



COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission
Indiana Government Center South
Conference Center Room B
302 W. Washington Street
Indianapolis, Indiana 46204

Tuesday, October 1, 2019

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's (the Commission) regular monthly meeting was called to order by Chairman Robin Nicoson at 9:00 a.m. on Tuesday, October 1, 2019.

(a) Commissioners present at the Commission's meeting:

Michael Corey
Greg Furnish
Kevin Goeden, representing the Commissioner, Department of Labor
Joseph Heinsman
Todd Hite, representing the Commissioner, Department of Health
Robin Nicoson, Chairman
Scott Pannicke
Michael Popich

(b) Commissioners not present at the Commission's meeting:

David Henson
James Jordan

- (c) The following staff from the Indiana Department of Homeland Security (IDHS) were present during the meeting:

Alan Blunk, IDHS Plan Review Section Chief
Douglas Boyle, Director of Fire Prevention and Building Safety Commission
Craig Burgess, State Building Commissioner
Denise Fitzpatrick, IDHS Code Specialist/Variance Analyst
Philip Gordon, Deputy Attorney General & Legal Counsel to the Commission

Justin Guedel, IDHS Deputy General Counsel
Kim Hyten, IDHS Code Specialist/Variance Analyst
James Schmidt, Deputy Attorney General & Legal Counsel to the Commission
Kevin Troy, IDHS Code Enforcement Assistant Section Chief
Karla Vanblaricum, IDHS Variance Coordinator

2. Director Boyle conducted roll call and noted that quorum was present, with eight commission members in attendance.
3. Commission Review and Action on Meeting Minutes from Tuesday, August 6, 2019 and Wednesday, September 4, 2019

Director Boyle presented the meeting minutes from the Commission's Tuesday, August 6, 2019 and Wednesday, September 4, 2019 meetings. Director Boyle noted that the meeting minutes from Tuesday, August 6, 2019 were tabled at the Wednesday, September 4, 2019 meeting, and asked the commissioners for any corrections and additions. Commissioner Corey made a motion to approve the meeting minutes from Tuesday, August 6, 2019 as submitted. Commissioner Pannicke seconded the motion. The motion was voted on and carried. Commissioner Pannicke made a motion to approve the meeting minutes from Wednesday, September 4, 2019 as submitted. Commissioner Corey seconded the motion. The motion was voted on and carried.

4. IDHS/Commission Staff Reports and Updates
 - a. State Building Commissioner's Report – Craig Burgess, State Building Commissioner

State Building Commissioner Craig Burgess advised the Commission that he had two official written interpretations to bring to the Commission's attention that are published in the Indiana Register: Interpretation No. CEB-2019-18-2014 IBC-1029.1 and Interpretation No. 2019-20-2014 IBC-907.5.2.3.1. Both of these written interpretations were posted to the Indiana Register on September 18, 2019, and were also provided to the Commission as part of the Commission's meeting materials (<https://www.in.gov/dhs/3878.htm>). Commissioner Burgess briefly explained the background and rationale behind each of the interpretations and asked the commissioners if they had any questions or concerns. The commissioners did not have any questions for Commissioner Burgess.

5. Election of a New Vice Chair of the Commission – pursuant to Indiana Code § 22-12-2-5(c)

Since Commissioner Jessica Scheurich, Vice Chairman of the Commission, resigned from her position on the Commission at the Wednesday, September 4, 2019 meeting, Director Boyle reminded the Commission that state statute, under Indiana Code § 22-12-2-5(c), requires the Commission to appoint a vice chairman to the Commission, to fulfill the duties of the chairman in his/her absence. As such, Director Boyle advised the Commission that action

needed to be taken to elect a new vice chairman. Director Boyle asked the commissioners if anyone was interested in volunteering to serve as the vice chairman of the Commission. Commissioner Popich volunteered to serve as vice chairman of the Commission. Commissioner Pannicke made a motion to appoint Commissioner Popich as the vice chairman of the Commission. Commissioner Heinsman seconded the motion. The motion was voted on and carried. Commissioner Popich abstained from the vote.

