

1 ELEVATOR SAFETY REVIEW BOARD MEETING

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10 REPORT OF PROCEEDINGS had at the meeting of
11 the ELEVATOR SAFETY REVIEW BOARD before CHAIRMAN DAN
12 BAUMANN, at the Office of the State Fire Marshal,
13 Springfield, Illinois, commencing on the 7th day of
14 November, 2013, at the approximate hour of 8:30 a.m.

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21 Court Reporter:

Angela C. Turner, CSR

22 Midwest Litigation Services

15 S. Old State Capitol Plaza

23 Springfield, Illinois 62701

(217) 522-2211

24 1-800-280-3376

1 BOARD MEMBERS PRESENT:

2 DANIEL BAUMANN

Chair, Labor Representative (Non-Cook County)

3

WILLIAM BOGDAN

4 Representative of an Advocacy Group for People
with Physical Disabilities

5

ED CHRISTENSEN

6 Labor Representative (Cook County)

7 DAVID DATTILO

Representative of the General Public

8

THOMAS GANIERE

9 Representative of Fire Service Communities

10 CRAIG GRANT

Representative of Higher Education

11

TOM JIRIK

12 Representative of the Elevator Service Companies

13 DOUGLAS JONES

14 Representative of a Municipality with a
Population Between 50,000 and 500,000

15 ANTHONY OTTEN

16 Representative of an Elevator Manufacturing
Company

17 KELLY WELLER

Representative of Fire Service Community

18

19 DICK GREGORY, Consultant to the Board

20

OSFM STAFF PRESENT:

21

ROBERT CAPUANI, Director of Elevator Safety

22 ANGELA STINSON-MARTI, General Counsel

CELENA JEFFRIES, Licensing

23

24

1 CHAIRMAN BAUMANN: In Honor of Veteran's Day
2 on Monday, Pledge of Allegiance.

3 (Whereupon the Pledge of Allegiance was
4 recited.)

5 CHAIRMAN BAUMANN: Has everybody read the
6 minutes from the past meeting? Motion to accept?

7 MR. GANIERE: So moved.

8 CHAIRMAN BAUMANN: Motion to accept moved
9 and seconded. All those in favor aye.

10 (Whereupon there was a chorus of
11 eyes.)

12 CHAIRMAN BAUMANN: All those opposed?

13 (Whereupon there was no audible
14 response.)

15 CHAIRMAN BAUMANN: Ayes have it. Motion to
16 accept minutes.

17 Old business? The report from Robert
18 Capuani, director.

19 MR. CAPUANI: Elevator Safety Division, the
20 business report, total elevators 33,789; permits this
21 year is 351; licensing is 1,271. Thank you, Celena.
22 Registration is 575. And certificates 9,950.

23 CHAIRMAN BAUMANN: Old business?

24 (Whereupon there was no audible

1 response.)

2 CHAIRMAN BAUMANN: Any kind of new business?

3 (Whereupon there was no audible

4 response.)

5 CHAIRMAN BAUMANN: Presentation by

6 ThyssenKrupp.

7 MR. HIRSCHY: Good morning.

8 CHAIRMAN BAUMANN: Could you please tell us

9 your name and spell it for the reporter, please?

10 MR. HIRSCHY: Pardon me.

11 CHAIRMAN BAUMANN: Spell it for the

12 reporter, please.

13 MR HIRSCHY: My name is David Hirschy,

14 H-I-R-S-C-H-Y. I am the branch manager for

15 ThyssenKrupp, Peoria, Illinois. I am here to

16 introduce a new product to the Board. Seek the start

17 of the 90-day approval process. It's our machine

18 roomless hydraulic elevator. I passed out a

19 PowerPoint. Also here with me today is Doug

20 Henderson. It's spelled H-E-N-D-E-R-S-O-N. He is

21 our product analyst with codes and standards from our

22 manufacturing group to help answer any questions you

23 might have.

24 But basically, it's a new product we'd like

1 to introduce prior to it being released for sales.
2 It's a machine roomless hydraulic elevator. With the
3 information I passed out, I guess see what kind of
4 questions you have or what information you might need
5 from us.

6 MR. CAPUANI: The process for new technology
7 is they must submit to us 90 days in advance of the
8 Board meeting, which they haven't done. And you
9 would have to notify local administrators 30 days in
10 advance.

11 So the Board, what they can do today is
12 listen to this, but we cannot vote on this today. It
13 would have to be a vote -- or we have to vote at the
14 next meeting. This is per our rules Section 75 of
15 new technology.

16 CHAIRMAN BAUMANN: All right.

17 MR. HIRSCHY: I guess the only other thing I
18 would like to request of the Board is if it's within
19 your provisions, we do have a pilot program that it's
20 set up to put this product in various parts of the
21 country to not only train our people on them before
22 it's released into sales, but to make it available to
23 entities like you so you can review the product
24 before it is released in the sales. We have a

1 candidate, but it would be prior to the 90-day review
2 period. If you would like to consider that option.
3 And I think Doug can speak more on that if you like.

4 MR. CAPUANI: We're here to listen to your
5 presentation.

6 MR. HENDERSON: The product is designed to
7 be compliant to the 17.7 provision of the code which
8 I understand you have adopted.

9 CHAIRMAN BAUMANN: I'm sorry. Can you let
10 us know your name for the court reporter?

11 MR. HENDERSON: Doug Henderson,
12 H-E-N-D-E-R-S-O-N, just from elevator manufacturing.

13 We are prepared to offer this pilot program
14 to you if it's something you can consider. I can
15 either, inside your 90-day period, that's a
16 possibility. If it's not, then we will proceed with
17 the normal process to get the product approved. We
18 will submit it to you for your review and decide
19 where the 90-day process would go.

20 We're making that offer if you would like to
21 see the product before and have it available to you
22 to review inside your 90-day review process. You're
23 offered to it. We have a candidate installation we
24 can put in a pilot job and it will be available for

1 your review.

2 MR. HIRSCHY: One thing I'd like to point
3 out we discussed this morning is this pilot job that
4 we have is currently set up for machine room product.
5 So if during this 90-day process the Board elects not
6 to approve this product for one reason or another, we
7 could very easily convert it back to a conventional
8 hydraulic elevator. It's the building is being built
9 with the machine room currently, so that's a
10 possibility as well.

11 MR. CAPUANI: Can you install this product
12 without these additions that are on the certificate
13 and then install them later? Is that a possibility?

14 MR. HIRSCHY: I cannot hear your question.

15 MR. CAPUANI: Can you install the product
16 without these additions that you got in the
17 certificate?

18 MR. HENDERSON: No. It would be they're
19 pretty much --

20 MR. CAPUANI: Well, we could not issue you a
21 permit without this Board accepting new technology.
22 That's the problem.

23 MR. HENDERSON: There's no provision within
24 your standards?

1 MR. CAPUANI: No. It's very clear within
2 the rules.

3 Angela, am I correct.

4 MS. MARTI: Yes. New technology. And it
5 has to be submitted 90 days in order for the Board to
6 approve it today.

7 MR. HENDERSON: There are other
8 jurisdictions that are similar in situation that we
9 just didn't offer the pilot to those jurisdictions.
10 So I mean, certainly, we can install this job in a
11 conventional -- and we will do that. But I just
12 wanted to make that offer to you if it's something
13 you could accept.

14 MR. GRANT: I just have a question if I
15 could. Is this equipment available to see at any of
16 your headquarter buildings in terms of in a --

17 CHAIRMAN BAUMANN: Research development lab?

18 MR. HENDERSON: Yes.

19 MR. GRANT: So that it could be operated or
20 could be looked at in terms of how it works without
21 anybody on it or without really a need for the permit
22 if the Board or others had an interest in evaluating
23 how it worked and what the features were so we could
24 actually see it somewhere where we wouldn't have to

1 go out and try to address an issue of operating
2 something for the use of the general public without
3 having gone through this process?

4 MR. HENDERSON: That location is in our test
5 tower in Horn Lake, Mississippi. And it is one phone
6 call and we will make it happen. If anybody wants to
7 visit it, open invitation.

8 MR. GREGORY: I realize that you did not get
9 the 90 days. I have reviewed their documentation,
10 the same as I've reviewed anybody else's new
11 technology documentation at great length, and I find
12 it all to be in order. And I find that they have a
13 certificate from an accredited elevator certifying
14 -- an AECO, as we call it -- that shows that they do
15 meet all the requirements.

16 The A17.7 says you have to demonstrate that
17 you meet all the safety requirements as if it was a
18 17.1 by alternate means. And they have that
19 certificate by an institute, which is a pretty
20 hidebound operation, I would say. They're not --
21 they don't just issue certificates because they don't
22 know what else to do, I would say.

23 So if you're looking at 90 days, my report
24 would be having now already reviewed it, my report

1 would be we should approve it. But if the rules say
2 we can't, we can't.

3 MR. CAPUANI: Your certificate was just
4 approved in August, correct?

5 MR. HENDERSON: Yes.

6 MR. GREGORY: Right.

7 MR. CAPUANI: Which is not even 90 days.

8 MR. HENDERSON: There would have been no
9 possibility to put a complete package before you
10 90 days prior to this date.

11 MR. GREGORY: And where you're wanting to
12 put this in, is this in Peoria?

13 MR. HIRSCHY: No. It's in Flanagan,
14 Illinois.

15 MR. GREGORY: Where is Flanagan?

16 MR. HIRSCHY: Is northeast of Peoria.

17 MR. GREGORY: Is it in Local 55
18 jurisdiction?

19 MR. HIRSCHY: Yes.

20 MR. GREGORY: So I mean, the business agent
21 there or manager used to be on this Board. Okay.

22 CHAIRMAN BAUMANN: What we can do is we can
23 set it up on the next agenda for next meeting.

24 MR. GREGORY: But if you've made your

1 presentation, then they wouldn't really have to make
2 another presentation, would they or would they?

3 CHAIRMAN BAUMANN: No.

4 MR. CAPUANI: Unless the Board has more
5 questions. We can put it up for discussion at the
6 next meeting.

7 MR. HENDERSON: What I am prepared to do is
8 just provide you with a very complete comprehensive
9 submittal package that would give you a lot more
10 detail than what is in the little PowerPoint here. I
11 can get that to you right away if that would be
12 appropriate.

13 MR. CAPUANI: Do you have a problem if we
14 sent this out to inspection companies?

15 MR. HENDERSON: No.

16 MR. CAPUANI: Or just for the Board?

17 MR. HENDERSON: No. We will spout all our
18 documents with a proprietary spout. Understand, we
19 don't want it to go to our competitors and stuff like
20 that.

21 MR. CAPUANI: Understood. We will keep it
22 with the Board.

23 MR. HENDERSON: We would be glad to provide
24 you with a complete review package right away. I

1 understand that could be e-mailed --

2 MR. CAPUANI: Yes.

3 MR. HENDERSON: -- in the form of a .pdf?

4 We will get that out right away.

5 CHAIRMAN BAUMANN: All right.

6 MR. HENDERSON: So if there's no possibility
7 of entertaining the pilot, I guess that concludes our
8 presentation. Any questions?

9 MR. GANIERE: Is this technology in use
10 anyplace besides the prototype down in Mississippi
11 yet?

12 MR. HENDERSON: Which technology?

13 MR. GANIERE: This new technology.

14 MR. HENDERSON: The MRL. We have eight
15 jurisdictions that have approved the pilot
16 installation. And those will be up and running by
17 the end of the year. We have, of course, a running
18 unit in the tower that's available for review. But
19 new technology is only limited to items associated
20 with an elevator personnel where they would need to
21 access the pit to the machine is now in the pit
22 instead of machine room. But all of the issues are
23 primarily associated with elevator personnel. There
24 is really, as far as we are concerned, we see no

1 safety concern with the elevator personnel.

