and maintained without a
3 wiring diagram and certainly cannot be
4 inspected and maintained without a code data
5 plate. A code data plate is sort of a wild
6 card out there because it involves some digging
7 and some, you know, historical research. So,
8 you know, the extension that was granted by the
9 Board is understandable.

10 That being said, the State Fire Marshal
11 has directed me to ask the Board to consider
12 this proposal. And the Fire Marshal would
13 appreciate -- you know, he's here today. He'd
14 like to hear the discourse amongst you as, you
15 know, the experts in this area. And the
16 proposal before you is to move the wiring
17 diagram compliance date and the code data plate
18 compliance date to January 1, 2014 to comply
19 with the data on which elevators are required
20 to have the door restrictors. You know, it's
21 essentially a convenience argument and a
22 cost-saving argument in that the conveyance
23 owners will have one date on which all these
24 three things have to comply, and they'll have
25 one date on which this inspector has to come

1 out to verify the existence of them. So that
2 being said, I'd ask that you consider that.
3 And this is old business because it's something
4 we --

5 CHAIRMAN CHRISTENSEN: It's been brought
6 up several times, and I think Kelly Weller said
7 that this should be the last time it's ever
8 brought up.

9 MR. BARNES: In no uncertain terms.

10 CHAIRMAN CHRISTENSEN: In no uncertain
11 terms.

12 I will tell you that I've almost got 32
13 years as an elevator constructor, and Jim has
14 got a lot more than that, but you don't want to
15 go on a job site without a wiring diagram on
16 the job site. If somebody -- if you haven't
17 worked on elevators, if you go on a job site
18 without a wiring diagram, and you jump out the
19 wrong thing, you might be jumping out the door
20 locks, and you might be jumping out the safety
21 circuit.

22 And you guys have all heard stories. It
23 happened just recently in New York. Some bad
24 accidents, people got mangled.

25 The code data plates, I don't see why any

1 inspection company wouldn't want that right
2 now. It makes no sense not to have that as
3 soon as possible. People on the job site, you
4 want to know what equipment is on that job
5 site. You want to know how much capacity it
6 can take.

7 It makes no sense to raise the date up to
8 January 12th. Before we've done it -- how
9 many times have we done it, Bill? Changed the
10 date on this?

11 MR. BARNES: Twice, I believe.

12 CHAIRMAN CHRISTENSEN: I think the date
13 that we gave, what, May of 2013, is more than
14 enough time for everybody to be caught up. And
15 I will tell you this, is that most jobs that I
16 have went on doing -- I have went onto a lot of
17 jobs throughout the years -- I would say
18 98 percent of them had wiring diagrams on the
19 job sites. So it really makes no sense that
20 why the rest of them wouldn't have diagrams and
21 trying to find something equivalent to.

22 MR. BARNES: And that brings up an
23 interesting question, Frank, and I posed this
24 to the rest of the Board is, you know, we need
25 to get our head around it. I mean, if this is

1 to be considered seriously, one needs to know
2 exactly what the universe is that we're dealing
3 with. How many conveyances out there don't
4 lack a wiring diagram? And the requirement for
5 wiring diagrams kicked in earlier this month.
6 And, you know, I would think that, you know, at
7 the very least, in order to make a reasoned
8 decision, we, the Board, and the administrator
9 of the State Fire Marshal would need to know
10 exactly how many elevators are out there that
11 don't have the wiring diagram and can't come up
12 with it within the 30 days that's granted or
13 even an extended period as granted by the
14 administrator if there is at least a violation.
15 Does anyone have a good feel for percentage out
16 there?

17 CHAIRMAN CHRISTENSEN: I can tell you
18 right now there's not many. There really
19 isn't. I can tell you right now we have people
20 from Otis, different inspection companies out
21 there that -- and Dick Gregory will tell you
22 there's not that many without wiring diagrams
23 that are out there. Rick?

24 MR. JANDORA: The problem that I see is
25 the jobs that do not have wiring diagrams

1 today, in most cases it's because the equipment
2 that was installed was installed decades ago,
3 and the manufacturer of that equipment is no
4 longer in business. And so it's very difficult
5 to get wiring diagrams based on those
6 circumstances. That's not going to change.
7 It's not going to change if the compliance data
8 is next month, this month, three years from
9 now, five years from now. It's always going to
10 be a problem.

11 MR. BARNES: Now, to the extent that a
12 wiring diagram needs to be created for
13 compliance with the Act, are we talking about
14 full-blown wiring diagram for the entire
15 elevator? Or is it a basic wiring diagram of
16 the general safety?

17 CHAIRMAN CHRISTENSEN: Dick?

18 MR. GREGORY: Up-to-date wiring diagrams
19 detailing circuits of all electrical protective
20 devices and critical operating circuits.
21 That's your door locks and your safety circuit.
22 This is not full-blown wiring diagrams. It's
23 not -- when this was put into the code -- you
24 realize I'm vice chairman of the committee that
25 writes the code. So maybe I have a biased

1 opinion or something. But this was put in, and
2 I was involved in putting this in. We
3 didn't -- at the ASME, we did not feel that we
4 could exactly just say jump on everything to
5 get everything there from, let's say, a wiring
6 diagram from White Evans, who is long gone from
7 Indianapolis and so on.

8 But these are the items that cause
9 injuries and deaths like the one in New York,
10 the woman in New York where the people from
11 Transel Elevator put a jumper on the door lock
12 circuit, and the elevator ran with the door
13 open, and the woman got crushed. This is where
14 that's aimed at. It's not asking for all the
15 rest of the wiring diagram at all.

16 CHAIRMAN CHRISTENSEN: Kelly?

17 MR. WELLER: Bill, just a quick question.
18 Two questions, actually.

19 Is the 2014 date part of a broader
20 negotiation that the Fire Marshal had with the
21 stakeholders to reach an agreement on other
22 issues? In other words, was this a give and
23 take where you said, "Okay. We'll give you
24 2014, but we need you to do this"? You know,
25 something we're not privy of as the Board?

1 MR. BARNES: We're talking the proposal of
2 the wire diagram?

3 MR. WELLER: Push back another six months.
4 Is this part of a bigger package?

5 MR. BARNES: No.

6 MR. WELLER: So this is a stand-alone
7 issue?

8 MR. BARNES: Yes.

9 MR. WELLER: Dick, when you talk about the
10 two components that you just mentioned, both of
11 those are retrofits, right? Neither one of
12 those would have been part of the original?

13 MR. GREGORY: Oh, they were part of the
14 original elevator.

15 MR. WELLER: So at some point in time,
16 somebody would have had to work on those or
17 update them or do something? There has to be
18 parts in there from somewhere in the last 25
19 years, right?

20 MR. GREGORY: Or more. Well, 25 years,
21 you might have the wiring diagrams actually
22 there. A lot of really old items, like
23 controllers manufactured by SF -- FS Payne from
24 Cambridge, Massachusetts, who's gone, but they
25 have been rolled into eventually what's now

1 Thyssenkrupp. Those are probably not
2 available, but you will find -- if I, as a
3 mechanic -- I no longer do this. I now am an
4 honorary mechanic. I can't work anymore.

5 MR. WELLER: Okay.

6 MR. GREGORY: If I go in there, I'm going
7 to see on the controller stud 12 and stud 32 is
8 the door locks. I'm going to -- so from that,
9 you can make up that part of it. It's not
10 rocket science, let's say, because we're not
11 asking for when you push the button, what relay
12 picks and what relay decides to --

13 MR. WELLER: Well, it's got to be
14 clearcut. It's very clear to you, but it's got
15 to be very clear to everyone who is looking at
16 this. Is there something that would list the
17 companies that no longer -- you could no longer
18 access legitimate wiring information? So that
19 there was a bona fide exclusion until those
20 parts are replaced that these people would have
21 some kind of relief?

22 MR. GREGORY: I think you might work it
23 from the point of view of if you have something
24 and say that we need relief, then you apply for
25 a variance to have relief because there are way

1 less of those, or else I sit down and make a
2 list.

3 But, for example, the issue we had in
4 Joliet. That guy was told -- the Hotel Plaza
5 was told that he had to have wiring diagrams.
6 I told the guy where to write for them, what
7 number to send to the major intergalactic
8 company that took over who manufactured it, and
9 that they would have them. You know what? He
10 found a much easier way. He found an elevator
11 company and said, "Oh, I got them." And that
12 was it.

