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ELEVATOR SAFETY REVIEW BOARD MEETING

THURSDAY, SEPTEMBER 15, 2016

8:30 A.M.

REPORT OF PROCEEDINGS had at the Elevator Safety Review Board Meeting taken at the Office of the Illinois State Fire Marshal, Suburban North Regional Office Facility, 9511 West Harrison Street, Des Plaines, Illinois.

BOARD MEMBERS PRESENT:

CHAIRMAN JOSEPH BLOCK

MR. ROBERT CAPUANI

MR. DAN BAUMANN

MR. DICK GREGORY

MR. CRAIG GRANT

MR. THOMAS GANIERE

MR. KELLY WELLER

MR. ED CHRISTENSEN

MR. CRAIG JOHNSON

MR. GERALD GROSS

MR. TERRY SHANKLIN

MR. MATTHEW HUNT

ALSO PRESENT:

MS. DEBORAH WILLIAMS, General Counsel

1 CHAIRMAN BLOCK: I will call the meeting to
2 order.

3 If everyone can stand for the Pledge of
4 Allegiance, please.

5 (Pledge of Allegiance.)

6 Has everyone read the minutes from the
7 previous meeting? Everyone read the minutes from
8 the previous meeting? Do we have a motion to
9 accept?

10 MR. JOHNSON: So moved, to accept the minutes.

11 MR. SHANKLIN: I've got some corrections. On
12 Page 10, Line 23, okay, that wasn't me speaking,
13 that was Mr. Smith. It would be me after my own
14 question, I asked the question.

15 MR. CAPUANI: I just want to remind the Board,
16 when you are speaking, please state your name
17 because she doesn't know who we are.

18 MR. SHANKLIN: Terry Shanklin.

19 On Line 60 -- Page 60, Line 15, that was
20 Mr. Van Sleet; 61, Lines 14 and 22,
21 Mr. Van Sleet; and 62, Lines 4, 11, and 20 were
22 Mr. Van Sleet, and they've not my name on there.
23 It wasn't me talking.

24 MR. JOHNSON: Craig Johnson, I will amend my

1 motion to reflect the changes.

2 CHAIRMAN BLOCK: Any other corrections? Do we
3 have a motion?

4 MR. HUNT: I will second.

5 CHAIRMAN BLOCK: Moved to second.

6 All those in favor?

7 (A chorus of ayes.)

8 CHAIRMAN BLOCK: Old business?

9 Do we have a progress report?

10 MR. CAPUANI: As of 9/6, we have 35,042
11 elevators; 401 permits this year; 430 licenses;
12 451 registrations; 8,455 certificates of
13 operations in process.

14 CHAIRMAN BLOCK: Move on to new business?

15 The first order of new business is
16 Elevator World two-hour course code approval, and
17 we have a presentation by Jeremy Hilton. Who is
18 standing?

19 MR. GIVENS: My name is Caleb Givens.

20 CHAIRMAN BLOCK: Oh, okay.

21 MR. GIVENS: Thank you for having me this
22 morning. I am glad to be here.

23 Before I start with the business of my
24 being here, I just wanted to take a moment to

1 recognize the life of a long-time industry veteran
2 that we recently lost, Robert, or Bob, Caporale,
3 as many knew him, passed away over the Labor Day
4 weekend. Mr. Caporale was editor of nearly 20
5 years. He worked there for longer than that. I
6 am sure a lot of you here this morning knew him
7 professionally, if not personally.

8 We were very sad at Elevator World to
9 learn of his passing. So the next two issues of
10 the magazine we are going to dedicate several
11 pages to his life and his work. If anybody here
12 who knew him wants to contribute to that with
13 comments or stories about Bob, please get in touch
14 with me, and we would be happy to publish that
15 information in the magazine.

16 So speaking of his work, he's actually
17 written one of the three code update courses that
18 I am here this morning to seek approval for.

19 If it's all right, I will just pass -- I
20 have, like I said, I have three, I just have one
21 copy of each, if you want to look over them,
22 briefly, just pass them down, and what I will do
23 is just go over each one very quickly, just to
24 give you an idea of what each one covers.

1 Some of you might remember in March of
2 2015, my colleague, Brad, and I were here to seek
3 approval for Elevator World continuing education
4 for mechanics in the State of Illinois. At that
5 time we did not have the two hours required for
6 code update courses. So we were approved for six.
7 In the several months following that March
8 meeting, we have written these three courses.

9 So in honor of Bob, I would like to start
10 with his, which is North American Elevator
11 Industry Codes and Standards. This is going to
12 give the technician overview of the code and
13 understand how it has been developed and how it is
14 maintained.

15 They will also learn how elevator
16 industry personnel can get involved in the A17
17 code of element process and participate in code
18 meetings.

19 It gives an overview of the history and
20 development and application of the A17 code from
21 its inception in 1921 all the way until the
22 present.

23 It's also going to provide an overview of
24 the format of the A17 code which covers aspects of

1 elevator issue, equipment design, installation,
2 and maintenance.

3 You will also learn how the A17 code is
4 administered and enforced, and how it can be
5 accessed and utilized by the elevator industry
6 personnel.

7 The next one is Maintenance Control
8 Program Changes by John Coshack. The MCP is kind
9 of a hot topic, so he's written this extensive
10 course. It basically says that maintenance and
11 applicable components required by code, and it
12 cites several examples in the course.

13 It covers documenting maintenance,
14 replacement, adjustment, testing, and how that is
15 required by code.

16 It goes over training on procedures that
17 are necessary, maintenance procedures required to
18 be available to elevator personnel. It also
19 covers how access to some maintenance records must
20 be provided on site, while others are allowed to
21 be off site.

22 And then the final one is Occupant
23 Evacuation Elevators by John (inaudible). This
24 one is really a detailed look at how codes and

1 standards guide emergency procedures and
2 equipment. It goes over the difference between
3 OEE and OEO.

4 It also talks about activation and
5 termination of the occupant evacuation operation.
6 It goes over building code requirements for this
7 equipment, as well as the elevator code
8 requirements. It also talks about the fire alarm
9 system interface.

10 Like I said, these are the three that I
11 am here to seek approval for. They are worth one
12 credit hour each. This gives anybody who needs
13 this type of continuing education a couple of
14 options. They can just choose one or the other.
15 The articles that you have are three on our
16 elevatorworld.com website, you can just download
17 the pdf, you can study it, and then they can just
18 purchase the course and either take it by hand, I
19 think the copy that you have with you there have
20 the actual questions and answers sheet, that they
21 will send in with their payment, or they can take
22 it online, of course, as well.

23 So if there are any questions on these, I
24 would be happy to answer them. If I don't know

1 the answer, if it's more technical, I can promise
2 to find out for you.

3 So other than what I just went over, are
4 there any other questions on how the process of
5 testing works? Anything like that?

6 CHAIRMAN BLOCK: Questions from the Board?

7 MR. GREGORY: Dick Gregory. We've been
8 discussing this for a long time. A half a year
9 ago, at least, I think it was, when you first
10 submitted these and I rejected one of them because
11 you didn't have the questions at the end, and I
12 see now that you have, and the other two were
13 good, and I see now you have the questions. In
14 other words, for this continuing education we
15 require, "we" being the industry requires that you
16 have a reason for doing it, the material, and then
17 questions to show whether you know what the heck
18 you did, or did you just put it under your pillow
19 and get it by osmosis, but you have the questions

20 MR. GIVENS: I think the article as it
21 originally ran, it did not run as an article that
22 was designed for continuing education. So I just
23 printed off that, which did have the questions,
24 and we did reformat it.

1 MR. GREGORY: I see that, and I think you've
2 done a good job, I have no vote here, but I think
3 it should be passed.

4 CHAIRMAN BLOCK: Any additional questions from
5 the Board?

6 No additional questions.

7 I would ask for a motion to accept the
8 additional courses?

9 MR. SHANKLIN: I'll make a motion to accept
10 the additional courses.

11 MR. JOHNSON: Second.

12 CHAIRMAN BLOCK: State your names, please.

13 MR. SHANKLIN: Terry Shanklin.

14 MR. JOHNSON: Craig Johnson.

15 CHAIRMAN BLOCK: All in favor?

16 (A chorus of ayes.)

17 Motion accepted.

18 MR. GIVENS: Thank you. I appreciate your
19 time.

20 CHAIRMAN BLOCK: I will move on to public
21 comment.

22 MR. GREGORY: You have Jeremy Hilton now.

23 CHAIRMAN BLOCK: For public comment, the only
24 one I have listed is Patricia young.

1 MR. GREGORY: But you have Jeremy Hilton on
2 this list.

3 CHAIRMAN BLOCK: Oh, I am sorry. Yes, thank
4 you. I was looking at the Elevator World course.

5 Jeremy Hilton to discuss private
6 residence elevators.

7 Please approach the podium.

8 MR. HILTON: Jeremy Hilton, Lifts of Illinois.

9 I don't know if many of you know, I know
10 some of the inspectors do know, there are quite a
11 few private residential elevators in churches,
12 smaller places like that, that don't use it that
13 often. What I am wanting to know is, how can
14 these be inspected?

15 MR. CAPUANI: They cannot be inspected.

16 MR. HILTON: They were installed pre-elevator
17 code. I want to know what is supposed to be going
18 on with these, how and if they can be inspected,
19 or if they -- if we are going to have to go back
20 and tell all these churches you have to take them
21 out, which I don't know how that can happen.

