

**BEFORE THE ELEVATOR SAFETY BOARD
DEPARTMENT OF LABOR AND LICENSING
STATE OF ARKANSAS**

IN RE: ARKANSAS DEMOCRAT GAZETTE

ORDER

This matter came before the Elevator Safety Board on Thursday, January 19, 2023. The petitioner, Arkansas Democrat Gazette ("Gazette"), seeks a variance due to a planned modernization of the elevator AS379 located within the building. Brian Mortier and William Morris appeared before the Board on behalf of the Gazette.

FINDINGS OF FACT:

1. The Gazette building was built in 1906 prior to the establishment of elevator or building code compliance. Also, there were no requirements to provide a drain or sump pump to eliminate the possibility of water from accumulating in the elevator pit.
2. Currently, the only access to the roof of the building is through a door inside the elevator equipment room.
3. The report of Chief Elevator Inspector, Greg Tipton ("Tipton"), dated December 5, 2022, reflects that due to the age and construction of the building, there is no other feasible option to access the roof of the building other than passing through the elevator equipment room.
4. Tipton states in his report that there is minimal safety concern as the elevator driving machine and controls are located where it would take a deliberate action by anyone entering the room to contact the driving machine or controls.
5. Furthermore, the elevator drive sheave will have guards in place and the elevator controls are located in a cabinet with a locked cover on it.
6. Regarding the water accumulation issue, Tipton states in his report that the removal of any water can be achieved by installing a 3000 gal/hr. surface mounted pump, placed in a type of container that will allow water to pass through while keeping debris from entering the pump. The water can then be discharged to the non-sanitary storm drain.

CONCLUSIONS OF LAW:

1. The Board has authority to adopt administrative rules establishing minimum standards for the installation, construction, maintenance, and operations of elevators pursuant to Ark. Code Ann. § 20-24-106(c).
2. The Board also has the power to grant a variance from minimum standards when it is clearly evident that it is necessary in order to prevent undue hardship or when the existing conditions prevent compliance with the literal requirements of the rules. In no case, shall a variance be granted unless in the opinion of the Board, reasonable safety will be secured. Ark. Code Ann. § 20-24-106(d).
3. Tipton recommends accepting the variance request conditioned upon installation of the surface mounted pump, and the elevator equipment room remaining closed and locked with only Group 2 Elevator Personnel and Building Maintenance Personnel having a security key.

THEREFORE, the Board grants a variance to the Arkansas Democrat Gazette.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD

RALPH T. HUDSON, CHAIRMAN

By: s/ Miles Morgan 1/19/23

Date: 01/19/2023

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