13 MR. BARNES: Well, I think another
14 question sort of we're dealing with and what
15 you're saying, Kelly, is to the extent that
16 these pieces are, you know, out of production
17 and the company has gone the way of many other
18 companies, is it possible to recreate it from
19 scratch?

20 MR. WELLER: You mean is it practical?

21 MR. GREGORY: Well, I've done it in the
22 past, but my rates are high.

23 MR. BARNES: But who could do that? Is it
24 an elevator contractor? Like a mechanic, could
25 he go in and --

1 MR. AUBIN: Field people could do it.

2 MR. GREGORY: There are field people. You
3 know, I was just a helper when I was doing this
4 on old Payne controllers. You know, and I can
5 give the name of a guy from GSA who still tells
6 the story when he sees me.

7 MR. WELLER: I think we've got to be more
8 process oriented than that, but my -- I'll
9 waive the floor, but I just want to ask one
10 other question.

11 So we're talking about between
12 May 13th and January 1st, elevators that
13 have to get serviced or inspected, the ones
14 that get inspected prior to May won't have to
15 have all of these parts and components, but the
16 ones that hit in that window between May and
17 January will? So it's got to be a very, very
18 small percentage.

19 CHAIRMAN CHRISTENSEN: But hang on, Kelly.
20 You're talking about -- they're talking about
21 January of 2014.

22 MR. WELLER: Right. We gave them until
23 May of 2013.

24 CHAIRMAN CHRISTENSEN: The bill hasn't
25 been passed. So we don't know if it's going to

1 pass.

2 MR. BARNES: And your extension dealt only
3 with code data plates. Remember, the wire
4 diagram requirements is in effect right now
5 because we've passed May 13, 2012.

6 MR. WELLER: Do we have to take any action
7 then until the legislation passes? If the
8 legislation passes, obviously the legislature
9 has overwrote us, right? We don't want to give
10 these people until January 1st.

11 CHAIRMAN CHRISTENSEN: No, but that's just
12 the door restrictor.

13 MR. WELLER: But you're trying to tie all
14 of this together?

15 CHAIRMAN CHRISTENSEN: I'm not.

16 MR. WELLER: Somebody is. Somebody is
17 trying to put all of this together.

18 CHAIRMAN CHRISTENSEN: But there's still
19 going to be other dates. We have dates of
20 2015.

21 MR. WELLER: Aren't we putting the cart
22 before the horse if the legislation hasn't even
23 passed it, to put all this stuff together? Why
24 don't we table this until the legislation
25 passes and make the decision? Because we're

1 still a year away by my math for this thing
2 even being in place. Why are we even talking
3 about it?

4 MR. JANDORA: Except wiring diagrams.

5 MR. GREGORY: The thing is that every
6 elevator ever manufactured by Otis has a
7 machine number. You go to Otis with that
8 machine number. And I was in Otis's service
9 engineering center in Hartford, Connecticut a
10 couple of weeks ago. And with that number,
11 they can get you the wiring diagram. You pay
12 for it, but a complete wiring diagram,
13 100 percent total more than you need. They can
14 get it. Schindler, when it was Westinghouse,
15 it was all on card, microfilm cards, and they
16 could get it for you. They would charge you
17 for it. And you go right down the line of
18 Thyssenkrupp and all of their various
19 predecessors, the same deal. You're only
20 talking about a few smaller companies right now
21 that you're going to have a problem with.

22 Some of these smaller companies put
23 in -- for example, Virginia Control. Virginia
24 Control still exists. You know, they're a busy
25 little company.

1 MR. WELLER: I guess I want to try to find
2 a way to keep people so that they don't have to
3 shut their elevators down in the way that we
4 can try to keep track of this. So if you're
5 telling me that there are exceptions out
6 there -- we don't know what they are -- but
7 there are exceptions, and they're legitimate
8 exceptions. We've already acquiesced to that,
9 right?

10 MR. GREGORY: And those exceptions -- and
11 maybe we should deal with on a one-on-one
12 basis.

13 MR. WELLER: Here, here. So why don't we
14 make it a formal process that if we have these
15 exceptions, and someone wants to bring that
16 before us for a variance, that we will
17 certainly consider that? Right now, there's no
18 guidance for them.

19 MR. GREGORY: Correct.

20 MR. WELLER: So everything else -- if you
21 come before us and it's an Otis elevator, my
22 understanding is you've got no excuse for not
23 having a variance.

24 MR. GREGORY: Correct.

25 MR. WELLER: You come before me and it's

1 XYZ Elevator Company, and it was an 1895
2 production model, you've got a pretty good
3 reason for a variance. Fair enough?

4 MR. GREGORY: Yes, but some of those
5 XYZ's, let me tell you --

6 MR. WELLER: It's not here in front of us.
7 I just want to give these people a process that
8 they can say --

9 CHAIRMAN CHRISTENSEN: You don't have to
10 table it. You can make a motion that decides
11 they can bring a variance to us, correct?

12 MR. GRANT: The question, if I follow the
13 logic, have you thought about this as a
14 potential variance from effective date or cost?
15 We just raised our fees for the variance
16 application, to, what, 400? It went from like
17 200 to 400, did it not? I believe it doubled
18 to 400.

19 How much would it take for an elevator
20 mechanic or the person within the company
21 that's actually got to be there to service that
22 elevator, which as I understand it, would have
23 somebody qualified to create a wiring diagram
24 to meet those specific safety features that
25 Dick talked about? Are we just asking to spend

1 half the cost of getting that done, come and
2 ask us to let them not do it for a while?

3 My point is, that we should get a feel for
4 the magnitude of the cost and if there is
5 recourse for people who we expect to have an
6 elevator company present on their property to
7 service it and to get it inspected annually,
8 aren't there legitimate pathways to then use
9 that same resource they've already got a
10 relationship with to solve this problem?

11 MR. GREGORY: Yes.

12 MR. GRANT: And what I'm wondering is, I
13 don't know what it would take in terms of time
14 to develop it to meet the specific content
15 requirements of the wiring diagram to do this.
16 I suspect a lot of objections come from people
17 who have absolutely no feel for maintenance
18 requirements for that piece of equipment in
19 their building. They haven't dealt with this
20 level of involvement by anybody in that system,
21 and if we know, this is an important component
22 of keeping an elevator safe and keeping the
23 people that use it safe.

24 I think we should consider those two
25 things in light of your argument. I understand

1 why people want some time to do it, but my
2 point is, I think they really do need to do it,
3 and we only meet four times a year now, unless
4 we have to call some special meetings if
5 there's variances. If there's two dozen that
6 come forward for this, which isn't very many
7 out of the total that would potentially be in
8 open areas, it would be creating more of a
9 problem than we would by solving this.

10 MR. BARNES: Let me just add. I just
11 touched on that one component. The only thing
12 that the Board would be hearing would be
13 appeals from denials from either a local
14 administrator or administrator. So that might
15 reduce the burden on the Board.

16 But I think we also need to focus on the
17 fact that we really don't know how big a
18 problem this is. I mean, this could be a
19 tempest in a teapot, or it could be a real
20 major concern. And I would -- you know, I
21 think it's sort of silly to act before, one,
22 the Act is passed, and there's this 2014 date
23 and before we know exactly what we're dealing
24 with. If we're dealing with five and six
25 elevators, and they want to specifically come

1 and request an exception or variance from the
2 administrator, so be it. And they want to pay
3 the \$400 to do so, as opposed -- which may or
4 may not be the cost of the actual wiring
5 diagram itself. Did that answer your question?

6 MR. GRANT: Well, I think I follow what
7 you're saying. My only concern with it is, I
8 don't understand how a good elevator company's
9 mechanic can safely do the work they set out to
10 do without -- maybe without even having figured
11 some of this out in advance. If it's a routine
12 customer, and it's a really ancient controller,
13 and they've got a feel for it because they
14 know, but they never put it down or they've had
15 to explore to try and do this. I mean, I'm not
16 sure how you would do this, but I can't imagine
17 you'd just do it and give it a try.

18 MR. GILLES: It's not a situation --

19 MR. GROSS: I agree with Craig here.

20 But I was going to ask you, Dick, you
21 said, you know, you're expensive, top of the
22 line, you've done this before. How much?