22 But I mean, I guess I am wondering, what
23 can be done with these? I have different
24 inspectors. Every inspector is -- one will say

1 according to A18. The next one will say according
2 to A17. What does it fall under?

3 I guess my -- what I feel should be done
4 is, obviously, any of them installed pre-elevator
5 code 2004, I agree they should not be in -- or I
6 mean after that. But before that, I feel that
7 they need to be inspected underneath the
8 residential code, the A17.5.3. That's just my
9 recommendation. I guess I should not say
10 recommendation, what my thought process is,
11 because, I don't know, some of these little
12 churches out in the country, they have 50 people
13 that go there, and they have 10 years' worth of
14 spaghetti suppers, and now you are going to tell
15 them to take it out.

16 MR. CAPUANI: Let me state something here.
17 This is the Elevator Safety Review Board. We are
18 here for public safety. They are not covered in
19 the code. They cannot be in the public area. We
20 cannot register them because they are illegal.

21 If you find them, this is my opinion, you
22 need to come to the OSFM and we will send an
23 inspector out.

24 MR. HILTON: There have been. Some of the

1 inspectors sitting over there have inspected some
2 of these.

3 MR. CAPUANI: Here?

4 MR. HILTON: Yes.

5 MR. CAPUANI: Well, you need to inform us.

6 Dick, when did they -- it was always in
7 the code, weren't they, that they were illegal in
8 public areas?

9 MR. GREGORY: Private residence elevators in
10 A17.1 always been not allowed in a public building
11 in A17.1. Never allowed.

12 That's why many years ago we put in A17.1
13 the LULA elevators, which were to be, you know, an
14 option for A17.1, and you could have it in a
15 public building.

16 So I speak as a vice-chairman of the
17 A17.1 standards committee, the rights of code.
18 But fortunately for me, I will term the limit out
19 next June, I will be a member of the committee,
20 and I won't be vice-chairman anymore.

21 But the code has been clear all the time
22 that you cannot have them in a public building.
23 So that includes churches, VFW halls, American
24 Legion, funeral homes, whatever.

1 In the State of Illinois, the State of
2 Illinois took another additional step, and that is
3 they specifically exempted private residence
4 elevators from the Act. So Bob has no authority
5 whatsoever to inspect them or have his people
6 inspect them, or demand that they be inspected, or
7 issue certificates, or anything. They were
8 specifically exempted because, and I cannot
9 remember the testimony, but it amounts to a man's
10 home is his castle. Of course, you know old cars,
11 because I am old, you know you have a differential
12 in the back, you tie off one wheel, you put a
13 motor on the drive shaft, and you wrap a rope
14 around the other wheel, and you can make your own
15 residential elevator. You know, you go in
16 Southern Illinois and there's all these old cars
17 laying out in the field, so they can be very
18 unsafe. That is just the law in the State of
19 Illinois.

20 Now let me tell you what's happening
21 nationally. Due to some heavy complaints by --
22 due to a number of deaths on private residence
23 elevators, several people petitioned to the
24 U.S. Consumer Product Safety Commission to say

1 that private residence elevators are consumer
2 products. That was tried many years ago on
3 escalators, and CPSC said, no, no, escalators are
4 not consumers, but residential elevators, PRE,
5 private residential, are consumer products.

6 At the last meeting of the Standards
7 Committee, a representative of CPSC was there at
8 the Residential Elevator Committee Meeting, and
9 then he attended the Standards Committee Meeting,
10 I had lunch with the guy, and I said, "What are
11 you going to do?" He says, "I don't have any time
12 for this." You know, he's dealing with whatever,
13 like golf carts, and ATVs, and stuff like that.
14 He says he has no time.

15 What they want to do, CPSC, they would
16 like to say, okay, these are consumer products,
17 and you will meet A17.1, boom, and that's it.
18 It's a consumer product, and somebody else, that's
19 us, that A17 Standards committee develops a code.

20 Interestingly enough, the Private
21 Residence Elevator Committee had already realized
22 they were going to be in deep trouble if they
23 didn't do something. So the code -- the 2016
24 code, A17-2016 code, has everything in it that

1 CPSC wants, the whole kit and kaboodle.

2 The problem being is that that code will
3 publish in October, in what we call Geraldine
4 Time, and the CPSC is going to be in October. So
5 who's first as far as making it go away as an
6 issue?

7 But when the 2016 code is adopted, is
8 passed, CPSC, my understanding is they are going
9 to say that's wonderful, all we are going to do is
10 point at that. Automatically, the CPSC overrides
11 the State of Illinois, so private residence
12 elevators will be covered in the State of
13 Illinois. Even if they are not, because it's
14 federal law --

15 MR. SHANKLIN: Terry Shanklin. As is
16 presently written, would that exclude an
17 independent AHJ from requiring an inspection of
18 residential elevators within that jurisdiction?

19 MR. GREGORY: That's something for the
20 administrator.

21 MR. CAPUANI: I would say with a municipality
22 agreement, they could be more stringent, they can
23 inspect private residence.

24 MR. GREGORY: They can do anything -- well,

1 not anything, but, yes --

2 MR. CAPUANI: The municipality can, yes, I
3 believe so.

4 MR. GREGORY: Now we've run into this already
5 in the State of Illinois, at least that I can
6 remember twice, in Oblong, Illinois, which some of
7 you guys are going to start laughing at me, a
8 residential elevator in a church fell with a
9 60-year-old guy and his 85-year-old mother in it,
10 and they were both injured. I don't know what
11 finally happened -- well, I know. I was an expert
12 witness for one of the defendants, but I don't
13 know whatever finally happened to that elevator
14 anymore.

15 A company, Lifts of Champaign, or
16 something, came out, and they were interesting
17 people, and, you know, made it possible to be
18 inspected.

19 The other one we had a senior citizen
20 building, somewhere southwest of Springfield.

21 Do you remember that address? We went
22 out there.

23 UNIDENTIFIED SPEAKER: Was it in Carmi,
24 Illinois?

1 MR. GREGORY: Anyway, these guys put PRE's
2 into a residential home for senior citizens.

3 MR. HILTON: That was on Toco Road. Lifts of
4 Illinois went back and fixed those. Those were
5 installed after 2004.

6 MR. GREGORY: Right. You reinstalled them as
7 A18 devices.

8 MR. HILTON: Yes, we modified them to A18
9 devices.

10 MR. GREGORY: Modified, reinstalled, whatever.
11 A18 is covered by the code and allowed in
12 that type of a building.

13 So, perhaps, your answer is to tell these
14 churches, and American Legion, and whatever, we
15 can -- they should be reinstalled, or revised, or
16 something to make them A18 devices. Now they are
17 allowed and they can be inspected.

18 MR. HILTON: And I agree with that, but I
19 guess where I am getting at, these small churches,
20 if they were installed after, a hundred percent
21 they should be ripped out and fined, whatever,
22 because that's blatantly breaking the law. Before
23 the state had adopted any codes, those are the
24 ones I have the questions about, and to redo those

1 ones like we did on Toco Road, they knew they did
2 wrong.

3 MR. GREGORY: Yes, they absolutely knew that.

4 MR. HILTON: We did that job, and this is what
5 it has to be. So when we went back and did it,
6 their cost of doing that, they had more money
7 wrapped up in the initial cost, they asked us what
8 it would cost for us to put in a regular elevator.
9 I mean, they should have done it.

10 But getting to my point again, these
11 small churches, they don't have that funding. So
12 what they are going to end up doing is blocking it
13 off, because they can't afford it.

14 MR. CAPUANI: Let me repeat myself. This is
15 the Elevator Safety, we are concerned elevator
16 safety and public safety, not costs.

17 MR. HILTON: Right. But like the 5.3, the
18 Elevator Safety for PRE, that's not good?

19 MR. GREGORY: I think the attorney here, and
20 Bob will have to tell you, the state law does not
21 allow Bob to enforce anything on them. Okay? His
22 hands are tied.

23 MR. HILTON: Sure, and that's fine.

24 I guess what I want to know is, if they

1 can't be inspected, okay, I mean every one needs
2 not to be inspected anymore, if it's just not be
3 inspected and the state's hands are clean, they
4 can keep them, I need to know that. If they are
5 in the building, do they have to come out? Do
6 they have to be padlocked? I want to know that.

7 I want to make it fair to all my
8 customers, because I deal with different
9 inspectors, I am competing with different elevator
10 companies, and not everybody is the same.

11 MR. CAPUANI: These elevators shouldn't be
12 running, period. If you need to write them up,
13 like Dick said, you can tell them that if they can
14 meet the A18.1 code, that's fine. Otherwise,
15 contact their office, and I am sure one of my
16 inspectors will be happy to go out there and
17 explain it to them.

18 MR. WELLER: This is Kelly Weller. Your
19 problem is that if you inspect it, then you have a
20 reportable situation? Is that what's going on
21 with these private elevators, or quasi public
22 private elevators? You are talking about ones in
23 churches? Is that what you are talking about, the
24 ones in churches?