6. Remarks from Indiana Department of Homeland Security Executive Director Bryan Langley

Director Boyle advised the Commission that Bryan Langley, Executive Director of the Indiana Department of Homeland Security wished to address the Commission and provide a few remarks. Director Langley was not present, but Jonathan Whitham, General Counsel of the Indiana Department of Homeland Security advised that he could speak on Director Langley's behalf. Mr. Whitham stated the both the department and the Commission have experienced a lot of change over the last few months, and he thanked everyone for their patience as the department's staff tries to work through all of the new processes and procedures, especially in regards to the new variance program. He also advised that a lot of exciting things are still coming, and everyone – commissioners, stakeholders, and the general public – should not hesitate to contact him, Director Boyle, Justin Guedel, or anyone at IDHS if they have any questions or suggestions on how things can be improved.

Mr. Whitham told the Commission that one of the department's biggest priorities over the next twelve months will be the development of the department's plan review and variance programs in the department's new Public Safety Portal. Once development has started, staff may likely reach out to the members of the Commission and some customers for ideas on what they would like to see as the best way to visualize and process the information needed to implement and execute the programs. Mr. Whitham also told the Commission that it is his hope that customers and local stakeholders, such as local building and fire officials, will ultimately be able to subscribe to be notified of certain types of filings based on jurisdiction, whether it be by county, city/town limits, zip code, etc., which will hopefully greatly improve the notification and communication aspects of these programs. Mr. Whitham acknowledged that he doesn't feel that the department is where it wants to be or needs to be at this point, but is happy with progress that has been made due to in large part to the hard work of the department's staff that supports the Commission and these efforts. Finally, Mr. Whitham advised that he will remain in the back of the room for a few minutes if anyone wanted to address him directly with any questions or suggestions.

Commissioner Popich asked Mr. Whitham if there has been any movement on permitting the Commission to move forward with additional, new code adoptions, given that part of the impetus behind the major statutory changes to the variance program was to free up the Commission's time to take on higher-level business issues such as rulemaking and code adoptions. Mr. Whitham advised that there isn't necessarily anything holding the Commission and the department back from at least starting to look at some of the codes, namely the Indiana Building Code (675 IAC 13) and the Indiana Fire Code (675 IAC 22).

However, Mr. Whitham advised that a strong business case is needed if rulemaking is to move forward. In building a business case, an argument to update the code(s) must explain why something needs to be changed, why it is vital and beneficial to public safety that something be changed, and why the change will not be adverse to Indiana's economic development. Director Boyle advised that if anyone wishes to submit an argument or proposal to update the codes, they may do using the "Code Comments, Proposals and Advice" web form provided on the Commission's web page (<http://www.in.gov/dhs/4202.htm>), and the Commission's staff will retain those submissions, so that the department and the Commission can take them under advisement.

7. Rulemaking Updates

a. 2018 Elevator Code Committee Update

Commissioner Corey, Chairman of the Indiana Elevator Code Committee advised the Commission that he had some very sad news to share with the Commission. He advised the Commission that one of the committee's members, Jeff Cooper, had passed away over the previous weekend. Commissioner Corey acknowledged Mr. Cooper's many years of service to the elevator industry, and his years of public service on two code rewrite committees. Director Boyle also acknowledged Mr. Cooper's hard work on the committee, even though he had only known Mr. Cooper for about a year, and he asked the Commission keep Mr. Cooper's family and friends in their thoughts and prayers.

Commissioner Corey advised the Commission that the committee finished its long review of Appendix L of ASME A17.1-2016 at its meeting on Tuesday, September 17, 2019, and the committee will hopefully be ready to adopt a proposal for code change to Appendix L and finish ASME A17.1-2016 by its next meeting. Commissioner Corey advised that the committee's next meeting will be on Tuesday, October 15, 2019, starting at 9:00 a.m. in Conference Room D of Indiana Government Center South, 302 W. Washington Street, Indianapolis, IN 46204.