2 MR. GREGORY: Part of my review yesterday,
3 the real -- let's say the real issue is putting the
4 pumping unit in the pit. And nobody -- that doesn't
5 affect the general public in reality, because they
6 aren't supposed to be in the pit. But elevator
7 personnel, which is mechanics and inspectors.

8 And so really, my quizzing of them as I went
9 through that whole book yesterday was how are you
10 going to make sure that the mechanic doesn't stand on
11 top of the pumping unit and all that kind stuff. And
12 they have got all that covered. That's where the
13 worrying part would be. So that would be Patty's
14 people and your people and so on, plus mechanics.
15 They have got it well covered. That's it.

16 MR. GRANT: Can I ask a follow-up question?
17 Those eight pilot positions you talked about
18 installation, are any closer to this part of Illinois
19 than going to Mississippi?

20 MR. HENDERSON: Ohio is probably.

21 MR. GRANT: Ohio would be the closest.

22 Thank you.

23 MR. WELLER: How high can this go? How high
24 can this installation --

1 MR. HENDERSON: Five landings. Maybe seven.
2 Depending on the jack system. It's conventional and
3 hydro in every respect except for the power unit.

4 MR. WELLER: So it's basically low-rise
5 installation?

6 MR. HENDERSON: It's low-rise.

7 MR. WELLER: Are you asking -- I just want
8 to make sure I am clear what you're asking. Are you
9 asking for a pilot installation for us to review or
10 are you asking for us to blanket approve this
11 technology?

12 MR. HENDERSON: Well, two things. We will
13 be coming with a presentation to approve the
14 technology going forward for future installations.
15 But right now, I guess we're offering to provide a
16 pilot installation in your area for your review if
17 your regulations will allow it.

18 MR. WELLER: I am just curious, because what
19 we did last time -- and I can't remember who the
20 company was, but it was the hoisting.

21 MR. BAUMANN: Belts.

22 MR. WELLER: The belts, right.

23 And we voted on it and gave it to them, and
24 we found out after the fact they had to go back and

1 retro a lot of those elevators to repair.

2 MR. CAPUANI: That was --

3 MR. GREGORY: ISIS.

4 MR. WELLER: And one of the challenges, just
5 so everybody remembers, one of the challenges is once
6 you approve this, then there is no -- we really don't
7 know where these installations are at.

8 So I just say that as a point of caution so
9 that we maybe not make that same error with new
10 technology so that we don't have any tracking
11 mechanism to see where this is actually being
12 applied.

13 The last question for Dick. Is this the
14 Certificate of Approval in this book here?

15 MR. GREGORY: Yes.

16 MR. WELLER: Life Institute?

17 MR. GREGORY: Lift Institute.

18 MR. WELLER: Do we have any in the United
19 States that does this?

20 MR. HENDERSON: Yes. UL.

21 MR. GREGORY: UL.

22 MR. WELLER: Do you have certificates from
23 them?

24 MR. HENDERSON: No.

1 MR. WELLER: I would be more inclined to
2 accept this permit from a company --

3 MR. HENDERSON: There are three institutions
4 that are in the U.S. UL, Lift Institute and GMV.

5 MR. WELLER: Why is this one dated from the
6 Netherlands -- or stamped from Amsterdam?

7 MR. HENDERSON: That's where their home
8 office is.

9 MR. GREGORY: Can I answer?

10 Lift Institute shows up at every nationally
11 and every standards committee meeting. They
12 participate because they're trying to sell their
13 services here.

14 MR. WELLER: I appreciate that. I was
15 hoping we could buy services in the United States if
16 we possibly can. That's just a statement.

17 MR. DATTILO: Just clarification on the
18 process. If I understand what you're saying, Bob,
19 they've got to submit this request 30 days before the
20 Board meeting.

21 MR. CAPUANI: Ninety days.

22 MR. DATTILO: Okay.

23 CHAIRMAN BAUMANN: We have to present it to
24 the municipalities 30 days.

1 MR. DATTILO: So we have to receive this --
2 we cannot vote on this for another 90 days?

3 MR. CAPUANI: Correct.

4 MR. DATTILO: That's just the approval of a
5 pilot?

6 CHAIRMAN BAUMANN: That would be correct.

7 MR. HENDERSON: We won't be asking for a
8 pilot 90 days from now. We will be asking for the
9 approval.

10 MR. DATTILO: I understand. Even though --
11 you can't do the pilot until you get the approval.

12 MR. HENDERSON: If we can't get the pilot,
13 that would probably be a good option for the next --

14 MR. JONES: Just a question. These installs
15 that you have now in Ohio, have they been installed
16 for some months?

17 MR. HENDERSON: These are all slated jobs to
18 be installed.

19 MR. JONES: You don't have any job currently
20 that's in operation?

21 MR. HENDERSON: The operating unit is in the
22 test tower.

23 MR. GANIERE: When was it submitted to the
24 Board? I know when it was e-mailed out to us.

1 MR. CAPUANI: Two weeks ago to us.

2 Something like two weeks ago.

3 CHAIRMAN BAUMANN: Any other questions?

4 MR. HENDERSON: Let me clarify a point. As
5 far as installations that are already up and running,
6 we haven't released this yet to markets, so there are
7 none. We haven't got to market release. We're in
8 the pilot phase right now. That's really what we're
9 addressing the Board about in offering a pilot
10 installation in your area. And but so understand
11 that is not allowed by your rules.

12 CHAIRMAN BAUMANN: We can't vote on it. We
13 can't issue a permit. So are you finished or are we
14 done? Any other questions for him?

15 MR. GRANT: Will he have to make a
16 presentation to us again when we next meet --

17 MR. CAPUANI: It's up to them. If we can to
18 ask questions. We will send the package out and
19 review the package.

20 MR. HENDERSON: We will get that package out
21 right away.

22 MR. CAPUANI: We can vote at the next
23 meeting.

24 MR. HENDERSON: Just to clarify, that will

1 not be addressing the pilot at that point?

2 MR. BAUMANN: Correct.

3 All right.

4 MR. DATTILO: With the permit then to do
5 pilot?

6 CHAIRMAN BAUMANN: To install the product.

7 MR. DATTILO: To install. With no pilot?

8 CHAIRMAN BAUMANN: That's correct.

9 MR. GANIERE: What is the big advantage to
10 this program other than a conventional elevator right
11 now? You know, both to your company and the customer
12 and then cost-wise to --

13 MR. HENDERSON: It frees up space within the
14 building that can be used for other purposes.
15 Architects are pushing MRL products.

16 MR. GANIERE: Is there a cost savings to the
17 customer too?

18 MR. GREGORY: I doubt it.

19 MR. HENDERSON: It's hard to say at this
20 point. The goal was to offer this product at less
21 money than conventional. But until we get it in the
22 marketplace and all the market factors go to work, we
23 can't say it's going to cost less. Our goal is for
24 it to cost less.

1 MR. CAPUANI: I do have one question.

2 Explain to the Board what this axillary motor does
3 and how it works.

4 MR. HENDERSON: When we were developing this
5 product, we brought in field people to review it.
6 This product also has electronic valve. That
7 electronic valve has to be adjusted. And to be
8 adjusted, you have to have the control system in
9 place.

10 So during the installation process, they
11 wanted this axillary unit to give them control of the
12 elevator up and down before they got to the control
13 room install and did the adjustment of the valve. In
14 a conventional elevator, they very often will put the
15 power unit in the machine room and then get it
16 plumbed up to the jack and the platform, and now they
17 have got to run a unit. They use the downside of the
18 valve to control down motion and put an axillary pump
19 in to lift up and use that for construction.

20 Well, they can't do that early on because of
21 the electronic valve setup. This allows them to do
22 the construction with this axillary unit. And rather
23 than make it a temporary thing, they decided to make
24 it a permanent part of the installation. Now, if

1 something were to go catastrophically wrong with the
2 valve motor system, they have another way to run the
3 unit both up and down.

4 MR. CAPUANI: Okay. I come out to the job
5 and lost a power line, so now I've got to raise it.
6 What is the procedure that I would have to follow to
7 raise that car?

8 MR. HENDERSON: They would use that axillary
9 unit to raise the car and put jack stands underneath
10 so they could access.

11 MR. CAPUANI: Where's the power come from
12 for the axillary?

13 MR. HENDERSON: There is a -- in the service
14 panel, there is a plug there that they can power that
15 unit from an axillary power source.

16 MR. CAPUANI: Like a 110 source then?

17 MR. HENDERSON: Generator. Anything that
18 provides 115 volt AC power. That way if the unit is
19 sitting down in the pit and can't get to it, strictly
20 there for installation and maintenance purposes. Has
21 nothing to do with operation equipment during normal
22 operation.

23 MR. WELLER: Can I ask our attorney a quick
24 question?

1 It sounds like we're way early in the
2 adoption of this. And we certainly want to follow
3 the rules and be pragmatic that new technology is
4 something we should look to embrace.

5 If we vote on this at the next meeting,
6 assuming it gets an affirmative vote, can we restrict
7 it to just one elevator, much like what they're
8 talking about? If we could do it today, could we
9 restrict it so everyone can get a chance to look at
10 this before we go, boom, yeah, it's good to go
11 anywhere in the state?

12 I mean, what we're talking about is another
13 meeting to say, yes, we will give you the authority
14 to put this one in. We want to see it up and
15 running. We want to see it being put in and want our
16 inspectors to be able to look at it and make sure
17 they understand before we go, yeah, you can start
18 marketing and selling in Illinois.

19 Can we incrementally do it is my question?

20 MS. MARTI: Well, I'm looking at the rules
21 and it says you approve the use of the new
22 technology. It doesn't actually say what that is.
23 Once you approve the use of the technology, I am not
24 sure, sitting here today, that you could limit how

1 they do it once you approve it. I can look it up and
2 see if there's an answer to it.

3 But right now, I think once you approve
4 their new technology, I don't know that you can limit
5 how they use it.

6 MR. WELLER: We used to make a variance
7 where this was before we went through the new
8 technology --

9 MR. GREGORY: Before new technology existed,
10 right.

11 MR. WELLER: What they did was come before
12 the Board and say, we want to do this, grant us a
13 variance; and we vote on the variance. And it was
14 one installation. And then every time that they
15 wanted to put a new installation in, they had to come
16 back and have it approved.

17 I would be more inclined to want to see that
18 until we get through one installation.

19 MR. GRANT: If I could follow up on Kelly's
20 point. What I was wondering is whether or not Bob
21 and our counsel think that if what we actually did
22 was not issue a permit for installation and
23 blanketly approve this technology, but encourage
24 instead if their host site was willing to take this

1 risk, basically, it's an installation of an example
2 for the Board's purposes, which can't go online or be
3 run in service of the public until after approval of
4 the technology, what it would do for us, I think, is
5 give an opportunity to answer those questions that
6 Kelly's raising through inspectors looking at it,
7 Board members, consultants to have that option. It's
8 sort of betting on their confidence in the work done
9 by the accreditations. If you want to do that, they
10 did say they have a fallback plan if it's not
11 accepted. It has a machine room already being
12 constructed at the site.

13 I'd like to argue that we're not really
14 going out on a limb if we do that and we aren't
15 subjecting workers or public to any unsafe condition.
16 We're just letting them provide something a lot
17 closer than Mississippi for those of us with interest
18 in this to take a look at it and offer us a better
19 understanding to try and consider their request.

20 MR. CAPUANI: After the 90-day period.

21 MR. GRANT: Not let them start it or do
22 anything for 90 days before we vote. I guess my
23 point would be if we let them understand that by
24 doing that that they risk taking it out, because

1 after the 90-day period of time, we will decide
2 whether or not we think we want to authorize the sale
3 of this technology and its installation in Illinois.

4 If what we have within that 90-day period is
5 a working example that we can look at that is not
6 certified or authorized for public use, at the end of
7 that 90-day period, we can gather that information,
8 they can -- we can decide whether they are
9 authorized. And if so, they get their permit
10 applications properly in place, the operating
11 permits, registration, and they would be able to go
12 at that location. If not, they have to apply a
13 different standard, get an overhead or use the
14 machine room to provide the conventional hydro. I
15 don't think anybody is out anything, except for the
16 company. I don't think we risk anything in our role
17 as protector of the public.

