

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

ELEVATOR SAFETY REVIEW BOARD MEETING

REPORT OF PROCEEDINGS, had at the meeting of the
ELEVATOR SAFETY REVIEW BOARD before CHAIRMAN FRANK
CHRISTENSEN, at the Office of the State Fire Marshal,
Springfield, Illinois, commencing on the 3rd day of
November, A.D. 2011, at the approximate hour of 8:30 a.m.

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

Keefe Reporting Company
(618) 277-0190

1 BOARD MEMBERS PRESENT:

2 CHAIRMAN FRANK CHRISTENSEN

DAVID DATTILO

3 JOHN FINCHAM

ROD GILLES

4 CRAIG GRANT

GERALD GROSS

5 MARK HERTSBERG

RICHARD JANDORA

6 TOM JIRIK

K. DOUGLAS JONES

7 KELLY WELLER

BRIAN WILSON

8

9 OSFM STAFF PRESENT:

10 ALIX ARMSTEAD, LEGAL COUNSEL

ROBERT CAPUANI, DIRECTOR OF ELEVATOR SAFETY

11 RICHARD GREGORY, CONSULTANT TO THE BOARD

JAMES AUBIN, INSPECTOR

12 ELAINE DEL GRECO

13 BOARD MEMBERS NOT IN ATTENDANCE:

14 BILL BOGDAN

TOM GANIER

15 AL POPOWITS

GERALD WOLIN

16

17

18

19

20

21

22

23

24

25

1 CHAIRMAN CHRISTENSEN: We're going to call
2 the meeting to order.

3 Please rise for the Pledge of Allegiance.

4 [WHEREUPON A MOMENT OF SILENCE
5 WAS OBSERVED AND THE PLEDGE OF
6 ALLEGIANCE WAS RECITED.]

7 CHAIRMAN CHRISTENSEN: Did the Board get a
8 chance to review the minutes for September 2,
9 2011? Is there a motion to accept?

10 MR. DATILLO: I so move.

11 CHAIRMAN CHRISTENSEN: Are there any
12 additions or corrections? It was told to me
13 that there's some typos in there, in the
14 minutes. If we could get those cleared up, I'd
15 appreciate it.

16 All those in favor, say "aye."

17 [CHORUS OF "AYES."]

18 CHAIRMAN CHRISTENSEN: All those against?

19 [NO RESPONSE.]

20 CHAIRMAN CHRISTENSEN: The "ayes" have it.

21 Old business. Elevator Safety Program
22 progress report by Director Bob Capuani.

23 MR. CAPUANI: Total registered
24 conveyances, 32,690; licensed contractors, a
25 hundred and one; licensed inspection companies,

1 49; licensed inspectors, a hundred and
2 ninety-seven; licensed mechanics, 1,473;
3 licensed apprentices, 693; municipalities with
4 agreements, a hundred and eighty; permits
5 issued 9-8-11 through 10-31, 75; and
6 certificates issued 9-8-11 through 10-31,
7 1,150.

8 CHAIRMAN CHRISTENSEN: Is that it?

9 MR. CAPUANI: Yes.

10 CHAIRMAN CHRISTENSEN: Okay. Moving on,
11 NAEC, the Apprenticeship Program, Subcommittee
12 Report. Do we have a report? Doug, can you
13 state your name?

14 MR. JONES: Doug Jones. We do have a
15 report, but what we'd like to do is we're
16 still -- as a subcommittee, we're still
17 considering some of these issues because we're
18 not in entire agreement, okay? So we'd like
19 to, when the opportunity comes up, for
20 Ms. Bonner to make her presentation or have
21 opportunity. I don't know if she's put on the
22 agenda for this, for comments?

23 CHAIRMAN CHRISTENSEN: They have. We
24 could put them up for it. We can do that right
25 now.

1 MR. JONES: Would you be prepared to
2 answer some questions?

3 MS. BONNER: I have a copy of the
4 documentation that I had sent to the
5 subcommittee, and I'd be glad to answer any
6 questions.

7 MR. JONES: That's kind of where we're at,
8 because we're not in entire agreement on the
9 issue. And, specifically, I'd like to have
10 Rich address the issues that we have. We can
11 just talk about it briefly this morning. We've
12 been asking you to consider this for some time,
13 but we want to make sure that we have a clear
14 understanding of what the board -- or
15 subcommittee is going to recommend. If we
16 could do that, we'd appreciate that.

17 CHAIRMAN CHRISTENSEN: Do you want to ask
18 some questions now?

19 MR. JONES: Yes, if it's possible.

20 CHAIRMAN CHRISTENSEN: Yes.

21 MR. JONES: Can we do that?

22 I'm yielding to Rich Jandora because he
23 has more clarity on these things than I do.

24 CHAIRMAN CHRISTENSEN: Would you like to
25 come up? Can you please state your name.

1 MS. BONNER: Patti Bonner for NAEC.

2 CHAIRMAN CHRISTENSEN: Do you want to just
3 ask her questions?

4 MR. JANDORA: It's up to you.

5 MS. DEL GRECO: Patti, is this what you
6 had e-mailed?

7 MS. BONNER: Yes.

8 MR. JANDORA: So we just wanted to get
9 some clarification.

10 You are familiar with our Act. You're
11 familiar with the methods in which an
12 individual can obtain a license. And under
13 Section 35 of our legislation, item C4, I
14 believe we're in agreement from the
15 subcommittee's perspective that the NAEC
16 program would qualify under this avenue.

17 And so the question is, to me it seems as
18 though you are looking for us to determine the
19 path under item C3, which is a certificate of
20 successful completion of the mechanic's
21 examination of a nationally recognized training
22 program for the elevator industry, such as the
23 National Elevator Industry Education Program or
24 its equivalent. And so to me, you were looking
25 for us to determine whether or not the NAEC

1 program is an equivalent to NEIEP?

2 MS. BONNER: Right.

3 MR. JANDORA: So that an individual who
4 has, say, passed your program in, say, 1985 or
5 1990, or we'll just say several years ago,
6 could come before the administrator, present
7 their certificate of completion, and receive a
8 license?

9 MS. BONNER: Correct.

10 MR. JANDORA: Okay. And so I guess that
11 was our question.

12 You know, one concern, I guess, that I
13 would have is how this program was administered
14 20 years ago.

15 MS. BONNER: Well, first, the program is
16 not 20 years old. It's been only in existence
17 since 2001. But one of the reasons that this
18 is so important to us is that NEIEP received
19 their approval, the national guidelines
20 approval -- we received it in 2011; they
21 received it in 2002. So any mechanic or
22 journeyman who was gone through the NEIEP
23 program prior to 2002 would not have graduated
24 from the apprenticeship program because there
25 was not approval. They find themselves -- or

1 found themselves in the same situation that we
2 would find ourselves in today, because our
3 approval was in 2011. So we're asking you to
4 consider us equal to where NEIEP is because
5 that's where we received the same approval or
6 have the same national recognition that they
7 did in 2002 and not have it in 2011.

8 MR. JANDORA: So from 2002 until now, if
9 you had received the certificate of
10 completion --

11 MS. BONNER: From the NEIEP program, you
12 would have completed -- or at the conclusion,
13 actually, because NEIEP guidelines were
14 approved in 2002. And then what happens is,
15 just like with our members, a chapter, a local,
16 could take those guidelines to the
17 apprenticeship board so that the locals could
18 have theirs approved.

19 MR. JANDORA: Okay.

20 CHAIRMAN CHRISTENSEN: Can I ask one more
21 question? Has this been approved in the State
22 of Illinois for their Department of Labor?
23 Particularly, has it been brought up to Harry
24 Dispensa from the Department of Labor?

25 MS. BONNER: Once again, our

1 guidelines -- what we're trying to do, NEIEP's
2 guidelines are approved; national guidelines
3 are approved. We're asking -- and they're
4 approved at a federal level. We're asking you
5 to approve our guidelines because they're
6 approved at a federal level, just as NEIEP's
7 program.

8 CHAIRMAN CHRISTENSEN: I do understand.
9 So you understand, the pilot program was in
10 2001 for the apprenticeship program in the
11 Chicagoland area, approved by the Department of
12 Labor, and then NEIEP's was approved right
13 afterwards.

14 MS. BONNER: All we're asking is that you,
15 in your laws, you have a place for NEIEP or its
16 equivalent. We're asking you to look at our
17 program and put us in that same place as its
18 equivalent.

19 CHAIRMAN CHRISTENSEN: But a clear
20 understanding of it is, you cannot have an
21 apprenticeship program without an --

22 MS. BONNER: I'm not asking you to approve
23 an apprenticeship.

24 CHAIRMAN CHRISTENSEN: Hang on. You can't
25 have an apprenticeship program until you have

1 an apprentice going to school in Illinois. Am
2 I correct?

3 MS. BONNER: That, I don't know. I don't
4 know what the laws are in Illinois. But, once
5 again, I'm not asking you to approve our
6 apprenticeship program. I'm asking you to
7 approve our education training program as
8 equivalent to NEIEP.

9 MR. WELLER: Okay. You started out the
10 discussion -- because you've been in the
11 subcommittee. So this is you, guys. We're
12 talking about the difference between -- excuse
13 me. The light is a little low in here. But
14 it's this double "I" and triple "I" on this,
15 right? It's a certificate of successful
16 completion of the mechanic's examination, the
17 nationally recognized program for the elevator
18 institute versus the certificate of completion
19 by the elevator mechanic's apprenticeship
20 program. It's two different things, right? Is
21 that what you guys broke it down to?

22 MR. JANDORA: Yeah. I'm looking at the
23 law, and I referenced Section 35. It's
24 actually Section 45.

25 MR. WELLER: Yeah. 312 45?

1 MR. JANDORA: Yes, Section 45, item C. 3
2 and C4 are really the two topics that we're
3 discussing.

4 MR. WELLER: Right. So, again, if NEIEP
5 should vote to do this, then there's two
6 different things that come to my mind, which
7 one was your first question. Retroactively
8 now, all of those people from 2001 forward
9 without having demonstrated any ability to pass
10 the test or shown any ability to have gone
11 through an apprenticeship program, would
12 automatically be popped in?

13 MR. JANDORA: Anybody who's received a
14 certificate. And from the time this program
15 went into place, which was 2001, Patti?

16 MS. BONNER: Correct, and it's a
17 certificate. In order to get that certificate,
18 you must pass several exams throughout the
19 program in order to get a certificate of
20 certification.