1 MR. HILTON: Yes.

2 MR. WELLER: So the church codes you are
3 allowed to inspect.

4 MR. HILTON: All of ours are registered,
5 because they've been doing inspections. Since
6 2007, all these residential elevators, they come
7 in and they've been inspected since 2007. So I
8 said, everybody has inspected them different, and
9 that's why I want that to be the same.

10 MR. WELLER: I guess I am having a hard time,
11 Bob. Can you explain that to me?

12 CHAIRMAN BLOCK: Who is inspecting them?

13 MR. HILTON: I mean, I've had probably 12
14 different inspectors that have inspected these. I
15 mean, a bunch of inspectors.

16 CHAIRMAN BLOCK: JJ or State?

17 MR. HILTON: Independent inspectors.

18 MR. CAPUANI: They were registered? Are you
19 saying they are registered?

20 MR. HILTON: Yes, they are registered.

21 MR. CAPUANI: They didn't put down private
22 residence when they registered them? That's
23 probably the problem. They probably just put
24 elevator lift.

1 MR. HILTON: They were doing it themselves
2 because we are not allowed to fill out any of the
3 paper works. It was them doing it themselves.
4 They probably wrote it as hydraulic elevator.

5 MR. CAPUANI: Hydraulic lift, that's probably
6 what they put down.

7 MR. HILTON: Right. We told them we can't
8 work on it until it's registered. They went and
9 registered them and then, boom, done the wrong
10 things.

11 MR. CAPUANI: You need to notify our office
12 and we will send our inspectors out there. Or if
13 they are clients of yours, explain to them, like
14 Dick said, change them over to A18 and they are
15 fine.

16 MR. HILTON: Okay. So then if we change them
17 over to A18.1 and they meet everything in an
18 A18.1, then it's good? There can't be another
19 inspector who comes and says that he feels they
20 should have another safety on it?

21 MR. CAPUANI: If they meet the code, no.

22 MR. HILTON: The reason why I am asking that
23 is because of other issues that I've had, which
24 I've talked to you about. I mean, this isn't the

1 PRE's, but about a code issue, the vertical
2 platform lifts that only go up to a stage, just
3 the short ones, that do not have the surround on
4 them, but have the under pan safety, they are
5 making us go back and put a surround on it.

6 MR. CAPUANI: Yes.

7 MR. HILTON: But in the code, it don't have
8 to.

9 MR. CAPUANI: It's a public safety issue. I
10 feel it's a public safety issue. I consulted with
11 Dick Gregory.

12 MR. SHANKLIN: The AHJ can exceed the existing
13 code in that area in they want to. If it's
14 registered as a residential elevator, then there's
15 no requirement for inspection and/or maintenance
16 program. All right? It's at the owner's risk.

17 I, as a retired elevator instructor and
18 as an inspector, would encourage anybody who has a
19 conveyance in there home, to have it inspected and
20 have it maintained, but right now the code doesn't
21 do that. You were talking about having an
22 inspection, and one comes in and says that it's
23 passed.

24 MR. HILTON: All these PRE's that are in these

1 churches, I've never had one fail. Never. One
2 inspector will come in and say you need to do
3 this, but same unit, next year, a different
4 inspector, whoever I get, will say you need to do
5 this.

6 I mean, these churches, or whatever, are
7 saying why is it every time a new inspector comes
8 in I have to do something different? That's what
9 I want to know.

10 CHAIRMAN BLOCK: Part of what he's saying is
11 that they are incorrectly registered with the
12 state.

13 MR. CAPUANI: Right. Right. So we would need
14 a list of them.

15 Going back to the surround lift, I
16 actually worked with Patty's father John on this,
17 there was a place in Des Plaines, I don't know if
18 you remember, Patty, it was connected to a school,
19 and this lift went up five feet, six feet, these
20 kids were playing under the lift. Okay? You got
21 a safety device under there, you have
22 five-year-old kids. So what's your answer?

23 MR. HILTON: And I agree. But there again, if
24 an architect sends me this piece of paper, and

1 this is what I have to bid, you know, if I bid to
2 put that surround on, I am going to lose the job
3 every time, and the next person is not.

4 And then I have one inspector that will
5 here again say, pass it, because it meets the
6 A18.1, passes it. Next year, a different
7 inspector comes in, fails it. Why? How can that
8 be?

9 MR. CAPUANI: Did you contact us? I mean,
10 it's an easy phone call to me --

11 MR. HILTON: Right, right.

12 MR. CAPUANI: -- before you bid on it.

13 And if I find this unit running like
14 that, we will shut it down.

15 MR. HILTON: Like I said, we put the gate on
16 it. I just don't understand how that can be if it
17 meets the code.

18 MR. CAPUANI: Because we feel it's a public
19 safety issue.

20 MR. GREGORY: Bob, I went out to that one with
21 Patty's dad, and Patty's dad wrote it up, and he
22 didn't have anything that he could, you know, hang
23 his hat on writing it up, but he'd been -- you
24 know, he was in the business for so long that he

1 would look at something and he would say, that's
2 not good, or that's not safe. He didn't have
3 chapter and verse.

4 So we went out there and looked at it. I
5 said, you know, you meet the code, but this is a
6 stage of an elementary school, here's the
7 stairwell with space under it, and, you know, John
8 may not have understood exactly what, but he had
9 this sixth sense that there was something
10 dangerous. I told the guy from the school, I
11 said, your problem here is the kid can go under
12 there, underneath the stairs, the unit comes down,
13 and everybody goes home, and now the kid's trapped
14 under the stairs until Monday morning.

15 MR. HILTON: Yeah, that's not good.

16 MR. GREGORY: Oh, all of a sudden, bonk, you
17 know, he understood.

18 And maybe some of you are running into
19 some inspectors who have this, like, sixth sense
20 that John has.

21 MR. HILTON: Ours is in a little concrete
22 hoistway. The only way underneath this is from
23 the frontside when the lift is up. It's concrete
24 all the way around it. It's only when the lift is

1 up, you can only go underneath it.

2 Now, with my just talking here, what
3 would be the difference between that platform lift
4 going up and down and an incline platform lift? A
5 kid can go and get underneath that incline
6 platform lift, just the same as he can --

7 MR. GREGORY: So we are talking two different
8 scenarios, what John saw, and then we got involved
9 in it.

10 MR. HILTON: So your scenario with John is
11 totally different than the ones I am getting wrote
12 up for. They passed one inspector and now another
13 inspector is coming in and failing them.

14 MR. CAPUANI: Again, give us a call, I will
15 have one of my inspectors go out.

16 CHAIRMAN BLOCK: I think we are moving onto a
17 lot of different topics.

18 MR. HILTON: Right. I guess I want to know,
19 if I make these PRE's into A18, am I good, or can
20 I get changed again, too?

21 MR. CAPUANI: You would be good, but call me
22 first. If you have an opening in the front,
23 someone is going to write it up.

24 MR. HILTON: You mean for going back to the

1 lifts?

2 MR. CAPUANI: Yes. Yes. So I would bid with
3 a guard on it.

4 MR. HILTON: So what can we do to get that
5 out of the code? That's not in there? I mean,
6 why is that in there?

7 MR. CAPUANI: This is the decision we make.

8 MR. HILTON: Okay.

9 MR. WELLER: Kelly Weller. Is there a place
10 where an architect or a design can go on our
11 website to see that's an AHJ decision? You
12 decided to exceed the code, which is in your
13 authority, I think it's reasonable if you are
14 going to vote on that, that should be a known -- I
15 mean, it seems to me that that should be known,
16 design engineers and architects can say, okay.

17 MR. HILTON: It would be great.

18 MR. WELLER: It's not on you, it's on the guy
19 designing it.

20 MR. HILTON: If I get this bid and say bid
21 this job, I can say, no, you can't, and this is
22 why, and I can send them to your website and say,
23 no, you can't have it.

24 MS. WILLIAMS: It seems like we are talking

1 about two different things. You want to get on
2 the record that if your clients meets A18.1, that
3 you're good? We've got the court reporter here.
4 You said if the residential meets A18.1, Bob, they
5 will be good?

6 MR. CAPUANI: Yes.

7 MS. WILLIAMS: The other issue, it was not on
8 the agenda, if we want to look at how that
9 decision was made, when that decision was made, we
10 should probably go back and get back to and talk
11 about it in the future. Right?

12 CHAIRMAN BLOCK: Yes.

13 And just for reference, I think the other
14 thing Bob is mentioning, if you have units
15 registered incorrectly, then they should be
16 reported to the state.

17 MR. HILTON: It seems like all of them need to
18 be off the record.

19 CHAIRMAN BLOCK: You mentioned earlier that
20 they are incorrectly --

21 MR. HILTON: So I mean, can I work on them if
22 they are improperly registered? Do I have
23 withdraw them and register them correctly.

24 MR. CAPUANI: You'd have to re-register them

1 after they meet the A18.1 code.

2 MR. HILTON: Right. So I'd have to withdraw
3 them first, then I go fix them, then register
4 them, after they meet the A18 code.

5 MR. CAPUANI: You couldn't work on them, you
6 would have to get a permit.

7 MR. HILTON: A permit, correct.

8 MR. SHANKLIN: Once they are registered as a
9 residential elevator, then they are excluded from
10 licensed individuals working on it, which means
11 that a candlestick maker could work on that
12 conveyance, and that's how some people get hurt.