18 MR. HENDERSON: That, in a nutshell, is what
19 we're offering to you.

20 MR. HIRSCHY: I would ask one question. You
21 say we would have to go back to our building owner.
22 If it's not available for public use, it could be a
23 problem. I don't know if 90 days is a time period we
24 can work in.

1 MR. GRANT: A 90-day install turnaround, are
2 you going to beat that right now?

3 MR. HIRSCHY: We're going to be close, yeah,
4 I would think. I would have to go back --

5 MR. GRANT: I guess it isn't 90 days. The
6 next scheduled Board meeting is actually February?

7 MR. CAPUANI: March 7th.

8 MR. GRANT: That would be the best thing if
9 the Board was willing to see that as an option.

10 CHAIRMAN BAUMANN: Because of the rules, in
11 our rules --

12 MR. GANIERE: I understand what Craig is
13 getting at here and --

14 CHAIRMAN BAUMANN: What he's asking for is
15 get the pilot program.

16 MR. GANIERE: No, no. No, he's not. He's
17 saying that -- and this is a question for Bob. Is
18 there anything that would stop them from going ahead
19 with the install in this?

20 MR. CAPUANI: Yeah. We can't issue a
21 permit.

22 MR. GANIERE: No, no. That's not what I
23 asked. That's not what I asked. They can go ahead
24 and install it. It can be ready to go. We just

1 can't permit it, right?

2 MR. CAPUANI: No. You can't install it
3 without a permit.

4 MR. GANIERE: Okay. You can't install
5 without a permit. Okay. Okay. Then, yeah, it would
6 be --

7 MR. CAPUANI: And I can't write a permit if
8 the Board hasn't accepted it.

9 MR. GANIERE: Right. Right. Okay.
10 I thought the certificate came when it's
11 ready to be operated.

12 MR. CAPUANI: No. We have to issue the
13 permit before installation.

14 MR. HIRSCHY: Can you write a permit with a
15 variance? If we requested a variance, is that
16 possible? I'm asking because I don't know.

17 MR. CAPUANI: It's not approved technology
18 with the Board. That's the problem.

19 MR. GREGORY: We're under A17.1 2010. And
20 in Section 1.2 and 1.2.1b, you could issue a permit
21 with a variance.

22 MR. WELLER: Seems it's two different
23 questions. They want a variance to build a new
24 technology elevator. They also want approval of new

1 technology, which is two different -- two distinctly
2 different things.

3 I am more inclined to, in my mind, to think
4 about a variance for a specific installation so we
5 can see it before we go, boom, here's carte blanche
6 to put new technology in.

7 MR. CAPUANI: I agree. But that would be
8 after the next meeting after you vote on it.

9 MR. WELLER: Even if they file a typical
10 variance at this stage --

11 MR. CAPUANI: How are you going to file a
12 variance if you haven't approved the technology yet?

13 MR. GREGORY: No, no. The code says --

14 MR. CAPUANI: The State hasn't approved it,
15 Dick. The code can approve whatever it wants. The
16 State has not approved -- this Board -- you're the
17 Safety Board. You have to approve new technology.
18 This is what the legislators wanted when we set these
19 rules up. It's really out of my hands. I am just
20 stating the facts.

21 Am I correct, Angela?

22 MS. MARTI: Yes.

23 MR. GREGORY: Well, the code which we have
24 adopted, 1.2.2.1, the specific requirements of this

1 code shall be permitted to be modified by the
2 authority having jurisdiction -- that's all of you --
3 based on technical documentation or physical
4 performance verification to allow alternative
5 arrangements that will assure safety equivalent to
6 that which would have been provided, blah, blah,
7 blah.

8 Alternate to that is conforming to A17.7,
9 which gives them cart blanche forever and ever. I am
10 saying maybe they should be asking for a variance for
11 one job. Then your question about where do we know
12 those jobs are. You know, there's only one, period.

13 MS. MARTI: If we move it into the variance
14 area, then they have to submit, still in writing,
15 variance requests to OSFM. And then that has to be
16 -- and the Board will hold a hearing and decide if
17 there is an appeal, whatever the decision is. It
18 says it can't be done today.

19 MR. CAPUANI: He would have to apply for a
20 variance, which I would deny, because you guys never
21 approved it. Board has never approved it. So then
22 his option would be to come before the Board, which
23 in March, which is the same thing he'd have to do
24 anyway. We're just going in a circle here.

1 MR. CHRISTENSEN: Motion to end debate.

2 CHAIRMAN BAUMANN: Motion to end debate.

3 All those in favor say aye.

4 (Whereupon there was a chorus of
5 ayes.)

6 CHAIRMAN BAUMANN: All those opposed?

7 MR. DATTILO: I'm opposed.

8 MR. GANIERE: Point of order, there is no
9 motion on the floor. We were in discussion. That
10 motion is out of order. But anyway.

11 CHAIRMAN BAUMANN: That's it. There is just
12 debate. That's where we're going to put it. We're
13 going to put it on the agenda for the next meeting.
14 We're not going to be voting on it.

15 MR. HENDERSON: We will get you a complete
16 submittal package.

17 CHAIRMAN BAUMANN: Thank you.

18 Moving on to new business. Dick is going to
19 be addressing the updated codes.

20 MR. GREGORY: And I printed these all out
21 and cut them all into pieces to pass out and they're
22 probably on the floor of my office or something.
23 Because they're not in this case and they're not in
24 my suitcase and they're not in my briefcase. So I am

1 going to be forced to read this too.

2 The most current codes are A17.1-2013,
3 A17.5-2011, A1.6-2010, and A17.7-2007, which all --
4 there's others that I will discuss, but those group
5 of four, A17.1 is the basic safety code, A17.5 is the
6 electrical requirements, A17.6 is the suspension
7 means, like steel wire ropes, coded belts, whatever,
8 and A17.7 is new technology being run through a
9 certifying organization.

10 We need to adopt all those as a package,
11 because they are inter-dependant, and adopt them as a
12 package and do as we have done in the past. Say that
13 new technology still has to come to us -- you, excuse
14 me. Okay.

15 Now, there is -- so stop me if you have got
16 a question.

17 MR. GRANT: When's the deadline for adoption
18 of that?

19 MR. GREGORY: One year.

20 MR. GRANT: One year from the issuance of
21 which one? The 2013 --

22 MR. GREGORY: Well, that's the one that's
23 really triggering it. But there's something else
24 that's going to come into play that means we should

1 do this before the end of this year.

2 MR. GRANT: We can't, right?

3 MR. GREGORY: Yes, you can.

4 MR. GRANT: We can do it with only one
5 hearing, before we adopt that new one?

6 MR. GREGORY: Let me tell what's going to
7 happen. Let me just finish. A18.1 is now 2011.
8 That's wheelchair and platform lifts. A17.2 is a
9 guide for inspectors, not a code, it's a guide.
10 A17.3 is now 2011, that's existing installations,
11 which pretty much to a great extent we kind of
12 ignore. And then there's QEI.1-2013.

13 And here's what's happened. ASME, in their
14 infinite wisdom -- and they won't answer any
15 questions -- ASME decided that they would no longer
16 accredit companies to certify inspectors. So there
17 is NAESA, National Association of Elevators Safety
18 Authorities, in the state of Washington who has been
19 certifying inspectors for longer than anybody else.
20 And they would be -- could no longer certify
21 inspectors under ASME, period.

22 And there's EIWPF, which they changed their
23 name to I think QEIPF or something like that, who
24 have been certifying inspectors for a number of

1 years. And they could no longer certify inspectors
2 because they would not be accredited by ASME, because
3 ASME dumps everything.

4 So at the end of this year, if we don't
5 adopt these codes -- namely, the four that I
6 mentioned plus QEI.1-2013 -- you will not have a
7 licensed inspector in the state of Illinois. No one
8 will be allowed to inspect -- no inspector will be
9 licensed, because nobody's covered. That's the nuts
10 and bolts of it. That's why you need to address
11 this.

12 Now, you can vote -- my understanding is you
13 can vote to say we want to adopt these, but this has
14 to go to JCAR. You would have to get it to JCAR and
15 say, you know what, we're going to be out of
16 inspectors on January 1st unless you adopt these new
17 codes, there will be no more inspections.

18 MR. CAPUANI: Dick, just to interrupt you, I
19 hold a card from NAESA. Mine expires in June of
20 2014. We already got our new cards.

21 MR. GREGORY: I understand. But the state
22 -- you, let's say we can argue that you're okay.
23 That can be an arguing point. And there are people
24 from EIWPF that would be similarly in there. The

1 accrediting agency now who accredits people to be
2 certified as inspectors is now ANSI, American
3 National Standards Institute. There could be others,
4 but NAESA has gone through the process. They have
5 three employees. They worked diligently for months
6 and months and months, and they have their
7 accreditation to accredit inspectors. EIWPF is in
8 the process, they hope to be done by the end of the
9 year, but they have a backup plan collaborating,
10 actually, with NAESA to be able to keep their people
11 certified when ASME is no longer accrediting anybody.

12 Just in point of laying everything out on
13 the table, I am on the ethics committee of EIWPF and
14 I have been on that committee since the formation of
15 their certificating inspectors. In other words, if
16 an inspector is doing something wrong and we get a
17 complaint, the ethics committee investigates the
18 whole thing, holds a hearing and that stuff.

19 I am on the Certification Board of NAESA.
20 We do the same thing. If there's complaints, we will
21 assign a committee to have a hearing and all that
22 kind of stuff. So you know that I am coming from the
23 both of those sides also. So I don't want to hide
24 anything from you. That's the nuts and bolts of it.

1 MR. GRANT: I just had a question. Do we
2 actually fall out of recognizing that other
3 authorization certification for inspectors until we
4 actually do adopt that updated version? And we
5 actually have one calendar year from its issuance to
6 do that?

7 MR. GREGORY: You have a calendar year under
8 state law to adopt it. But you haven't adopted
9 A17.1-2013 and QEI.1-2013 you will not -- you can't
10 have certified inspection unless -- we can argue
11 about people whose cards expire in June.

12 MR. GRANT: Why did that authorization from
13 that previously recognized certification go away?
14 Because ANSI's national action --

15 MR. GREGORY: Because ASME decided to do
16 that. I have two granddaughters, also a son and
17 daughter-in-law in the Boston area, and the president
18 of ASME at the time lives in that area. And I asked
19 to come and visit him and talk to him about it and
20 never got an answer. When I got the ballot to elect
21 new officers of ASME, I wrote on it I wouldn't vote
22 for anybody to be an officer of this organization
23 that's so stupid.

24 MR. GRANT: By that particular action, what

1 makes those certifications expire in Illinois?

2 MR. GREGORY: Because you have no accredited
3 organization to certify inspectors.

4 CHAIRMAN BAUMANN: Certify new inspectors.

5 MR. GREGORY: Any inspector.

6 CHAIRMAN BAUMANN: So it doesn't just end
7 January 1st? It continues on to 2014 that you're
8 talking about?

9 MS. YOUNG: Hopefully I can help clear this
10 up. Looking at the rules here on the state's
11 website, it says to be a licensed inspector, the
12 applicant must have obtained QEI certification. It's
13 not stating ASME or ANSI or Joe Shmoe certification.
14 It just says you have to be a QEI holder.

15 What Bob was saying earlier was that he just
16 received a card through NAESA that extends it to
17 June 30, 2014, because NAESA has now been accredited
18 by ANSI. So it switched from the ASME to the ANSI,
19 which is what Dick is pointing out.