21 MR. WELLER: But not the State of
22 Illinois?

23 MS. BONNER: It is the same. The State of
24 Illinois' test? No, it's not your test, but I
25 can tell you that your test, your bank of

1 questions for your test, you got from us.

2 MR. WELLER: Then what would be the
3 difference in just taking that test? If you're
4 asking for us to grandfather these people in,
5 why not just have them take a test?

6 MS. BONNER: We're asking you to
7 recognize -- in our mind's eye, what we're
8 asking you to do is to recognize our program as
9 equal.

10 MR. WELLER: But understanding that
11 recognition has consequences both retroactively
12 and prospectively. By us making that
13 recommendation, two things are going to happen.
14 You've already got people who have completed
15 it, and you've got people who are prospectively
16 going to complete it, right? There's two
17 different issues that need to be addressed.
18 And what we're trying to do is find out what
19 that means when we recognize this. It's not
20 anything difficult. We just want to make sure
21 what we're doing, and we completely understand.

22 MS. BONNER: Okay.

23 MR. WELLER: So prospectively -- or let's
24 stick with retrospectively, because you guys
25 have been in the subcommittee. What does that

1 mean for all the people who have taken that
2 test who are now in limbo? So let's say in
3 Missouri, or -- because I think if you're
4 already in Illinois and you're working, I would
5 presume you already have had to pass the
6 Illinois' test? Is that fair? So you're
7 talking about people who would be coming in
8 from another state who want to work in Illinois
9 who have not passed the Illinois statute, who's
10 trying to qualify under one of these other
11 sections? Not an apprenticeship, not pass the
12 Illinois' test, but pass a block of questions
13 from, say, Missouri, Alabama? Is that fair?
14 Is that your understanding of what --

15 MS. BONNER: I'm just asking you to
16 recognize our program, to recognize our exam
17 and our program as equivalent to NEIEP. And I
18 will say that the difference between the tests
19 that our mechanics or our technicians take
20 that -- and they are the same questions, but
21 ours is overseen by ANSI, which is an ISO
22 standard. So ours is more rigorous. It's
23 scrutinized.

24 MR. WELLER: I'm asking for specific
25 questions. What happens if someone from

1 Missouri who once we say "yes" today, and we
2 recognize this program, a person who has passed
3 your program in Missouri now comes across the
4 border and works in Belleville. Is that person
5 now retroactively able to work in Illinois
6 without an Illinois license?

7 MS. BONNER: No. A mechanic can use his
8 certification to get an Illinois license.
9 We're not asking you to look --

10 MR. WELLER: They wouldn't have to go back
11 to square one? A Missouri person could just
12 apply in Illinois and work in Illinois based on
13 that?

14 MS. BONNER: And use this certification,
15 use this credential as qualifications to apply.
16 You always have the opportunity to deny.

17 MR. WELLER: When would that have effect
18 prospectively for someone not -- because I
19 could see this applying to people out of state
20 coming in, more so than I could see any state,
21 because you're not asking for the
22 apprenticeship program to be blessed. So can I
23 get this -- pass this testing without going
24 through an apprenticeship program?

25 MS. BONNER: Yes, if you have the

1 knowledge, if you have the knowledge and the
2 experience.

3 MR. WELLER: But isn't that circumventing
4 the apprenticeship program?

5 MS. BONNER: Item number 2 circumvents the
6 apprenticeship program anyway with NEIEP and
7 its equivalent.

8 MR. JANDORA: Kelly, here's the avenues.
9 You can -- item C-1, you could -- I, Rick
10 Jandora, could go tomorrow and work under the
11 guidance of a licensed mechanic for three
12 years. And then I can take the state's test,
13 which is CET's test pretty much, pass that and
14 become a licensed mechanic here in the state.

15 MR. WELLER: So you've had hands-on
16 experience?

17 MR. JANDORA: I'm getting hands-on
18 experience. And hopefully the person I'm
19 working for is a good teacher, and I'll learn a
20 lot, and I'm going to be a good mechanic.

21 MR. WELLER: And has to be an Illinois --

22 MR. JANDORA: Has to be an Illinois
23 licensed mechanic.

24 MR. WELLER: Let's make sure we get all of
25 that right.

1 MR. JANDORA: And then item 2, there's the
2 grandfathered associates. So if you were
3 working unsupervised for three years
4 immediately preceding a date identified within
5 the legislation, regardless of your
6 qualifications, regardless of what you've done,
7 just you have worked in the trade for three
8 years unsupervised, you're grandfathered in;
9 you get a license. Well, that date is gone.
10 That's gone. So you had that chance to do
11 that, and it's over.

12 And then, three, if you have ever passed a
13 nationally recognized test, which the
14 legislation identifies NEIEP, the NEIEP
15 program, but also states or its equivalent. If
16 you've ever passed that, you can show up here
17 in Illinois, you know, living in Alaska all
18 your life, present your certificate; you get a
19 license.

20 MR. WELLER: Can I ask a quick question?
21 Is anybody in here from NEIEP? Can I pass the
22 NEIEP test without going through the
23 apprenticeship?

24 CHAIRMAN CHRISTENSEN: No.

25 MR. SMARTE: You could have prior to 2002.

1 MR. WELLER: But that date is gone?

2 MR. SMARTE: Well, take me, for example.
3 I graduated from NEIEP. I graduated back in
4 '87. I can get a NEIEP certificate. I can get
5 a license. But somebody who's graduated from
6 the CET program in 2002, you don't grant --

7 MR. WELLER: Did you go through an
8 apprenticeship?

9 MR. SMARTE: No, I did not go. I went
10 through the educational program through NEIEP.

11 CHAIRMAN CHRISTENSEN: You had to go
12 through the school program?

13 MR. SMARTE: Absolutely.

14 CHAIRMAN CHRISTENSEN: Under the CET
15 guidelines, you don't have to go through any
16 program. Under CET, you could sit down and
17 take the test.

18 MR. SMARTE: That's not what they're
19 asking.

20 CHAIRMAN CHRISTENSEN: That's what the
21 confusion is here.

22 MR. SMARTE: What they're asking is,
23 people who have graduated from the CET
24 educational program, not any special
25 circumstances or grandfathering tests. They're

1 not asking that. They're asking you to grant
2 the same thing that you did for NEIEP with
3 people who have successfully gone through the
4 educational program prior to its acceptance to
5 the apprenticeship approval. They're asking
6 for the same thing that you granted NEIEP.
7 That's all they're asking.

8 MS. BONNER: Your licensing law says a
9 nationally recognized training program. We
10 have two programs. We have our education
11 program and our certification program. I'm
12 asking you to recognize our educational
13 program.

14 MR. SMARTE: They're not asking you to
15 grant licenses to people that have -- prior to
16 their educational program that had special
17 circumstances or grandfathered or whatever.
18 They're asking you to recognize the people who
19 have successfully gone through their
20 educational program that did all the skills
21 portfolios, all the unit testing, all the level
22 one testing, all the certifying testing and all
23 the hands-on and the OTJ hours. That's what
24 they're asking you to accept.

25 MR. WELLER: Wouldn't that be just people

1 who are not already working in Illinois? It
2 would be people coming from another state?

3 MR. SMARTE: Not necessarily. Again,
4 myself -- let's take two people. Myself,
5 coming in from Maryland. Dick Gregory has got
6 a company, and says, "Dave, I'd really like you
7 to come to work here. I like your skill set.
8 Would you please come?" I could with my NEIEP.
9 But he could also tag, let's say, a guy in
10 Atlanta that had gone through their program,
11 but it wasn't a nationally approved
12 apprenticeship at that time like NEIEP was
13 prior.

14 MR. WELLER: But it's not an
15 apprenticeship. That's my problem.

16 MR. SMARTE: Well, that's what I'm trying
17 to tell you. NEIEP wasn't an apprenticeship
18 until 2000. Prior to 2002, it was strictly an
19 educational program. That's all it was, just
20 like the CET program.

21 MR. WELLER: So there were no apprentices
22 in the elevator industry before 2002?

23 MR. SMARTE: Not nationally.

24 MR. GREGORY: There were none.

25 MR. SMARTE: That's what we're trying to

1 tell you. They're asking you to grant the same
2 thing that you did to their counterpoint
3 because it's equal, and that's all they're
4 asking. Does that make sense?

5 MR. GREGORY: And, Rick, I'm a licensed
6 mechanic. So when are you going to start and
7 learn this trade? You can work for me.

8 MR. SMARTE: I've been around a long time.
9 I'm almost as old as dirt, and I've been
10 experienced in both avenues. I've done both.
11 I understand both. And I understand education
12 is first and foremost, the most important
13 thing. I will tell you an elevator is an
14 elevator. The practice and the standards that
15 NEIEP does, I'm telling you, aren't any
16 different than what the CET, other than they've
17 evolved a little differently.

18 But the bottom line is, they're teaching
19 safety; they're teaching education. They're
20 making mechanics safer for not only people
21 working on it, but the people riding. There's
22 no difference in the programs. I've seen both
23 programs. I've gone to one; I've done the
24 other. And I'm not saying this because I have
25 a vested interested here; I'm saying the facts.

1 That's all I'm going to state are the facts.

2 CHAIRMAN CHRISTENSEN: Well, the facts
3 are -- and I think the big problem is here that
4 you're asking for equivalency. It's passed by
5 the Department of Labor, its equivalent there
6 with NEIEP, but you, as going through NEIEP,
7 know hands-on is a lot different than working
8 off a computer. And if you're going to say
9 it's equivalent to that, you can't.

10 MR. SMARTE: That's what I'm trying to
11 tell you. It's not just working off the
12 computer. When you're going through their
13 program, you are assigned to a CET mechanic.
14 The CET mechanic is working with you on a
15 one-to-one basis, on a daily basis not only on
16 construction, but service, repair,
17 monitorization, all the way through. And there
18 are set skills that you have to do. There's a
19 portfolio. The mechanic, who is a certified
20 CET mechanic, will not sign off on that skill
21 set until he has successfully demonstrated the
22 ability to do that and explain it to their
23 mechanic. At that time, he fills out and dates
24 it and signs it and the job and the location.
25 When that book is completed, along with your

1 unit exams, it is sent in to NAEC, who has to
2 verify everything is being done. They make
3 spot calls. They verify things.

4 MR. WELLER: But wouldn't you already be
5 qualified under the first one? I mean, we're
6 playing "Ring Around the Rosie." If you're
7 doing all that anyway, you're already
8 qualifying.