23 MR. GREGORY: Well, I'm not going to do
24 it. I'm not going to do it.

25 MR. GROSS: Nobody is talking about that.

1 MR. GREGORY: It's a conflict of interest.

2 MR. GROSS: Okay. You didn't do it --

3 MR. GREGORY: My price, it would be two
4 grand.

5 MR. GROSS: Two grand, okay. So about
6 \$2,000, you could do this?

7 MR. GREGORY: Yes, but I'm not going to,
8 okay?

9 MR. BARNES: It's on the record.

10 MR. GREGORY: I'm on the record.

11 MR. GROSS: So the \$400 variance, you
12 know, that would be a big chunk with the 2,000
13 if you were going to do that. And the safety
14 factor -- I mean, I don't know you could work
15 out the wiring.

16 MR. GREGORY: It's very -- that's where
17 the people -- when you jump out door locks,
18 that's where people get hurt. That's where
19 people get -- I don't want to go into all the
20 stories that I know. You'll just all get sick
21 or something.

22 MR. GROSS: I don't think -- I think if
23 you're doing maintenance on it, I think this is
24 something that's necessary now. I can't
25 see -- I don't see any rationale for even

1 putting it off. I think when the elevator has
2 its maintenance done, this should be done at
3 the same time.

4 MR. GREGORY: An elevator company
5 typically will have apprentices, mechanics, and
6 sometimes they have, let's say, more
7 experienced mechanics they call "adjustors,"
8 unquote. These guys get a little bit more
9 hourly money, and these guys are the people who
10 could go out there and do this, figure this
11 out. And we're not looking for a full -- we're
12 looking for door lock and safety, door lock
13 circuit and safety circuit. Just two circuits.
14 We're not looking for all the stuff.

15 MR. GILLES: I just want to go on record
16 as agreeing with all you that there is no
17 reason. I mean, these two items are crucial to
18 the mechanic and the apprentices, their safety
19 working on this equipment. I would only just
20 maintain that every year it has to be tested,
21 without knowing the safety circuit. If it's
22 tested properly, it's safe. And, yeah, I don't
23 see any reason to.

24 CHAIRMAN CHRISTENSEN: If there's no more
25 questions, we have --

1 MR. JONES: Just a comment. Doug Jones.
2 Just in our village, we sent out a letter
3 to everybody regarding these four items
4 specifically and told them the date. I never
5 got -- I got one person who responded to me on
6 that. My feeling is that even when we sent it
7 out to the business owners that own the
8 elevators, it went in the old circular file.
9 So what we're going to have -- and I don't know
10 to the extent it's been here before, the bill.
11 What is the extent we're going to have these
12 failures? I agree over here we should get it
13 done. We've set a date for it.

14 I guess my question, could the local
15 administrator allow -- we usually do the
16 inspections twice a year. Could the local
17 administrator on that specific failure
18 give -- you know, we would take the task of
19 specifying these things need to be done
20 specifically. You're past your time. You're
21 in violation. Basically a violation. Have it
22 done by the next -- instead of giving them like
23 30 days, where they have to have the elevator
24 inspector come back. I'm just looking at it
25 from the standpoint of the building codes. You

1 know, that you give them that next cycle, you
2 better have it done now or you're going to get
3 a violation. That gives them a certain amount
4 of time to get an experienced elevator mechanic
5 in there to do the wiring diagram or whatever
6 is necessary to get the safety circuits looked
7 at, as opposed to 30 days, because they're not
8 going to do it properly.

9 CHAIRMAN CHRISTENSEN: I'm not sure. I've
10 never run an inspection company or been an
11 inspector, but does an inspector usually do
12 that when they inspect the elevators? When
13 they check them off that they've failed, and
14 they've got so many days to get it?

15 MR. JONES: Correct. What I'm suggesting
16 is because of the circumstances here is that we
17 do six-month cycles, okay? That we would allow
18 them that six months of time, specifically
19 stating, "Here's what you have to have. If
20 you're not here the next time or if you don't
21 have this the next time, we're not even going
22 to inspect your elevators. You failed. Carry
23 on." Instead of giving them a 30-day violation
24 notice, it only gives them 30 days to comply.

25 MR. JIRIK: Are you including --

1 MR. JONES: Well, I'm saying specifically.

2 MR. JIRIK: I mean, in your letter that
3 you send them, you're specifically --

4 MR. JONES: We're very specific. What I'm
5 telling Tom is what building owners -- this has
6 been my experience. Building owners don't get
7 it, and they usually file it, and they don't
8 get it. In this particular cycle, I would like
9 to see, since some are already violated, we
10 give them -- from the administrator, both of
11 them specifically, "You're violated today.
12 You're not in compliance. You have until the
13 next cycle. We're not even going to inspect
14 your elevator until we have that information."
15 That's just the way of giving --

16 CHAIRMAN CHRISTENSEN: I'm going to ask
17 you something. How many do you think are in
18 your area?

19 MR. JONES: I don't know honestly, Frank.
20 I don't know. It could be a mountain -- making
21 a mountain out of a molehill.

22 CHAIRMAN CHRISTENSEN: It is.

23 MR. GREGORY: What is your area?

24 MR. JONES: Schaumburg.

25 MR. GREGORY: I mean, I remember when

1 Schaumburg was built.

2 CHAIRMAN CHRISTENSEN: You're most
3 likely -- most all the jobs you're not going to
4 see something coming up the late 1800s or early
5 1900s in Schaumburg. Most likely, there's only
6 a few.

7 MR. JONES: There's going to be a handful.
8 I don't know if it is. What I'm asking for is
9 probably not even required or necessary. Now,
10 if I get 100 of them, you know, and they don't
11 have something in place or the code -- you
12 know, the wiring diagram is not in place or
13 whatever, then we've got, you know, a lot of
14 time.

15 CHAIRMAN CHRISTENSEN: Again, coming from
16 experience -- and Tom can tell you and some
17 other guys -- Rod -- from experience -- there
18 might have been a couple times in my history
19 that there was not a print on the job site.

20 MR. JONES: It's that minimal?

21 CHAIRMAN CHRISTENSEN: It's that minimal.

22 MR. JIRIK: If they're not, then somebody
23 took them out.

24 MR. HERTSBERG: Most of them would be in
25 Chicago anyway. It's not in the suburbs.

1 CHAIRMAN CHRISTENSEN: It's very minimal,
2 how many would be without that.

3 MR. JONES: I appreciate that information.

4 MR. BARNES: I would also add to the
5 extent you note local agreement with the OSFM,
6 the local administrator has the right to grant
7 its own exception subject to review of the
8 OSFM. You know, we have granted some of those
9 in the past, and I believe all or most have
10 since have expired. And this was for the past
11 year when there was some confusion as to
12 compliance dates.

13 MR. JONES: I guess, Bill, what I want
14 is -- I'm the one that gets the calls. "How
15 come we got failed?" The local administrator,
16 you ask -- if it's not a big deal, it's not
17 going to be a big deal for the local
18 administrator to make a determination as to,
19 you know, why. If there's some specific
20 direction as to why it is so they aren't the
21 only one who understands that this is mandated.
22 So if it's not a big deal, I don't have a
23 problem. If it is then, you know, we'll work
24 from that, so.

25 MR. BARNES: We may be putting the cart

1 before the horse here because it's early after
2 the May 15th deadline.

3 CHAIRMAN CHRISTENSEN: Does anybody have
4 any other questions?

5 MR. FINCHAM: I'm going to clarify.
6 Initially you raised this concern because there
7 was comments regarding confusion as to multiple
8 deadlines changing, not knowing exactly when
9 certain requirements should come into play.
10 The suggestion was going to the 2014, to make
11 it a little bit simpler so everybody
12 understands that. Okay.

13 Where I'm going with this exactly is,
14 would that make it easier if we're only talking
15 about a few small number of cases, is it -- and
16 elevators that have been existing before the
17 wiring diagrams were required, I mean, is it
18 really that big of an issue to go to the 2014
19 on it?

20 MR. BARNES: Well, we really don't know.

21 MR. FINCHAM: And I guess that's the
22 question. I mean, so I guess, I'm not really
23 understanding -- see, I understand wiring
24 diagrams, and I know you want to make sure when
25 you're working on it you're doing it correctly,

1 but, again, we're talking about elevators that
2 maybe existed before that requirement was in
3 place.