13 MR. HILTON: Right.

14 MR. GRANT: Craig Grant. Just a question of
15 clarification. For those existing private
16 residential elevators that are improperly
17 installed in public places, that's the category,
18 right? I wonder if that conveyance type is
19 excluded under the current act language? Can a
20 mechanic who is registered and licensed with us,
21 service that unit on the owner's behalf without
22 penalty to them? I think that's important,
23 because I think Terry makes a very good point that
24 qualified people need to look at those if they are

1 staying in operation. Somebody wants to know that
2 that's not a hydraulic elevator or hydraulic
3 platform lift under 18.1, because it was
4 misregistered, he can share that information, but
5 I wouldn't want him to qualify the service people
6 from actually looking at these things.

7 MR. CAPUANI: The problem is, correct me if I
8 am wrong, the license by the State of Illinois,
9 all right, in the code it states that you
10 cannot -- the private residence elevator in a
11 public area is not covered under the code. You as
12 a licensed mechanic follow the codes for Illinois.

13 So to be honest with you, no, you should
14 not be working on them and they should not even be
15 running. That's why we need to know. We will
16 take the responsibility and shut them off. They
17 should not be running.

18 MR. HILTON: If we don't make them to A18?

19 MR. CAPUANI: Yes.

20 MR. GRANT: Craig Grant again. That would
21 also affect their compliance with the Illinois
22 Accessibility Code. They are exempt under ADA,
23 the church, but the Illinois Accessibility
24 Code does come in.

1 MR. GROSS: Jerry Gross. I don't want to --
2 we are getting off the subject a little bit in
3 bringing in accessibility, but accessibility for
4 residential elevator in a public building code
5 meet accessibility code. Therefore, they are not
6 meeting the accessibility, they're not meeting the
7 code. So that's two strikes against them.

8 As far as the lifts that are put in, and
9 you are bringing in architects, I know a little
10 bit about them, they are looking at the
11 accessibility code as far as the covers on the
12 lifts. I don't think, really, anything's done
13 until something happens. But for these little
14 step-ups or these area lifts, there is a problem.
15 I've seen it by the stages where they are open,
16 and they have to be on all the time, you can't
17 take the keys out, the lift's got to be operable.

18 So that might be something that might
19 be -- maybe we can publish some clarifications, I
20 could then put out to the AIA and Society of
21 Registered Architects. We can talk about that
22 later on.

23 MR. CAPUANI: Thanks. Thank you.

24 CHAIRMAN BLOCK: Come back to that in the

1 future meeting.

2 MR. HILTON: That's all I have.

3 CHAIRMAN BLOCK: Okay. Thank you.

4 MR. CAPUANI: Any questions, call me.

5 MR. HILTON: Okay.

6 MR. CAPUANI: All right.

7 CHAIRMAN BLOCK: Thank you.

8 All right. Now we move onto public
9 comment. The only public comment I have is
10 Patricia.

11 MS. YOUNG: Patty Young. Dovetailing into
12 what Jeremy was talking about, the law kicked in
13 in May of 2007. So we have sins of many, many
14 years prior to that installations.

15 So with these private residence elevators
16 and churches, as we've been focusing on, and the
17 fact that the PRE's are not covered under the Act,
18 it's kind of clear as mud to me as to the position
19 of these existing elevators up, you know, 40, 50
20 years and now the law kicks in, how are they being
21 handled, specifically in open territory?

22 In the local programs, the local programs
23 can enforce them, because they can be more
24 stringent. So those are covered at the local

1 level through the building code. But when you
2 have the open territories and the one-stop-towns
3 out there, there isn't potentially a building
4 code, and no building department to enforce them.

5 So I am asking the Board, prior to 2007,
6 all those installation, quote, sins, what is the
7 position?

8 MR. GROSS: Jerry Gross. We are talking about
9 2007. You are bringing up, actually, 1991,
10 everything after 1991, when the ADA, as a federal
11 guideline, went into play. Any elevator that
12 served the public space had to meet A17. So that
13 was a federal guideline for everybody, every
14 public space. But what it comes down to is
15 inspections.

16 MR. GRANT: Craig Grant. It doesn't apply to
17 churches.

18 MR. GROSS: But she's talking about just
19 public spaces.

20 MS. HILTON: More specifically churches,
21 because that right now -- I am not so worried
22 about a true public space, but churches, kind of,
23 take on the definition on their own right of, kind
24 of, being in the gray area, because they still, to

1 this day, don't consider themselves a public
2 space.

3 MR. GROSS: Churches are one of the items that
4 are exempt from ADA. So if it's not in the
5 church, or if it's in a public space, then you are
6 going back to the ADA again, because it's not a
7 church, it's run by a religious organization.

8 MR. GRANT: Craig Grant. I believe private
9 clubs are also excluded. Elks.

10 MR. GROSS: No, not anymore.

11 MR. GRANT: Maybe in the 2010 change, but the
12 point is between 1991 and the 2010, unless they
13 altered it, they would not fall into it. So we
14 have a long issue of conveyances placed in the
15 religious organizations, and try to comment on
16 federal law, they may not have gotten the guidance
17 they should have had with the right type of
18 conveyance in that space. That's definitely a
19 pervasive issue cross the state, as in many other
20 states.

21 MS. YOUNG: So we have, potentially, an issue
22 of looking at it from a black-and-white
23 perspective type of equipment, which doesn't have
24 any emotion attached to it, to the definition of

1 the use of the building, which goes back to what
2 you are focusing on. Is it a church? Is it the
3 Elks Club? Is it a private club? Et cetera. Not
4 anything to do with the type of equipment. So we
5 have two different messages being presented about
6 these type of units.

7 If we are just talking about the
8 equipment, I totally agree, they should be
9 inspected, regardless of whether they are covered
10 under the Elevator Safety Act, they should be
11 maintained, they should be inspected, the most
12 necessary items that are necessary for ensuring
13 safety. But we have two different messages going
14 on here and I don't think we have a concrete
15 answer as to how to address them. We all have an
16 opinion, but from the law perspective, I don't see
17 a very specific answer being put out on the table
18 here. That's why I bring it up.

19 CHAIRMAN BLOCK: Bob, do you have any comment?

20 MR. CAPUANI: No.

21 CHAIRMAN BLOCK: They are not covered under
22 the current law.

23 MS. YOUNG: I totally agree, anything from
24 2007 -- calendar year 2007 versus code, because

1 the code in 2007 for enforcement was ASME A17
2 2004. Anything from that point forward, if the
3 church were to submit something, and it's a
4 private residence, no, it can't go in there, they
5 have to be 18.1 or put in an a traditional, no
6 private residence elevator.

7 So now we are talking, still, about the
8 sins prior to 2007. We all have the sins of our
9 own lives to deal with, now that we've aged, too.
10 What we did in our 20s is not necessarily what we
11 want to see happen in our 60s.

12 MR. GANIERE: I think it's clear in the Act.
13 The Act didn't exempt those prior to that date.
14 So my opinion is that they are not legal. If the
15 Act didn't exempt it, it might go to legislature
16 and say, I am glad it's an exemption, you get it
17 passed, so be it. I don't think they will be able
18 to do it, because the Act doesn't exempt them now,
19 so I think it's by omission of an exemption that
20 they are not legal.

21 MS. YOUNG: And again, the message, I think,
22 is still too different intense, equipment versus
23 the use of the building. I am just wanting to --
24 I think we are going to have to table this, in my

1 opinion, Deborah, right?

2 MS. WILLIAMS: Yes.

3 MS. YOUNG: I think Deborah is going to have
4 to get involved. I am not sure I can see through
5 the fog here, because this is a very interesting
6 issue, and if we are going to explore it, I think
7 we have to bring in lots of different aspects.

8 We have the Illinois Accessibility Code,
9 potentially the federal one, and then we have the
10 Elevator Safety Act as well.

11 MR. GANIERE: I am not going to necessarily
12 disagree with that. However, I think it's an
13 issue for the legislature.

14 CHAIRMAN BLOCK: I agree, Tom.

15 I don't think everybody is equally
16 concerned about the equipment that's out there,
17 and public right, and spaces that's it's used in.
18 However, as the Act stands today, this Board
19 doesn't have any jurisdiction over that.

20 MS. YOUNG: Right. So the hundreds that are
21 out there, there's still going to be running today
22 at the end of the day, by the weekend, they are
23 still going to be running and they are going to be
24 transporting people. We can still need to make

1 sure that they are safe and are maintained.

2 CHAIRMAN BLOCK: I think, if I am correct,
3 lawfully, since they are not covered in the Act,
4 they are not currently legal. So the first
5 problem is they have equipment that's not legal
6 under the Act. So Tom's point, they would have to
7 go to the legislature with it. Otherwise, it's
8 not a legal piece of equipment.

9 MS. WILLIAMS: What would you use as a code?
10 How would you inspect something?

11 MS. YOUNG: I mean, they have been covered in
12 A17.1, as Jeremy had mentioned. Where are you,
13 Jeremy? Under 5.3 for private residence.

14 But when we go back, to 2005, a February
15 meeting of 2005, the message there about private
16 residence, again, it was the type of usage versus
17 the type of equipment. So again, the message has
18 still been in the mud since that time period, and,
19 like I said, if there's anything from May of 2007
20 up to now and into the future, yes, totally agree,
21 a private residence and a church should not be
22 allowed. It has to be A18 equipment or
23 traditional elevator that is in a non-private
24 residence.