9 MR. SMARTE: But it wasn't an
10 apprenticeship program.

11 MR. WELLER: It doesn't have to be. Under
12 number 1, it's a licensed mechanic.

13 MR. JANDORA: The problem, though, they
14 would have to now sit for the exam again.

15 MR. WELLER: Yeah.

16 MR. JANDORA: Yes.

17 MR. SMARTE: If you're going to change for
18 the NEIEP from prior to do that, they have to
19 sit for the exam, then it's fair, but if you're
20 not, you need to go the other way.

21 MR. GREGORY: Patti, would you ask -- all
22 three of you to introduce yourselves so the
23 court reporter has a chance.

24 MR. SMARTE: I'm sorry. My name is David
25 Smarte, and I'm actually the education

1 committee chair now for NAEC. I took on that
2 position.

3 MS. KENNEDY: I'm sorry. I'm Karen
4 Kennedy. I'm with Merit Elevator Contractors
5 Association of America.

6 MR. SMARTE: I'm just trying to be fair,
7 and that's all I've ever tried to do, anyplace
8 I go. Dick knows me. I'm by the book. I'll
9 state the facts. I understand what your
10 concerns are here, and I'm trying to give you
11 the answers to those concerns.

12 And I know one of the biggest concerns is,
13 you don't want somebody that has not
14 demonstrated any education behind there, and I
15 understand that, but that's not what they're
16 asking. They're not asking you to take the guy
17 that said, "I had 10 years experience, and I
18 will take your test." They're asking you to
19 take the guy that's going through their
20 educational program before it was approved as
21 an apprenticeship program and recognize those
22 people for what they have done and for the
23 skill sets that they have accomplished.

24 MS. BONNER: Or take it for anybody that's
25 graduated from our program. I mean, they have

1 gone through a four-year education program just
2 as NEIEP did. The difference between a
3 four-year education program that somebody might
4 have taken in Georgia or Alabama versus here is
5 maybe here it's required that they're in a
6 apprenticeship program, but maybe not in
7 Georgia or Alabama. It's the same education
8 program.

9 The difference between the apprenticeship
10 program and our education program that is not
11 used in the apprenticeship is that we do not
12 dictate your wage; we do not dictate your
13 hiring practices. Education is education.

14 And we're asking you to look at our
15 education program and determine that it is
16 equivalent to the NEIEP education program. If
17 our program is not necessary to be in number
18 two, why is number two even there? We're
19 just -- I'm sure that the people that graduated
20 from the NEIEP program could have qualified
21 under number 3 or number 1. We're not here to
22 debate how people are qualified. We're asking
23 you -- under your law, it says NEIEP or its
24 equivalent. We're asking you to recognize us
25 as their equivalent, education training

1 program. We're asking you to look at education
2 training.

3 CHAIRMAN CHRISTENSEN: Do you have any
4 more questions?

5 MR. JANDORA: I don't.

6 CHAIRMAN CHRISTENSEN: Okay.

7 MR. WELLER: I'm still wrestling with
8 this, Mr. Chairman.

9 CHAIRMAN CHRISTENSEN: Hang on. Since I
10 opened up the floor, is there -- we have Patty
11 Young.

12 MS. YOUNG: I have no comment on this
13 topic.

14 CHAIRMAN CHRISTENSEN: Dan Baumann?

15 MR. BAUMANN: I've got a couple questions.

16 CHAIRMAN CHRISTENSEN: Come on up here
17 please.

18 MR. BAUMANN: My name is Dan Baumann,
19 B-A-U-M-A-N-N. I'm a graduate of NEIEP also.
20 I'm not familiar with the CET. I've heard of
21 it. I was wondering how many students you have
22 enrolled in it?

23 MS. BONNER: We have 262.

24 MR. BAUMANN: How many graduates do you
25 have from it?

1 MS. BONNER: 87.

2 MR. BAUMANN: Those 87, those are the ones
3 that you -- those 200 enrolled there are
4 working with those 87?

5 MR. SMARTE: In some cases, yes.

6 MR. BAUMANN: So basically your students
7 are not working with CET mechanics, correct?

8 MR. SMARTE: They're working with CET
9 mechanics that might have been grandfathered or
10 have gone through your program either way.

11 MR. BAUMANN: So you already had the
12 grandfathered in?

13 MR. SMARTE: There's already a CETs in
14 place as well, which is the administrator, who
15 has gone through the program.

16 MR. BAUMANN: Now, you're asking them to
17 extend that grandfather? Is that what I'm
18 hearing?

19 MR. SMARTE: No, we're not asking that.
20 We're asking the ones that have gone through
21 the educational program. We're not asking you
22 to grant, without taking a test, those that had
23 not gone through the educational program that
24 may have grandfathered. We're not asking for
25 those individuals. We're asking for the

1 individuals that have gone through the entire
2 program with all the testing, the skill sets,
3 working underneath the mechanic, verification,
4 the final exams and certifying exams and
5 everything. We want you to recognize those.
6 You are talking about --

7 MR. BAUMANN: I still don't see how you're
8 talking about -- you're saying one thing and
9 doing another, where 200 and some odd
10 apprentices -- not apprentices -- 200 and some
11 odd students in your CET classes are working
12 with 90 mechanics.

13 MR. SMARTE: I told you they are working
14 with some guys that had 20 years' experience,
15 and some of them had grandfathered --

16 MR. BAUMANN: They're not CET mechanics,
17 though.

18 MR. SMARTE: They're CET certified.
19 They're certified through a certification
20 process and testing and years of experience and
21 demonstration.

22 MS. BONNER: And in order to get
23 certification, they had to have at least five
24 years of experience. They had to pass an exam,
25 and that exam is ANSI credited.

1 MR. SMARTE: And I do know that the
2 union --

3 MR. BAUMANN: We're not talking about the
4 union.

5 MR. SMARTE: I know there's some people
6 that weren't in the NEIEP program, that didn't
7 go through the NEIEP program that were granted
8 cards. I know that for a fact. I know several
9 people. So don't --

10 MR. BAUMANN: I don't know any.

11 MR. SMARTE: I do know quite a few, and I
12 will get the names if you want.

13 MR. BAUMANN: I would love them.

14 CHAIRMAN CHRISTENSEN: Yeah. You know
15 what? That's not relevant.

16 MR. SMARTE: I know it's not relevant.
17 Well, it is and it isn't.

18 CHAIRMAN CHRISTENSEN: Here. Both of you.
19 I'm not going to have bantering in here. I'm
20 going to run this meeting correctly, and I'm
21 not going to have you bring that stuff up.
22 Right now we're talking NEIEP, and we're
23 talking NAEC, and let's just stay on that
24 subject, over the apprenticeship program.

25 MR. SMARTE: There had to be a starting

1 point for somebody to start the educational
2 process. They developed all the material.
3 They took people that had a skill set that
4 demonstrated through employment that they had
5 met certain things, and then they had to take a
6 test. If they failed that test, they were not
7 granted that. They had to go through the
8 program. Those were the starting points to
9 start the education process. These guys that
10 had many years of experience had demonstrated
11 through a very vigorous test that they can do
12 just that, to then work with people in the
13 field. As those people were working through
14 the field now and working through the
15 educational program, it will work itself into
16 the NEIEP. So we had a starting point.

17 MR. BAUMANN: You're talking about NEIEP's
18 starting point, because NEIEP's starting point
19 actually started in the '60s.

20 MR. SMARTE: '62.

21 MR. BAUMANN: That's what I want to get
22 the Board to understand. The NEIEP program
23 actually started in the '60s. Their testing
24 and their actual process for -- I'm not a NEIEP
25 instructor. I'm not a NEIEP -- I'm not part of

1 NEIEP. I went to school at NEIEP. But prior
2 to their school, this was all done by just
3 mechanics sitting down with apprentices and
4 teaching them stuff in a coffee shop. That's
5 how NEIEP started. Back in the '70s, that's
6 when they turned -- I believe that's the '70s
7 is when they had their first mechanics test.

8 MR. GREGORY: There was not a NEIEP test.
9 I mean, I took the mechanics test back in '64
10 or something like that.

11 MR. BAUMANN: That was the mechanics test?

12 MR. SMARTE: That went back to '60, I
13 believe.

14 MR. GREGORY: Yeah. I mean, but it was
15 not --

16 MR. BAUMANN: This is how far back we're
17 going. I mean, CET class started basically
18 when this Board got together and started going.
19 This is what CET is. So talking about an
20 equivalent between NEIEP and CET?

21 MS. KENNEDY: But do you have something on
22 the criteria, anything in the program that --

23 CHAIRMAN CHRISTENSEN: Hang on one second.
24 I'm going to let one person speak at a time.

25 MR. BAUMANN: That's pretty much all I

1 had. Like I said, I'm sitting back there, and
2 I'm on one side. I've went through NEIEP. I
3 know nothing about the CET. It just popped up
4 overnight, basically over the last six years.
5 So when they're talking about equivalency, our
6 program has been running since '64.

7 MR. JIRIK: I think -- I'm sorry.

8 MR. BAUMANN: That's fine. Thank you very
9 much.

10 MR. JIRIK: How do you guys take your
11 test? How do they take their test?

12 MS. BONNER: They take their test on line,
13 on a computer. They take it with a proctor.
14 They're at the level one. Level two, the exam
15 is taken with two proctors. The level one and
16 level two exam is a databank of a thousand
17 questions each for each exam. The computer
18 randomly chooses the hundred and sixty
19 questions that will be on that person's exam.

20 MR. JIRIK: Are we talking about the
21 mechanics?

22 MS. BONNER: No. I'm talking about our
23 education.

24 MR. JIRIK: What if they fail the test?

25 MS. BONNER: Pardon?

1 MR. JIRIK: What if they fail the test?

2 MS. BONNER: If they fail the test, they
3 have three opportunities. If they fail the
4 third time, then they have to retake it. The
5 level one exam is over the first two years of
6 the course. If they fail the level one exam
7 three times, they have to start over again.

8 MR. JIRIK: So they can take that test,
9 what, once every 30 days?

10 MS. BONNER: They can't take the test the
11 first time until they have completed units one
12 through four.

13 MR. JIRIK: I understand that. They
14 failed the test. Can you take that test next
15 week?

16 MS. BONNER: 30 days.

17 MR. JIRIK: 30 days. If they fail it
18 again, can they take it again?

19 MS. BONNER: I'm sorry. It's 15 days.

20 MR. JIRIK: 15 days? So if they fail it
21 again, they can take the test --

22 MS. BONNER: 15 days.

23 MR. JIRIK: Where is that equivalent to
24 NEIEP then? You're asking -- you're saying
25 you're equivalent.

1 MR. SMARTE: We're talking unit tests.

2 MR. JIRIK: How do you administer the
3 mechanic test?

4 MS. BONNER: That's done through the
5 certification board. That's different. I'm
6 not getting into mechanic's exams or
7 certification exams. I'm talking about the
8 educational program.