4 MR. BARNES: Right.

5 MR. FINCHAM: So I'm not sure I
6 understand.

7 CHAIRMAN CHRISTENSEN: Well, every
8 elevator started off with a diagram. They
9 didn't just put some wires together and put a
10 relay in. No, I'm being serious. Every
11 elevator had a wiring diagram when it
12 originally started off.

13 MR. FINCHAM: Okay, but I guess what about
14 those existing elevators that have been in
15 place for, you know, 60 years? You know, that
16 that have not had wiring diagrams? How are
17 those being inspected now?

18 MR. BARNES: That's a very good question.

19 CHAIRMAN CHRISTENSEN: How are they being
20 worked on?

21 MR. FINCHAM: How are they being worked
22 on?

23 CHAIRMAN CHRISTENSEN: That's why I'm
24 saying it's very minimal of the job sites that
25 you would go to without a wiring diagram.

1 MR. BARNES: And I think also, you know,
2 even if it's a large number or a small number,
3 there's a convenience argument that has to be
4 weighed with the public safety argument. And I
5 don't think anyone disagrees that public safety
6 benefit is to have a wiring diagram in place.
7 That seems plausible.

8 CHAIRMAN CHRISTENSEN: It's all about
9 safety, right? That's what this Board is.

10 If nobody has got any other questions,
11 Patty Young, did you want to speak on this
12 subject?

13 MS. YOUNG: To speak on this subject?

14 CHAIRMAN CHRISTENSEN: Yeah. You've got
15 "any and all" on your --

16 MS. YOUNG: I understand, but I'm so used
17 to public comment at the end, you caught me off
18 guard.

19 CHAIRMAN CHRISTENSEN: I thought I'd give
20 you the opportunity.

21 MS. YOUNG: To chime in with the
22 discussion that has been occurring is, we are
23 at a point where there probably is the unknown,
24 which is what Mr. Barnes had brought up. But
25 there also is the cases where there are

1 situations where possibly there was no wiring
2 diagrams existing. Part of that is because the
3 code did not actually require that the wiring
4 diagrams be present in terms of from an
5 inspection perspective.

6 Dick, you may want to help me out here.
7 If my memory serves me right, the wiring
8 diagram showed up, I think, it was in 2000?

9 MR. GREGORY: 2000.

10 MS. YOUNG: Yeah, that's what I thought.

11 MR. GREGORY: As far as the code on the
12 job requirement.

13 MS. YOUNG: Correct.

14 MR. GREGORY: But Frank pointed out it
15 just didn't go in with a sack of wires and
16 relays, and yeah.

17 MS. YOUNG: Yes, I'm agreeing with that.
18 So at some point, we know that the elevators
19 had been worked on. They were being fixed.
20 Somebody had to be following some sort of
21 something in order for the elevators to be
22 fixed. But I think some of the issue could be
23 is that because it is now showed up in the code
24 is that anything that was prior to that, how
25 the piece of paper of the diagram got moved?

1 Did the mechanic take it with him, go off to
2 the next job because he knew that elevator had
3 the same one? So we're not really sure if
4 there was always a specific wiring diagram that
5 was left with this elevator. Then there was
6 another one for that elevator. And, again, I
7 don't know the practice of how the companies
8 work with the wiring diagrams, if that was part
9 of it.

10 And then there's also the issue is that
11 when a building goes and changes one elevator
12 vendor maintenance repair company to another
13 one, the practice has been where Company A just
14 kind of swoops everything up, and now the
15 building owner is left with absolutely nothing
16 and didn't even know that those things had
17 disappeared. So there's also that issue.

18 And let's face it. A building owner,
19 unless you have somebody who is very, very
20 hands-on and involved with their elevator,
21 probably rarely steps into the machine room and
22 actually could say, "Oh, yeah. There's my
23 wiring diagrams." So when we are putting the
24 responsibility on the building owner to have
25 the wiring diagrams in place, they're relying a

1 lot on their elevator company.

2 So, you know, we have a lot of different
3 components to this discussion that is
4 occurring. And so I think everybody has
5 brought up very valid points. It's to find the
6 best solution for the situation and decide how
7 we want to proceed.

8 CHAIRMAN CHRISTENSEN: Patty, I've got a
9 question for you.

10 MS. YOUNG: Sure.

11 CHAIRMAN CHRISTENSEN: You own Thompson
12 Elevator Inspection Company?

13 MS. YOUNG: Yes.

14 CHAIRMAN CHRISTENSEN: How many have
15 you -- or not you inspect, but your inspectors
16 have inspected that you have found wiring
17 diagrams throughout the years?

18 MS. YOUNG: Well, I don't have the exact
19 number, but since we've had those extensions,
20 we have not needed to tally up. And as
21 discussion with, you know, Mr. Barnes and
22 Mr. Aubin in the past, we are going to take a
23 look -- because May 13th was last week -- to
24 kind of look forward to see who doesn't have
25 wiring diagrams. So possibly there's a chance

1 to get some numbers from that.

2 CHAIRMAN CHRISTENSEN: Okay. I would have
3 thought when this was brought up, you would
4 have had some kind of figures of how many
5 without code data plates or how many wiring
6 diagrams that are missing off the job site,
7 that it's such an important thing that's being
8 brought up.

9 MS. YOUNG: Like I said, Frank, up to this
10 point, inventory, to get that, was not an
11 issue. And so the issue would be that if who
12 was -- who is now missing them, since we've had
13 the extensions, and the extensions have
14 expired.

15 CHAIRMAN CHRISTENSEN: Okay.

16 MS. YOUNG: So then we could gauge to see
17 where we're at. That's all I have on that
18 topic for the moment.

19 Any questions from the Board, anything
20 else?

21 I think we're only -- you asked me on this
22 item. So I do have something about renewals.

23 CHAIRMAN CHRISTENSEN: Okay.

24 MR. JONES: Just one other question, just
25 so I know.

1 If a wiring diagram is missing, Dick said
2 he would do the schematics and so forth for
3 \$2,000.

4 MR. GREGORY: I said I wouldn't do them on
5 the record.

6 MR. JONES: If he were doing them, is that
7 going to be a typical cost for the building
8 owner to do that?

9 CHAIRMAN CHRISTENSEN: I don't believe so.
10 I think if a maintenance company, like Otis
11 Elevator, it would probably just be part of
12 what they do. I could be wrong, but I don't
13 think it would be.

14 MR. GREGORY: If it's your elevator, and
15 you're maintaining it.

16 MR. JANDORA: If it's an Otis elevator and
17 we're maintaining it, we would procure the
18 diagrams and provide them.

19 MR. JONES: The only thing that Dick
20 Gregory was talking about with the really old
21 ones, that we really have a hard time. If you
22 have a machine number, give us the wiring
23 diagram. So it's not a big issue. If they're
24 missing for like what Patty was saying, someone
25 took all the paperwork, and they left, it's not

1 a big deal to get that machine number and get
2 it from your --

3 CHAIRMAN CHRISTENSEN: It's really what
4 Dick is talking about, so you get a good idea,
5 the door locks and the safety circuit. It's
6 really not that hard to make a print of them.
7 The only problem is that on some of them,
8 you've got the old cloth wiring, right, Dick?

9 MR. GREGORY: Yeah.

10 CHAIRMAN CHRISTENSEN: That's the problem.
11 It's not tagged properly that you have on the
12 new ones.

13 MR. JONES: Because it sounds complicated
14 is an understatement.

15 CHAIRMAN CHRISTENSEN: No. They have very
16 important circuits. You can probably go all
17 over the websites and see where door locks have
18 been jumped out, and people have gotten killed
19 or hurt badly. So it's important. You jump
20 out a safety circuit -- you should never have
21 to jump out a safety circuit.

22 Margaret Vaughn?

23 MS. VAUGHN: Margaret Vaughn, on behalf of
24 Thompson Elevator Inspection Service.

25 I just wanted to address the issue that

1 Mr. Barnes had brought up about the confusion.
2 From the side of municipalities, back in March
3 of 2011, the Fire Marshal's office had sent out
4 a letter saying that the four maintenance
5 requirements would be at that time, and then
6 they said they could be extended until mid May
7 of 2011. Then at the May 2011 meeting, the
8 Board decided that the maintenance requirements
9 could be extended. Then the May 2012 and then
10 the July of 2011 letter was sent out to the
11 local municipalities saying to all
12 municipalities saying if there was a local
13 program, you could be exempted totally, and
14 otherwise open territories all apply by May of
15 2012. At the February of 2012 meeting, three
16 of the items, including the wiring diagrams,
17 were moved to May of 2013 -- or May of 2012,
18 except for the data plate, which was moved to
19 2013.