1 MR. SHANKLIN: Terry Shanklin. I would say
2 that they may be excluded -- churches may be
3 excluded from the Act, but they are not excluded
4 from responsibility and liability. Whereas, the
5 owner of that conveyance is going to wind up being
6 liable for any damage.

7 I think the prudent thing to do, I think
8 the problem may very well take care of itself, but
9 it may be after the horse is out of the barn, to
10 some extent.

11 MR. CAPUANI: Churches are not excluded from
12 the Act.

13 MR. SHANKLIN: Residential only.

14 MR. CAPUANI: Private resident only, I don't
15 care where it's installed, it's a private
16 residential elevator.

17 MR. GREGORY: And just looking all the way
18 back to 1955, the A17.1 code had private residence
19 elevators only in private residences.

20 CHAIRMAN BLOCK: We need to be cautious that
21 we are only one person speaking so the court
22 reporter can get --

23 MS. YOUNG: You also have -- yes, it was a
24 private residence elevator, but you have years and

1 years of different authority having jurisdiction,
2 who might have granted variances on those pieces
3 of equipment to be installed. They could have
4 amended their building code to allow those. You,
5 at this table, do not know that. We don't know
6 what Doug Gamble allowed during his era, he has
7 since retired about a year now. Many people would
8 write to Doug and get something verbally, or in
9 writing, saying, yes, it's okay.

10 So those are the sins that we all have to
11 deal with related to these type of building
12 structures. This is not an easy task.

13 MR. GRANT: Craig Grant. At this point, does
14 the Act exempt private residential elevators from
15 coverage?

16 MR. CAPUANI: Yes.

17 MR. GRANT: If it does, I don't think that
18 A17.1 that's in the Act that we are hanging our
19 hat on as the state elevator regulations, which
20 only came into effect with the creation of this
21 Board and the other following enabling
22 legislation, applies to those whether they are in
23 public buildings or not. It didn't say private
24 residence are excluded from the Act. It's private

1 residential elevators, and I think that makes a
2 big different.

3 MR. GREGORY: I think it's private residences.
4 I think the argument, now I don't know what the
5 law says, I think the argument with the
6 legislators were that a man's home is his castle
7 and he could put in, you know, a methane-powered
8 elevator or something.

9 MS. WILLIAMS: The exception says "conveyances
10 located in a private residence not accessible to
11 the public."

12 MR. GRANT: Okay.

13 MS. YOUNG: So we know for sure, in 2007,
14 forward, we all understand that we are abiding by
15 that, but it's everything prior to that, that is
16 an issue. So I just wanted to share that with
17 you. So, I don't think we are out of the mud yet.

18 The second item I wanted to bring up, and
19 this became part of the tangent during Jeremy's
20 time speaking, that Bob and Dick had brought up,
21 is regarding that additional item at the school in
22 Des Plaines.

23 In that situation, just for the history
24 for the Board, that was in the City of

1 Des Plaines, and that has been a local program
2 since the inception of the Elevator safety Board
3 and the Act, and so the ability to make it more
4 stringent definitely was allowed because of it
5 being a local program.

6 The issue, I think -- Jeremy, was it more
7 open territory?

8 MR. HILTON: The lift?

9 MS. YOUNG: Yes.

10 MR. HILTON: Yes.

11 MS. YOUNG: So it's open territory.

12 Open territory is a little bit harder
13 because we do not have anything to hang our hat
14 on, but we do have two different mechanisms.

15 The first one is the variance process.
16 There always can be the ability to get a variance
17 to make it more stringent. A variance doesn't
18 necessarily mean that it can be less stringent,
19 but it needs -- it can have the ability to be more
20 stringent.

21 The second item is, I am not sure how
22 this would go about, but --

23 CHAIRMAN BLOCK: Excuse me, Patty. What you
24 are asking, there's an owner to apply for variance

1 to make this equipment more --

2 MS. YOUNG: Yes.

3 CHAIRMAN BLOCK: -- safer?

4 MS. YOUNG: Working with our installer and
5 from the building owner's perspective, they will
6 do probably the most minimum.

7 CHAIRMAN BLOCK: That was my point.

8 MS. YOUNG: However, you would hope if
9 somebody really understood and understands
10 liabilities, and their insurance company, that
11 they would take the correct road, the correct
12 path.

13 The other issue is how -- we've never
14 done it since 2007, since the Act was installed,
15 there's never been an amendment to A17.1 by the
16 State of Illinois. This is an opportunity for
17 that type of situation, or the Des Plaines
18 situation, to make an amendment to A17.1, to make
19 it more stringent.

20 CHAIRMAN BLOCK: That would have to be
21 legislative, wouldn't it?

22 MS. WILLIAMS: When you guys adopt the codes,
23 you can make changes in the rules. So the last
24 time -- last year we adopted 2013 without any

1 changes, so we could have included some things,
2 the wind turbines could have been addressed in
3 that. So the next time we adopt a code, a new
4 code, we have a year to do it, we have authority,
5 the Board has authority to tweak things in there.

6 MS. YOUNG: So that doesn't necessarily need
7 to go through legislation, only in the fact that
8 when we go through the process of adopting the
9 codes, that amendment is added to it by whatever
10 the vote would be on the approval, and then it
11 would go through the JCAR process before full
12 implementation.

13 MS. WILLIAMS: Potentially. I mean, we have
14 to look at it.

15 MS. YOUNG: It could take about six months to
16 less than a year. So you have the avenue. It's
17 just that I don't think it's ever been seeked out
18 for this situation.

19 MR. CAPUANI: When we adopted 2016 codes, they
20 will come before the Board, and the Board will
21 have to make a motion on that.

22 MS. YOUNG: So there's an opportunity there,
23 right?

24 MR. CAPUANI: Correct.

1 MS. WILLIAMS: Yes.

2 CHAIRMAN BLOCK: Okay. So that will come
3 before the Board before it's accepted.

4 MS. YOUNG: Right.

5 I volunteer for getting back to the
6 private residence. If there's an opportunity for
7 a discussion and conversation about it, I would be
8 happy to participate in that because it affects
9 what our business as well.

10 Thank you for your time.

11 CHAIRMAN BLOCK: Thank you, Patty.

12 That's public comment. I will move on to
13 variance and appeals, and we have smoke variance.

14 MR. CAPUANI: Can I give a little history on
15 this, Mr. Chairman?

16 CHAIRMAN BLOCK: Yes, please.

17 MR. CAPUANI: My Inspector (inaudible) found
18 the Smoke Guards were installed in the State of
19 Illinois. They sent me a variance from the 2010
20 code, which restricts them. They did come back
21 with an interpretation for the 2010 code, saying
22 that they were okay.

23 I am a little disappointed in them
24 because they did not appear before this Elevator

1 Board for permission, or for this Elevator Board
2 would accept the interpretation, and I believe
3 there's hundreds of them installed in Illinois.
4 So basically, they came into Illinois and
5 installed these and never asked any Board's
6 opinion or permission.

7 So after you hear their testimony, I
8 would like to make a suggestion to the Board.

9 CHAIRMAN BLOCK: And I would volunteer that in
10 addition to this company, that there are other
11 companies installing additional products in the
12 state as well.

13 MR. BAUER: Good morning. My name is Dave
14 Bauer. I am with Smoke Guard. I am a regional
15 sales manager for most of the Eastern U.S.

16 Just to give you a little bit of
17 perspective, I will certainly address that issue,
18 this is my first time appearing here, I have not
19 been at Smoke Guard too long, but I want to make
20 sure that we are working together and not against
21 at all times, which I found in my career to be
22 absolutely the best way to accomplish that.

23 Just a little background, just where I
24 come from. I am an architect. I got my license

1 in 1992. I've been doing this for a long time.
2 I've worked in various -- many, many different
3 regions, different parts of the market, everything
4 from designing hospitals and office buildings to
5 an assignment in Afghanistan working for military
6 assignment. So I've seen this industry from a lot
7 of different perspectives.

8 My perspective, personally, and what I
9 found to be true with our company, generally, is
10 that we come from this -- to this from a point of
11 professional objectivity. Our very first units,
12 25 years ago, were designed by an architect who
13 had a problem solving building (inaudible). So he
14 came up with this device. Of course, that doesn't
15 happen overnight. That was a long process to get
16 this approved. He vetted this with the fire
17 marshal's office in the state where this is from.

18 As I mentioned a moment ago, public
19 safety is enhanced to the greatest degree when we
20 are working together. We always need to work
21 together. Our company has always had that
22 mindset. With that in mind, there's a lot of
23 things we can do as a company, but we don't,
24 because we can't we have a product that physically

1 could fit in front of the elevator, and we never
2 used it in front of the elevator. We could
3 probably have that approved by several
4 jurisdictions, we never do it. We literally never
5 do it because we feel it does not apply.

6 Primarily, we work in the world of
7 international building code. However, we
8 always -- as an architect, I've never even heard,
9 I never dealt with the elevator code directly.
10 It's critical. Architects need to be informed of
11 this, and that's part of my job, to be informed of
12 the elevator code, so that they are not blindsided
13 by installing a product that does not apply to
14 that particular condition. We see the attempt
15 over and over again, mostly out of ignorance, and
16 rarely out of malicious intent, but we do see it
17 happen.