9 MR. SMARTE: The certification exam is
10 done by the certification board. They have
11 their own procedures and qualifications on how
12 that's done, and it is done with electricians
13 and everybody else. It's been built to static,
14 and it's kept confidential. I've never seen
15 it. I proctor people, but I don't -- and I
16 will not look at the test because I don't ever
17 want to be accused of saying that I'm teaching
18 to a test or helping them.

19 So you have proctors. You have affidavits
20 you have to sign. So that's a different test
21 than the education. That's a certifying test
22 that says you are a certified mechanic through
23 ANSI standards and ISO. That's done by a
24 certification board that has no relevance to
25 the education committee at all. There's no

1 overlap. There's no -- there's a big firewall
2 between it.

3 MR. JIRIK: I guess I have an issue with
4 just -- I mean, if you fail a test, you fail a
5 test. Most of the times you either have to
6 take the class over, or you take -- you've
7 taken the test. You've taken this test every
8 15 days, and if you don't -- you have three
9 tries to pass it? That's just -- I'm not
10 comfortable with that.

11 MR. SMARTE: It's different from the
12 NEIEP. When I take the NEIEP test, it's the
13 same test. This is not the same test. They're
14 given an opportunity 15 days later, but they're
15 getting entirely different questions.

16 MS. BONNER: It's 160 different questions
17 in different order.

18 MR. SMARTE: So after the third time, they
19 have to come back to level one. Most times,
20 most companies will let them go at that point,
21 because they have not demonstrated the ability.
22 So the company, at that point, they give them
23 an opportunity to go ahead and go back to the
24 beginning and start again. I will tell you in
25 our company, it's looked at on an individual

1 basis. It's trying to figure out why they
2 didn't. And if it's felt because they just did
3 not have the answers to do the study, they're
4 let go.

5 Again, NAEC has nothing to do with the
6 companies. They don't provide labor. They
7 don't provide anything to do with the business.
8 They make no business decisions for that
9 company. They're totally separated. NAEC
10 represents both union and nonunion, usually
11 smaller independent companies, but it's equal.
12 It's half union, half nonunion. The union
13 companies are just as much for it because it
14 helps the industry because they're giving
15 people tools to safely work on the equipment so
16 you don't have to work. The companies wanted
17 it because it made it more profitable because
18 they were more skilled workers, and their
19 liability will be less because people
20 understood it.

21 That's what this is about -- training
22 people, getting them an education in an
23 industry so they can work on the equipment, not
24 only safely for themselves, but the people that
25 are riding them. And also it gives the owner

1 the sense to know that he's hiring or he's
2 teaching his people to be a very competent
3 employee.

4 MR. WELLER: Training, education and
5 testing are three different things, all right?
6 You're very passionate about the training and
7 education. Got it. You're all very passionate
8 about the education.

9 I'm a bright guy, and I want to go take
10 the test. What are you asking me?

11 MS. BONNER: To take our education test?

12 MR. WELLER: Yes. I want to take the
13 test.

14 MR. SMARTE: Get through all the school.

15 MS. BONNER: You have to prove to me that
16 you've gone through courses one through four.

17 MR. WELLER: The schooling is all on line?

18 MS. BONNER: No. You get course work, the
19 course materials -- your exams are on line.
20 You get course work, and you read those
21 chapters. You go through that course work.
22 You perform skills out in the field that relate
23 to that class.

24 MR. WELLER: I get it all done. You hand
25 me the books. I go on line.

1 MS. BONNER: And 4,000 hours in the field.

2 MR. SMARTE: You worked with a mechanic
3 that signed off on your skills.

4 MR. WELLER: You have to have that
5 certificate in your file that says I have 4,000
6 hours before I take the test.

7 MS. BONNER: Before you take the first
8 test.

9 MR. WELLER: With a field mechanic, a
10 licensed field mechanic?

11 MR. SMARTE: That's correct.

12 MS. BONNER: Before you can take the
13 second test, you have to have 8,000 hours and
14 performed all the skills with the mechanic.
15 And, by the way, our tests -- our passing score
16 for our exam is 85 percent.

17 MR. GREGORY: NEIEP is 70.

18 MR. WELLER: So I can't pass it -- I can't
19 participate in the test without actually going
20 out and looking at an elevator with someone
21 who's got some training program?

22 MS. BONNER: And performing skills,
23 working on an elevator, correct.

24 CHAIRMAN CHRISTENSEN: Rod?

25 MR. GILLES: And if it was said and I

1 missed it, I apologize. But these students are
2 never in front of an instructor? They're given
3 books? They are ready; they take the on-line
4 test?

5 MR. SMARTE: Their instructor is their
6 mechanic with the books. There also is a CETs
7 that runs the program that if the mechanic
8 can't get the answer, then they go to the CETs,
9 and the CETs will work with them on an
10 individual basis as well.

11 They won't give this program -- you have
12 to have a person that is a CETs in order to get
13 the program. And they have to work with a CETs
14 and CET. If you don't have a CETs in place,
15 and you don't have CET, you can't get the
16 program. You can't do it because you don't do
17 it.

18 MR. GILLES: You say they are given these
19 books. So do they decide when they are ready
20 for the test?

21 MS. BONNER: When they have
22 returned -- like, in other words, the level one
23 exam covers courses one through four. We do
24 not release the level one exam on line until we
25 have received -- until, one, they have taken

1 all four exams and successfully passed them
2 85 percent. And then we've received all skills
3 books for all four of those courses and
4 verified that they have performed all those
5 skills with the sign-offs. And then we have to
6 get an affidavit from their HR department
7 stating they have 4,000 hours in the field, and
8 as well a candidate writes up a description of
9 what his job tasks have been over those two
10 years.

11 MR. GILLES: And then they take the test
12 on line. And is there some way to confirm that
13 it's them taking the test?

14 MS. BONNER: They have two proctors that
15 take their exams. The proctor signs an
16 affidavit that's notarized. They send in a
17 driver's license. The proctors cannot
18 be -- your direct supervisor cannot be your
19 relative.

20 CHAIRMAN CHRISTENSEN: You brought
21 something up. You said you have 85 percent
22 pass rate? Okay. NEIEP is about 70 percent
23 pass rate. And I believe the CET, the test
24 that they take here, the guys sit for the test
25 from the state, is about a 28 percent pass

1 rate.

2 MS. BONNER: You have to score 85 percent
3 in order to pass the exam.

4 CHAIRMAN CHRISTENSEN: Okay.

5 MS. BONNER: 85 percent to pass the exam.

6 MR. WELLER: I'm still wrestling with the
7 numerics of it. 8,000 hours? I think that's
8 what you said, right? 8,000 hours of field
9 training. And if I have 8,000 hours of field
10 training, that's four a year. So I've already
11 met the test -- requirement to take the state
12 test. Why wouldn't I just take this test and
13 forget about the whole training program?

14 MS. KENNEDY: But we're asking you the
15 same thing that NEIEP did.

16 MR. SMARTE: You do the same thing for the
17 NEIEP.

18 MR. WELLER: No, because they don't do the
19 apprenticeship program. Well, actually --

20 MS. KENNEDY: I took the test prior to
21 2001.

22 MR. WELLER: Right. There was a one-shot
23 deal you have.

24 MS. KENNEDY: Right. I took the test
25 prior to 2001. Would you make me take the test

1 again? If I came in, if I came in as a
2 mechanic, as a NEIEP graduate, gave you my
3 NEIEP card, would you make me take the test?

4 MR. WELLER: The NEIEP program comes with
5 a certification apprenticeship -- there's a
6 training program that goes with it.

7 MR. JANDORA: Not always.

8 MR. SMARTE: Prior to 2001, there wasn't.

9 MR. WELLER: I thought we weren't talking
10 about people who weren't grandfathered. You
11 said this wasn't.

12 MR. SMARTE: Somebody coming from out of
13 state, if I came from out of state and I have a
14 NEIEP certificate and I can present it here,
15 you guys are going to give me a license without
16 a test. All we're asking you to do is the same
17 thing for those people that graduated the
18 educational program in CET, that you grant the
19 same thing for them.

20 MR. WELLER: So it's only out-of-state
21 people?

22 MS. KENNEDY: No.

23 MR. JANDORA: No, Kelly.

24 MR. SMARTE: There's people here that
25 might come up from Missouri that might want to

1 work here that aren't living in your state, but
2 are working around here.

3 MR. WELLER: Working, that's out-of-state
4 people.

5 CHAIRMAN CHRISTENSEN: Rick, did you
6 have -- nothing?

7 MR. JANDORA: No.

8 CHAIRMAN CHRISTENSEN: Anybody else from
9 the Board?

10 We will open up to public comment. Is
11 there anybody else that filled out a sheet who
12 would want to speak? Nobody?

13 Board subcommittee, have you got a
14 recommendation?

15 MR. JONES: This is a tough one because I
16 haven't had a chance to talk to Craig.

17 CHAIRMAN CHRISTENSEN: Did you want to
18 table it until you guys --

19 MR. GRANT: I responded to your --

20 MR. JONES: Yeah, and maybe I could get
21 Craig's viewpoint. Could I get your viewpoint
22 please?

23 MR. GRANT: Certainly. Craig Grant. I
24 represent the higher education board, a member
25 of the subcommittee.

1 When we evaluated what the educational
2 core content requirements were, we could not
3 discern a disparity between the two programs.
4 The effort of the quality of the education
5 received by hands-on field work in the industry
6 is greatly dependent upon the access and the
7 opportunities presented by the individual
8 elevator company that any employee who's gone
9 through either program is able to work on, as
10 well as what's done in the classroom.

11 I did personally check with our mechanics
12 as to what the nature of their apprenticeship
13 work and training programs were, and I know
14 that the facility that I toured in Chicago
15 Heights -- is that right? Or Chicago Ridge?

16 CHAIRMAN CHRISTENSEN: Chicago Ridge.

17 MR. GRANT: Has a superb training
18 facility. It truly does.

19 I know that that is not an equivalent
20 facility to what was held in Peoria at the time
21 that some of our gentlemen went through that
22 program. They did utilize homework, and they
23 did take exams. And their instructors were
24 mechanics within that same local that taught
25 them key fundamental skill sets. And then they

1 worked in the field to sharpen those skills and
2 build upon what they learned.