Commissioner Corey then told the Commission that he had a few questions/important issues of discussion that he wanted to ask the Commission regarding a few statutory changes that went into effect earlier this year. He stated that Senate Enrolled Act 485 includes some provisions that direct the Commission to set fees for third party inspections. He advised that the state of Indiana has never permitted third party inspections before. He then told the Commission that would need some assistance and direction in terms of what this fee should be, as it will likely affect the fiscal impact analysis of certain parts of the adoption of ASME A17.1-2016, such as the required witnessing of periodic tests. After discussion, Commissioner Corey told the Commission that a final decision regarding a fee did not have to be made at today's meeting. However, he wants the Commission to think about it and keep it in mind, as the Commission will need to make a final decision prior to adopting the new Indiana Elevator Code. Justin Guedel, Deputy General Counsel for the Indiana Department of

Homeland Security, advised the Commission that he will work with Commissioner Corey to investigate this issue, and try to provide the Commission more information before the committee finishes its proposed rule.

b. 2018 Indiana Residential Code Committee Update

As had been advised at the Commission's Wednesday, September 4, 2019 meeting, Director Boyle reminded the Commission that the Commission's moratorium exception request was approved by the State Budget Agency (OMB) on August 27, 2019. Director Boyle advised the Commission that the proposed rule and the notice of public hearing were posted to the Indiana Register on Wednesday, September 18, 2019, in accordance with the requirements of the Indiana Administrative Orders and Procedures Act provided under Indiana Code § 4-22-2. Links to these documents were also posted to the Commission's rulemaking docket, provided on the Indiana Residential Code Committee's web page (<http://www.in.gov/dhs/4201.htm>). As provided in the notice of public hearing, Director Boyle advised that public hearing on the proposed rule will be held on Friday, October 11, 2019, beginning at 10:00 a.m. in Conference Room 1 of Indiana Government Center South, 302 W. Washington Street, Indianapolis, IN 46204. Once the public hearing is complete, the Commission's staff will compile all of the written comments received, and create a summary of the oral comments from the public hearing, to be provided to the Commission in advance of its next meeting on Thursday, November 7, 2019.

As provided in the Commission's rulemaking docket, Justin Guedel, Deputy General Counsel for the Indiana Department of Homeland Security, advised the Commission that public comment period on the proposed rule will be closed at the end of business, 4:30 p.m., on Friday, October 11, 2019. Mr. Guedel stated that the Commission will hopefully then be ready to adopt a final rule at its next meeting on Thursday, November 7, 2019, upon review of all the public comments. Mr. Guedel asked that any immediate concerns on the proposed rule be submitted to the Commission's staff as soon as possible, so that staff may be able to prepare an additional draft rule if any changes need to be made to the proposed rule, which will also be presented to the Commission to vote on at its next meeting on Thursday, November 7, 2019. Mr. Guedel also advised that if for some reason all of the public comments from the public hearing are not able to be heard by the end of business on Friday, November 11, 2019, the hearing will either continue until it is finished, or staff will advise when the hearing will reconvene, to ensure all of the public comments are heard and then summarized for the Commission. Finally, Mr. Guedel provided the Commission a memo that provided an overview of the changes that had been made to the proposed rule, per the recommendations of OMB, the Attorney General's Office, and the Legislative Services Agency. He asked the Commission to review the memo and contact him with any questions or concerns.

- c. Commission Action on the Formation of the Indiana Boiler and Pressure Vessel Rules Rewrite Committee (subcommittee of the Fire Prevention and Building Safety Commission) – Justin Guedel, IDHS Deputy General Counsel

Justin Guedel, Deputy General Counsel for the Indiana Department of Homeland Security, advised the Commission that he had drafted some proposed bylaws to guide the Indiana Boiler and Pressure Vessel Rules Rewrite Committee, similar to the bylaws that guided the Indiana Residential Code Committee. These bylaws were provided to the Commission as part of its meeting materials (<https://www.in.gov/dhs/3878.htm>) in advance of the meeting. Mr. Guedel advised that the majority of the proposed committee's members (five of the seven members) are former members of the now-abolished Indiana Boiler and Pressure Vessel Rules Board. Recent statutory changes regarding the regulation of boiler and pressure vessels and changes made by the emergency rules adopted by the Commission at its recent meetings now necessitate the formation of this subcommittee in order to implement these changes into a final administrative rule. Mr. Guedel advised that the rules board had started drafting its own proposed rule over the course of the last year, before the board was abolished on July 1, 2019 under the statutory changes of House Enrolled Act 1269.

