

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: DREW COUNTY DEVELOPMENTAL DISABILITIES COUNCIL, INC.
 203 East Trotter
 P. O. Box 359
 Monticello, AR 71657

AMENDED ORDER

This matter came before the Elevator Safety Board on Tuesday, January 17, 2006. The petitioner, Drew County Developmental Disabilities Council, Inc., seeks a variance with respect to an elevator installed in its facilities at 203 East Trotter, Monticello, Arkansas. Sandy Patrick, Executive Director, submitted the variance request on behalf of the non-profit corporation. No one appeared at the board meeting. The board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT:

1. The petitioner hired a Louisiana contractor to install the elevator approximately two (2) years ago. No installation permit and no operating permit were sought or obtained. No safety inspections were performed.
2. The conveyance is a residential elevator and does not meet the standards of ASME 17.1, as adopted by the board for new construction.
3. The petitioner has no funds for removal and replacement of this elevator.
4. The conveyance was "red-tagged" or its use prohibited by the Elevator Safety Division.
5. The petitioner seeks a permanent variance, or alternately a temporary variance of two weeks to allow them to relocate.

CONCLUSIONS OF LAW:

1. Ark. Code Ann. § 20-24-106(d) provides that "[t]he board shall also have the power in any particular case to grant exceptions and variations which shall only be granted where it is clearly evident that they are necessary in order to prevent undue hardship or where the existing conditions prevent compliance with the literal requirements of the rules and regulations. In no case shall any exception or variation be granted unless, in the opinion of the board, reasonable safety will be secured thereby."

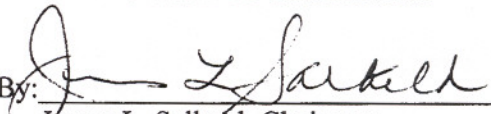
2. Applicable to this project is the provisions of the American Society of Mechanical Engineers Safety Code for Elevators and Escalators, ASME A17.1-1990 and Addendas 1991 and 1992, as adopted by board.

3. In the present case, the board concludes that granting a permanent variance would compromise safety, but that a temporary variance for a period of two weeks would alleviate an undue hardship which would be created if they could not use the elevator to move and would not compromise safety.

THEREFORE, the board grants the variance to Drew County Developmental Disabilities, Inc. to operate the conveyance located in its facilities at 203 East Trotter, Monticello, Arkansas for a period of time to expire on February 15, 2007.

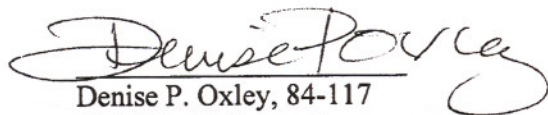
IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 1-29-07

Approved as to form:

A handwritten signature in cursive script, reading "Denise P. Oxley". The signature is written in black ink and is positioned above the printed name and title.

Denise P. Oxley, 84-117

Chief Legal Counsel

Arkansas Department of Labor

10421 West Markham Street

Little Rock, AR 72205

(501) 682-4504

BEFORE THE ELEVATOR SAFETY BOARD

**IN RE: ARKANSAS STATE UNIVERSITY
 AS # 3943**

ORDER

This matter came before the Elevator Safety Board on Tuesday, January 17, 2006 on a request for a variance from Arkansas State University. There was no representative of the university present at the hearing.

Findings of Fact:

1. The elevator permitted as AS #3943 was installed in 1993. It is located in the Dean B. Ellis Library on the ASU campus.
2. As a result of an inspection, ASU was cited for having roof drain lines located in the overhead of the hoist way. These pipes have been in the building for many years. Clint Halcom, Facilities Manager for ASU, states in his request for variance that the pipes have been in the hoist way since the original construction of the building.
3. Larry Smothers, Chief Elevator Inspector, advised the board that the pipes were located to one side and that he recommended granting the variance until such time as the elevator undergoes a update or modification.

Conclusions of Law:

1. ASME A7.1, Rule 102.2(d) as adopted by the board provides that "[o]ther pipes or ducts conveying gases, vapors or liquid and not used in connection with the operation of the elevator shall not be installed in any hoistway, machine room, or machinery space."
2. Ark. Code Ann. § 20-24-106(d) authorizes the board "to grant exceptions and variations which shall only be granted where it is clearly evident that they are necessary in order

to prevent undue hardship or where the existing conditions prevent compliance with the literal requirements of the rules and regulations. In no case shall any exception or variation be granted unless, in the opinion of the board, reasonable safety will be secured thereby."

3. The board concludes that the construction costs necessary to correct this code violation is sufficient to establish undue hardship and that reasonable safety will be secured.

THEREFORE, the Elevator Safety Board grants a variance to Arkansas State University with respect to the elevator permitted as AS #3943 to allow existing pipes in the hoist way until the elevator undergoes a modification. This decision being made on January 17, 2006 is issued now for that date.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: _____
James L. Salkeld, Chairman

Date: _____

Approved:

Denise P. Oxley, 84-117
Chief Legal Counsel
Arkansas Department of Labor
10421 West Markham
Little Rock, AR 72205
(501) 682-4504

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: OTIS ELEVATOR
GEN2 ELEVATOR

ORDER

This matter comes before the Elevator Safety Board on Tuesday, July 25, 2006. The petitioner, Otis Elevator Company, seeks an extension to a general variance granted by the Elevator Safety Board on June 5, 2003 and amended on October 13, 2005 and issued on January 17, 2006. The Board adopts the Findings of Fact and Conclusions of Law contained in its order signed January 17, 2006. This order is attached as Exhibit A and incorporated herein.

THEREFORE, the Board grants an extension of the general variance granted on or about June 5, 2003, to allow the Gen2 elevator to be installed in Arkansas. Such extension shall expire on June 30, 2008.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 7-25-06

Approved:
Denise P. Oxley, 84-117
Chief Legal Counsel
Arkansas Department of Labor
10421 West Markham Street
Little Rock, AR 72205
(501) 682-4504