3 So from that perspective only, I find that
4 as I responded in the e-mail message to you
5 yesterday, Doug, my concurrence with your
6 summary statement at the end of the position
7 statement presented to the Board remains
8 intact.

9 MR. JONES: Rich? Can I get your
10 thoughts, final thoughts before I make a
11 statement? I'd like Tom's, too, as part of the
12 subcommittee.

13 MR. JANDORA: The hours on-the-job
14 training requirements exceed that of NEIEP.
15 The curriculum is very similar. And
16 considering the fact we can have individuals
17 obtain licenses here in the state with very
18 little training or very little education
19 anyway, I think that this would be a better
20 route for us to at least have individuals get
21 some sort of training. So, you know, from my
22 perspective, it's very hard to find a reason
23 why we wouldn't accept this program.

24 I am familiar with the NEIEP program. The
25 Chicago Ridge location is an amazing training

1 center. They have all sorts of training
2 modules and hands-on type of, you know,
3 components and things like that, that, you
4 know, the trainees can put their hands on and
5 learn. So I do feel it's a superior program.
6 But the CET or NAEC program is still good, and
7 it's better than somebody just getting some
8 experience and taking a test. So for me,
9 objectively looking at this, I need to concur
10 with Mr. Grant.

11 MR. JONES: Okay. Well, from my
12 perspective as a chairman of this, I put this
13 statement out so that each of the gentlemen
14 here on the subcommittee could comment on it.
15 And I'm really appreciative of the fact that
16 everybody's taken time to look at this. I have
17 to be honest about it. I don't know the
18 programs. I'm not in the elevator industry.
19 I'm a building official for the Village of
20 Schaumburg. I don't know that kind of stuff.
21 I'm kind of depending on the viewpoints of
22 everybody here.

23 But as we understand it, there's a
24 subcommittee. The request from NAEC the state
25 board is to consider the CET program, as

1 included in their national guidelines, be
2 considered the equivalent of the content of the
3 National Elevator Industry and Educational
4 Program for the purpose of establishing,
5 eventually, apprenticeship programs in the
6 State of Illinois as required by Title 41,
7 Chapter II, Part 1000, Section 1000.80 for
8 appropriate certification. Is that correct? I
9 have that clear.

10 So let me be clear. As a subcommittee,
11 our task is not to determine apprenticeship
12 programs and the value of them. I've seen the
13 apprenticeship program that NEIEP has, and it's
14 outstanding. You know, a beautiful program.
15 They take a lot of time for their people. But
16 that's not our purpose of our subcommittee.
17 Our purpose of our subcommittee is to determine
18 reasonable equivalency, and I think that's been
19 demonstrated.

20 Here are some of the reasons why. In an
21 effort to consider the recognition of this
22 program, we've looked at the fact that the
23 U.S. Department of Labor, Office of
24 Apprenticeship has approved the program. Both
25 CET and NEIEP are listed with the Bureau of

1 Labor statistics in their handbook. The
2 program is accredited by the National --
3 American National Standards Institute.

4 So from what I can determine and what our
5 subcommittee determines, there's nothing in our
6 research that would indicate that their program
7 should be denied. So that's our viewpoint.

8 CHAIRMAN CHRISTENSEN: I've just got one
9 more question for you. You give the test 15
10 days after they fail?

11 MS. BONNER: You can retake it.

12 CHAIRMAN CHRISTENSEN: Did you ever give
13 any reconsideration to give it more time after
14 they failed the test?

15 MS. BONNER: That's the minimum. They
16 don't have to take it within 15 days. They
17 just can't take it before.

18 CHAIRMAN CHRISTENSEN: I understand it's
19 at minimum, but did you ever give it any more
20 time? As what NEIEP has, it is one year. They
21 cannot sit for the test. They have to go
22 through some schooling again.

23 MR. SMARTE: We're not talking about their
24 certifying test. We're talking about subunit
25 tests. We're talking about their level one and

1 level two. We're not talking about the
2 certifying test. We're talking about the level
3 one, which covers the first two years. We're
4 talking about the level two, which covers over
5 the last two years. And then we're talking
6 about there's unit tests all the way through.
7 There's multiple unit tests they have to
8 demonstrate.

9 CHAIRMAN CHRISTENSEN: I understand. I'm
10 asking a question. Did you ever give it any
11 consideration of holding off, instead of a
12 minimum of 15 days, to take a mechanic's test?
13 That's my question.

14 MS. BONNER: It's not a mechanic's exam.
15 It's a graduate test, a completion, a
16 certificate of completion of the education
17 program.

18 MR. SMARTE: A certifying exam is
19 different. I'm trying to tell you that's a
20 different body that's different within the
21 organization that does the ANSI and ISO
22 certifying exam. In order to take that
23 certifying exam, they have to have this
24 completion to take that certifying exam.

25 CHAIRMAN CHRISTENSEN: Okay. All right.

1 Thank you.

2 MR. JONES: Mr. Chairman? I have one more
3 thing. I do want to say this, that one member
4 of our committee -- and he wants it to be known
5 and put in the record -- that he doesn't agree
6 with the subcommittee's statement that I just
7 made. So please duly note that.

8 CHAIRMAN CHRISTENSEN: Okay.

9 MR. DATILLO: I have a quick question.
10 You said this was federally approved? I assume
11 that's under the ISO standard?

12 MS. BONNER: Correct, 17024.

13 MR. DATILLO: The ISO is an ongoing
14 approval process?

15 MS. BONNER: Correct.

16 MR. DATILLO: So is that certification on
17 ISO on an annual basis?

18 MS. BONNER: We go through an annual
19 review, yes, sir, and we have to reapply every
20 five years.

21 MR. DATILLO: And that's the program that
22 ISO approves?

23 MS. BONNER: Yes, sir. Our certification
24 program, yes, sir.

25 MR. DATILLO: You've had no problems

1 getting ISO approval since you did this?

2 MS. BONNER: We just recently received our
3 approval.

4 MR. DATILLO: You've only gone through
5 that process one time?

6 MS. BONNER: Correct.

7 MR. DATILLO: Thank you.

8 CHAIRMAN CHRISTENSEN: Any more questions
9 from the Board?

10 [NO RESPONSE.]

11 CHAIRMAN CHRISTENSEN: Is there a motion
12 to accept or not accept the NAEC program? Or
13 if you want to call it the CET. Is there a
14 motion?

15 MR. GROSS: I make the motion that we
16 accept the program.

17 CHAIRMAN CHRISTENSEN: Is there a second?

18 MR. WILSON: I second it.

19 CHAIRMAN CHRISTENSEN: Is there any
20 questions?

21 MR. WELLER: My question is more of a
22 statement. I think it's diluted. I've
23 listened; I think it's a fair discussion. But
24 why would I ever be an apprentice? Why would I
25 go through an apprenticeship program? Why

1 would I ever get training in the State of
2 Illinois if I could go to Missouri, go on line,
3 take a test and come back in Illinois? I think
4 it's diluted to what we have, and I'm going to
5 vote "no."

6 CHAIRMAN CHRISTENSEN: Is there any other
7 questions?

8 [NO RESPONSE.]

9 CHAIRMAN CHRISTENSEN: No questions being,
10 all those in favor, say "aye."

11 [CHORUS OF "AYES."]

12 CHAIRMAN CHRISTENSEN: All those against?

13 [CHORUS OF "NO's."]

14 CHAIRMAN CHRISTENSEN: We're going to take
15 a vote on that.

16 Jerry?

17 MR. GROSS: Aye.

18 MR. FINCHAM: Aye.

19 MR. GILLES: Nay.

20 MR. JONES: Aye.

21 MR. HERTSBERG: No.

22 MR. JIRIK: No.

23 MR. WELLER: No.

24 MR. JANDORA: Aye.

25 MR. WILSON: Aye.

1 MR. DATILLO: Aye.

2 MR. GRANT: Aye.

3 MR. GREGORY: That's seven to four? I was
4 making marks.

5 MR. CAPUANI: I thought it was six.

6 MR. GREGORY: Oh, 6 to 4? Or 7 to 4 in
7 favor?

8 CHAIRMAN CHRISTENSEN: In favor?

9 MR. GREGORY: Yes.

10 CHAIRMAN CHRISTENSEN: Okay. It's passed.
11 Okay.

12 MS. BONNER: Thank you.

13 CHAIRMAN CHRISTENSEN: Moving on.

14 The reason this is being brought back up,
15 there's at least a couple incidents over Otis
16 REM Elite, and I believe we have Dan Baumann
17 who would want to speak on this.

18 MR. BAUMANN: I represent about 1,400
19 members in the North Illinois area that are
20 licensed elevator mechanics and apprentices.

21 I've got two letters, one from a friend
22 out in Philadelphia that a Local 5 mechanic was
23 working inside an elevator replacing a PI in
24 the car. He was an in-house mechanic. He was
25 working on the PI, changing it. He had to

1 leave the elevator down. So he disconnected
2 the hoistway doors. The car was uninspected.
3 It was under his control. Disconnected the
4 hoistway doors. The doors closed. He got out
5 and went and did his thing. The REM unit,
6 whoever the technician that was on there, saw
7 that the doors were closed -- the gates. He
8 recycled the doors. The doors were closed and
9 reopened. Now they had an open door there with
10 an open COP with all the guy's tools in there.
11 And the hospital called him up and asked what
12 was he doing in the elevator and why was this
13 going on. This is one instance.

14 Now, the REM unit has only been around for
15 a short time. Not the REM unit, the Elite REM
16 unit.

17 CHAIRMAN CHRISTENSEN: Dan, so the
18 Board -- as a reminder, can you explain what
19 the REM unit is.

20 MR. BAUMANN: The REM unit remote is a
21 monitoring unit, which I have no complaints or
22 no issues with. I don't mean to do that. The
23 Elite REM unit has the ability for a technician
24 in Connecticut or in India or in China, or
25 wherever they want to, to be able to reset the

1 elevator, reset the door operator, reset
2 parameters, reset -- I understand that they had
3 a representative from Otis Elevator -- Betsy
4 Ceriello -- came out here a few months back and
5 said that they won't reset parameters, and they
6 won't do all -- or any of that stuff. And they
7 said that they have never had any state turn it
8 down. Well, the reason why no states have
9 turned it down is because they never requested
10 Michigan, because we're in Michigan. I've got
11 another letter from a friend up there in
12 Detroit that said it's illegal, that it's
13 illegal to -- it's against state law to reset
14 anything over a phone line. And that was from
15 Dave up in Detroit.