Mr. Guedel advised that this body's first proposed meeting date will be on Wednesday October 16, 2019, if the Commission approves its formation. Mr. Guedel also advised that the committee will hopefully be ready to present a proposed rule to the Commission by June 2020. Mr. Guedel then provided some background on each of the members, per Commissioner Popich's request. After brief discussion, Commissioner Popich made a motion to approve the formation of the Indiana Boiler and Pressure Vessel Rules Rewrite Committee, tasked with creating a proposed rule to update the Indiana Boiler and Pressure Rules (675 IAC 30). Commissioner Corey seconded the motion. The motion was voted on and carried.

8. Commission Action on Third Party Inspection Agency Renewals

- a. Hilborn, Werner, Carter and Associates, Inc.

Hilborn, Werner, Carter and Associates, Inc. submitted its annual third-party inspection agency certification renewal to the Indiana Department of Homeland Security on September 20, 2019. Kevin Troy, IDHS Code Enforcement Assistant Section Chief (State Fire Marshal's Office), advised the Commission that the State Fire Marshal's Office recommends approval on the renewal. Commissioner Popich made a motion to approve the renewal. Commissioner Corey seconded the motion. The motion was voted on and carried.

9. Petitions for Administrative Review

- a. Timely

- i. IDHS Inspection Report Order Identification Number AE3813555
The Brown Bowl, 1616 N. Meridian Street, Portland, IN 47371

Director Boyle advised the Commission that this petition for administrative review has been granted as timely and with standing, and has been forwarded to the Attorney General's Office for assignment to an administrative law judge.

Breaking and reconvening: Chairman Nicoson recessed the Commission at 10:07 a.m. The meeting was called back to order at 10:25 a.m.

10. Variances

- a. Tabled

19-05-82 (a)(b)(c) Berry Event Barn, Greencastle

No proponent was present to speak on behalf of the variance application. Commissioner Pannicke made a motion to **table**. Commissioner Corey seconded the motion. The motion was voted on and carried.

19-06-02 Lowe's Store 0215, Terre Haute – paper filing

No proponent was present to speak on behalf of the variance application. Director Boyle advised that the application is complete, and ready for a determination from the Commission. After brief discussion, Commissioner Furnish made a motion to **approve with the condition that compatible connections be provided at the hose stations for the hoses utilized by the local fire department having jurisdiction (Honey Creek Fire Department)**. Commissioner Corey seconded the motion. The motion was voted on and carried.

19-08-06 Kokomo Downtown Building, Kokomo – **incomplete**

No proponent was present to speak on behalf of the variance application. This application was submitted incorrectly and was still incomplete. The Commission's staff advised that they still have not received the required affirmation from the owner/applicant. Commissioner Furnish made a motion to **table**. Commissioner Corey seconded the motion. The motion was voted on and carried.

19-08-07 Commerce Center, South Bend

No proponent was present to speak on behalf of the variance application. This application was submitted incorrectly and was incomplete over the last few meetings. The Commission's staff advised that they had received the required affirmation from the

owner/applicant since the Commission's last meeting, and the application is now complete and ready for a determination from the Commission. Commissioner Popich made a motion to **approve as submitted**. Commissioner Corey seconded the motion. The motion was voted on and carried.

19-08-08 201 S. Main Street, South Bend

No proponent was present to speak on behalf of the variance application. This application was submitted incorrectly and was still incomplete. The Commission's staff advised that they still have not received the required affirmation from the owner/applicant. Commissioner Pannicke made a motion to **table**. Commissioner Heinsman seconded the motion. The motion was voted on and carried.

19-08-09 Sleep Inn Fort Wayne, Fort Wayne

No proponent was present to speak on behalf of the variance application. This application was submitted incorrectly and was still incomplete. The Commission's staff advised that they still have not received the required affirmation from the owner/applicant. Commissioner Pannicke made a motion to **table**. Commissioner Heinsman seconded the motion. The motion was voted on and carried.

19-08-11 Target West Lafayette, West Lafayette

No proponent was present to speak on behalf of the variance application. This application was submitted incorrectly and was still incomplete. The Commission's staff advised that they still have not received the required affirmation from the owner/applicant. Commissioner Pannicke made a motion to **table**. Commissioner Heinsman seconded the motion. The motion was voted on and carried.