20 So, you know, as you can see, the average
21 person -- and I am following it. The average
22 person could not follow or understand the
23 confusion, which is why the code administrators
24 thought it would be consistent if the door
25 extenders are being moved up to 2013, and that

1 hopefully will be an extension for that. So
2 that would come together all at one time.

3 Now, that's not to say that the
4 maintenance records and the maintenance control
5 program, they already have to be in place, that
6 the big thing in code data plates really is
7 moot, talking about May of 2013 to January of
8 2014. And if the legislation doesn't pass,
9 that means the Act itself won't be extended,
10 because both Acts from the Sunset has -- this
11 amendment to extend the work to 2014 is part of
12 the Sunset because it extends your Act for
13 another 10 years. So if that bill does not go
14 through, there will be no Elevator Act.

15 So, anyway, I just kind of wanted to talk
16 about the average person, the average
17 municipality getting all these notices and
18 passing them out to the building owners.
19 That's why there's kind of a disconnect. They
20 really don't know what to do. So a lot of them
21 just aren't doing anything.

22 THE REPORTER: Ma'am, could you slow down
23 please? I'm not getting this at all. Thank
24 you.

25

1 [WHEREUPON THE NEXT APPROXIMATE
2 TWO SENTENCES WERE
3 UNINTELLIGIBLE TO THE REPORTER
4 AND ARE NOT REFLECTED IN THE
5 TRANSCRIPT.]

6 MS. VAUGHN: So I thought it would be
7 easier, and it would give more credibility if
8 there was a public act you could point to and
9 say, you know, once this legislation passes
10 with the door extender, then that could be the
11 reference according to public act such and
12 such. You know, these items need to be in
13 compliance in that they have to be consistent.
14 Because when these doors restrictors are put
15 in, and they need the permits -- because if
16 they're permitted, they're going to have to get
17 to the code data plate anyway. So whether it's
18 done May of 2013 or the following, you know, by
19 the following January, I think everyone's goal
20 is to get every elevator in the state in
21 compliance. We think this would be the most
22 pragmatic way to do it, and it would lend
23 credibility, too, because you could reference
24 back to the law, rather than, you know, trying
25 to make sense of all those changes. So if you

1 need me to -- come back to me and refresh?

2 CHAIRMAN CHRISTENSEN: How much coffee did
3 you have?

4 MS. VAUGHN: Frank, if I drink coffee, I'd
5 be up for a week.

6 CHAIRMAN CHRISTENSEN: All I'm going to
7 say is, I get what you're saying on the public
8 act, and you know, it's not our fault that the
9 building owners aren't listening, you know.
10 It's when the letter is sent out, if they're
11 putting it in the garbage, it's their fault.
12 It's not our fault. Our duty here is as the
13 Board is one: Maintaining the safety of the
14 public. And I think the funny thing is, if we
15 let six months go from here, and we do it off
16 the Act, and they don't do it when the Act
17 comes up, then it's just going to keep on
18 pushing and pushing and pushing. And what are
19 they going to say if we give them six more
20 months, and somebody gets hurt during that six
21 months? "Well, hey, the Board had it in front
22 of them."

23 MS. VAUGHN: Well, you're giving them a
24 year now to May '13. When they put those door
25 restrictors in, that code data plate is going

1 to be put in anyway.

2 CHAIRMAN CHRISTENSEN: I think our fault
3 here might be what you just brought up, that we
4 keep on giving dates and dates and dates.

5 MR. GREGORY: Keep kicking the can.

6 CHAIRMAN CHRISTENSEN: And you can't keep
7 on doing that. You've got to say, "Hey, this
8 is the time, and we've got to get it done."

9 I dealt with this on an apprenticeship
10 program, so I have a pretty good idea. And,
11 you know, we kept on giving them a break and a
12 break, and you know, not going to school, and
13 then finally they found out that the punishment
14 is they lose their jobs. And, you know, you
15 just can't keep doing it.

16 MS. VAUGHN: They can't have the door
17 restrictor without having the code data plate
18 at the same time.

19 MR. GREGORY: No. They're not related.

20 MR. GANIERE: It's been said several times
21 today that the key component of both this Board
22 and the Fire Marshal's Office is safety. And
23 one of the major components of the elevator
24 safety for both people that work on them and
25 the people that use them is having these wired

1 diagrams available. That date is already past,
2 correct? I see no reason to go back and change
3 that now, especially hearing today we don't
4 even know if it's a problem or not. Let's go
5 forward. We already changed the date, the data
6 code. Leave that -- the data plate, I should
7 say. Leave that where it is. And if the door
8 restrictors happen the next enacting of the
9 Act, then we can address that at that time. I
10 understand the need for consistency. I just
11 don't agree with it in this instance.

12 CHAIRMAN CHRISTENSEN: Any other comments?

13 [NO RESPONSE.]

14 CHAIRMAN CHRISTENSEN: Any motion to
15 table?

16 [NO RESPONSE.]

17 CHAIRMAN CHRISTENSEN: No? Okay. Moving
18 on.

19 MR. BARNES: At this point, we're going to
20 go into closed session pursuant to 5 ILCS 122,
21 Section 21, to discuss minutes of meetings
22 lawfully closed under the Open Meeting Act for
23 the purpose of approval of the body of the
24 minutes as mandated in Section 2.06 of the Act.

25 MR. WELLER: Do you need that in motion?

1 MR. BARNES: Would you like to?

2 MR. WELLER: You tell me. I'll be glad to
3 make the motion.

4 MR. BARNES: Why don't you make the
5 motion.

6 MR. WELLER: Well, I make the motion that
7 according to the Act, we go into closed
8 session.

9 MR. GANIERE: I second that motion.

10 CHAIRMAN CHRISTENSEN: Any questions?
11 [NO RESPONSE.]

12 CHAIRMAN CHRISTENSEN: All those in favor,
13 say "aye."

14 MR. GANIERE: That requires a roll call
15 vote.

16 MR. JIRIK: Tom Jirik, yes.

17 MR. HERTSBERG: Mark Hertsberg, yes.

18 MR. GRANT: Yes.

19 MR. GILLES: Rod Gilles, yes.

20 MR. GROSS: Gerald Gross, yes.

21 MR. WOLIN: Gerald Wolin, yes.

22 MR. JONES: Doug Jones, yes.

23 MR. FINCHAM: John Fincham, yes.

24 MR. GANIERE: Tom Ganiere, yes.

25 MR. WELLER: Kelly Weller, yes.

1 MR. DATILLO: Dave Datillo, yes.

2 MR. JANDORA: Rick Jandora, yes.

3 CHAIRMAN CHRISTENSEN: Frank Christensen,
4 yes.

5 Okay. Closed session.

6 MR. BARNES: Closed meeting minutes.

7 [WHEREUPON MEMBERS OF THE PUBLIC
8 LEFT THE ROOM AT 9:30 A.M. AND A
9 CLOSED SESSION OF THE BOARD WAS
10 HELD UNTIL 10:30 A.M. WHEN
11 MEMBERS OF THE PUBLIC REENTERED
12 THE ROOM.]

13 CHAIRMAN CHRISTENSEN: Okay. Is there a
14 motion to accept the January 19, 2007 minutes?

15 MR. GANIERE: I'll make a motion to make
16 open the January 19, 2000 (sic) minutes with
17 the exception of redacting the settlement
18 amount.

19 CHAIRMAN CHRISTENSEN: Is there a second?

20 MR. JONES: Second.

21 MR. GROSS: Second.

22 CHAIRMAN CHRISTENSEN: Any questions, any
23 additions or corrections?

24 MR. BARNES: I would correct it to be
25 January 19, 2010. You said "2000."

1 MR. GANIERE: I'm sorry.

2 MR. BARNES: Okay.

3 CHAIRMAN CHRISTENSEN: Your meaning was
4 the January 19, 2010, correct?

5 MR. GANIERE: Yes.

6 CHAIRMAN CHRISTENSEN: All right. All
7 those in favor, say "aye."

8 [CHORUS OF "AYES."]