16 I had another one that was -- I'm sorry.
17 You took me off my course here.

18 There was two actually out in Youngstown,
19 Ohio where a mechanic went in there. He
20 got -- he received a call that they had -- the
21 technician reset the drive, reset the fault
22 logs. And they have -- he has it on his
23 service tool for the technician to tell him to
24 go in there and make sure that there were no
25 logs because there was someone stuck in there

1 the night before. They reset it. They got him
2 out, but yet they never actually checked
3 anything. And he found some issues with the
4 elevator that was running.

5 And the same guy, the same guy who told me
6 that, Dave Monroe out in Ohio, he had an issue
7 where the technician eliminated the door
8 nudging service because the doors were staying
9 open too long. So basically he eliminated the
10 nudging because the detector was bad. The
11 detector is a light emitted dial that stops the
12 door from hitting the person as they walk into
13 the door. Well, he eliminated that door time,
14 basically eliminating the door protection in
15 the hospital. And they requested him to go out
16 there the next day to diagnose the problem.
17 But in the meantime, a 24-hour building, a
18 hospital, they had no door protection, which is
19 a big problem. These are only a couple of the
20 issues here.

21 But after researching all this stuff and
22 checking on these issues, there's a couple of
23 questions that come up. Has anybody ever at
24 Otis Elevator decided to check into Homeland
25 Security to see if your system can be hacked

1 from outside sources in, say, Saudi Arabia, or
2 Al-Qaeda that they can mess with the World
3 Trade Center or the Federal Reserve or anywhere
4 else that this system may be in existence?
5 Just curious. Something that we all have to
6 think about, especially in these times.

7 Thank you very much for your time.

8 CHAIRMAN CHRISTENSEN: I believe the State
9 Fire Marshal's office, seeing that they are
10 allowed to change parameters --

11 MR. CAPUANI: No.

12 CHAIRMAN CHRISTENSEN: They cannot change
13 parameters? But they're allowed to put the car
14 in independent service?

15 MR. CAPUANI: Right.

16 CHAIRMAN CHRISTENSEN: I believe it has
17 already been raised to Homeland Security off
18 site that the system is able to be hacked into,
19 but maybe the Fire Marshal's office wants to
20 look into that, because if it's able to be
21 hacked into and be able to be put on
22 independent service at a remote location,
23 there's big problems. So our recommendation to
24 the Fire Marshal's office is that they look
25 into it to see what the ramification is about

1 this Elite system.

2 Is there any questions from the Board?

3 [NO RESPONSE.]

4 CHAIRMAN CHRISTENSEN: Okay. Under old
5 business, I'll just tell you that we lost three
6 IUEC members in less than 30 days. Elevator
7 mechanics got killed. One in Ottawa, Canada;
8 one in New York; and one in Birmingham,
9 Alabama. Probably in less than 20 days.

10 Just a reminder for the Board that it is a
11 very dangerous occupation to be an elevator
12 constructor, and our decisions are crucial
13 here. As we had a decision we made on low
14 overhead, and again, concerning where about the
15 firemen were getting on top of a car with all
16 their equipment. You're dealing with elevator
17 constructors; you're dealing with the public in
18 our decisions. And losing three guys in that
19 short amount of time, not being with their
20 families during Christmas, is something to
21 think about. So I'm asking the Board to really
22 be careful on your decisions, guys, because
23 we're dealing with people's lives.

24 MR. GRANT: Chairman, I wonder if you
25 might elaborate on the causes of the fatalities

1 identified with those statistics?

2 CHAIRMAN CHRISTENSEN: Well, all three are
3 still under investigation. So I probably won't
4 go into each one of them. If you want, I can
5 get details for you, but I believe all three
6 are under investigation right now. They were
7 all -- all the guys were in their -- I think
8 one was 54, and the other one was 45 and 48 of
9 age. So they've been around for a while. One
10 was an adjustor on -- a construction adjustor,
11 seems a pretty sharp guy. The guy from Ottawa,
12 Canada played hockey. They said he was a
13 pretty big guy. He played hockey, and he still
14 played hockey in his late 40s. So I mean,
15 pretty sharp guys who passed away.

16 Just letting you guys know how dangerous
17 it is to be an elevator constructor. That's
18 why, you know, not only is it considered the
19 most educated trade, but, you know, you really
20 need to know what you're doing.

21 MR. GRANT: Would those guys be in
22 Elevator World or another --

23 CHAIRMAN CHRISTENSEN: Pardon me?

24 MR. GRANT: There's got to be something
25 summarized in a publication that lists those?

1 CHAIRMAN CHRISTENSEN: I'm sure we're
2 going to get details soon. I will get it to
3 you if you need it.

4 MR. GRANT: But it's just as a point of
5 interest, it seems important to understand
6 particularly.

7 CHAIRMAN CHRISTENSEN: In just a few
8 months in China, they lost six elevator
9 constructors. So I don't think they have labor
10 laws like the United States does.

11 MR. GRANT: I'm told they don't.

12 CHAIRMAN CHRISTENSEN: Okay. Moving on.
13 New business. New technology, Otis Elevator
14 Gen2.

15 MR. NORUS: Ken Norus, N-O-R-U-S.

16 We are requesting approval of a hundred
17 and fifty feet of the Gen2 system, called the
18 Gen2 at 150. It's designed to be compliant
19 with the A17.1-2007 and A17.1-2010 codes with
20 four exceptions. One, the coated steel belts.
21 The Gen2 at 150 uses the same belts that is
22 currently approved in the state, except in a
23 different size. It is compliant with 2010
24 code, in which I believe we are -- the State of
25 Illinois is in the process of adopting. And we

1 anticipate to receive the AECO certification
2 tomorrow.

3 Number two, the use of the quarter-inch
4 governor rope. We have included the AECO
5 certification for your review.

6 Three, polyurethane buffers in place of
7 spring buffers. And there's an AECO
8 certification as well for your review.

9 And, number four, the 36-inch reduced car
10 apron. And, again, there's an AECO
11 certification included in the packet for your
12 review.

13 CHAIRMAN CHRISTENSEN: Can you repeat
14 that?

15 MR. NORUS: 36-inch reduced car apron.

16 MR. GREGORY: In the code, it's called a
17 platform guard.

18 CHAIRMAN CHRISTENSEN: I'm going to refer
19 to Dick Gregory on this, for your opinion.

20 MR. GREGORY: I don't have any problem
21 because they have done what anybody who's
22 asking for this should do. They have run this
23 through an accredited organization for the
24 areas where they do not comply with the current
25 code A17.1. And, you know, I'm on the new code

1 A17.1-2010 and A17.6, which is suspension
2 means, governor ropes and so forth. They have
3 supplied certificates of conformance of
4 equivalent safety. So, in my opinion, this is
5 simple. It should just be done, granted.

6 MR. WELLER: I just have one question.
7 You have one that hasn't, or you're going to
8 assume it tomorrow?

9 MR. NORUS: Tomorrow, the 2010 code.

10 MR. WELLER: I don't think we can vote on
11 that one until we have the certificate. That
12 would be my only comment here.

13 MR. GREGORY: Which one is this?

14 MR. NORUS: This is the coated steel belt.

15 MR. JANDORA: Can you introduce yourself,
16 Bob? Bob, introduce yourself.

17 MR. SHEPHERD: I'm sorry. Bob Shepherd,
18 engineering from Farmington,
19 Connecticut -- Otis. Okay?

20 It's all been approved. Tomorrow is a
21 formality of the institute arriving at our test
22 facility to finalize all the paperwork. And
23 the construction of the belt is the same as the
24 polyurethane belts by ContiTech today who makes
25 them for us. And what it is, it's going to

1 have less doors, larger diameter, but the same
2 manufacturer when it comes to the doors
3 themselves. So we can -- I heard you say that
4 would be fine, because we will produce this
5 quickly, the AECO certificate.

6 MR. GILLES: I have a silly question, but
7 what's code on the governor rope, Dick?
8 Three-eighths?

9 MR. GREGORY: You mean current? Actually,
10 current code is a quarter inch, if we go with
11 the latest code.

12 MR. GILLES: My question wasn't the
13 three-eighths, but how hard would it be to go
14 from a quarter-inch to a three-eighths rope?

15 MR. GREGORY: The real issue is the sheave
16 diameter. The issue with ropes is bending.

17 MR. GILLES: I understand all that.

18 MR. GREGORY: Well, I know you understand
19 it. I'm saying this so everybody else can
20 understand it. I know you understand it.

21 So if you have a larger diameter rope, you
22 have to have a larger diameter sheave, which we
23 call it, or you might want to call it a pulley.
24 And that's my -- everybody -- I mean, that's
25 actually why the coated steel belts, etcetera,

1 etcetera, because you can have a smaller
2 diameter pulley, just to get it into a nutshell
3 there.

4 MR. GILLES: That would be just to save a
5 couple bucks?

6 MR. GREGORY: Yeah, yeah, in installation,
7 but --

8 MR. GILLES: Quarter inch doesn't seem
9 like much of a governor rope to me.

10 MR. GREGORY: Well, it depends on -- I
11 mean, a quarter-inch rope, I mean I could look
12 up the breakage. It would probably hold up the
13 car.

14 MR. GILLES: I'm just giving my opinion.

15 MR. GREGORY: Right. But I think the
16 Board might want to move to approve this. I
17 can't make a motion. The Board might want to
18 move to approve this conditional, upon
19 receiving the other certificate.

20 My only other comment for Otis is that
21 you've done the same thing that Schindler did.
22 Your certificates tie you up tighter than a
23 drum. I mean, it's very -- these certificates
24 are very tight. They don't have any wind room.
25 I would fire a guy who

1 CHAIRMAN CHRISTENSEN: Is there a motion?

2 MR. WELLER: I'll make a motion in
3 accordance with our A17.7 flowchart that we've
4 been given, which I always go back to, that it
5 meets all of the tests, given the conditional
6 conformance certificate that AECO is going to
7 give you soon? So based on that contingency, I
8 would make a motion that we accept this under
9 A17.7.

10 CHAIRMAN CHRISTENSEN: Is there a second?

11 MR. FINCHAM: I second it.

12 CHAIRMAN CHRISTENSEN: Any questions?

13 [NO RESPONSE.]