20 Secondly, the work preservation -- and Ed,
21 maybe you can jump in if you have some knowledge, or
22 Dan -- my last conversation, I think, it's with Gary
23 --

24 MR. GREGORY: Gadzinski.

1 MS. YOUNG: Okay.

2 Was that they are obviously pursuing it,
3 because that's going to put a whole lot of people
4 into a predicament. They're anticipating, before the
5 end of the calendar year, that they will get the ANSI
6 accreditation as well. And so those that are under
7 the work preservation accreditation will be issued a
8 new card, which will reflect when their card will
9 expire.

10 NAESA's organization is set up on a cycle
11 where they have June and December. So if you were
12 June, they issued out December 31st. But now that
13 they got it resolved, the June people now go to
14 June 2014. In the work preservation world, it is an
15 anniversary date. If you took the test in March and
16 you passed in March, you're good to the next March.
17 So every single person has an individual anniversary
18 date. But because they haven't finished up their
19 accreditation, everybody has end an date of 12/31/13.
20 And the anticipation is by hopefully early December,
21 they will be able to issue the new card.

22 MR. CAPUANI: Yes, I agree. Thank you,
23 Patty.

24 MR. JONES: My question is: Is there an

1 urgency for us?

2 MR. GREGORY: In my opinion, yes.

3 MR. JONES: Because of the fact ANSI may or
4 may not?

5 MR. GREGORY: No. ANSI has approved NAESA,
6 but our code -- the 2010 elevator code and the
7 earlier QEI does not recognize ANSI as an accrediting
8 agency. It only says ASME accrediting, and ASME is
9 not accrediting. By very simple. ASME is out, ANSI
10 is in, but the 2010 code says ASME, and they're out.

11 MR. JONES: Further, then if we were to take
12 into consideration all these codes you listed here,
13 Dick --

14 MR. GREGORY: Yes.

15 MR. JONES: -- and we as a Board say we want
16 to adopt these codes, still we have stuff from JCAR.

17 MR. GREGORY: It all has to go to JCAR. You
18 can say you want to adopt anything.

19 MR. JONES: Right. But that process is
20 going to take how long?

21 MS. MARTI: Well, there's the first notice
22 period, that's a 45-day period unless it's extended.
23 And then the second notice period. And so that's
24 another 45 days.

1 MR. JONES: So --

2 MS. MARTI: However, I do know there is a
3 mechanism for getting emergency rules. And I am not
4 versed on the actual -- the timeline with that. But
5 you can get emergency rules. If what he's saying is
6 the code doesn't recognize these other agencies and
7 it only has the one -- I haven't looked at it, this
8 is the first I am hearing of it, but maybe it's an
9 urgency, which could be possibly taken care of with
10 emergency rules.

11 MS. YOUNG: What section in the ASME 2013 or
12 even the 2010 code are you referring to where this is
13 a conflict?

14 MR. GREGORY: I would have to look it up. I
15 mean --

16 MS. YOUNG: Because the reason I ask is
17 because I think that's important for especially
18 Angela and Bob and even the rest of the Board to make
19 that verification. So I just want to ensure that
20 we're not making a mountain out of a molehill.

21 MR. GREGORY: I understand. I can look that
22 up tomorrow and e-mail it to them, exact sections.

23 MS. YOUNG: Do you have the 2013 online?

24 MR. GREGORY: I have every code on the

1 computer.

2 MS. YOUNG: Wouldn't it be up in the forward
3 in Chapter 1? Because I don't have the current 2013
4 online here. But I am sure it's in the same vicinity
5 of the prior book.

6 MS. VAUGHN: Isn't there also, Bob, where it
7 says about when the new code comes out that they have
8 12 months to adopt it or amend an adopted, so you
9 don't have to adopt the whole thing? You can adopt
10 parts of it. There was that adopt and adopt -- I
11 remember that phrase.

12 MR. CAPUANI: I believe you're correct.

13 MS. VAUGHN: I don't know if that would be
14 an option to adopt a portion of it that's urgent and
15 then we can deal with the rest at another time.

16 MR. GREGORY: 8.10.1.1.3.

17 MS. MARTI: Can you say that again?

18 MR. GREGORY: 8.10.1.1.3. The inspector
19 shall meet the qualification requirements of the ASME
20 QEI-1 and be certified by -- here's the crucial
21 part -- shall be certified by an organization
22 accredited by ASME. That's the 2010 code, the code
23 we're under. December 31st, there will be no
24 organizations accredited by ASME. It's gone.

1 MS. YOUNG: My opinion is that I see the
2 issue is that the code books are all going to have to
3 be rewritten. And that basically cripples all of our
4 activity for inspections where I think the law and
5 the Act would allow us to be able to grant a variance
6 or an exception to the standards that are adopted.

7 MR. CAPUANI: The law says, what it says is
8 that he or she meets the current ASME QEI standard.
9 It's the QEI standard, which we all meet the QEI
10 standard.

11 MS. MARTI: Where are you reading that?

12 MR. CAPUANI: Looking at Section 312/50.

13 MS. YOUNG: ASME just happens to be the
14 author of those code books.

15 MR. CAPUANI: Correct.

16 MS. YOUNG: ANSI has not been --

17 MR. GREGORY: Publisher.

18 MS. YOUNG: -- in that business of that
19 elevator code book, ASME has always been. So if we
20 get down to that granular aspect, within the ASME
21 code book, if we need to make an adjustment for a
22 variance or exception to the way the code is written,
23 I believe we have the ability to do that. And that
24 would cover the transfer from ASME accreditation to

1 ANSI.

2 MR. GANIERE: Who accredits the inspectors
3 now?

4 MR. GREGORY: Okay. The inspectors have
5 been certified by organizations accredited by the
6 American Society of Mechanical Engineers in
7 accordance with what I just read. So all current
8 people holding inspector cards have been certified by
9 somebody like NAESA or QEI -- that's another one, I
10 know what they're doing -- EIWPF. Because they were
11 accredited by ASME to certify inspectors.

12 MR. CAPUANI: When ANSI takes over, is ANSI
13 still going to use the ASME QEI standard, correct?

14 MS. MARTI: So the current standards --

15 MR. GREGORY: But it will be the 2013 QEI --

16 MR. CAPUANI: Standards.

17 MR. GREGORY: -- standard.

18 Not the one that we have. And it will be
19 the 2013 code.

20 MR. CAPUANI: Right now, until the Board
21 actually votes on these, the current ASME QEI
22 standard is the one we have right now. So they do
23 meet the current QEI standard until the Board
24 approves the new codes. That's the way I read it.

1 MR. GREGORY: I do more litigation, I think,
2 than you do.

3 MR. GANIERE: So are we saying that come
4 January 1 --

5 MR. GREGORY: Yes.

6 MR. GANIERE: -- that it's only going to be
7 accredited by ANSI? Is that what we're saying? And
8 that's a change?

9 MR. GREGORY: There are other people who
10 could accredit, but the only one that I know who's
11 doing it right now is the people are using -- people
12 being NAESA and EIWPF. They're using ANSI to
13 accredit them so they can certify inspectors.

14 MR. CAPUANI: Forget about the worker who
15 accredits anyone. Whoever accredits the QEI, they're
16 going to file the ASME QEI standard, correct?

17 MR. GREGORY: Yes.

18 MR. CAPUANI: Right now, the current QEI
19 standard we are under, we're all qualified under that
20 QEI standard. And then the Board will adopt -- they
21 have one year to adopt the new standard. Am I
22 correct?

23 MR. GREGORY: Well, that's what the law
24 says. I am just telling you, you could end up -- and

1 I think it would be more of a worry for the
2 inspection companies -- you could end up between a
3 rock and a hard place, you know. If I am trying to
4 defend Thompson, which I have done in the past, it
5 could be a dicey situation.

6 CHAIRMAN BAUMANN: I am going to refer to
7 our attorney. When you're talking about ASME and
8 ANSI, the standards -- I mean, when they're talking
9 about -- once ASME is done in January, and ASME is
10 not accepted yet as accepted with NAESA, not accepted
11 with work preservation --

12 MS. VAUGHN: Correct.

13 CHAIRMAN VAUGHN: -- as of yet. In December
14 it's supposed to be accredited. But these are just
15 the standards. I am confusing myself here.

16 MR. CAPUANI: I feel I meet the current QEI
17 standards until June 30, 2014, because I belong to
18 NAESA.

19 MS. MARTI: And if they're using the -- this
20 language here says meets the current ASME QEI.1
21 standard. They're using that standard and it's a
22 current standard. According to at least our Act,
23 that could be right. Again, I am hearing this issue
24 for the very first time.

1 MR. GANIERE: And Bob, I guess I would have
2 to agree. I think as long as they meet the current
3 standard of the current Act, we're fine in Illinois.
4 Now, when we change the Act, that's a whole different
5 story. Then you've got to meet the new Act. But
6 until we change the Act, I think we're fine.

7 MR. WELLER: Can I ask a technical question?
8 If you're covered and then everything changes on
9 January 1st, how do new people wanting to become
10 inspectors become inspectors? Because I can see
11 grandfathering you folks in, because this is
12 something that's changed while you're in the middle
13 of it. What about somebody on January 2nd comes in
14 and says I want to be certified?

15 MS. MARTI: But are they affected? Because
16 if they're going to someone who's using their current
17 ASME standards, then I think they'll still be covered
18 under the Act.

19 MR. WELLER: I just wanted to hear --

20 MR. CAPUANI: That's up to the accrediting
21 organization, not us. All we ask for is
22 certification that you are QEI. We don't accredit
23 anyone. That's the accrediting organization. So it
24 would be up (voices overlapping) January 1st and

1 said, I have a card, we have to accept it.

2 CHAIRMAN BAUMANN: Indicated making a
3 mountain out of a molehill.

4 MR. GRANT: Is anybody changing the actual
5 QEI standard? That's the qualification criteria.

6 MR. GREGORY: Yes, there's a radical change
7 in the QEI-1 because of what ASME did. They had to
8 make a huge change.

9 MR. GRANT: In that part of the technical
10 competence to be an inspector?

11 MR. GREGORY: All the references and all the
12 how you go about it and all that stuff, radical
13 change. I am not on the QEI committee --

14 MR. GRANT: Everybody that's got the card
15 and hasn't studied the new standard then.

16 MR. GANIERE: I guess the point is they have
17 to meet the laws that currently exist in Illinois.

18 MR. GRANT: The 2000 edition of NFPA 101
19 Life Safety Code that applies in this state, there is
20 a lot more newer current legislation or modeled codes
21 that are available to be adopted that we haven't done
22 so. Doesn't make anybody that follows that code in
23 Illinois subject to the 2012 at issue in NFPA
24 standards.

1 MS. MARTI: That's absolutely correct.

2 MR. GREGORY: Right. But you don't have to
3 be a certified person. You meet that older standard.
4 There's a difference here. We're dealing with people
5 who are inspecting.

6 But anyway, I think we've beat this.

7 CHAIRMAN BAUMANN: Yes, I believe we have
8 too.

9 MR. GREGORY: Let me just make two other
10 separate comments. And these are kind of
11 recommendations for the Board.

12 I would recommend the Board consider
13 changing -- asking for a change in the rules to
14 regulate private residence elevators, because the
15 private residence people are -- we do not in the
16 state -- they don't need a permit to install it.
17 It's just a man's home is his castle and tough darts.

18 The state of Wisconsin regulates private
19 residence elevators to this extent. You need a
20 permit to install it. They aren't going to inspect
21 it after that. What they're proposing in Wisconsin
22 is when the property exchanges hands that it will be
23 inspected again so that it's safe.

24 I mean, there are a lot of accidents on

1 private residence elevators. And Fox News is working
2 diligently to do some stories about how terrible it
3 is blah, blah, blah, blah. So I would suggest that
4 that would be -- you know, we don't have to go in and
5 inspect people's homes. But a permit to put it in,
6 inspection when it's installed and then inspection
7 when it changes hands.

8 The City of Chicago requires a permit to put
9 in private residence elevator. It comes up on the
10 inspection computer every year, but there's no
11 inspectors in Chicago, so it never gets inspected
12 again.

