

FOR THE CASE OF  
DO Elevator & Amusement Board Meeting

TRANSCRIPT OF  
First Quarter

March 7, 2017

*Stone & George*

COURT REPORTING

2020 Fieldstone Pkwy

Suite 900 - PMB 234

Franklin, TN 37069

(615) 268-1244

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1. STATE OF TENNESSEE  
ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD

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8. QUARTERLY MEETING OF THE  
STATE OF TENNESSEE  
ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD  
March 7, 2017

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CASSANDRA M. BELING, CCR, LCR# 371  
STONE & GEORGE COURT REPORTING  
2020 Fieldstone Parkway  
Suite 900 - PMB 234  
Franklin, Tennessee 37069  
615.221.1089

23.

24.

25.

1. APPEARANCES:

2. Robbie Fox, Chairman  
Fixed Amusement Device Representative

3.

4. Chris Farmer  
Elevator Inspector Supervisor

5.

6. David Hale, Board Member  
Tennessee Fair Association Representative

7.

8. Mike H. Hardy, Board Member  
Amusement Device Manager

9.

10. Larry R. Moore, II, Board Member  
Owner and Lessees Representative

11.

12. Paul D. Fisher, Board Member  
Manufacturer Representative

13.

14. Mitch H. Rader, Board Member  
Insurance Company Representative

15.

16. Kim Y. Jefferson, Esq.  
Administrator, State of Tennessee

17.

18. Dan Bailey, Esq.  
Legal Counsel, State of Tennessee

19.

20. Carlene Bennett  
Board Secretary, State of Tennessee

21.

22.

23.

24. \*\* Reporter's Note: All names are spelled  
phonetically unless otherwise provided to the  
Reporter by the parties.

25.

1. A G E N D A

2. I. Call Meeting to Order

3. II. Introductions

4. III. Pledge

5. IV. Announcements

6. V. Elevator Unit's Report

7. VI. Amusement Device Unit's Report

8. VII. Old Business  
None

9.

10. VIII. New Business

11. \* 17-01 - Variance Request for a LULA  
elevator located at 715 Belle Meade  
Blvd., Nashville, Tennessee

12. \* 17-02 - Variance Request for three  
elevators located at The Tennessean  
Hotel & Residences, 531 Henley Street,  
Knoxville, Tennessee 37902

13.

14. \* 17-3 - Mr. Mike Lynn's Request to Appeal  
the Department's decision deeming  
inflatables amusement devices as defined  
in Tenn. Code Ann. 68-121-101(3)

15.

16. IX. Discussion Items:

17. \* Legislation Update

18. \* Rule Change Update/Fee Schedule Update

19.

20. X. Announcement of Next Meeting  
The next regularly scheduled meeting of the  
Elevator & Amusement Device Safety Board  
meeting will be held in the first floor  
TOSHA Hearing Room at 9:00 a.m. (CT) on  
Tuesday, June 6, 2017, at the State of  
Tennessee, Department of Labor and Workforce  
Development building, located at 220 French  
Landing Drive, Nashville, Tennessee.

21.

22.

23.

24.

25. XI. Adjournment

1. \* \* \* \* \*

2. CHAIRMAN FOX: Good morning. We

3. will call the Elevator and Amusement Device Safety

4. Board Meeting to order.

5. First order of business, Mr. Farmer,

6. if I could, let's ask you to do the pledge and

7. let's kind of deviate from the agenda for just a

8. second to do the pledge.

9. (Whereupon, the Pledge of Allegiance

10. was recited.)

11. CHAIRMAN FOX: Mr. Farmer, I

12. understand that we've had one of our employees to

13. pass away. Could you tell us who that is.

14. MR. FARMER: Tommy Isabell, one of

15. the inspectors for the state. He's been with us

16. about seven years. I got news from his wife this

17. morning that he passed away overnight. He was

18. diagnosed with Stage 4 lung cancer about a month

19. ago, so it was really quick. But our hearts and

20. prayers are with him and his family this morning.

21. So I would like to do a moment of silence for him.

22. CHAIRMAN FOX: If I could, out of

23. respect for him and his family and the job he did

24. for Tennessee, if you would, please stand and

25. let's do a moment of silence.

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1. (Moment of silence observed.)  
2. CHAIRMAN FOX: Thank you very much.  
3. Okay. Introductions. Mr. Farmer,  
4. you're sitting in the first chair.  
5. MR. FARMER: I'm Chris Farmer. I'm  
6. with the Elevator Unit.  
7. MR. HARDY: I'm Mike Hardy. I'm  
8. the amusement device manager, and I think this is  
9. the first time I've met some of you, the first  
10. time I've met all of you.  
11. Mr. Fox, can I tell a little bit  
12. about myself?  
13. CHAIRMAN FOX: It's your floor.  
14. MR. HARDY: Well, I'm a Mississippi  
15. boy, born and raised, and I graduated at  
16. Mississippi State with a degree in industrial  
17. technology. And I've pretty much been in the  
18. industry all of my life from -- and manufacturing  
19. from the garment and leather industry to  
20. automotive wiring to injection molding.  
21. And I took a 13-year sabbatical out  
22. of my life and farmed. I raised broiler chickens  
23. for Tyson foods for 13 years, so I know a little  
24. bit about industry, a little bit about quality,  
25. and a lot about running my own business.