19-08-16 (a) White Rock Barn, Ossian

Dennis Bradshaw, Fire Protection and Code Consultants, spoke as the proponent of the variance application. Mr. Bradshaw advised that the owner/applicant, Nathan Keller, is still in the process of gathering all the information that the Commission had requested at last month's meeting. Mr. Keller is still in the processing of obtaining an official response from the county regarding his septic system, and is also still in the process of having soil samples tested by the Indiana State Department of Health. Mr. Keller is also in the process of contacting surrounding landowners to obtain their statements on if they are willing to sell part of their property to accommodate the space needed for the needed septic system. Mr. Bradshaw requested that the application be tabled for one more month, to allow Mr. Keller additional time to gather all the requested information. Commissioner Pannicke made a motion to **table**. Commissioner Hite seconded the motion. The motion was voted on and carried.

b. New

19-09-41 Seasonal Barn Wedding Venue, Tipton

Mike Lee, owner/applicant, spoke as the proponent of the variance application. The requested variance is to Section 3401.1 of the 2014 Indiana Building Code to convert a one-story, 1,258 sq. ft. barn into a Class 1 structure to be used as a wedding venue. Mr. Lee claimed that compliance with all the code will create operational hardships in the use of the structure, and will prevent the architectural and historical preservation of the barn. Mr. Lee advised existing structure has been reviewed and meets or exceeds the design load requirements for a Class 1 structure. Mr. Lee also advised that the barn's existing sliding doors will be retained, additional egress doors will be added, and a new electrical system will be installed including exit and emergency lighting. After discussion, Commissioner Pannicke made a motion to **approve with the following additional conditions: 1. A shunt trip is required to be provided that is tied to the structure's fire and smoke detection system, to shut off any sound system when the detection system is activated. 2. Any decorative lighting used in the structure is required to commercial grade, UL listed, and must comply with the Indiana Electrical Code. 3. Any decorative materials used in the structure must be non-combustible materials, or, if combustible, must be fire retardant treated.** Commissioner Corey seconded the motion. The motion was voted on and carried.

19-09-40 Walnut Street Parking Garage SE Stairwell Repairs, Bloomington

Carrie Ballinger, RTM Consultants, Inc., spoke as the proponent of the variance application. Ms. Ballinger explained that southeast stairway in the open parking garage is in immediate need of repair and must be closed, which means the open parking garage will only have one exit stairway. The code requires open garages to maintain two exit stairways. This structures, previous variance, Variance 19-07-60, was approved through October 31, 2019. However, delays in the contractor bid qualification process and lead time on the steel, have delayed the construction and repairs until the middle of October. Ms. Ballinger advised that imposition of the code will result in closure of the parking garage for eight to twelve weeks, which will greatly strain parking in the area and current monthly parkers will have no location to which they can relocate for parking. Closure of the garage will result in an estimated loss of revenue of at least \$23,000 per month. Ms. Ballinger requested that the variance be approved until at least January 31, 2020. Tim Clapp, Bloomington Fire Department, advised that he does not oppose the variance, and recommended that the variance be extended later than January 31, 2020, to safeguard against additional delays during the winter months. Commission Pannicke made a motion to **approve with the condition that the variance is effective until March 1, 2020 (03/01/2020).** Commissioner Heinsman seconded the motion. The motion was voted on and carried.

19-09-42 The Wooded Knot, LLC, Bourbon

Dennis Bradshaw, Fire Protection and Code Consultants, spoke as the proponent of the variance application. Mr. Bradshaw advised that a new, single-story A-2 Christian retreat and event center with an assembly area calculated occupant load of 298 occupants and approximately 8,900 square feet will not be provided with an automatic fire sprinkler system. The code requires the building to be provided with an automatic fire sprinkler system when the occupant load of the fire area is 100 or more. Mr. Bradshaw explained that the applicant's undue hardship is the cost of approximately \$185,000 to provide a fire sprinkler system for the building and the cost maintaining the system, and the site does not have a public water supply.