13 MR. CAPUANI: That would be a statute
14 change, because they're exempt right now.

15 MR. GREGORY: Yeah, I know.

16 I am just telling you there is going to be
17 -- Fox News in Atlanta is going to do a big story on
18 this. And you know, it will make national news and
19 so on and so forth. I am just saying proactive would
20 be good idea.

21 And the other thing is regulate special
22 purpose personnel elevators. You know, two very
23 reputable manufacturers sent a letter here. And I
24 think Scott Harris actually appeared here and said

1 please regulate us.

2 CHAIRMAN BAUMANN: He also said please stop
3 it too.

4 MR. CAPUANI: Mr. Harris was the lead on
5 exempting that from the Act.

6 MR. GREGORY: Well, he's changed his mind.

7 MR. CAPUANI: I can see the reasons why he
8 changed his mind.

9 MR. GREGORY: You know, when they're not
10 regulated, they are a large source of income to me,
11 because there's lots of accidents and lots of
12 lawsuits and I make a lot of money.

13 CHAIRMAN BAUMANN: Looking for the Board
14 approval, I guess, for the acceptance of the new
15 current ASME updates, right?

16 MR. GREGORY: Yes, I am looking for that.

17 CHAIRMAN BAUMANN: Do I have a motion?

18 MR. GANIERE: Are we ready to do that is
19 what I am asking. I mean, obviously, Angela said she
20 hasn't reviewed everything yet. Shouldn't she review
21 it first too?

22 MR. CAPUANI: We do have to adopt these
23 codes. We have one year to adopt these codes.

24 MR. GANIERE: One year from when?

1 MR. CAPUANI: When were they published? Do
2 you have the date?

3 MR. GREGORY: Beginning of this month.

4 MR. CAPUANI: November?

5 MR. GREGORY: Yeah.

6 MR. CAPUANI: So say November 1st. You have
7 until November 1st of --

8 CHAIRMAN BAUMANN: So if we put it on the
9 next agenda.

10 MR. GANIERE: I would suggest that we put it
11 on the next agenda. And in the meantime, Angela can
12 review things and see where there's conflicts with
13 current statute or whatever and bring back a report
14 and we can do it then.

15 I understand Dick thinks it's urgent to do
16 it now. I kind of disagree with that. But I think
17 we can have it on the March agenda.

18 MR. CAPUANI: Because there will be other
19 changes introduced.

20 MR. JONES: For the next agenda, Dick will
21 also give us any changes so that we know what is
22 being changed in these from the old code to the new
23 one if there's anything we need to be aware of?

24 MR. GREGORY: You want a two-day meeting?

1 MR. JONES: I want to know if there's
2 anything that we need to be aware of from a life
3 safety standpoint in the new codes.

4 If we're just saying adopt these new codes,
5 okay, fine. But are there changes? If I could at
6 least have some kind of report.

7 MR. GREGORY: I will do some report for you.
8 The biggest change -- of course, as the chairman of
9 the maintenance committee, I am more familiar. The
10 biggest change is the maintenance requirements have
11 been significantly tightened. And that is aides
12 public safety. And there's a handbook published. I
13 don't know when it's going to be printed. ASME
14 prints a handbook and I write the section for 8.6,
15 which is maintenance, and 8.7, which is alterations.
16 I turn that in.

17 CHAIRMAN BAUMANN: We're just going to put
18 it on the agenda for the next meeting in March.

19 MR. GRANT: I would request just because
20 there will be a lot of information to look at, could
21 we please have the Board members get a packet in
22 advance of that that summarizes the significant
23 change? I am sure a document has already been put
24 together on what the significant changes are. If we

1 could find out what those are. The things you
2 specifically recommend we look at I think to the
3 current rules. If I remember how we did this the
4 last time, it took us all of that meeting to get that
5 done. I think that could help us. We can do our
6 homework ahead of the Board meeting to better
7 understand that.

8 MR. CAPUANI: I believe it took us three
9 years to pass the last -- if I am correct, 2009 to
10 2012.

11 MS. VAUGHN: You don't have to adopt them,
12 you can amend them.

13 MS. YOUNG: Dick, I was at the Wisconsin
14 symposium about a week or so ago. And I believe it
15 was Mr. Runyan who had a pretty good collective list
16 of changes from '07 to '10 to 2013. So that could be
17 a good starting point for what I think Doug Jones is
18 looking for and for Craig.

19 MR. GREGORY: And he took two and a half
20 hours or something like that?

21 MS. YOUNG: That's his version. I am sure
22 that you could be able to present something as a
23 CliffsNotes version to the Board. But just wanted to
24 make sure. I wasn't sure if you were in the room for

1 that presentation or not.

2 MR. GREGORY: I got every single CEU credit.

3 I was in every one, yes.

4 MS. YOUNG: The room was pretty big, so I
5 couldn't see through the sea of people.

6 MR. CAPUANI: If you can put something
7 together and give it to us and we'll make sure the
8 Board members --

9 MR. GREGORY: Speaking of the Wisconsin
10 symposium, the state should think about sending the
11 state inspectors to a symposium like that. I don't
12 know how often they happen. Maybe every few years?

13 MS. YOUNG: Historically, I have seen it
14 done every calendar year for about ten years now.

15 MR. GREGORY: I mean, it was huge. There
16 was 220 people there. Huge amount of usable
17 information for inspectors. I mean, just an immense
18 amount.

19 CHAIRMAN BAUMANN: It will be on the next
20 agenda.

21 MS. MARTI: Can I just get a point of
22 clarification from Tom?

23 What exactly -- just so I know -- what
24 exactly would you like to see from me next week with

1 respect to my analysis of whatever he's going to --
2 the packet he's going to give?

3 MR. GANIERE: Just a recommendation of what
4 we need to do. Do we need to adopt everything or in
5 part or what?

6 MR. GRANT: If I could ask that with that
7 for Tom's, if you could help us better understand the
8 real risk we face about this loss of ASME
9 accreditation going to ANSI and what that does for
10 our inspectors in the state. We owe it to them to
11 keep them out there if we can. So I'd like to
12 understand what you believe that consequence is for
13 us. Thank you.

14 CHAIRMAN BAUMANN: Moving on to public
15 comments. Steven Stuard.

16 MR. STUARD: Thank you, Mr. Chairman.

17 Steve Stuard, S-T-U-A-R-D. Stuard and
18 Associates Elevator Inspection Company, private
19 inspections.

20 I'd like to talk to you today about the make
21 up of the existing Board. As we look here, we see
22 the diversity representing the public service
23 community, elevator contractors, labor unions, condo
24 associations. I see everybody represented that has a

1 direct say in the direct interest in what the Board
2 does and decisions that they make, except for an
3 elevator inspection company.

4 I think an elevator inspection company has
5 an insight and ability to offer different opinions
6 and different methods and different analysis of the
7 decisions and the overall things that you weigh as a
8 general Board.

9 You collectively make decisions based on the
10 public interest and the safety of workers and of the
11 pride in the public. As an individual, you will sit
12 there and you will think how does the decision I am
13 about make affect my representation, the people that
14 I am somewhat sitting here portraying to represent.

15 An elevator inspection company would do the
16 very same thing. It's not a self-serving position
17 that you have. It wouldn't be a self-serving
18 position that Patty might take or I might take or two
19 of us if we sat on this Board and gave our insight as
20 to some of the process and the decision that goes on.

21 So I am urging you -- I think it's a
22 resource that you can tap. This is a good example.
23 Dick just elaborated on the new code. This is our
24 inspection form. This form has documentation that

1 represents codes that were in effect in the year
2 2000. 2000. This form was taken at the inception of
3 Illinois taking over inspections. It was altered a
4 little by a representative that sits here. It was
5 adopted by the Board. And this is what we use in the
6 field today.

7 In 2004, a new code was adopted; 2007, 2010
8 and now 2013. We have a form that doesn't address
9 any of these hundreds of changes that have taken
10 place over those 13 years. I am not sure that that's
11 a Board decision that a form be adopted or changed or
12 modified to reflect unintended movement, assuming car
13 overspeed. All these important issues and safety
14 issues on new elevators that have to be inspected and
15 noted as having been inspected. They're not present
16 on this form.

17 We just -- I think, we can help. This is
18 the form that the elevator division receives the
19 most. The Application for Certificate of Operation.
20 It's two pages. The ladies in your office will
21 collect 67,000 of these this year. In a year,
22 67,000. They have to file them, they have to handle
23 them, they have to mail them. Somebody on the simple
24 word processor in an hour's time could consolidate

1 this and get all the information onto one page. Less
2 filing, less computer bytes to store.

3 What I am suggesting to you is there are
4 folks out there that have a direct impact on the
5 field. The inspections that we do. And we do about
6 4,000 of them a year. Directly, individual contacts,
7 southern Illinois. These people are telling us why
8 is it this way? Why do we do things that way? Well,
9 I don't have a lot of representation. If there was
10 someone like myself or any other elevator inspection
11 company that sat on the Board, we could funnel this
12 information. Bring it to you and discuss it. If you
13 don't like it, just like anybody else that comes up
14 with an idea, you don't like it, it's just one vote.

15 That's a suggestion. If you have any
16 questions, I'd be glad to entertain.

17 MR. CAPUANI: Well, first of all, there's
18 only 12,000 elevators that we take care of.

19 MR. STUARD: You said 33,000 --

20 MR. CAPUANI: Thirty-three thousand,
21 municipalities take care of the rest. We take care
22 of -- association, it's 12,000 a year.

23 Second, there is a checklist. Do you
24 inspect off that checklist and nothing else? What do

1 you use to inspect an elevator?

2 MR. STUARD: Use the code.

3 MR. CAPUANI: Use A17.1 and 8.11? This is a
4 guide, right?

5 MR. STUARD: It is.

6 MR. CAPUANI: The form's a guide. You
7 inspect off of, basically, 8.11, correct?

8 MR. GREGORY: Ten and 11.

9 MR. STUARD: This is the form that the state
10 says that we shall submit.

11 MR. CAPUANI: Yes. At this time, correct.

12 MR. STUARD: And I am totally -- Illinois,
13 and I know that people say we don't care what other
14 people do. Every other state I have done business
15 in, when you do an acceptance test, they have a form
16 that you send that they want that tells everything
17 about that elevator. Type, safety type, speed,
18 capacity, so on and so forth. All that detailed
19 information goes into their database.

20 For whatever reason, that doesn't occur.

21 And that's fine. But this is what we submit. This
22 is what you ask for. So to me, it makes more sense
23 that it be updated and the proper codes be applied to
24 it. If this is what the state wants to continue to

1 use, fine. Again, one person's suggestion.

2 MR. GREGORY: Discussing the make up of the
3 Board, I am not on the Board, but I didn't put on any
4 makeup this morning either.

5 CHAIRMAN BAUMANN: Anyone else?

6 MR. CAPUANI: The statute at this time does
7 not allow for an inspection company to be on it.

8 MR. STUARD: I am suggesting a change. I am
9 not suggesting somebody make a motion and say let's
10 have one. I am saying that this is an opportunity.
11 And let's be proactive. Look ahead, you know. I
12 don't know.

13 It's just like the acceptance form. If this
14 form was interactive on your site and people could go
15 in and fill it out and hit a button and hit send and
16 it went to your office and they have it, that would
17 be great.

18 MR. CAPUANI: This is not a Board decision.
19 You're talking to me. This would be my decision with
20 forms.

21 MR. STUARD: I am sorry if I am out of line.

22 MR. CAPUANI: No, no, no. I am just saying,
23 you could -- we can talk about this privately. I
24 mean, this is an internal thing in our office. We

1 develop the forms.

2 MR. STUARD: Fine.

3 MR. CAPUANI: Right now, this is the best
4 procedure we have for the amount of --

5 MR. STUARD: If it's a Board decision that
6 suggests maybe that the make up be changed, I would
7 ask that you consider that. That's all.