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1. But anyway, I have two children. My  
2. daughter thought when she graduated high school  
3. that she would really put the crunch on the old  
4. man, so she was musically inclined all as a youth  
5. and decided she wanted to go to Belmont  
6. University. So needless to say, out-of-state  
7. tuition at Belmont University here in Nashville,  
8. and she did put a crunch on her old man and her  
9. mother, as well.  
10. So my son found his way to Middle  
11. Tennessee University, and he's currently a  
12. songwriter here in town, so you guys pray for me  
13. in that aspect as well.  
14. CHAIRMAN FOX: We are.  
15. MR. HARDY: But that kind of tells  
16. our road to Nashville. You know, your family is  
17. important, and when both of your children are up  
18. here and you don't see any way in the future that  
19. they're going to get back to Mississippi, I guess,  
20. you know, as they say, if you can't beat them,  
21. join them. So I've done the first part of that  
22. leg with my family in joining my children up here.  
23. And my wife will retire from the state of  
24. Mississippi soon and she'll be up here.  
25. So that's the little bit on my

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1. history and what brings me to Nashville. And I  
2. was fortunate and blessed enough to get this job  
3. with the unit, with the department, and we're  
4. doing some exciting things, and hopefully we'll  
5. tell you a little bit about that before the  
6. morning is over. Thank you.  
7. CHAIRMAN FOX: Mr. Hardy, on behalf  
8. of this board, you have no idea how glad we are to  
9. see you on the job.  
10. MR. HARDY: Well, thank you. I'm  
11. glad to be here. And Kevin Klutts is our first  
12. compliance officer. Are we going to introduce  
13. throughout the room?  
14. CHAIRMAN FOX: Yes, sir.  
15. MR. HARDY: Okay. Well, thank you.  
16. I appreciate it. And I'm glad to be here.  
17. MS. BENNETT: Carlene Bennett,  
18. board secretary.  
19. MR. HALE: David Hale, board  
20. member.  
21. MR. RADER: Mitch Rader, board  
22. member.  
23. CHAIRMAN FOX: Robbie Fox, board  
24. member.  
25. MR. FISHER: Paul Fisher, board

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1. member.  
2. MS. JEFFERSON: Kim Jefferson,  
3. administrator.  
4. MR. BAILEY: Dan Bailey, legal  
5. counsel.  
6. THE REPORTER: Cassandra Beiling,  
7. Stone & George Court Reporting.  
8. MR. STOCK: Don Stock, The  
9. Adventure Guild.  
10. MR. SELLS: Dave Sells, with  
11. Tennessee Event Specialists.  
12. MR. TILLERY: Justin Tillery with  
13. Thyssenkrupp Elevator.  
14. MS. RHODES: Anita Rhodes, the  
15. elevator unit.  
16. MS. HENGGELER: Christina  
17. Henggeler, administrative support staff for the  
18. elevator unit.  
19. MR. POPE: James Roy Pope, Popes  
20. Concessions & Rides. Carnival industry.  
21. MR. HOOD: David Hood, HomeLift,  
22. Nashville.  
23. MR. KLUTTS: Kevin Klutts. I'm the  
24. West Tennessee safety compliance officer, as he  
25. mentioned.

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1. I will take a moment -- I was asked  
2. to --  
3. CHAIRMAN FOX: Sure.  
4. MR. KLUTTS: -- to do a slight  
5. introduction for myself. I, again, was recently  
6. hired in the same time frame here. I'm a 2014  
7. graduate of UTM, behind my time to go to college.  
8. I bring a law enforcement background. I've been  
9. in law enforcement for over ten years. I have  
10. recently retired from the National Guard with over  
11. 24 years of service.  
12. I'm married and have four children.  
13. I've been married since 2005, so I've been busy  
14. and plan to continue doing that while I'm here.  
15. CHAIRMAN FOX: We're glad to have  
16. you, sir.  
17. MR. KLUTTS: Thank you, sir.  
18. MR. TODD: Rodney Todd, Boy Scouts.  
19. I represent all the camps in Tennessee.  
20. CHAIRMAN FOX: Okay. And the  
21. gentleman who just came in there.  
22. MR. CANNON: Chris Cannon, the  
23. Department of Labor, director of communications.  
24. CHAIRMAN FOX: We're glad to have  
25. you here as well.

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1. Announcements: In the event of an  
2. emergency or a natural disaster, security  
3. personnel will take attendants to a safe place in  
4. the building or direct them to exit the building  
5. on the Rosa Parks side.  
6. MR. FARMER: This way right here  
7. (indicating). We'll take you outside.  
8. CHAIRMAN FOX: That way. Okay.  
9. When we came in here, the lady sent us down this  
10. way to the Pearl Room and we went through that  
11. circle. So at least now we know which way we're  
12. supposed to go.  
13. All right. Elevator Unit's report,  
14. Mr. Farmer. Farm.  
15. MR. FARMER: All right. I'll give  
16. you just some figures of what we did last year and  
17. what we've done so far this year. We did have 657  
18. total new permits last year for new installs.  
19. We've done about 127 so far this year. We've  
20. actually done acceptance inspections on 526 units  
21. last year. That will bring our total number of  
22. units that we inspect up to 14,746.  
23. CHAIRMAN FOX: How many, sir?  
24. MR. FARMER: 14,746 units.  
25. CHAIRMAN FOX: Okay.