9 CHAIRMAN CHRISTENSEN: All those against?
10 [NO RESPONSE.]

11 CHAIRMAN CHRISTENSEN: The "ayes" have it.
12 Okay. Moving to the May 12, 2011. Is
13 there a motion?

14 MR. GRANT: I move -- Grant -- that we
15 accept and make public the minutes of the
16 May 12, 2011 board meeting.

17 CHAIRMAN CHRISTENSEN: Is there a second?

18 MR. GANIERE: Second.

19 CHAIRMAN CHRISTENSEN: Any questions,
20 additions or corrections?
21 [NO RESPONSE.]

22 CHAIRMAN CHRISTENSEN: None being, all
23 those in favor, say "aye."

24 [CHORUS OF "AYES."]

25 CHAIRMAN CHRISTENSEN: All those against?

1 [NO RESPONSE.]

2 CHAIRMAN CHRISTENSEN: The "ayes" have it.
3 The open session. Open session, Board
4 action on closed session minutes as listed
5 above. Right? We took care of them?

6 New business. Fireman's recall
7 discussion.

8 MR. GRANT: Mr. Chairman, does that follow
9 up from the minutes, the information brought to
10 the Board by Terry Shanklin in asking about
11 authorized persons concerning the test?

12 CHAIRMAN CHRISTENSEN: What I know of,
13 Terry Shanklin wanted that brought back
14 to -- he was in the hospital, so he couldn't be
15 here today. So he wanted that at the next
16 meeting. It's the CET program.

17 MR. BARNES: That's kicked to the next
18 time.

19 CHAIRMAN CHRISTENSEN: It's been taken off
20 the agenda.

21 Did you ever bring up the fireman's
22 recall?

23 MR. GREGORY: Terry submitted a request to
24 the American Society of Mechanical Engineers
25 for a code change. He has formally submitted

1 certificate or no registration tag, I believe
2 in the rules it now states that it says next
3 business day. And I believe that there was a
4 typo that was put into the rules, because if we
5 refer back to the meeting minutes of
6 September 21, 2010, there was discussion
7 regarding having 72 hours. And there was
8 statements in here from Mr. Weller
9 saying -- and myself, saying we're just looking
10 for a bigger range, something that was a little
11 bit reasonable, versus the next business day.
12 And 72 hours kind of seemed to be the magic
13 number, and that -- saying it's "business
14 days." So it would be three days instead of
15 the next business day.

16 Bill, do you know what section I'm
17 referring to on the rules?

18 MR. BARNES: Section 1A, but what subpart?

19 MS. YOUNG: The subpart -- let's see -- B?
20 Under B, where it says, "Notifying the OSFM or
21 local administrator by phone call or other
22 means the next business day for providing the
23 location of the conveyance." I don't have the
24 exact page number.

25 MR. JANDORA: 180 C2A.

1 MS. YOUNG: It actually shows up in A and
2 B of the sheet I have.

3 And prior legal had said at the
4 September 21, 2010 is they are going to tweak
5 at 72 hours and turn it into, you know, three
6 business days. And he said he was speaking for
7 Bob, and I know at that time, Bill, you were
8 not onboard yet.

9 MR. BARNES: I mean, all I can say is
10 that, you know, that was before me, and that
11 three business days never appeared in any
12 version of the rules submitted and approved by
13 the Board. And this suggestion never appeared
14 in any public comment received by the Board
15 during the rule-making. But that being said, I
16 mean, I have to take a look at these minutes.
17 And if that's what the Board wants, I mean,
18 obviously I'm not going to restart a
19 rule-making just to fix three days, but it
20 sounds to me that in October, we're going to
21 have a new code that we're going to have to
22 adopt.

23 MR. GREGORY: I mean, no, no, no.

24 MR. AUBIN: 2013.

25 MR. BARNES: 2013?

1 MR. GREGORY: Yeah.

2 MR. BARNES: This is the first I've heard
3 of it. I mean, I heard about it last night via
4 e-mail in the morning. So I've got to take a
5 look at this and see what's going on.

6 MR. WELLER: Just to keep -- I think we're
7 probably going to have -- my thought is we're
8 probably going to have several of these things
9 that come up between now and the next
10 rule-making process. I would ask that we find
11 a way to immortalize these changes that people
12 are bringing us so we have a sequence of things
13 so that when we go to rule-making, we voted on,
14 because I do remember us talking about this.
15 Three days versus one day seems like a
16 reasonable -- I remember we had that
17 conversation. So, yeah, I think it's something
18 we need to change. And I agree that I don't
19 want to go back and retool the process, but
20 it's something we should address, and it's
21 probably something that we should have more
22 conversation on. Now that we have this one-day
23 process in place, how do we convey some
24 flexibility around that to make sure that we're
25 not kicking someone into a legally bad position

1 because of something that we did.

2 MR. BARNES: Right. I agree. But I mean,
3 I need to take a look at those minutes. I need
4 to figure out what exactly the Board decided.

5 MR. WELLER: Can you put that on the next
6 agenda --

7 MR. BARNES: Sure.

8 MR. WELLER: -- as new business to talk
9 about?

10 MR. BARNES: Or old business.

11 MR. WELLER: However.

12 MR. BARNES: It might be old business
13 because we dealt with the new rule-making
14 today.

15 MR. WELLER: I'll let you legal eagles to
16 figure that out.

17 MR. BARNES: I prefer falcon.

18 MS. YOUNG: Just to dovetail on what Kelly
19 is saying that in the conversation from those
20 meeting minutes, it does talk about liability
21 issues and concerns.

22 MR. WELLER: And that's really the
23 important part of that.

24 MS. YOUNG: Exactly, exactly.

25 MR. BARNES: Understood, understood.

1 MS. YOUNG: I have no issue with not
2 notifying, but it just needs a little more
3 wiggle room.

4 MR. BARNES: I understand. I'm sorry that
5 it wasn't brought to my attention. But we'll
6 get it part of the ongoing list.

7 MR. WELLER: Actually, Patty, wasn't there
8 some willingness to have a discussion around,
9 okay, when we see these particular violations,
10 and we know we're going to fix an elevator that
11 the conveyance -- it doesn't have an
12 inspection, right, and we're going to go
13 through this process of notifying the fire
14 marshal that there's a conveyance out there
15 that hasn't been inspected, have we
16 immortalized the process? We're saying, okay,
17 you're not going to work on it, and as an
18 industry standard, no other company should be
19 allowed to work on that, right? Because, I
20 mean, ideally that's what you want. You don't
21 want these building owners shopping because you
22 won't work on it.

23 MR. BARNES: I can speak to that. The new
24 rules say in Section 180 A, Inspectors,
25 contractors and mechanics are not permitted to

1 service unregistered existing conveyances as
2 required by the Act to be registered without
3 prior permission from the OSFM.

4 MR. WELLER: All right. Can I walk that
5 through in my mind so I understand that? You
6 go out. The building owner calls. The
7 inspector -- he goes out and looks at it.
8 There's no current inspection. The mechanic
9 "A" does, what, shuts the elevator down?

10 MR. BARNES: I'll let Jim talk to that.

11 MR. AUBIN: If the mechanic goes out there
12 and works, and it's not registered, he has to
13 inform the owner that he needs to get
14 registered.

15 MR. WELLER: Now, can the elevator
16 continue to work while he's notifying us?

17 MR. AUBIN: In some cases, they will call
18 us right at that moment and say, "I'm out here
19 right now. Can I get a maintenance
20 authorization?" And we can turn it around in
21 24 hours, because you know, we take every
22 conveyance under consideration, if it's elderly
23 housing or a hospital. So there's different
24 criteria.

25 MR. WELLER: How do we make that a

1 standardized process so everyone out there
2 understands that?

3 MR. AUBIN: I think that process is
4 already out there. People are aware of the
5 maintenance authorization program that we have
6 in place.

7 MR. WELLER: Do you all agree with that?

8 MS. YOUNG: The maintenance authorization
9 process does exist, but the main focus has been
10 only on registration up to this point. And if
11 we were to look at the form, which the drop box
12 choices does not state anything for
13 registration. So I advise people to choose
14 "other," and then the comments say they are
15 applying for registration. So at this point,
16 there's nothing that references about a
17 certificate. I think it's entrapment --

18 MR. AUBIN: Well, right now, Patty -- not
19 to interrupt you -- we are implementing the
20 same process which is going to be in place for
21 certificates also.