8 MR. WELLER: How many slots are we down?

9 CHAIRMAN BAUMANN: Two.

10 MR. WELLER: And one just got filled?

11 CHAIRMAN BAUMANN: One got filled. We have
12 two left.

13 MR. WELLER: There's no reason why you
14 couldn't put in --

15 MR. GREGORY: Yes, there is.

16 MR. CAPUANI: At that under 25,000 --

17 MR. GREGORY: But he's in Indiana. He can
18 move.

19 MR. WELLER: That makes it difficult to be
20 appointed on the Illinois Board.

21 MR. STUARD: I am not the only person.

22 MR. WELLER: The process should be --

23 CHAIRMAN BAUMANN: And there would be a
24 conflict of interest.

1 MR. STUARD: I don't have to be a --

2 CHAIRMAN BAUMANN: It's already been done.
3 It's already been shown it's a conflict of interest.

4 MR. CAPUANI: We did have an inspection
5 company on the Board and the prior attorney said it
6 was a conflict of interest and he was forced to
7 resign.

8 MS. VAUGHN: Because there wasn't a spot for
9 him. The law had to be changed.

10 MR. WELLER: You couldn't fill a public spot
11 or one of the other --

12 MR. CAPUANI: Yes, he did fill another spot.
13 But this was John Fennell back then. And John
14 Fennell said it was a conflict of interest.

15 MR. STUARD: Well, I am sorry. I don't
16 understand how our representation on this Board would
17 be any more of a conflict of interest than any other
18 individual that sits here that has a smaller agenda
19 to consider when things are presented to them.

20 One man's opinion. Thank you.

21 CHAIRMAN BAUMANN: Thank you.

22 Anthony Dibiase?

23 MR. DIBIASE: I have nothing to comment at
24 this time. Thank you.

1 CHAIRMAN BAUMANN: Patty Young?

2 MS. YOUNG: I do not have anything to
3 comment at this time. However, if somebody comes up,
4 I would like the opportunity to comment.

5 CHAIRMAN BAUMANN: Very well.
6 Doug Henderson?

7 MR. HENDERSON: No comment.

8 CHAIRMAN BAUMANN: David Hirschy?

9 MR. HIRSCHY: No comment.

10 CHAIRMAN BAUMANN: Bill Walker?

11 MR. WALKER: No comment at this time.

12 CHAIRMAN BAUMANN: Margaret Vaughn?

13 MS. VAUGHN: Hello. Margaret Vaughn,
14 V-A-U-G-H-N, representing Northwest BOCA, the SBOC,
15 the Suburban Building Officials Conference of the
16 Illinois Fire Inspectors Association and the Illinois
17 Firefighters Association.

18 I think this has been discussed in the past.
19 Little bit of history. Probably all know, back in
20 2007, 2008, there was a subcommittee formed within
21 the Elevator Safety Board to develop a standardized
22 inspection form used throughout the state. It was
23 not only for uniformity, it was also public safety.
24 The whole reason behind this is public safety. We

1 don't expect breaks, because it's not a public safety
2 issue. We do the inspection -- a lot of work went
3 into that inspection form. They developed a generic
4 code of only 34 checkpoints, an elevator form of 115.
5 So memo was sent out back in 2008, Board voted on the
6 decision saying that the Fire Marshal's Office wanted
7 this form to be used throughout the state and also on
8 the State Fire Marshal's website.

9 There seems to be confusion. Over the past
10 year, there was an alternate form being used. It
11 only checks -- escalators one checkpoint versus the
12 34 points on the official. Elevators only checks for
13 12 things versus 115. I don't know about you, but if
14 I was getting on a plane, I wouldn't want them to see
15 it was flying. I would want them to check for the
16 34 points or whatever. It's obviously a public
17 safety issue.

18 It was decided at the last meeting that
19 everyone agreed that, yes, there should be this one
20 uniform standardized form used, I think. Discussion
21 on the best way to get there. With the Fire Services
22 Association I represent and the code officials I
23 represent, proposing Springfield legislation is to
24 amend the Elevator Safety Act. And basically, I

1 highlighted and underlined the proposed change. But
2 I put other sections in there to kind of reference
3 it. Starting at Section 35. Powers and duties of
4 the Board. If you look at the second line, Section
5 35A, the Board may prescribe forms to be issued in
6 connection with the administration enforcement of
7 this Act. So that's current law.

8 If you go down to Section 140 which talks
9 about the local programs. Bottom of the second --
10 bottom of the first paragraph, any safety standards
11 or regulations adopted by municipalities or county
12 under the subsection must be at least as stringent as
13 those provided for in this Act and the rules adopted.

14 So that's current law. Sets the tone that
15 while these municipalities and local programs in what
16 they do, the general intent of the law was that they
17 shouldn't be doing anything less stringent.

18 So I just kind of took that kind thought
19 process and I added Subsection C, which basically
20 just clarifies that the content of the inspection
21 forms used by the municipal or county programs under
22 the subsection must be at least as stringent as those
23 prescribed by the Board in Section 35. If you look
24 at Section 35, you would see those forms, which we

1 have already done.

2 Then if you flip over on Section 120. This
3 section refers to the open territories of the state
4 that might not have local agreements. Just clarifies
5 in there it must be at least as stringent as those
6 prescribed by the Board.

7 So it's not rocket science. It just kind of
8 defining statute which is already in practice. And I
9 believe probably most people in this room believe
10 would be taking place statewide.

11 We did find out there was some cases where
12 elevators were being inspected with a different form.
13 And it's not just a case of uniformity. They're
14 being inspected at a lower standard. Every time
15 someone gets on an elevator that passed that
16 inspection, for example, the escalator, they could
17 have passed the inspection with just the one
18 checkpoint, but there could be 33 other things wrong
19 with it that we don't know about.

20 We just want to, one, protect the public;
21 and two, clarify what is already being done and
22 should be done. And this is the quickest way to do
23 it. If we have to go back and amend every local
24 elevator agreement, there's over 170. And a lot of

1 those were signed and passed a year or so ago. So
2 they won't be expiring until 2015, 2016. And they
3 have to go before every County Board or Municipal
4 Board, depending on the way it's set up. You're
5 looking at a lot of hearings. It would be easier to
6 change it once here, and then, boom, it's effective
7 statewide versus having to go -- if we do that way,
8 it might take years and there would be a lot of
9 people injured. And I don't think that's anyone's
10 intent. I think it's already been decided that this
11 is the form we wanted to see. This is the easiest
12 way to get it there. If we put it in legislation,
13 Governor signs it over the summer, boom, it's taken
14 care of. I think people thought was going on back in
15 2008 when they put all the time and this committee
16 and voted on it and put the memo.

17 I am here today. If anyone has any
18 suggestions for how they would like it changed, we're
19 open to it. We're here to give you input. But this
20 is what we think this is the most efficient way to do
21 this.

22 MR. CAPUANI: Margaret, I agree with you and
23 I disagree with you. I agree with you that we should
24 have the uniform form throughout the state. I

1 disagree with that you're saying that any inspector
2 that does not use our form is jeopardizing safety to
3 the public.

4 So you're saying that if I go out and
5 inspect an elevator and don't use that form, but I
6 use my book that I'm jeopardizing the safety --

7 MS. VAUGHN: As long as it's as stringent --

8 MR. CAPUANI: I resent that statement. I
9 take it personal. I go out. If I inspect it the way
10 you're saying that I am doing an improper inspection.

11 MS. VAUGHN: It would have to be as
12 stringent as the --

13 MR. CAPUANI: I agree with you on the form.
14 But I don't agree you're saying it's a public safety
15 issue that because the inspector inspects off of
16 A17.2 or A17.1.

17 MS. VAUGHN: Well, how do they --

18 MR. CAPUANI: This is a checklist. He
19 should have the book with him.

20 MS. VAUGHN: Why have an inspection form at
21 all?

22 MR. CAPUANI: It's a guide for inspectors.

23 MS. VAUGHN: Either do it and do it
24 correctly or don't do it at all.

1 MR. CAPUANI: I resent that also. You're
2 saying I am doing an improper --

3 MS. VAUGHN: I am not saying you. I'm just
4 saying--

5 MR. CAPUANI: I am an inspector. I hold a
6 license. I resent that.

7 MS. VAUGHN: What was the purpose of the
8 committee to develop --

9 MR. CAPUANI: It's a guide for the
10 inspectors. And I agree with you on that and I think
11 there should be one. But I don't like when you say
12 it jeopardizes public safety, because then you're
13 attacking each individual inspector that does not use
14 this form.

15 MS. VAUGHN: Well, again --

16 MR. CAPUANI: That's what I resent.

17 MS. VAUGHN: Well, it wasn't meant to attack
18 anyone.

19 MR. CAPUANI: But you are attacking them.

20 MS. VAUGHN: I don't know what -- we don't
21 -- when inspection reports come in though, all you're
22 seeing is this. You don't know what --

23 MR. GANIERE: I have two comments. First, I
24 don't think that's what Margaret's saying. I think

1 what she's saying is the uniformity of the form will
2 help everybody understand that everybody is doing the
3 same thing out there and they're inspecting like they
4 should be according to the regs and the book.

5 My comment on the proposed legislation is
6 just one from a statutory construction standpoint.
7 Change the word from "must" to "shall".

8 MR. CAPUANI: I think we're all in agreement
9 with that. I resent hearing that the inspector that
10 -- she would not ride the escalator because he used
11 this form instead of that form. That's attacking
12 that inspector.

13 MR. GANIERE: I don't think that's what she
14 was saying.

15 MR. CAPUANI: I take it personal.

16 MR. WELLER: Thank you for bringing this,
17 because I remember the process that we went through
18 trying to get the form down to one page and all of
19 the work that went into that. And I still thank
20 Patty for participating in that.

21 I am curious. So now right now, unless
22 you're a home rule, you have to use the state's form,
23 correct? So we have got everybody who's state
24 regulated or state inspected, got everybody who's a

1 non-home rule covered by our form. What we're
2 talking about are folks who are in a home rule unit
3 that can utilize the form.

4 So I am of the impression that the language
5 that we already have, we should be able to instruct
6 these home rule units. We could look at their form,
7 right? I am not making the critical statement at all
8 whether the form and the inspection are correlated.
9 I'm saying that if we have the authority to create a
10 form and if the statutory language says that our
11 authority in creating something has to be -- home
12 rule unit has to have something that is at least as
13 -- how did you phrase it?

14 MS. VAUGHN: Stringent.

15 MR. WELLER: At least as stringent. When we
16 can look at the form and say that's not stringent
17 enough.

18 MR. CAPUANI: How we develop a municipality
19 agreement -- and whose fault it was, I don't know,
20 but we put the word "procedure" in there. We got
21 challenged from some municipalities that said part of
22 the procedure is our form, and we want these forms.
23 So we ran this through all our legal, and basically,
24 said until we change that in the statute and our

1 agreement, that really, their procedure, if that's
2 the form they want to use, they can use it.

3 MR. WELLER: At what point in time can we
4 stop that so that we're not getting new agreements
5 without having the new form?

6 MR. CAPUANI: We have to change the statute.

7 MR. WELLER: Why do you have to do that? If
8 we already have the language.

9 MR. CAPUANI: Because it says "form".

10 MR. KELLER: When do these agreements come
11 up to be reviewed?

12 MR. CAPUANI: We just sent them out.

13 MR. WELLER: So three years? Four years?

14 MS. MARTI: 2015.

15 MR. WELLER: Well, in 2015, change it back
16 to they have to use our form. Under the new
17 agreement --

18 MS. VAUGHN: The agreement doesn't actually
19 say "form". It says "inspection procedures". I
20 mean, inspection procedures, really, in the
21 inspection rule could be interpreted like how many
22 copies you get, how often you go out.

23 MR. CAPUANI: It's a gray area.

24 MR. WELLER: We have the authority to define

1 it. Tells us we have the authority to do that.

2 MS. VAUGHN: On the local agreement, it says
3 come up with our own inspection procedures. And the
4 State Fire Marshal has interpreted procedures (voices
5 overlapping).