18 From a product standpoint, accommodating
19 U.S. 1784, that's a no-brainer. A group of us get
20 together with a trip to Home Depot, and some duct
21 tape, to come up with a solution to satisfy
22 U.S. 1784. That's not a problem. That's an easy
23 product to create. The challenge is egress. We
24 have to maintain egress on that whole thing, and

1 that's not just an AFSCME issue, that's an ICC
2 issue as well, and it's predominant. We see many
3 products, some which we would offer,
4 hypothetically, but do not, and other products
5 which other manufacturers offer, or could offer,
6 that would satisfy U.S. 1784, but not egress.
7 Rolling steel, for example, would solve the
8 problem, not an issue, but you don't get any
9 egress out of it, so it can't be used.

10 I work with various distribution
11 companies that install these things. Of those
12 offer rolling steel as well, but they never apply
13 to that. That's kind of an obvious extreme
14 example. But nonetheless, I think it does
15 characterize that things could be done and should
16 be done.

17 So let me give you a couple of
18 particulars about what we do. When we say broadly
19 Smoke Guard, the product in question here is a
20 magnetically-attached product. We have other
21 systems, that I will broadly refer to as being a
22 track-base system, in which a system comes down,
23 it's in a track, and there's no ability for
24 lateral displacement of that system. What we are

1 talking about today is not that system.

2 CHAIRMAN BLOCK: There were a lot of models in
3 this, as I read over. Is there a particular -- is
4 it 1500?

5 MR. BAUER: Not directly in front of the
6 elevator, no. The three models in question are
7 essentially the 200 model, the 400 model, and 600
8 model.

9 The 1500 model, occasionally we've seen
10 that in front of elevators, that's not what we are
11 addressing at this point. That's sits out a good
12 way, 10-point view, of the elevator. The three
13 products in question, the 200, 400 and, 600 are
14 immediately in front of the elevator. So let me
15 go into some particulars with that.

16 First of all, we have tens of thousands
17 that are installed in this country. We have
18 almost 60,000 installed right now. We do meet
19 U.S. 1784. As I mentioned, we have other products
20 that we, hypothetically, could put in front of the
21 elevator, but we don't because they wouldn't
22 comply, so we don't. It's been requested over and
23 over again, and we lose sales because of it, but
24 we don't care.

1 My business card, it personally says
2 regional sales manager. I could care less. It
3 also says AIA. That's what I care about and
4 worked much harder to get.

5 There's various codes and interpretation
6 of the codes of various jurisdictions, and it's
7 all critical.

8 We do provide egress for our through our
9 curtains, but let me say something more broadly,
10 even with that egress, it's magnetically adhered
11 to the elevator frame rail, which we can build
12 adjacent to the elevator frame, so there's ability
13 to egress through that curtain in a manual sense
14 and a power sense, regardless of the conditions.

15 But the one things that makes us unique,
16 and to my knowledge, my knowledge, no other
17 product has been installed like this, and we are
18 always installing like this, we tie into the local
19 smoke detector. This is probably the critical
20 thing we do a disservice to ourselves in not
21 discussing it enough, but I will discuss it now,
22 we tie into that local smoke detector for one
23 primary reason, is because simply put, we remain
24 in concert with the elevator.

1 That smoke detector out in front of the
2 elevator, the one in the shaft, the one in the
3 machine room, is applicable, those were all unique
4 to that elevator, and that's the only thing that
5 sends the elevator to the basement. We trigger
6 from the same device. We do this all the time.

7 Occasionally, we are asked to tie a fire
8 control panel. We counsel them not to do that.
9 We say we are much more effective to tie into the
10 smoke detector for the simple reason of egress and
11 concert with the function of the elevator. In
12 that elevator, when smoke is detected,
13 hypothetically, from the far end of the building,
14 say the loading dock distance from the elevator,
15 that building goes into alarm, but the elevator
16 still functions. The smoke doesn't even reach
17 that point. If we were tied into that fire patrol
18 panel, we would then deploy. So we have an
19 elevator that's fully functional and now we
20 have -- even minimal, we have something in front
21 of the elevator. So that's an inappropriate
22 application, in my opinion.

23 What we do however, we tie into that
24 smoke detector so that when smoke does reach that

1 smoke detector, from a fire distance to the other
2 end of the building, when it migrates to that
3 smoke detector, two things happen. One is, our
4 unit will deploy only in that one location where,
5 hypothetically, on the sixth floor, the smoke
6 detected only there, it will deploy on that floor
7 only.

8 And then secondarily, the elevator goes
9 to the re-call, or vice versa, if you should
10 choose to view it that way. We will always remain
11 in concert with the elevator's function. So
12 hypothetically, we cannot say always, we will
13 never be deployed with the fully functional phase
14 one elevator. That will never happen. I don't
15 know how it might, but let's assume that it might,
16 how do you egress through that thing? We have a
17 button that's powered. (Inaudible.)

18 CHAIRMAN BLOCK: The pour for that, is that
19 battery backup on that unit?

20 MR. BAUER: There can be battery backup, and
21 we can apply that. However, what we do in
22 particular is, we recommend, also, to the
23 architects that we work with, that we remain on
24 the same power source of the elevator.

1 So, for example, if there's standby power
2 we don't want them to handle the circuit, and then
3 in a power failure, the elevator is still
4 functional.

5 So we want to say the critical thing is
6 egress, remaining in concert, and function of the
7 elevator. That's everything. Again, as I said
8 earlier, U.S. 1784 is easy, just buy duct tape in
9 the store.

10 In this case, what we want to do is
11 remain in concert with the elevator. That's the
12 key point. We feel that we are unique in the
13 industry with that, but that's not for us to make
14 a determination on. That's for individual
15 governing bodies to make that determination.

16 Back to the elevator, though. Other
17 things that we do, and have done since our
18 inception 25 years ago, is we don't -- in context
19 of the 2013 code, which is getting a little bit
20 ahead of ourselves, but in context of AFSCME 2013
21 version requires a view window, for obvious,
22 logical, and functional reasons. We've been,
23 essentially, a view window, because our system is
24 transparent for multiple reasons, some reasons

1 which may be of interest to here and other reasons
2 which are just ancillary interest. One is, it
3 defuses panic.

4 If there was ever a situation where the
5 elevator doors don't open, and somebody's not
6 familiar with these systems, what are they
7 thinking? At least this way they can see through,
8 but to the germane issue with regard to interest
9 to this board is that, simply put, as required for
10 the safety of the firefighters. So we do provide
11 that.

12 We've always done that. We are not doing
13 that as a reaction to the code. We are doing that
14 because of good practice. We've been doing that
15 since day one of the company 25 years ago.

16 We also don't interfere, penetrate,
17 attach anything with respect to the elevator that
18 in any way alters the elevator. We don't screw
19 anything into the elevator jams to test the
20 system. Once again, we've been doing this since
21 our inception 25 years ago. This is not a
22 reaction to the code saying, oh, I guess we should
23 change, because we've been caught, or because
24 there's an unsafe condition we've created. We are

1 trying to stay ahead of the curve at all times and
2 solve problems before the problems. So we've
3 sought advice from all sources on this.

4 So we don't attach through the elevator,
5 other than magnetic adhesion to the jam.
6 Sometimes we do. Sometimes we don't. If the jam
7 is not ferris, we will attach to our own rail, we
8 will attach immediately to the. Jam that's
9 essentially the way that we work.

10 One other thing, to kind of follow up
11 with the question on power, in the event of a
12 power failure, we do have battery backup systems.
13 In the event of a power failure, where all power
14 is out, there's no standby power the i,elevator is
15 dysfunctional, our units would pull, in the
16 interest of safety. We don't know what's causing
17 it. All we know is the power is out. Is it a
18 fire? Maybe. Is it just a simple power failure.
19 Is there a lightning strike? We don't know the
20 answer to that. Our units will deploy by gravity.
21 I don't want to say they are deployed by gravity.
22 As long as you pay the gravity bill, they will
23 deploy.

24 CHAIRMAN BLOCK: So potentially, with the loss

1 of power, with the elevator in automatic
2 operation, they could deploy?

3 MR. BAUER: They can deploy, since we tie to
4 the same source of the elevator, again, key words
5 are in concert with the function of the elevator,
6 then we will -- the elevator will go out of
7 commission and, yes, we will deploy in the
8 interest of safety. However, if regular power
9 fails and if we are on standby power with the
10 elevator function, then we will be in operation
11 with that standby power. So that's the concept of
12 that.

13 To support this, we have, for a long
14 time, had an engineering judgment report from the
15 ICC. That, basically, is in the ICC rule, not the
16 ES rule, but there's is a certain relationship
17 between the two, but the particulars are spelled
18 out in that ES report, and we've had that for
19 years and years.

20 Basically what that says is that
21 engineering judgment, from the International Code
22 of Commerce, has said that, yes, Smoke Guard
23 particular products, and again we are only talking
24 200, 400, 600, do comply with the ICC and general

1 standards of safety, and they cite the particulars
2 and limitations. There's certain things we can't
3 do, and we do respect that, and we don't do that,
4 we never do that.