22 MR. BARNES: Which is articulated in the
23 recently promulgated rules. So there's new
24 language expressly detailing these instances
25 not where we have an unregistered conveyance,

1 which is a universe that is shrinking
2 thankfully, but we're dealing with those that
3 lack a certificate.

4 MS. YOUNG: Right. And that maintenance
5 authorization form is used specifically or has
6 been for registration, whether you're in a
7 local program or you're in an open territory.

8 So then now the nuance comes where if it's
9 a certificate because a local program can issue
10 their certificate versus the getting the
11 certificate from the OSFM, then the maintenance
12 authorization is not applicable, depending upon
13 which what jurisdiction you're under. So in
14 that case, that is notifying the municipality.

15 MR. WELLER: Again, this is one thing I'd
16 like to see us really understand because this
17 is our big chance to catch unregulated or
18 unseen conveyances, right? When somebody goes
19 to work on them, and we don't do something
20 about it, that really is -- this is our really
21 big chance to get those. So it's a matter of
22 public safety. I'd like to see if a mechanic
23 goes out, it hasn't been inspected, that
24 elevator gets immediately shut down, period.

25 MR. BARNES: Or it could continue to

1 operate, provided that -- well, provided
2 that -- because the big fear is that you've got
3 the one elevator at an old folks' home that's
4 20 stories tall, and it missed its inspection
5 date by two days. And do you want that
6 conveyance to be shut down if the mechanic can
7 go out there, initiate the process for getting
8 the certificate, get the request going, and
9 start the process.

10 MR. WELLER: I'll defer to the rest of the
11 Board. I think that's an important -- it's
12 important that we get this right.

13 MR. BARNES: And that's the current
14 operating procedure right now is to where in
15 the mechanics', you know, professional
16 determination the conveyance does not pose an
17 immediate danger to public safety, then it can
18 continue to operate provided that the initial
19 steps to get it inspected and get it
20 recertified are taken immediately.

21 MS. YOUNG: Can I chime in on that?
22 Because when we have permit situations where,
23 let's say, the cylinder is blown or something
24 needs to be replaced and requires a permit, and
25 at that point the elevator is not moving. And

1 so you've got situations where we've had
2 municipalities where the condo building, they
3 all moved in when they were 20, and they could
4 make it up the stairs, no problem, but now 40
5 years later, you know, there are more
6 challenges, and they're on the top floor. So
7 to put the elevator -- shut it down for the
8 certificate, when it's truly an elevator that
9 is functioning okay and is not a danger to
10 public safety from that operation, now
11 potentially, without warning, you've trapped
12 somebody up in their residence who had no
13 knowledge to have the opportunity to make other
14 arrangements to move out because of the
15 elevator situation. So that's something to be
16 concerned with. You know, we have to be
17 cautious that from an ADA perspective that
18 things are not being violated in that sense.
19 That it is still in place, and there is
20 accessibility as long as we know it is
21 functioning and is not deemed unsafe.

22 If it was a permit situation,
23 typically -- and I know Mark and Tom and Kent
24 and Rick can chime in, is that, you know, all
25 steps are made to help the building during this

1 time period because I've seen cylinders, you
2 know, that people have to move out from two
3 weeks to six weeks or eight weeks, depending
4 upon the condition of the cylinder. The whole
5 ground could collapse, and all that's got to be
6 rebuilt. So then they to have to find another
7 place to live if they're unable to get up and
8 down the stairs, but they've at least had some
9 warning to know this.

10 MR. GRANT: I think I understand Kelly's
11 point. And it is especially true, I think, for
12 those elevators that are not operating and need
13 repair is a critical time. I don't think that
14 I would argue that in favor of a lapsed
15 certificate of operation, given recent
16 inspection or compliance inspection. We're
17 going to have a lot more on our plate come the
18 2013, 2015 or 2014 deadlines and some
19 significant things that are supposed to show up
20 if you guys aren't citing as a problem right
21 now. They've got a deadline to finish them.
22 Well, if those things aren't done by that date,
23 then you're going to have one on the inspection
24 site.

25 But on the service side is where I see

1 this having a really big impact. You put -- we
2 restore its operation unless it's an emergency
3 evacuation out of there if somebody hasn't
4 registered it or got it inspected the first
5 time. And maybe we should think about
6 categorizing those kinds of situations in our
7 strategy to address this so his office has
8 everything we need.

9 MR. WELLER: If we've got an unregistered
10 conveyance, this is the first time we're seeing
11 them, and Patty goes out there and shuts it
12 down, that's exactly how we want it to work.

13 MR. BARNES: That's how it's done.

14 MR. WELLER: But he also, from a
15 professional point of view, should immediately
16 have the fiduciary responsibility to shut the
17 elevator down.

18 MR. BARNES: He does. It's required in
19 the Act.

20 MR. GRANT: I think we've got to argue
21 carefully because there's also a state law that
22 has the penalties of the Illinois Accessibility
23 Code for removing accessible features to a
24 building for reasons that Patty pointed out.
25 So if it was something that was more

1 administrative -- annual license renewal for
2 your certificate of operation versus a not
3 potentially unsafe condition especially, then I
4 think we have to distinguish those carefully
5 and be defensible in our approach.

6 MR. WELLER: Bill, again, I'm going to
7 plead ignorance on it because I haven't seen
8 this or analyzed the final.

9 If I go out under this note -- because
10 this all came about because of the
11 notification. We're talking about one day
12 versus three days. We're going to go out and
13 find an elevator, and we find it without a
14 proper registered conveyance or inspection,
15 right?

16 MR. BARNES: It's unregistered. It's not
17 in the system anyway.

18 MR. WELLER: It's not in the system. It
19 needs repaired, and it's not been inspected,
20 and this is the first time we're actually
21 seeing it from a regulator's point of view,
22 right? Whether it's a minor repair or not, I
23 don't care. Shut it down.

24 MR. AUBIN: Just to -- what happens is, is
25 the elevator serviceman would go out there to

1 repair that elevator and find out it's not
2 registered. They in turn then call and get a
3 maintenance authorization so that repairman can
4 repair the elevator and call for an inspection.

5 MR. BARNES: Provided that the
6 registration process is commenced immediately.

7 MR. AUBIN: Right. So he's already out
8 there working on an elevator that's not
9 running.

10 MR. WELLER: I mean, you're between
11 9:00 and 5:00. Can't get you. He's not going
12 to pitch a tent out there and wait. What's
13 going to happen between --

14 MR. AUBIN: We turn them around if he gets
15 us on the phone. We keep our phones with us.
16 And he says, "I'm sending in a maintenance
17 authorization. I'm standing right here right
18 now in the owner's office. Can you send an
19 authorization so I can go ahead and fix this
20 elevator? It's a single elevator building in a
21 retirement home."

22 MR. WELLER: In the absence of that, what
23 is the process? So they get you and everything
24 goes well. In the absence of that, what? They
25 don't get the elevator?

1 MR. AUBIN: They always get us. We
2 monitor --

3 MR. WELLER: Well, that's irrational.
4 What happens if they don't get you?

5 MR. AUBIN: It hasn't happened. It hasn't
6 happened.

7 MR. BARNES: Well, they can't work on it.

8 CHAIRMAN CHRISTENSEN: I've got a question
9 for you. In the last three months, how many
10 calls have you got?

11 MR. AUBIN: For immediate registration
12 where the maintenance man is on site and ready
13 to repair, probably about three, three or four.
14 We've done it with inspections. Where the
15 inspector goes out and drives two hours to get
16 to the job, and he's ready to inspect the
17 elevator and said, "Listen. This elevator is
18 not registered. I need you to have it
19 registered before I can even inspect it." And
20 we can turn that around also. Just to save the
21 customer some money so the guy doesn't get back
22 in his car and drive away, and says, "Well,
23 I'll come back when you get it registered" and
24 start charging that owner. So we turn them
25 around very rapidly.

1 The website is monitored every day. The
2 phones are up 24 hours a day. So every day, we
3 take a look at it first thing. So if he puts
4 it in at 8:00 o'clock at night, at 8:00 o'clock
5 in the morning he's going to get a
6 registration. And if he needs it right away
7 while he's there, he'll call, get on the
8 computer and give me the authorization. Very
9 few. I'd say three in the last couple of
10 months.