6 MR. JONES: Looking at what was in the
7 agreements, because we have it as -- our
8 understanding was that we didn't want the intent of
9 that language in the agreement was that State Fire
10 Marshal wouldn't come and tell us where we're going
11 to file stuff. That's probably stretching the idea.

12 In other words, not micromanage the system
13 of the local municipality. I know in our own
14 municipality, we have Thompson Elevator. And they
15 use that form and that's acceptable to us, because we
16 know it's, at least in my standpoint, but it's even
17 more --

18 COURT REPORTER: I'm sorry. Could you speak
19 up just a little bit?

20 MR. JONES: There are other municipalities
21 that are using shorter forms. So I think in terms of
22 the procedures and things that are in the agreement,
23 my impression was the intent was don't come and
24 micromanage us. But if the state said you need to

1 use this form, this is what we adopted, this is what
2 we want you to use, I don't think that would bind the
3 agreement with the municipality.

4 MR. CAPUANI: This, it's ran through our
5 legal department.

6 MR. GREGORY: I think you need -- you're
7 kind of loading yourself up for a problem when you
8 see "at least as stringent", because what is as
9 stringent as the next item? You can end up getting
10 all kinds of arguments and so on and so forth.
11 You've got to come up with some -- if the Board
12 decides everybody is going to use the same form, the
13 Board would decide that, and that would be the end of
14 it. But saying it's going to be at least as
15 stringent? Who's to say what is as stringent and
16 what's not as stringent?

17 MS. VAUGHN: Well, because I took that
18 language from --

19 MR. GREGORY: I know where you took it.

20 MS. VAUGHN: I took it from the current Act
21 that says any safety standards or recommendations
22 adopted by municipality or county under this
23 subsection must be at least as stringent.

24 MR. GREGORY: Right. I know where you took

1 it. But --

2 MS. VAUGHN: What would you suggest?

3 MR. GREGORY: What I am saying is that the
4 Board can make this decision to use -- everybody uses
5 the state form, that the Board may, at their
6 discretion, make that decision.

7 MS. VAUGHN: Well, that's what they have
8 done and it's not working.

9 MS. MARTI: The statute doesn't say that.

10 MS. VAUGHN: Statute doesn't say what?

11 MS. MARTI: That you have to use the --

12 MS. VAUGHN: But he's saying the Board can
13 make the decision. The Board made the decision and
14 it's still -- there's still municipalities out there
15 that aren't using the state form.

16 MS. MARTI: If I understand him correctly, I
17 think what he's suggesting is a different language
18 saying more pointedly that in the section where they
19 talk about local municipalities and what they can do
20 with their rules, they accept that they must use the
21 state prescribed form. I think that's --

22 MR. GREGORY: Thank you. Because she's a
23 lawyer.

24 MR. WELLER: That's what she's proposed.

1 MS. MARTI: I think he's saying that this
2 language may still get you where our form is as
3 stringent because of this and you can get the same
4 kind of argument.

5 MR. WELLER: I support this. I am just
6 afraid that the minute we say we don't have the
7 authority and we have supported the legislation, we
8 have given away the authority, which I already think
9 we have.

10 MS. MARTI: The local municipality agreement
11 is very clear. It says that they can, you know,
12 abide by their own procedure.

13 MR. WELLER: As long as it's as stringent as
14 the state's.

15 MS. MARTI: It doesn't say that.

16 MS. VAUGHN: That's what the current law
17 says.

18 MS. MARTI: This is proposed.

19 (Voices overlapping.)

20 MR. WELLER: The state shall adopt -- under
21 the subsection, must be at least as stringent. So we
22 can determine what as stringent is. We get that
23 authority. That's why we're a body of power. We get
24 a vote on it.

1 MS. MARTI: Except that since this language,
2 we got these municipality agreements that they sign.

3 MR. WELLER: They're already in place.

4 MS. MARTI: That actually completely
5 obliterates this. We gave it away in the agreements.

6 MR. WELLER: The next set of agreements that
7 go out, we standardize the forms.

8 MS. MARTI: Right.

9 MR. WELLER: We can't change what we've
10 already done. We're not going to make the mistake
11 moving forward. I would rather step back and say we
12 missed an opportunity, but I don't want to ask the
13 state legislature to change the law, because then we
14 acquiesce that we don't have the authority to change.

15 MS. VAUGHN: Well, they've already done it
16 and they sent out a memo that said you don't have to
17 use the state form.

18 MR. WELLER: But this Board has not.

19 MS. VAUGHN: The State Fire Marshal. We've
20 recommended you use the state form, but you're not
21 required to. So that's already been done. The
22 damage is done. I am trying to clean this up now.

23 MR. WELLER: So you think we're going to be
24 able to get this passed and codified before the next

1 agreements?

2 MS. VAUGHN: Those agreements are like years
3 out from expiring.

4 MR. CAPUANI: If we change the statute next
5 year -- and this is for you too -- can we go back and
6 change the agreement or is that agreement legal until
7 2015? If we change the wording --

8 MS. MARTI: Actually amend the agreement?

9 MR. CAPUANI: Yeah, can we amend the
10 agreement?

11 MS. VAUGHN: You wouldn't have to amend the
12 ones that are already in place, because this would
13 supercede it. The agreements themselves don't
14 actually say inspection forms. They say inspection
15 procedures, and that's left to interpretation. And
16 you have interpreted procedures to mean forms.

17 The intent of the procedures was, to me, as
18 Doug pointed out, how often you would have to turn in
19 the reports and how often you would have to go out
20 there. The intent of the procedures was really not
21 the form. That was your interpretation of it. So if
22 we change the law, you don't have to go back and
23 amend the agreement already in place.

24 MS. MARTI: Except that in agreements, you

1 can contract away legislative statute rules. You can
2 contract your right to it. Yes, you can. In an
3 agreement --

4 MS. VAUGHN: Where does it say --

5 MS. MARTI: -- the parties can agree to say
6 they don't have to abide by this statute or whatever
7 in contract. That's contract law. Trust me. I
8 know. I just looked it up. There is a statement in
9 any case that says parties can agree to contract away
10 rights.

11 So my point is, I am not sure if we do this
12 now, I would have to look at the agreement a little
13 bit further to see if there's language that would
14 contradict with what you're saying that the statute
15 would automatically take precedence over that
16 contract. That's just something I am letting you
17 guys know that you can't always just say just because
18 there's a legislative or there's some statute that
19 your contract is void. Because you can contract --

20 MS. VAUGHN: But these contracts are
21 different. These are contracts that were spelled out
22 specifically in statute. And it also said these
23 locals cannot adopt any regulations that would be
24 less stringent than the law.

1 I don't think it's going to hurt to move
2 forward with this as a start. At least have
3 something to fall back. I think we both agree that
4 we want this form, so this at least is a start.

5 MR. GRANT: I read the paragraph in bold
6 language under those sub points 2, 3. The provisions
7 of the state code are what they are. Their local
8 agreement requires them to enforce the versions of
9 those that the state uses. And if they want to add
10 something, it has to be at least those standards.
11 They could add more stringent provisions than that
12 state code. That should not expire with the adoption
13 of new versions of the reference standards under the
14 State Act, right? Bob raised that question.

15 There is no way that that changes and then
16 any requirements aren't covered by the fact that we
17 updated the standard version that every municipal
18 agreement requires them to keep up with us. My point
19 is, I guess, if the form needed to have an element
20 added to deal with the very significant change of
21 some sort that we wanted to ensure, we could modify
22 our form at any time to do that. The question you
23 raise is whether or not a municipality has to also
24 check to that new standard, get it on their form or

1 anything else you guys decide to do.

2 Am I getting that right? It's still up to
3 them to find a form they find acceptable, because
4 you've already told them, unless we change this
5 language, that they can do so. We expect them to
6 always follow, use the books that are now applicable
7 when you're doing those inspections. Make sure you
8 check to see that those key features are taken care
9 of. No big upheaval in the public safety. No big
10 change.

11 If you want to tighten it so they got to use
12 a form that we give, I would like to suggest we use
13 that opportunity to take a look at our form again and
14 see if there's additional significant elements that
15 we want to add and do that way. Maybe we could have
16 that discussion first with what you think we need to
17 do before we vote on changing the requirement about
18 that. Just I'd kind of like to see what we think
19 that amounts to.

20 MR. CAPUANI: The Board had voted back in
21 2008 to use this official form and they sent out a
22 memo to everyone telling all municipalities to use
23 this form.

24 MR. GRANT: The office has modified that

1 interpretation, because of the procedures versus --

2 MR. CAPUANI: Well, yeah. We found out the
3 official form was not being used. You were noted on
4 that form and sent out a memo back in 2008.

5 CHAIRMAN BAUMANN: Do you have something?

6 MR. JONES: I'll defer.

7 MR. GREGORY: If I was to advise an
8 inspection company, I would advise them so that I
9 could defend them best in the court of law as an
10 expert witness, I would advise them to use let's say
11 updated version of the current state form, because I
12 would say, there, everything is getting checked and
13 applicable and so forth and we can then present to a
14 jury that, low and behold, these people did
15 everything right. If I was to be advising an
16 inspection company, that's what I would tell them to
17 do. That's the same thing that we're doing with
18 maintenance in the ASME A17.1 code.

19 MR. WELLER: It's not the inspection
20 company. From what I can gather from what I've seen,
21 it's the local jurisdictions who have in-house --

22 MS. VAUGHN: Actually, no, it's not. It's
23 actually some of them --

24 MR. WELLER: Who's in this packet then?

1 MS. VAUGHN: It's actually not the
2 municipalities that are developing their own forms.
3 Other companies develop their own forms.

4 MR. WELLER: So this inspection --

5 MR. GREGORY: But let me finish.

6 But the reality is this Board in my -- I
7 believe, would have the power to author the
8 agreements with the municipalities to say to use the
9 state form. And the Board can think about that. And
10 Bob and Patty can work on updating the state form.
11 And that will just roll through. If that's what the
12 Board decides to do, that will just roll through as
13 time goes on.

14 MS. VAUGHN: Short term, this will take --
15 to amend all of those. Some don't expire until 2015
16 and 2016. You have to get approval by 170
17 governmental bodies.

18 MR. GREGORY: No. If they're going to sign
19 a municipal agreement, they're going to sign the
20 agreement that comes from this Board. They're not
21 going to sign some other agreement that they want to
22 have.

23 MS. VAUGHN: But they have to take the
24 agreement to their city counsel to approve, which

1 they have done. And they don't expire for four
2 years.

3 MR. GREGORY: And when they expire, then it
4 will get corrected for sure.

5 MS. VAUGHN: That will be 2016. There's a
6 lot of inspections taking place between then. We're
7 saying change the law so everyone starts using this
8 form. And then if you need to change the
9 agreement so there's no confusion --

10 MR. GREGORY: You know, I think it's harder
11 to change the law than it is to go with an easy route
12 and make the form up to date. And Bob and his people
13 work on getting the agreement. So that's what you're
14 going to do?

15 MS. VAUGHN: There's 170 you have to change.

16 MS. YOUNG: I would like to use an analogy
17 regarding the agreement. We have been talking
18 earlier about adopting the code to move to the next
19 level. With that being understood, the agreements
20 have been in place and it isn't understood that the
21 municipality is going to have to enforce that code
22 for whatever we have adopted.

23 When that happens, we do not go and re-sign
24 an agreement. It isn't understood that once you sign

1 this, that you will be as stringent as what the Act
2 is following in the rule. So therefore, now, if we
3 refer back to the inspection form, even though we
4 don't have the exact word "inspection form" inside
5 the agreement, the fact that collectively here we're
6 revisiting it; and in 2008, as Margaret had
7 mentioned, it was an understood based on that letter
8 that it was mandatory for everybody to use the state
9 form.