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

16 [CHORUS OF "AYES."]

17 CHAIRMAN CHRISTENSEN: All those against?

18 MR. JANDORA: Abstain.

19 CHAIRMAN CHRISTENSEN: I would open up to
20 public comment. Dan Baumann?

21 MR. BAUMANN: I believe I already said
22 what I wanted to say.

23 CHAIRMAN CHRISTENSEN: Patty Young?

24 MS. YOUNG: I have no public comment.

25 CHAIRMAN CHRISTENSEN: You have nothing?

1 MS. YOUNG: No.

2 CHAIRMAN CHRISTENSEN: Karen Kennedy?

3 MS. KENNEDY: I have no comment.

4 CHAIRMAN CHRISTENSEN: David Smarte?

5 MR. SMARTE: Just thank you, guys, for all
6 the hard work you do.

7 CHAIRMAN CHRISTENSEN: And Patti Bonner?

8 MS. BONNER: No comment. Thank you.

9 CHAIRMAN CHRISTENSEN: We have all
10 the -- did all the Board members sign this?

11 MR. JANDORA: I did not.

12 CHAIRMAN CHRISTENSEN: We still have -- we
13 have got to adjourn this meeting. Is there a
14 motion to adjourn so we can go to variances?

15 MR. WILSON: So move.

16 CHAIRMAN CHRISTENSEN: Is there a second?

17 MR. JANDORA: Second.

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

20 [CHORUS OF "AYES."]

21 CHAIRMAN CHRISTENSEN: All those against?

22 All right. We're going to move on to
23 variance and appeals. River Birch Senior
24 Living in Springfield, Illinois.

25 MR. CAPUANI: Dick Gregory and I visited

1 this River Birch yesterday. So we're hoping we
2 came to an agreement that will be
3 both compliant -- they haven't showed up here.
4 So I'm assuming that they listened to our
5 recommendations.

6 MR. GREGORY: We told them that your
7 problem is, you don't comply with either A17.1,
8 or you don't comply with A18.1. You have to
9 make your unit comply with something, period.
10 You can decide what you want to do, but we can
11 only -- you know, we can't even give you a
12 variance for this thing because it doesn't
13 apply -- it doesn't comply, even closely
14 enough, to both items. You know, and they
15 said, "Why isn't it?" I mean, we've got a lot
16 of arguments. And we said, "You can show up
17 here if you want." The only issue that we
18 would have to give a variance on is the door
19 might be an inch -- it might be 79 inches
20 instead of 80 inches tall, and that's not an
21 issue. But other than that, they have to fix
22 it. And so that's where it's at. And, of
23 course, to fix it, they've got to spend money,
24 and now they've got to work on it.

25 CHAIRMAN CHRISTENSEN: Okay. Is

1 there -- go ahead.

2 MR. GRANT: I just had a question. I'm
3 sorry. I may have missed it when I was signing
4 my name. Is it an existing installation that's
5 problematic that was in operation before, or
6 newly installed?

7 MR. GREGORY: It was newly installed, and
8 it was not the right kind of unit that was
9 installed. It is not a single-family
10 residence. They installed single-family
11 residence elevators, and it is not a
12 single-family residence. It's 14 single
13 families in one building, if you want to look
14 at it that way.

15 How they got -- I mean, I suggested that
16 they file a lawsuit against their architect and
17 against the installer. The architect for
18 designing it into the buildings, three of them,
19 and the installer for putting them in without a
20 permit.

21 MR. GRANT: So is any action by the Board
22 derived by our investigation of this issue
23 relative to the installer and any licensure or
24 otherwise?

25 MR. GREGORY: They don't want to tell me

1 who the architect was, so.

2 MR. GRANT: But we do have -- do we not
3 have jurisdiction over those whom we license,
4 which is not the architect in this case, but
5 rather the person who installed it, especially
6 without a permit? Is an action planned for
7 that regardless of whether this group
8 pursues --

9 MR. CAPUANI: The problem here is the
10 company that installed it was told by the
11 architect that this was a single-family
12 residence. And during construction, there was
13 no really building. So they installed this
14 thinking that this was a single-family
15 residence.

16 MR. GRANT: So is it that the result of
17 your investigation is that that wasn't -- there
18 was no malice, except for not getting the
19 permit? Okay. We're just concerned about --

20 MR. GREGORY: And we, in the State of
21 Illinois, we do not require permits for
22 single-family residence, okay? So the
23 installer was -- if he believed it was a
24 single-family residence, because that's what he
25 was told, he was fine.

1 MR. GRANT: I understand. My purpose here
2 is that we put an awful lot of discussion into
3 the credentialing of those whom we license
4 under this Board action, and when those efforts
5 fall short in the real word for installation,
6 it seems as if we have an obligation to
7 meet -- to apply the seriousness of our efforts
8 to that situation and bring it to bear, so that
9 it doesn't continue. Or that when we have
10 cases of misuse of a license or the term
11 "elevator contractor" for people that we've
12 heard, these serious cases of people being
13 ripped off by people who we regulate, I think
14 it's important upon us to take that further
15 step when we can.

16 MR. CAPUANI: To answer that, it's under
17 investigation right now. We're bringing them
18 up to a hearing. We have an elevator company
19 in the Chicagoland area that did four
20 alterations in a nursing home without a permit
21 and never even called for an inspection.
22 Actually, the building safety director happened
23 to be at the building when an inspection was
24 going on, and it wasn't even the inspection
25 company that was supposed to be employed. It

1 was the municipality out there. So we're
2 going -- we're definitely going after them
3 right now.

4 We have another one in Rockford where a
5 lady is -- she paid this company a certain
6 amount of money back in July, and they haven't
7 performed the work. And their work was on a
8 LULA that said they had to change the whole
9 pressure line, and it really was the ninety
10 fitting that was leaking. And so we gave them
11 seven days where we were going to pull their
12 license.

13 MR. DATILLO: Going back to this River
14 Birch Senior Living. This is the situation, as
15 I recall, where this was on a lower level, and
16 all the housing accommodations were on
17 the -- the first level, if you walked out the
18 first level, it would be the second level of
19 the building. And I think those two gentlemen
20 that were here were saying that the variance
21 that they needed to get our approval on, they
22 could not close? This was a developer and the
23 builder could not close or accommodate the
24 moving in until this variance was approved?

25 MR. CAPUANI: No.

1 MR. GREGORY: Well, if they said that,
2 they were --

3 MR. CAPUANI: They're in there.

4 MR. DATILLO: Remind me.

5 MR. GREGORY: There was people -- when we
6 were there yesterday, they told us here that
7 these residential elevators are hardly ever
8 used. We walked in the door. And one aide is
9 wheeling a woman in a wheelchair into the
10 elevator. It takes her from the upper level to
11 the lower level.

12 MR. DATILLO: So, like, when they have
13 closed, they have taken the occupancy --

14 MR. GREGORY: It's full of people and full
15 of workers. And then while we're standing
16 there looking at the elevator, another woman
17 comes in a walker, and she wants to get in and
18 go from the upper level to the lower level. So
19 saying it's not used, that was bogus.

20 MR. DATILLO: To the best of my knowledge,
21 this is not what they presented to us two
22 months ago. Is that fair to say?

23 MR. CAPUANI: Yeah. And, remember, if you
24 recall, they said that the key was in a
25 locked --

1 MR. GREGORY: The elevator was locked off.

2 MR. CAPUANI: You have to have a key that
3 was in security. Right, well, the key was
4 hanging on the button.

5 MR. WELLER: They asked us to make a
6 variance that this was a single-family
7 residence is what they asked us to do, and we
8 couldn't do it because you're opening up a
9 floodgate.

10 MR. DATILLO: But it was not -- the
11 building had not been moved into at that time.

12 MR. WELLER: Oh, yes.

13 MR. GREGORY: Yes.

14 MR. CAPUANI: Yes.

15 MR. DATILLO: It has since --

16 MR. WELLER: It's been occupied, but they
17 can't use the elevator, right?

18 MR. GREGORY: They're using it.

19 MR. WELLER: My next question on that is,
20 who permitted that?

21 MR. GREGORY: Nobody.

22 MR. WELLER: The county?

23 MR. CAPUANI: Well, someone had to.

24 MR. WELLER: Somebody had to permit the
25 thing. You can't build it without a permit.

1 Somebody had to.

2 MR. GREGORY: Who permitted the building?

3 MR. WELLER: Well, you had to get a permit
4 from either the City of Springfield or the
5 County.

6 MR. GILLES: It's in the City of
7 Springfield.

8 MR. JONES: Could it have been a separate
9 permit, Kelly, for the building?

10 MR. WELLER: Somebody had to stamp the
11 thing.

12 CHAIRMAN CHRISTENSEN: Is there a motion
13 to accept the variance or not accept that
14 variance?

15 MR. CAPUANI: There's no variance right
16 now.

17 CHAIRMAN CHRISTENSEN: There's no
18 variance? Then there's nothing to accept?

19 MR. GREGORY: There's nothing to accept.
20 We rejected them.

21 MR. CAPUANI: What this Board can do, I
22 believe, is give them a certain amount of time
23 to comply to the code.

24 CHAIRMAN CHRISTENSEN: How many days?

25 MR. CAPUANI: Well, you've got four units.

1 MR. GREGORY: Three.

2 MR. CAPUANI: You have to change them from
3 a residential to a vertical platform.

4 MR. GRANT: Is there a concern of safety
5 of those persons using the lift that's in there
6 at this point in time versus -- I mean, the
7 issue is this: If you've got people in walkers
8 and wheelchairs in that building that are
9 living there, if we say we think it's
10 appropriate that they have some finite period
11 of time under which they need to make the
12 effort to, you know, proceed to replace these
13 with approved types of lifts or devices, that
14 they do that. But that to tell them that until
15 such time that these things are out of service
16 or locked out, there's a definite hardship to
17 persons without much control over this, unless
18 this is all a cooperative or condominium
19 development to take any action on that. And I
20 think we would be unnecessarily penalizing them
21 if there was not a true safety -- imminent
22 safety hazard for that to continue. I think we
23 should decide if we're going to do something
24 like that, the basis by what we would be doing.

25 MR. GREGORY: I suggest the Board give

1 them 90 days. They're working with a different
2 company -- they're ThyssenKrupp units. They're
3 working with a different representative of
4 ThyssenKrupp Access, a company, a licensed
5 company to modify them. They're just trying to
6 shave money, and that's all that's going on.
7 This is a commercial building in essence. They
8 charge -- you want to put your mother into a
9 holding tank or something, whatever? It's
10 \$50,000 a year. That's what it is.