In lieu of compliance, Mr. Bradshaw explained that the applicant will take the following measures to ensure that the variance will not be adverse to public health, safety, or welfare: 1. The building will be divided into three (3) separate fire areas of less than 5,000 square feet by 2 hour fire barriers. 2. The building will be provided with an automatic fire alarm system with smoke detection throughout. Additionally, a shunt trip will be provided to shut off power to any live music, DJ or entertainment if the fire alarm is activated. 3. The calculated occupant load will be only 298 occupants in the event hall. The proposed egress capacity will be capable of serving 1,000 occupants. 4. Exit access travel distance will only be 70 feet and will be less than half of the 200 feet travel distance permitted by the code. After discussion, the Commission determined that it would like to see hard, factual estimates of the overall project costs, to see in comparison to the estimated cost of the sprinkler system, and requested that the occupancy numbers also be verified. Denise Fitzpatrick, IDHS Code Specialist, advised Mr. Bradshaw that he might also consider revising the submitted floor plan. Commission Pannicke made a motion to **table**. Commissioner Corey seconded the motion. The motion was voted on and carried.

19-09-43 777 North Meridian Renovation, Indianapolis

Melissa Tupper, RTM Consultants, Inc., spoke as the proponent of the variance application. Ms. Tupper explained a new enclosed stair at the north end of an existing building has reduced headroom at the fourth floor. The code requires a minimum 6'8" clearance. The stair is 46" wide, the headroom at the low side is 5'4" and 7'3" at the high side. The building, located on the American Legion Mall in Indianapolis, is listed on the National Register of Historic Places, and was constructed in 1925. Ms. Tupper advised that the applicant's undue hardship is that stair was constructed within existing structural bays of the building, and the reduced head room is due to navigating the design around existing structural members that cannot be removed. Ms. Tupper advised that Variance 17-08-37(b) was granted to permit a reduced headroom of 6'5", which they thought they could achieve during the design stages of the project. However, while working within the existing building constraints during construction, they were unable to meet the headroom clearance in the previously approved variance.

Ms. Tupper advised that this variance will not be adverse to public health safety or welfare for the following reasons: 1. The average height of an adult male is 5'9" and the average height of an adult female is 5'4". There will be approximately 36" of stair width with having headroom of 5'9" and greater. There will be approximately 22" of stair width having headroom of 6'5" and greater. 2. The stairs were constructed to provide a 2nd exit from floors 2-4. Floors 2-4 of the building are currently served by a partially enclosed single exit stair. 3. The stair with the reduced headroom only serves as an exit for the fourth floor. 4. A protective foam piece will be added to the steel. 5. Signage will be provided at the door to the stair at each level to caution occupants of the low headroom at the fourth floor. 6. The portion of the stair with low headroom will be painted/marked to distinguish it from the rest of the stair and signage will be provided indicating the low headroom. 7. The building will be protected throughout with an automatic sprinkler system, even though the building is not currently sprinklered.

After extensive discussion, Commissioner Pannicke made a motion **deny** the variance. Commissioner Popich seconded the motion. The motion was voted on and failed by hand vote – 3 to 5. After further discussion, Commissioner Goeden made a motion to **approve with condition that emergency lighting be installed so that the staircases, landings, and signage provided at the third and fourth floors will be illuminated from both directions**. Commissioner Furnish seconded the motion. The motion was voted on and carried by hand vote – 5 to 3.

19-09-44 Gate House for Hoosier Village, Zionsville

Tim Callas, J & T Consulting, LLC, Dan Wolf, BHI Senior Living, Inc., and Todd Rottmann, Rottmann Collier Architects, Inc., spoke as the proponents of the variance application. Mr. Callas advised that a new 1,118 sq. ft. security gate house for an existing apartment complex will not be connected to sanitary sewer system, as required by code. The variance request is to allow a sanitary holding tank (see tank specifications provided with variance application) to be used for two years until a new sanitary line will be provided by the Town of Zionsville. Mr. Callas explained that the owner's/applicants undue hardship involves an estimated cost of approximately \$100,000 to connect to the closest existing sanitary line, which is 1,950 feet away from the existing apartment complex. Alternatively, the owner/applicant would be required to install an expensive septic system, which the owner/applicant doesn't want to undertake since a new sanitary line will be provided by the city in two years.