5 To the question in general as to the
6 specific project for which we are requesting a
7 variance, we are talking about the blacked out
8 side in Champaign, that it was -- although
9 currently we are under the 2013 A17.1, that was
10 permanent under the 2010 version. The distinction
11 that we are looking at in that case, is that that
12 was prior to the language being added to the view
13 of them where it says, "If a device is placed in
14 front of the elevator, it must have a view
15 window," which then, of course, says, "You can
16 place a device in front of the window, provided it
17 meets that criteria." That language was approved
18 by the Standards Committee in 2009, missing the
19 deadline to begin the 2010 code by that much, or
20 that much. It just missed that.

21 The concept was there. The principal was
22 there. The philosophy was there. The
23 understanding was there. The language just didn't
24 make it to that code, but the code is still the

1 code. We are not trying to attribute any
2 disrespect to the language of the code, it is what
3 it is, but we do also go with the intent of the
4 code. We design products ahead of the curve,
5 elevator codes, building codes, to catch up, they
6 are written, they are studied, they are analyzed
7 by committees, and then adopted, and sometimes
8 that takes a little of a period. We try to stay
9 ahead of the curve and go with the principals from
10 day one so we get the product in the marketplace
11 ahead of what those codes are going to be.

12 That basically concludes what I want to
13 say. I thank you for your time. I will take any
14 questions that you might have.

15 MR. SHANKLIN: Good morning. Just so I heard
16 you right, you said that since you -- essentially
17 your company, that you have installed -- the
18 equipment that you installed would be in
19 compliance with the code up-to-date?

20 MR. BAUER: Yes, sir.

21 MR. GRANT: Craig Grant. The question was
22 raised, if for some reason there's a loss of power
23 and you are tied with the elevator where you lost
24 power, if it's manually deployed, you have a

1 transfer curtain that's attached to that tract
2 that follows, whether it be an elevator with the
3 frame or the tract that's from the outside if for
4 some reason there's any ability to use or open an
5 elevator door, I don't know what that would be,
6 when the power is on, you merely push through the
7 curtain with the side of your hand because it's
8 not power operated back up and you break the
9 magnetic seal, and it would leave the (inaudible),
10 is that right?

11 MR. BAUER: Yes, sir. Our primary means is
12 egress out of the elevator, pause for five
13 seconds, it comes back down.

14 We make videos of this. We have
15 documentation of this. However, power failure in
16 that difficult-to-imagine circumstance, in which
17 the elevator is in service, yet our system has
18 lost power, perhaps something was installed
19 contrary to our speck, something like that. What
20 if, what if, that's what we deal with, what ifs.
21 Nobody plans a fire, but it happens.

22 So in that event, the button is
23 dysfunctional, the curtain is down, all power is
24 up in the system, we don't have a system battery

1 backup, but we offer that as an option, it's a
2 different model, but visual, you can push through
3 that curtain, and in concert with the requirements
4 of the ICC, which says that you have to do so, you
5 have to trigger a release with no greater than 15
6 pounds of pressure to pass that test.

7 Again, our attachment is by magnetic. We
8 are very careful on what magnets we use. In some
9 of our other system, very powerful magnet systems
10 in other closure systems, some of which are on the
11 market, some which are still in prototype. This
12 is not that. This is (inaudible) two inches wide,
13 and we make sure that that magnet can release from
14 any elevator jam system, or rail, that we provide
15 with less than 15 pounds of pressure.

16 MR. CAPUANI: Again, my complaint wasn't about
17 the product. It was about that you didn't come to
18 this Board and ask this Board's permission before
19 installing.

20 MR. BAUER: I can't go back. I wish I could.

21 MR. CAPUANI: Yes, I know. That's why I
22 denied your variance.

23 MR. BAUER: And I totally understand that. If
24 you are operating in the dark with something,

1 nobody's come to you about something, and somebody
2 wants to install, the mystery of course, that's a
3 very natural reaction, that's a reaction that I
4 would have also in your shoes, too. I can't
5 change what was done yesterday or last year. All
6 I can do is rectify the situation going forward.

7 I will scatter business cards throughout
8 this room, and I will be culpable for anytime I
9 step out of that, personally and professionally.
10 We have two local companies in this state that did
11 install them in different locations. We are all
12 in it together. So if there's ever a question
13 that comes to me and it's a local issue, I will
14 refer to, or include, one of the two groups that
15 we deal with, the two companies that we deal with.
16 And vice versa, as a back-and-forth conversation,
17 if you ever have any questions, I will make sure
18 that you have my contact information. And again,
19 I can't change yesterday, but I can changes
20 tomorrow.

21 MR. CAPUANI: May I make a suggestion to the
22 Board, that the Board make a decision that all
23 Fire Guard products installed in front of elevator
24 entrances, existing and new, meet the code -- 2013

1 code, which would grant you variance.

2 MR. SHANKLIN: That's what I asked him.

3 MR. CAPUANI: But they were installed prior.

4 MR. SHANKLIN: But he said since the inception
5 of the company, they were in compliance with the
6 code.

7 MR. BAUER: Yes, sir.

8 MR. CAPUANI: But we found doors that weren't
9 in compliance with the 2013 code.

10 MR. GREGORY: But they are not their doors?

11 MR. CAPUANI: No, they're not theirs, but the
12 Board needs to make a general decision, because
13 we've already taken them out of two universities.

14 MR. BAUER: Yes. If I could make a comment
15 relative to that, there are products out there
16 that are sold as Smoke Guard's, and they are not
17 written as Smoke Guard's. I've written multiple
18 letters shining the light on that. There's a
19 project in Atlanta, Georgia as a vaguely specified
20 example, where there were products put in that are
21 not Smoke Guard, but because they were presented
22 as Smoke Guard units, and they are not, if there's
23 a failure, I don't want our company's name to go
24 down with that.

1 So I made a clear point to the city of
2 Atlanta that this is not a Smoke Guard unit. The
3 problem with being prolific, if there's anything
4 like Band-Aid or Kleenex, your name becomes
5 somewhat generic in the application, that's both
6 terrific and terrible at the same time.

7 But, yes, that confusion often exists,
8 and there are applications that present themselves
9 incorrectly. We have products that we could, but
10 never do, apply incorrectly in this location. So
11 really, we are talking about three units, Smoke
12 Guard, all of them Smoke Guard, 200, 400, 600
13 immediately in front of the elevator, both in the
14 context of going forward to 2013 code, and then we
15 would request also, as part of this variance, as
16 you mentioned, the direct (inaudible) under the
17 2010 code for these products that were built.

18 MR. SHANKLIN: I would like to make a motion.

19 MR. GANIERE: I have a question. Maybe I've
20 got smoke in my head, I am a little bit unclear,
21 why there was a variance needed in the first
22 place?

23 MR. CAPUANI: The variance was when they
24 applied for this, it was under the 2010 code. The

1 2010 code restricted this. I did not know there
2 was an interpretation until they sent me the
3 interpretation. So I had denied the variance.

4 Plus, they never came into the state to
5 really ask the Board if they would accept the
6 interpretation. So I wanted him to come and give
7 his presentation to the Board about the product.
8 That's why I denied the variance.

9 MR. GANIERE: Okay. The variance was needed
10 because their product meets the 2013 code, but
11 they are installing on 2010?

12 MR. CAPUANI: Yes.

13 MR. BAUER: There was a lack of language
14 saying that there was something -- that there was
15 anything allowed. That language was crafted, but
16 it wasn't adopted in the public publication. I
17 just missed the deadline.

18 CHAIRMAN BLOCK: So one question I have is, so
19 in the future when the 2016 code, if we would
20 approve the 2016 code, the variance would no
21 longer be required?

22 MR. GREGORY: It's no longer required today
23 because we are on the 2013 code.

24 MR. CAPUANI: But we are talking about

1 existing units in the state. Anything installed
2 prior.

3 CHAIRMAN BLOCK: I just want to be clear on
4 the variance then. The variance is related to
5 units installed prior to the current code?

6 MR. CAPUANI: Yes.

7 MR. GREGORY: Yes.

8 MR. BAUMANN: Dan Baumann. So even though the
9 unit said Smoke Guard, it wouldn't be covered
10 under the variance?

11 MR. SHANKLIN: No. They have to comply with
12 the code.

13 MR. GREGORY: I think he said the Smoke Guard
14 models, whatever you mentioned, 200, 400, 600,
15 that those variances are granted.

16 MR. BAUER: Yes, sir, limited to those.

17 MR. CAPUANI: There's two issues here.

18 One is his variance, which I would think
19 you would approve.

20 The second issue is the Board needs to --
21 what about these existing products that we are
22 finding that don't meet the 2013 code?

23 MR. JOHNSON: Craig Johnson. We are voting to
24 make them bring their standards up to the 2013

1 that don't meet it when you file it?

2 MR. CAPUANI: Yes. Yes.

3 MR. GREGORY: But you are doing one vote now,
4 Joe, and it's that you are granting a variance to
5 Smoke Guard for the 200, 400, and 600 units that
6 meet the ASME A17.1 2013 code, you are granting
7 the previous ones of variance? That's it? That's
8 only.

9 MR. SHANKLIN: That's my motion.

10 CHAIRMAN BLOCK: Patty, it's up to my
11 discretion, so I will take your comment.

12 MS. YOUNG: Do I need to come to the podium?

13 CHAIRMAN BLOCK: Yes, if you would, please.

14 MS. YOUNG: Patty Young. Kind of getting
15 back to what I was talking about before, there's
16 two issues going on here, gentlemen and ladies, is
17 that you have his variance that you can only make
18 a decision about his variance, you may add a
19 condition on to it, meaning he can be up to the
20 2013 code versus the 2010 code.