11 MR. CAPUANI: Basically it's a simple fix.
12 We're talking about changing an automatic
13 elevator with a constant pressure push button.
14 That's it.

15 MR. GREGORY: But that's the major part of
16 it.

17 MR. CAPUANI: That's the major part.

18 MR. GREGORY: Right.

19 MR. DATILLO: And the Board, we have
20 knowledge, as we sit here today, that this
21 facility is operating an elevator not
22 appropriately; is that correct?

23 CHAIRMAN CHRISTENSEN: Yes.

24 MR. DATILLO: Do we not have a
25 responsibility to react to that or act upon

1 that as a Board?

2 MR. GREGORY: Which I'm suggesting you
3 give them 90 days to get it fixed to become
4 compliant.

5 MR. DATILLO: So you're giving them 90
6 days to be illegal?

7 MR. GREGORY: That's -- you know, it's
8 like when you get a traffic ticket. You go to
9 court a month later.

10 MR. JANDORA: It's also hard. I mean, you
11 have people who are relying on this conveyance.
12 You just can't say, "Hey, sorry. We're going
13 to shut it off." I think we're going to cause
14 more harm by doing that.

15 MR. WELLER: Mr. Chairman, do you need a
16 motion for a letter for us to take action? Or
17 do you just want to let the OSFM do it?

18 CHAIRMAN CHRISTENSEN: I think we should
19 just let the fire marshal's office do it.

20 Is there a recommendation to motion to
21 give them 90 days to become compliant?

22 MR. WELLER: You're the regulator. We
23 support you.

24 MR. WILSON: If you need a motion, I'll
25 make it.

1 CHAIRMAN CHRISTENSEN: No motion?

2 MR. WELLER: I'll make the motion for 90
3 days. That should be plenty.

4 This is Weller. I make the motion that we
5 formally notify and ask them -- what do you
6 want?

7 CHAIRMAN CHRISTENSEN: Is 90 days enough?

8 MR. GREGORY: 90 days is enough. It's not
9 that much work. It's getting the materials
10 there.

11 MR. WELLER: That we provide them 90 days
12 to rectify the situation.

13 MR. GREGORY: To correct their -- to make
14 it either an AA17.1 or an AA18.1 device so that
15 it can be permitted and hence inspected and
16 maintained.

17 MR. WELLER: That. Okay?

18 MR. WILSON: Same. Second it.

19 MR. DATILLO: I would ask in this letter,
20 are you going to tell them how to correct it?

21 MR. GREGORY: We told them already, and
22 the one guy took notes.

23 CHAIRMAN CHRISTENSEN: Is there any other
24 questions?

25 MR. GROSS: There are three elevators? I

1 thought there was only one elevator.

2 MR. GREGORY: Three buildings, one
3 elevator each.

4 MR. GROSS: They've got three buildings?

5 MR. GREGORY: One elevator each.

6 MR. GROSS: On the presentation, I thought
7 it was one building and one elevator.

8 MR. CAPUANI: Three buildings and three
9 elevators.

10 MR. GROSS: Okay. Under the permit, what
11 was the occupancy of the building? How was it
12 under the permit?

13 MR. GREGORY: We've never seen the
14 building permit.

15 MR. GROSS: They told us it was a
16 residential or whatever --

17 MR. GREGORY: They're good at tapdancing.

18 MR. CAPUANI: They want to come before
19 this Board and try to convince this Board that
20 it's an economic burden for them to change
21 these elevators over. My explanation to them
22 was, you know, the OSFM refused the variance.
23 You do have the ability to appear before the
24 Board, but my recommendations to you and Dick
25 Gregory's recommendation was to turn this into

1 a vertical platform lift for LULA.

2 So they haven't showed up today. I'm
3 hoping that they're going to go with the
4 vertical platform lift. If not, they probably
5 will try to come before this Board in February.

6 MR. GROSS: Well, I think before we give
7 them a timeframe on it, I think we've got to
8 find out some more issues, because once you say
9 give them the 90 days or the 30 days, the 60
10 days, whatever you decide on, you can really
11 throw an interesting burden on -- depending if
12 this is a commercial use facility, instead of a
13 residential use, because once you take the
14 elevator out, it's not a code issue. It
15 becomes a civil rights issue for the people in
16 the building. And when you're talking about a
17 civil rights issue, that opens up a whole
18 different burden of suits that can come out. I
19 mean, because we're just picking a number here
20 saying that they can get it done in 90 days.

21 I think it would be wise -- I would rather
22 see us kind of go face to face with these guys
23 before we throw out just a number, relook at
24 what is -- you know, what they want to do, and
25 instead of just giving them a drop-dead date.

1 MR. CAPUANI: By state law, it's really 30
2 days for code violation.

3 MR. GREGORY: And the reality is, is that
4 the company that is going to manufacture what
5 they need to make this into, let's say, a
6 vertical platform lift, ThyssenKrupp Access is
7 here in Roanoke, Illinois. So it's not like
8 they've got to ship it from a long distance.
9 They've got to manufacture it. The company
10 that they've chosen -- and I think what the
11 recommendation of ThyssenKrupp Access is Lifts
12 of Illinois, which is also in Roanoke,
13 Illinois, which is not far from here. So the
14 reality is they can manufacture it, they can go
15 down there and do the work, and they'll be
16 done.

17 The only thing is, you know, having it all
18 sent and manufactured and back to them, I don't
19 know whether they can manufacture it in 30
20 days. That's my concern. That's why we --

21 MR. GROSS: And, plus, the installation.

22 MR. GREGORY: That's easy. There's a lot
23 of unemployed mechanics. We can get a dozen of
24 them down there.

25 CHAIRMAN CHRISTENSEN: Go ahead, Doug.

1 MR. JONES: Just a question. The permit
2 comes from the State Fire Marshal's office
3 then, right, in this case? So you'll be
4 getting a permit from these people?

5 MR. CAPUANI: Right.

6 MR. JONES: One is going to be permitted
7 from the State Fire Marshal's office?

8 MR. GRANT: I seem to recall that the OSFM
9 general counsel's recommendations on how to
10 deal with companies that had not gotten permits
11 or work that was done that way, it was a
12 stipulated agreement where it was negotiated
13 that as work would be done, the facts were
14 taken into the case. Like, okay, yes, there is
15 a solution; we know what the solution is; it
16 costs something; it takes a certain amount of
17 time to manufacture it; and they have to move
18 forward with due diligence to accomplish that
19 by the agreed upon date. That is negotiated by
20 the Fire Marshal's office relative to that
21 solution.

22 Would something like that be a good way to
23 proceed here, so that we don't excessively
24 penalize people who live there, expecting that
25 the people who built this place and own it

1 followed all the laws and met all the things
2 they need to do? Yet we will accomplish our
3 end goal, which is to get them converted to the
4 correct type of lift and have them inspected
5 and maintained. Because unless somebody says
6 these things are not safe to operate right now,
7 I think we shift that burden unfairly to the
8 people who live there, not just in the
9 pocketbooks of the people who did the wrong
10 thing to start with.

11 MR. WELLER: The purpose of my motion was
12 just to formally have the Board recognize that
13 we have an issue, and that it needs to be
14 addressed. I think it's the owner's
15 responsibility to fix it, to take
16 responsibility for a due diligence schedule to
17 get it fixed. And I don't necessarily think
18 it's in our place to get in the middle.

19 All I wanted to do was recognize the
20 concerns that a lot of us had, that once we
21 know there's an issue, then we really want to
22 go on record saying you need to fix it. If 90
23 days is not fine, I'll take the timeframe out
24 of it and just say we want to go on record
25 notifying you that you have an issue. We want

1 you to come before us in the future, immediate
2 future, to tell us how you solved it.

3 MR. GRANT: I think if we do that, and if
4 for some reason we send a letter to the owner,
5 it would seem, in my experience as a code
6 official for over 23 years, the idea of posting
7 that notice at the building so that those
8 persons who live there know that that issue is
9 before them, that they don't just get surprised
10 when all of a sudden nothing works. It's an
11 important thing, to me, if we send any
12 notification to the owners, given that it's
13 proximate to this office's location, it would
14 seem very helpful to me if those tenants or
15 residents of that complex were also notified of
16 that issue because it has big impact upon them.

17 MR. WELLER: How would you propose us to
18 do that?

19 MR. GRANT: Well, the Office of the State
20 Fire Marshal posts premises for other issues
21 all the time. Whether it's an after-a-fire
22 emergency, under investigation, or anything
23 else. They have those -- they have those
24 abilities.

25 The thing that I'm just saying -- and I'm

1 not saying your motion needs to state that.
2 I'm merely making an additional recommendation
3 to the office that that be considered because
4 of the impact on those residents.

5 MR. CAPUANI: We'll take it under
6 advisement.

7 MR. GRANT: Thank you.

8 CHAIRMAN CHRISTENSEN: Are you changing
9 the motion?

10 MR. WELLER: Do you want to take the
11 timeframe out, the date?

12 MR. GRANT: No. I just am concerned about
13 having one that we know can't be met. Let's
14 say they chose to say, you know, what guys?
15 You're right. We didn't come to the meeting
16 because we met Thyssen on this revampment. And
17 they are telling us we can get this done and we
18 can pay for it and get it installed in this
19 amount of time. We don't know that 90 days is
20 the right one for that. And maybe -- we could
21 empower the office to utilize the timeframe
22 based on a discussion with the people who can
23 solve that.

24 MR. WELLER: Is that a friendly amendment?

25 MR. GRANT: That is a friendly amendment.

1 [CHORUS OF "AYES."]

2 CHAIRMAN CHRISTENSEN: All those against?

3 [NO RESPONSE.]

4 CHAIRMAN CHRISTENSEN: The "ayes" have it.

5 Is there a motion to adjourn?

6 MR. JANDORA: So move.

7 CHAIRMAN CHRISTENSEN: Is there a second?

8 MR. GROSS: Second.

9 CHAIRMAN CHRISTENSEN: All those in favor,
10 say "aye."

11 [CHORUS OF "AYES."]

12 CHAIRMAN CHRISTENSEN: All those against?

13

14 [NO RESPONSE.]

15 [MEETING ADJOURNED.]

16

17

18

19

20

21

22

23

24

25

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

CERTIFICATE

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

IN WITNESS WHEREOF, I have hereunto set my signature on November 7, 2011.

Ann Marie Hollo