Mr. Callas explained that the variance will not be adverse to public health, safety and welfare because the sanitary holding tank will be emptied on a regular basis, per the tank's specifications provided with the variance application, and there will only be one to three people in the security gate house at any one time. Mr. Callas also advised that the Commission has granted several variances for similar circumstances in the past (see variance numbers provided in variance application). Mr. Callas also submitted documentation from Town of Zionsville to Director Boyle, stating that they are in

support of the variance, and that the town does intend to provide a new sanitary line near the site with approximately two years. After discussion, Commissioner Popich made a motion to **approve with the condition that the variance is effective until October 1, 2021 (10/01/2021)**. Commissioner Hite seconded the motion. The motion was voted on and carried.

11. Additional Commission Discussion

Before ending the meeting, Commissioner Corey advised the Commission that he had one more topic of discussion regarding Senate Enrolled Act 485 and its requirements for elevator mechanic licensing in the state of Indiana that he wanted to bring to the Commission's attention. Commissioner Corey explained that the state of Indiana permits an applicant for an elevator mechanic license to obtain his/her license if he/she hold an active elevator mechanic license issued by a state that has a licensing program that is at least equivalent to Indiana's elevator mechanic licensing program. Commissioner Corey acknowledged that he did not know the specifics of how this is being administered by the State of Indiana, or who has been responsible for determining the equivalency of a state's program to this point. However, Commissioner Corey advised that Senate Enrolled Act 485 changed state statute, under Indiana Code § 22-15-5-12, to require the Commission to determine the equivalency of other states' elevator mechanic licensing programs to Indiana's elevator mechanic licensing program.

Commissioner Pannicke asked Commissioner Corey who is currently responsible for approving elevator mechanic licenses in the state of Indiana, to which Commissioner Corey answered that he believes the Indiana Department of Homeland Security is issuing the licenses. Justin Guedel, Deputy General Counsel of the Indiana Department of Homeland Security, confirmed that the Commission is now legally required to approve the equivalency of other state's elevator mechanic licensing programs, by comparing the requirements and then making the official determinations on which states' programs are equivalent, and will be accepted and granted reciprocity in the state of Indiana. Then, the Indiana Department of Homeland Security will administer the state's licensing program and grant licenses based on the Commission's official determinations.

Commissioner Corey asked Mr. Guedel if the Commission itself has ever taken official action to grant reciprocity to another state's elevator mechanic licensing program. Mr. Guedel responded that it may have occurred several years ago, but he is not aware of any such actions in official records. Commissioner Corey advised that he was not aware of any such actions being taken the Commission during his previous tenure with the Commission. Commissioner Furnish recalled that this topic of reciprocity, specifically reciprocity with Kentucky's program, was discussed before the Commission about three years, but also wasn't sure what resulted from those meetings.

Commissioner Corey also advised the Commission that state statute, under Indiana Code § 22-15-5-12, requires the Commission to approve a written competency examination as

eligible criteria for applying for an elevator mechanic license. Commissioner Corey advised that it is his belief that the Commission has never formally approved a written competency examination for the state of Indiana, but also expressed his reservation in doing so without establishing more explicit criteria for what qualifies an applicant to be eligible to take a written competency examination. Commissioner Corey reiterated that he did not necessarily expect the Commission to take any formal action today on these issues. However, he again reiterated the importance of bringing these issues to the Commission's attention to establish a plan to address these issues, since the Commission is mandated by law to address these issues and establish policy to administer the state of Indiana's elevator mechanic licensing program.

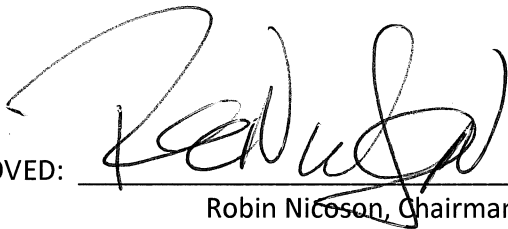
12. Comments and Closing Remarks – Chairman Nicoson

Chairman Nicoson thanked everyone for coming and wished everyone a safe drive home.

13. Adjournment

Chairman Nicoson adjourned the meeting at 11:57 a.m.

APPROVED: _____

A handwritten signature in black ink, appearing to read 'Robin Nicoson', is written over a horizontal line. The signature is stylized and cursive.

Robin Nicoson, Chairman