11 CHAIRMAN CHRISTENSEN: Patty?

12 MS. YOUNG: Just kind of dovetailing to
13 what Jim is saying, two other things that we
14 need to consider, Kelly, is we don't want to
15 put a situation where all our EMS providers are
16 taxed with more responsibility in the sense
17 that the person on the top floor, because they
18 couldn't move out, or the situation now has to
19 rely on the local fire department, and
20 depending upon the community, they may have a
21 situation where they have to go because they
22 can't get down. And now you have them carrying
23 people up and down the stairs when we know they
24 really should be getting ready for real
25 emergencies.

1 MR. WELLER: According to Jim, that should
2 never happen.

3 MS. YOUNG: I understand.

4 MR. WELLER: So it's a non-issue.

5 MS. YOUNG: We don't want that to happen,
6 but I'm just throwing that out there because
7 we've got to be careful because if we shut
8 down, we have that playing into it.

9 Also, in addition to that, I want to make
10 sure. Jim had mentioned nursing homes or
11 hospitals. If, you know, we shut it down
12 because of that, then, you know, the elevator
13 that's for surgery or the emergency room is not
14 working because of this situation. So I do
15 think the maintenance authorization is what Jim
16 said is the turnaround has been very good.

17 So it's going back to how we started this
18 conversation of the three days, 72 hours, is
19 when us, as inspectors, or the field people
20 come upon something, it's just to notify, "Hey,
21 we found this at such and such." I know from
22 registration, we have to have the 30-day temp
23 pass because that's in place before the real
24 thing shows up, but in the statutes there's
25 nothing that says you can't inspect it because

1 of the lack of a certificate.

2 MR. WELLER: I'm just following logic. My
3 elevator is broken, it's unregistered and it's
4 uninspected. I'm going to call a mechanic to
5 come out and work on it. The mechanic is going
6 to walk in and go, "I can't do anything with
7 it," right, "because it's not registered and
8 it's not conveyed." Right? In my opinion,
9 whether he gets him or not -- if you get him
10 and you waive him and say, "Go ahead and do it.
11 Right. We're in place." So the fire argument
12 goes away on that one.

13 The bigger argument is something happens,
14 and either the building owner or the inspector
15 decide not to. The building owner goes, "I
16 don't have the money. I'm not going to do it.
17 Whatever. And don't repair it." And he looks
18 at the mechanic and says, "Don't repair it.
19 I'll pay you your bill." And he walks away.
20 Now, you've got 72 hours to notify them. In
21 that 72 hours, what happens to that elevator?

22 MS. YOUNG: Well, at that point --

23 MR. WELLER: If it continues to work or
24 not work. Well, what if it's something inside
25 the elevator that's a fire recall? The

1 elevator still works. But a part of it doesn't
2 work, that they're trying to get repaired. My
3 point is, once you see it, you can't un-see it.
4 Once you see it, now the responsibility is on
5 you as the registered mechanic to do something
6 about it. And if you let it work, and in that
7 meantime between A and B, and somebody gets
8 hurt, we did something wrong, and they did
9 something wrong, and that shouldn't happen.

10 MR. AUBIN: I think to cover every
11 scenario on a phone that doesn't work to an
12 elevator that's been down for a couple of weeks
13 because the guy didn't have the money to repair
14 it, I mean, you can't cover every single
15 malfunctioning elevator out there that's
16 unregistered.

17 MR. WELLER: Unregistered, uninspected
18 really.

19 MR. AUBIN: Most of the mechanics, if the
20 guy doesn't want to fix the elevator at that
21 point will call our office and say, "Listen.
22 There's an unregistered elevator at this
23 location." We'll contact that owner, tell them
24 how to either get a maintenance authorization,
25 or we'll tell them to go to the website and how

1 to fill out the paperwork, but no one -- no one
2 can repair it or put it back in service until
3 he fulfills that agreement for the OSFM.

4 MS. YOUNG: Because I would imagine as the
5 elevator repair companies, and I guess it
6 depends upon your contracts, how they're set
7 up, you can't force somebody. They're
8 basically throwing you off the property.

9 And, you know, a lot of times there are
10 open order type of situations where they just
11 call up and say, "I need this." And, yeah,
12 maybe they have a regular contract with
13 somebody else, but they're calling somebody
14 else because it's a cheaper price.

15 MR. WELLER: But nobody feels there's an
16 obligation to put that elevator out of the
17 service.

18 MR. BARNES: But the Act does not
19 authorize a mechanic or an inspector to shut
20 down the elevator. They don't have that
21 authority.

22 MR. GRANT: Is this where we're going to
23 resolve this?

24 MR. GREGORY: No.

25 MR. GRANT: But I think there are some

1 important things to consider and maybe to think
2 about how we would categorize the trigger
3 points like Kelly points out where something
4 has got to happen, and we need to think about a
5 way to see that the proper course of action is
6 followed.

7 MR. WELLER: I go back to the preamble of
8 the meeting. Our first obligation is the
9 public.

10 MR. GRANT: I would just argue we punted
11 on serious safety features until 2015 in
12 existing elevators. We identified really
13 important ones. I don't want to shut one down
14 for something much more minor because the first
15 time somebody shows up for it -- single bottom
16 jacks, door restrictors, code data, wiring
17 diagrams -- from the initiation of this Act
18 until sometime yet in the future to be done.
19 So let's keep them in perspective.

20 MR. DATILLO: Bill, you said they don't
21 have the authority to shut it down. What's
22 their responsibility?

23 MR. BARNES: Well, their responsibility,
24 you know, it's articulated in the rules is
25 that, you know, if they are expected to work on

1 it, they have to call us within -- right now,
2 it's the business day.

3 MR. DATILLO: A day?

4 MR. BARNES: Yeah.

5 MR. GANIERE: They don't have any
6 responsibility if the --

7 MR. BARNES: There's a moral
8 responsibility.

9 MR. GANIERE: Well, legal responsibility
10 if the building owner says, "Well, I don't want
11 you working on it then. Get off my property."
12 They don't have any legal responsibility to
13 notify the fire marshal's office on the
14 unregistration?

15 MR. BARNES: They should, but there's
16 nothing in the Act or the rules that says they
17 have to.

18 MR. AUBIN: And most of them do.

19 MR. BARNES: Well, I hope they do.

20 MR. AUBIN: And any fire personnel,
21 boilers, anybody going into that building,
22 really, they're going to check that out, for
23 that registration. So we're getting feedback
24 from all places out in the community.

25 MS. YOUNG: And we don't want a situation,

1 you know, running into condominiums as an
2 example, is the elevator got shut down, which
3 was working fine, but had this quote,
4 technicality, and now the top floor resident
5 has a heart attack, and the fire department
6 shows up and can't use the elevator to get up
7 there. We're talking minutes to saving this
8 person's life.

9 So, you know, maybe, Craig, what you're
10 trying to work our way to in this discussion is
11 a major and a minor. When things are
12 considered, you know, automatic shutdown versus
13 something that's minor that can be addressed.

14 CHAIRMAN CHRISTENSEN: Okay.

15 MS. YOUNG: So, Bill, you're going to take
16 a look at the 72 hours? -- is how our
17 conversation went.

18 MR. BARNES: Yeah. It was brought to my
19 attention late last night. So I will be
20 looking into that.

21 CHAIRMAN CHRISTENSEN: Thanks, Patty.

22 Margaret, do you have anything?

23 MS. VAUGHN: [Indicated "no."]

24 CHAIRMAN CHRISTENSEN: Okay. Do we have
25 any variances or appeals?

1 MR. AUBIN: No.

2 CHAIRMAN CHRISTENSEN: No? Okay. Is
3 there a motion to adjourn?

4 MR. WOLIN: So move.

5 CHAIRMAN CHRISTENSEN: Is there a second?

6 MR. GRANT: Second. Grant.

7 CHAIRMAN CHRISTENSEN: All in favor, say
8 "aye."

9 [CHORUS OF "AYES."]

10 CHAIRMAN CHRISTENSEN: The "ayes" have it.

11

12 [END OF MEETING.]

13

14

15

16

17

18

19

20

21

22

23

24

25

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 May 30, 2012.

Ann Marie Hollo