10 So I believe that changing the statute is
11 the fastest way to tighten it up to make it crystal
12 clear that that is the form to use versus going
13 through the agreement process. Because in four
14 years, yes, you know, the hope is everybody will
15 continue, because I know Bob only wants the 12,000
16 and we would -- the rest of us would maintain the
17 other remaining items.

18 In addition to that, the municipalities
19 always can opt out at any time. If they sign the
20 agreement on Monday, they can opt out on Friday. And
21 then it's a moot point for them.

22 So during that time period of -- this is the
23 first time there is a four-year cycle on the
24 agreement. When they were originally signed in 2007,

1 2008 timeframe, there was no let's sign them again in
2 four years. That just came up about a year ago for
3 that implementation. So now the agreements are on a
4 four-year cycle. And part of that is being driven by
5 the codes, because in case we have the gap in time of
6 adopting codes, it's still an understood, this is
7 what you're going to enforce, because you signed that
8 agreement and you are going to be as stringent as the
9 state.

10 MR. WELLER: So do you -- I am just going to
11 ask. Do you need this body to vote affirmative for
12 you to pass this legislation?

13 MS. VAUGHN: This is what the fire officials
14 that I represent and the code officials I represent,
15 we want to fix this. We would love to have your
16 support. We're welcome for input if you would like.
17 We already agreed to changing the statute, some
18 cleanup language to the Elevator Act is going to be
19 changed with some cleanup language. There is a bill
20 already moving forward.

21 MR. WELLER: If you can do this, I would
22 rest, just because I don't like to acquiesce that we
23 don't have the authority. If you guys go out and
24 pass legislation, that's the way the process works.

1 So I am inclined to let you guys do it.

2 Now, if you need us to do it, I want to
3 support to at least tell you I will support something
4 like that.

5 Why would a private -- I am going to ask a
6 hypothetical. Why would a private inspection use a
7 form that would put them at risk to just what we've
8 said? If something goes wrong, they're going to get
9 every lawyer is going to come down your back. Why
10 wouldn't you use the state-mandated form just to
11 cover yourself?

12 MS. VAUGHN: That's a logic argument.

13 MR. WELLER: I mean, that seems to be a
14 checkmark. Did you use the standard form? No.
15 Well, so I mean, I'd be on notice if you're not -- if
16 you're out there doing it, that's --

17 So second, I would like to make the motion,
18 if I could, to ask the chairman to create a
19 subcommittee. And I don't think I have to have a
20 motion. But I would ask the chairman to create a
21 subcommittee to revamp the form to use the same
22 people who wanted to participate in it before. Or
23 should we wait until this next revision passes and
24 then do the form? Sounds like we need to do it.

1 MR. GREGORY: Well, the next revision is on
2 the street. You realize that the form -- the code
3 that applies to any elevator is the code under which
4 it was installed. The code under which it was --

5 MR. WELLER: It's a checklist.

6 MR. GREGORY: So you do the checklist. The
7 inspector still has to know a whole lot more.

8 MR. WELLER: So do we need an updated
9 checklist or not?

10 MR. GREGORY: We do.

11 MR. WELLER: I would ask the chairman to put
12 a subcommittee together to update the checklist.

13 CHAIRMAN BAUMANN: Who was on the last
14 subcommittee?

15 MR. GREGORY: I think Bob, Mark and Patty.
16 And you know who I --

17 MR. CAPUANI: I think we put a memo out to
18 the inspection companies. Didn't we have a meeting?
19 I really don't recall. I think we had a meeting at
20 Starbucks in Schaumburg with probably five or six
21 inspection companies and all agreed on the form. I
22 don't know who from the Board was there.

23 MR. GREGORY: You don't even need somebody
24 from the Board, do you?

1 MR. CAPUANI: Not really. It's a form.

2 CHAIRMAN BAUMANN: You think a subcommittee
3 or the guys met? It was very laid back?

4 MS. VAUGHN: It was actually a subcommittee.

5 MR. WELLER: I think Frank created --

6 MS. YOUNG: A subcommittee was created.

7 MR. CAPUANI: Who was on the Board there? I
8 don't remember.

9 MS. YOUNG: I would have to look back on my
10 notes.

11 MR. CAPUANI: We can pull the minutes. That
12 was back --

13 MS. YOUNG: That was '08. Easily '08, maybe
14 '07, 08.

15 MR. CAPUANI: Like '07, '08?

16 MS. VAUGHN: Was it was approved at the
17 February meeting? Valentine's Day.

18 CHAIRMAN BAUMANN: I can do that. I will
19 put together something.

20 MR. WELLER: I think at least if we started
21 it now, by the time this gets passed, which
22 ultimately, we're going to follow the statute. So
23 that way we can probably have something to vote on
24 this summer or 2014. We probably have this process

1 wrapped up to where we could check the approval and
2 approve the code, and new form and out it goes with a
3 strong bit of language that says if you don't follow
4 this, you know, it could be perceived as reckless.

5 CHAIRMAN BAUMANN: I will put together a
6 committee and notify them.

7 MR. GREGORY: We have a lot of minutes here.

8 MR. GRANT: We assume. Any elevator company
9 liability carrier tells them we want you to have
10 more, we will take more, as long as it includes that
11 designated standard.

12 MR. WELLER: I wouldn't go less. The ones
13 sent to me has five questions.

14 MR. GRANT: We're not asking anybody to give
15 out their level of documentation.

16 (Voices overlapping.)

17 MR. WELLER: Six questions.

18 CHAIRMAN BAUMANN: One at a time, please.

19 MS. YOUNG: Since you're going to be putting
20 together a subcommittee, I volunteer to be on the
21 subcommittee, because volunteers are always hard to
22 find.

23 MR. CAPUANI: Thank you.

24 MS. VAUGHN: I guess I just got the word

1 "must", because I was using it from the bolded area

2 --

3 MR. GANIERE: Yeah, I think that --

4 MS. VAUGHN: I am hoping for suggestions.

5 MR. GANIERE: I think the current law is
6 wrong too. In statutory construction the stronger
7 word is always "shall".

8 MS. VAUGHN: I appreciate your help and we
9 will change it.

10 CHAIRMAN BAUMANN: Thank you.

11 Anthony, did you have a --

12 MR. DIBIASE: I would like to comment.

13 CHAIRMAN BAUMANN: Spell your name for the
14 court reporter, please.

15 MR. DIBIASE: My name is Anthony Dibiase,
16 D-I-B-I-A-S-E. I am the general manager for Elevator
17 Inspection Services Company, also referred to as EIS.

18 I resent some of the things said up here.
19 And Ms. Vaughn did not mention Elevator Inspection
20 Services, but her idea of changing this is directed
21 towards our company, because we are the only one that
22 made a change to that form.

23 And at this time, I would like to explain to
24 you the changes and you can tell me if these forms

1 are unsafe. Could I? Would you allow me to do that?

2 CHAIRMAN BAUMANN: Absolutely.

3 MR. DIBIASE: I'll make it as brief as
4 possible. I got a letter from you, from your office,
5 dated September 24th. Conveyance is covered under
6 Illinois agreement program are not required utilizing
7 OSFM inspection form, is that correct? Made me feel
8 this issue was done with. Okay.

9 Here is our -- here is the state inspection
10 form. I don't know. May I approach?

11 CHAIRMAN BAUMANN: Sure.

12 MR. DIBIASE: I don't know if you fellows
13 know this, you've seen it before? There's 124
14 checkmarks on this sheet. And like Steve said, and I
15 agree with him, this is a little outdated. But
16 that's not the point. I use this form in all open
17 area inspections. I have used it in my
18 municipalities for new acceptance, new installation
19 acceptance and modernization acceptance inspections.
20 The only time that I use an abbreviated form is as an
21 option to our inspector in our own municipalities.

22 Now, I want to explain our own
23 municipalities. Our inspectors are assigned to a
24 community. They reinspect those elevators at least

1 once a year. They're very familiar with the
2 buildings and they're familiar with the elevator.
3 They don't need to go through 124 checklist items.

4 Now, before I thought of condensing this
5 form, I checked the agreement. And the agreement --
6 this is the Illinois Safety Program Agreement. On
7 page three, Item 7 says: In accordance with the
8 Elevator Safety and Regulation Act and the
9 Administrative Rules, with the exception of the
10 registration fees, the fees and procedures for
11 applications, permits, inspection and enforcement
12 under the Local Authority's Program shall remain the
13 jurisdiction of the Local Authority and such
14 procedures shall take precedence over the procedures
15 adopted by the OSM and Board.

16 Does everyone understand that? I conferred
17 with Bob Capuani to make sure I understand it
18 correctly. This gives me a right to change the form
19 that I use in my municipality.

20 Now, I want to point out something to you,
21 if I may. All these lists have a heading that you
22 can see. They all have headings to them. And under
23 the headings, there's several checkoff boxes. All I
24 did with this form is just list the headings.

1 Our inspectors are QEI certified. They know
2 the code. They're all elevator inspectors from the
3 industry, which means they have worked on elevators,
4 they have installed them, maintained them. They
5 would know a safety issue whether or not we had a
6 code in force. There is no problem with this form.
7 All it is is just speed up the process.

8 If this is a mistake, in your opinion, I
9 will gladly use the state form constantly. I don't
10 have a problem with that. But to be forced to do it
11 upsets me. To make me think that I wouldn't ride an
12 escalator because a lot of checkboxes weren't
13 checked, it upsets me to no end. I can't even speak
14 properly.

15 Sorry if I took up too much time, but that's
16 my feeling on it. And Bob, if you tell me to change,
17 I will change. It's that simple.

18 CHAIRMAN BAUMANN: Thank you. Anthony, are
19 you telling me that you're going to be on the
20 subcommittee for this?

21 MR. DIBIASE: I would love to.

22 And Steve had a good point. This form, to
23 me, is a little outdated. My best one on here is
24 counterweight and a blind hoist weight. In all my

1 years in Chicago, I know of one elevator that has
2 counterweights and a blind hoist weight. There may
3 be more, but in the 40-something years I have been
4 working in the field, I haven't seen any others.

5 MR. GREGORY: The corner of Division and
6 Astor on the northwest corner.

7 MR. DIBIASE: I believe you.

8 Do you see my point in this?

9 MR. GREGORY: What?

10 MR. DIBIASE: Do you see my point --

11 MR. GREGORY: I understand.

12 MR. DIBIASE: -- why I condensed it?

13 I didn't change anything. I just condensed
14 it. That's all. Do you see any fault with that?

15 MR. GREGORY: It would be my recommendation,
16 if I have to defend you, which --

17 CHAIRMAN BAUMANN: No one needs defense.

18 This isn't a trial. This is a public --

19 MR. GREGORY: I would advise you to use the
20 state form. That's just my opinion.

21 MR. DIBIASE: The state form isn't complete
22 and it doesn't go over today's code.

23 MR. GREGORY: Well, it needs to be updated.

24 MR. DIBIASE: You still use it.

1 MR. GREGORY: It needs to be updated, that's
2 correct.

3 MR. DIBIASE: All right.

4 CHAIRMAN BAUMANN: Thank you, Anthony.

5 We have no more public comments. There's no
6 variances or appeals.

7 I do have one notice to let you know that we
8 have recently just lost a person down in Texas. Ed
9 Christensen, who's on the safety committee is down
10 there, International. He flew down there to
11 investigate the death of an individual, a member of
12 the union down there and an employee of ThyssenKrupp.
13 And it's always a sad state of affairs when someone
14 losses their lives over work.

15 So do we have a motion for adjournment?

16 MR. GANIERE: So moved.

17 CHAIRMAN BAUMANN: Moved. Second?

18 MR. JONES: Second.

19 CHAIRMAN BAUMANN: All those in favor?

20 (Whereupon there was a chorus of
21 ayes.)

22 MEETING ADJOURNED.

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CERTIFICATE OF REPORTER

I, Angela C. Turner, a Certified Shorthand Reporter within and for the State of Illinois, do hereby certify that the meeting aforementioned was held on the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

Angela C. Turner

IL CSR #084-004122

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