

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: WHITE COUNTY COURTHOUSE
MICHAEL LINCOLN, WHITE COUNTY JUDGE
AS/EV #4443

CONSENT ORDER

This matter comes before the Arkansas Elevator Safety Board on Thursday, February 19, 2015. The petitioner, Michael Lincoln, White County Judge, seeks a variance for the above-referenced conveyance.

FINDINGS OF FACT:

1. The petitioner submitted a variance request to the Arkansas Department of Labor on December 15, 2014 for AS/EV #4443, located at the White County Courthouse, 300 North Spruce, Searcy, Arkansas 72143.
 2. Petitioner seeks variance from the overhead clearance requirement (60") contained in A18.1-2005 Section 3.1.2.2.
 3. That the clearance on this conveyance is approximately 58", which is less than the 60" requirement contained in A18.1-2005 Section 3.1.2.2.
 4. That the agency cleared this conveyance for operation in January 1997; and
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- ~~that no overhead clearance violations have been noted until an inspection performed~~
April 22, 2014.

5. That the agency and petitioner agree that there is an undue hardship in this matter and that reasonable safety will be secured with the following conditions:

- a. installation of a "kill switch" to ensure the conveyance will not operate if the rider is not in a sitting position; and
- b. limit key access to certain county personnel; and
- c. addition of signage on upper landing to indicate low clearance

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. In the present case, the Board concludes that an undue hardship is present in this matter and that reasonable safety will be secured if this request is granted pursuant to the conditions contained in Paragraph 5 above. The conditions shall be completed by August 19, 2015.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: Leon Jones, Jr.
Leon Jones, Jr., Chairman

Date: 2/19/15

Approved: [Signature] 2/19/15
DATE
Daniel Knox Faulkner, 2002-168
Staff Attorney
Arkansas Department of Labor
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[Signature] 2-19-15
DATE
The Honorable Michael Lincoln
White County Judge
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