21 The second issue is if you are making an
22 across-the-board decision, which is on any and all
23 product, which I think is what you were driving
24 at, Dan, then that becomes an amendment to the

1 code and that is considered, in my opinion, new
2 business for the Board and should be on a
3 different agenda and have a totally different
4 conversation. He's only here for his variance for
5 his property.

6 MR. WELLER: That was your motion?

7 MR. SHANKLIN: Yes.

8 MS. YOUNG: Because we started getting a
9 little --

10 MR. SHANKLIN: It meets the code, the 2015
11 code.

12 MS. YOUNG: We started out with wine and we
13 are turning it into sangria here.

14 MR. GREGORY: I just worded it, you made it.

15 MR. SHANKLIN: Put my name on it.

16 MR. GRANT: One simple question. Bob, were
17 you also recommending that we consider the
18 interpretation that was issued by A17.1 that
19 applied before?

20 MR. GREGORY: We don't need to.

21 MR. GRANT: What it would do is cover those
22 particular products that complied with the
23 language in 2013. They already interpreted, if
24 you met that criteria, you were complying or were

1 you accepted under 2010. Is that correct about
2 what that meant?

3 MR. CAPUANI: Yes.

4 MR. GRANT: That would still restrict it only
5 to those types of smoke protection devices that
6 met all that criteria with the vision panel and
7 all those things. I don't see how that becomes
8 new business change, because it's an actual formal
9 interpretation from A17.1.

10 MR. GANIERE: What's before us on the agenda
11 is a variance denial or approval of 911 South
12 Fourth Street, Champaign. That's it. That's all.

13 CHAIRMAN BLOCK: That's great.

14 MR. CAPUANI: Let's get that variance motion
15 first.

16 CHAIRMAN BLOCK: Okay. Thank you, Patty.

17 Dan's point, you need to focus the
18 variance is actually only for this, as it's
19 written, is for the one property.

20 MR. CAPUANI: Correct.

21 MR. SHANKLIN: So add the one property to it,
22 and then we probably need to address --

23 MR. CAPUANI: Let's do one at a time here.

24 Let's do the variance.

1 UNIDENTIFIED SPEAKER: What's the motion?

2 MR. GRANT: The variance as requested under
3 the agenda.

4 CHAIRMAN BLOCK: Do we have a motion?

5 MR. WELLER: Second.

6 CHAIRMAN BLOCK: We have a second on the
7 motion. All in favor?

8 (A chorus of ayes.)

9 CHAIRMAN BLOCK: Motion granted.

10 So we would, if I am correct, Bob, we
11 would -- so all this is granting the variance on
12 the one property, but they would have to apply for
13 variance on the other properties or in an overall
14 variance to accept the product, correct?

15 MR. CAPUANI: Yes.

16 CHAIRMAN BLOCK: That would be in future
17 business?

18 MR. GREGORY: But if they meet the 2013 code,
19 they don't have to have a variance.

20 CHAIRMAN BLOCK: My point is, there may be
21 other properties out there?

22 MR. GREGORY: With Smoke Guard.

23 CHAIRMAN BLOCK: With Smoke Guard, but the
24 variance was only for this property. So

1 therefore, my point was, other properties would --
2 they would have to get a variance for the
3 additional properties if there are any out there,
4 or they would have to apply for a variance.

5 MR. GREGORY: And that was Terry's initial
6 motion was a blanket for Smoke Guard products,
7 200, 400, 600, that meet 2013, but were installed
8 prior, would be granted a variance. That was
9 essentially his initial motion.

10 MR. JOHNSON: Since it's not on the agenda for
11 public action, I don't think the action will be
12 taken.

13 CHAIRMAN BLOCK: Can I ask our attorney?

14 MS. WILLIAMS: I mean, I think --

15 MR. CAPUANI: Can we go off the record a
16 second?

17 (An off-record discussion was had.)

18 CHAIRMAN BLOCK: Okay. Let's go back on the
19 record.

20 So the discussion, and, Bob, you can help
21 clarify this, but the discussion was that because
22 we approved the variance on this one location, Bob
23 is aware of what the Board's decision was, so that
24 any future variance request on the same exact

1 product that comes through, Bob would approve it,
2 knowing what the action of the Board was. So that
3 particular product, if it comes up again, would be
4 approved.

5 And then additionally, Bob, there was a
6 discussion about concern that there are other
7 products out there that would not be code
8 compliant, and Bob's going to address that with a
9 letter to the inspectors to identify those which
10 would fail an inspection and then would have to
11 come in front of the Board.

12 MR. SHANKLIN: I don't know if they would have
13 to come in front of the Board. They would have to
14 become compliant.

15 MR. CAPUANI: But they always have the appeal
16 process.

17 MR. SHANKLIN: They can appeal, but is it an
18 inspector or is it AHJ? They are going to be more
19 stringent with the code, rather than say, oh, it's
20 okay, those steel doors are all right.

21 CHAIRMAN BLOCK: So you would fail it?

22 MR. SHANKLIN: I would fail it and say you
23 have to change them.

24 CHAIRMAN BLOCK: If they apply for variance,

1 then Bob would fail it, it would come in front of
2 the Board.

3 MR. SHANKLIN: And we would say, no, you have
4 to change it.

5 CHAIRMAN BLOCK: That's the whole thing. That
6 is correct.

7 MS. BAUMANN: So we need a vote. We have a
8 motion, but no vote on the motion.

9 MR. JOHNSON: The motion would basically state
10 that this was approved, because it really did not
11 need a variance.

12 MR. GREGORY: Not in 2010 it didn't.

13 MR. BAUMANN: In 2013.

14 MR. GRANT: Don't we have an interpretation
15 that existed that these criteria would be
16 acceptable? I think that's the significant
17 difference, is that potentially in light of that
18 information, this variance might not be required.
19 If the Board agrees that that information is
20 affective in the state, because it was an
21 interpretation of A17.1, provided by that
22 organization.

23 MR. CAPUANI: I think the question was, does
24 the Board accept interpretations of A17.1.

1 MR. GREGORY: That's a question that not all
2 authorities having jurisdictions accept
3 interpretations. In my letter to you in, I think
4 in January, it's going to start to get cold again,
5 folks, is do we accept interpretations? Not we?
6 Do you all accept interpretations. Some
7 authorities having jurisdiction don't, like the
8 City of Chicago. But others, you know, I've not
9 researched them all, but I know some do and some
10 don't.

11 MR. GRANT: Craig Grant. If we did this, Bob,
12 do we have the ability to say that we are
13 accepting that particular interpretation, because
14 we know it applies to these products, we know they
15 are permitted in the 2013 edition, and if those
16 products meet that criteria, therefore, we would
17 not need a variance from them. It's only products
18 that meet that same criteria. That didn't change
19 between the interpretation and what's actually in
20 the 2013 code. What that would seem to do to me
21 is avoid the need for more variance applications,
22 and hopefully that's not new business.

23 Does counsel think that could be done
24 that way?

1 MS. WILLIAMS: So you are asking to just
2 accept this particular interpretation? I mean,
3 the body that makes the interpretation is --

4 MR. GREGORY: The A17 Standards Committee.

5 MS. WILLIAMS: Is that your question for every
6 one or just this particular one?

7 MR. SHANKLIN: Does it need a variance, is
8 what he's saying?

9 MR. GREGORY: What I am saying is, it would be
10 quick and easy to just accept his request for a
11 variance for this job, and have it done with, and
12 over.

13 MS. WILLIAMS: Let's take a vote. You know,
14 we didn't do this.

15 MR. SHANKLIN: It would have to be
16 code-compliant.

17 MR. GANIERE: That's all we can do with it.

18 MR. BAUMANN: That's exactly what was said 15
19 minutes ago.

20 CHAIRMAN BLOCK: So we have a motion and a
21 second on accepting the variance for this
22 property, is the way it was presented.

23 All in favor of accepting the motion?

24 (A chorus of ayes.)

1 Opposed?

2 The ayes have it. The motion passes.

3 MR. JOHNSON: Craig Johnson. And then we gave
4 Bob the understanding of what to send out now, to
5 kind of adjust this issue forever.

6 MR. GREGORY: Bob will take care of it.

7 MR. JOHNSON: He has the authority to grant or
8 deny, as the administrator.

9 CHAIRMAN BLOCK: All right. We don't need a
10 closed session, because we discussed it openly.

11 Motion to adjourn?

12 MR. HUNT: So moved.

13 (The Elevator Safety Review Board Meeting
14 concluded at 10:12 p.m.)

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1 I, PAMELA S. MORGAN, Certified
2 Shorthand Reporter in the State of Illinois, do
3 hereby certify that that the above meeting was
4 recorded stenographically by me and was reduced to
5 typewritten form by means of Computer-Aided
6 Transcription.

7 I further certify that the foregoing
8 transcript is a true, correct and complete record
9 of all proceedings had before me.

10 I further certify that I am not a
11 relative, employee, attorney or counsel of any of
12 the parties, nor financially interested directly
13 or indirectly in this action.

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18 PAMELA S. MORGAN, C.S.R. 084-001687

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