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1. MR. FARMER: And we did a total of  
2. 23,320 reinspections last year. That number is a  
3. little off. We did a little -- we did -- I got  
4. 26 building inspectors -- I'm sorry -- with Tommy,  
5. we've got 25 now. We've got myself. We've got  
6. Anita Rhodes, which is the office supervisor, and  
7. we've got two administrative staff members,  
8. Christina is one of them, back there, and Betty is  
9. the other one.  
10. We have a vacant position here in  
11. Nashville, and we've got one inspector out on sick  
12. leave. I think Larry knows him. He does the  
13. Eastman jobs.  
14. This week we have three inspectors  
15. receiving their QEI training here in this  
16. building. And they'll be taking the test on  
17. Friday to get certified, and we want to wish them  
18. good luck because they're probably going to need  
19. it.  
20. I did visit Gatlinburg after the  
21. fires. We lost a total of 13 elevators, which is,  
22. I feel like, a relatively small number of what we  
23. thought was going to happen. We did lose the sky  
24. lift, which is a pretty big loss for the city of  
25. Gatlinburg. I know it brings a lot of people in.

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1. On that note, we did send two of our  
2. local inspectors and two other inspectors. They  
3. went and did a limited inspection on all the  
4. elevators in the city to make sure there wasn't  
5. any hidden damages from the fire and, also, to  
6. make sure all the emergency and two-way  
7. communications were working on the elevators. The  
8. sky lift has pulled a permit and they're currently  
9. installing a new lift, and it should be ready for  
10. inspection around mid April.  
11. CHAIRMAN FOX: Okay. Thank you.  
12. Let me deviate just one second.  
13. There's one gentleman that we didn't introduce or  
14. let him introduce himself.  
15. MR. MOORE: Larry Moore. I work  
16. for Eastman Chemical Company, and I represent the  
17. owners and lessees.  
18. CHAIRMAN FOX: He's a good man,  
19. too, just in case you're wondering.  
20. Mr. Hardy, I guess you are the  
21. amusement device unit report person now.  
22. MR. HARDY: I think -- are you  
23. asking for our report?  
24. CHAIRMAN FOX: I am, sir.  
25. MR. HARDY: I think Ms. Jefferson

1. wanted to prelude what we had.  
 2. CHAIRMAN FOX: Okay.  
 3. MS. JEFFRSON: Yes, I do.  
 4. I just wanted to just give you-all an  
 5. update of what happened from the time we met in  
 6. December up until the time that we hired both Mike  
 7. and Kevin. We hired both of them on December the  
 8. 19th, 2016. Mike Hardy was hired to serve as the  
 9. amusement device manager, and Kevin Klutts was  
 10. hired to serve as the West Tennessee safety  
 11. compliance officer here at the Tennessee  
 12. Department of Labor & Workforce Development. And  
 13. since that time, Mike Hardy and Carlene Bennett  
 14. have been working diligently to assist companies  
 15. without permits to achieve statutory compliance  
 16. requirements and to obtain valid permits.  
 17. They all understand -- we all  
 18. understand, within the division and within the  
 19. department, that doing so will keep both the  
 20. citizens, as well as the visitors who visit  
 21. Tennessee, safe from harm. So that's the goal.  
 22. Now, Mike was selected to supervise  
 23. the amusement device unit due to his solid  
 24. management and analytical skills. And Kevin was  
 25. selected as the western district safety compliance

1. officer because of his law enforcement and  
 2. military background. The department is very  
 3. fortunate to have both of them, in addition,  
 4. Carlene working with them.  
 5. And last week the division's  
 6. interview panel reviewed resumes and applications  
 7. for the two vacant positions for the safety  
 8. compliance officer positions that we have vacant  
 9. in Middle Tennessee as well as East Tennessee.  
 10. And hopefully, we can recommend hiring for those  
 11. positions as well within the next week or so.  
 12. And Mike Hardy, who is our amusement  
 13. device manager, will provide future updates, as  
 14. far as the amusement device unit is concerned, and  
 15. he will also provide future reports. So I'm going  
 16. to turn it over to Mike Hardy.  
 17. CHAIRMAN FOX: May I ask a  
 18. question?  
 19. MS. JEFFRSON: Sure.  
 20. CHAIRMAN FOX: When the other two  
 21. are hired, can you let the board know, please?  
 22. MS. JEFFRSON: Sure.  
 23. CHAIRMAN FOX: And is it possible,  
 24. then, to get their emails and contact information  
 25. as well?

1. MS. JEFFRSON: Yes.  
 2. CHAIRMAN FOX: Okay.  
 3. MS. JEFFRSON: Right. Once they're  
 4. hired, we have to obtain approval from the  
 5. department of human resources. But once we do  
 6. that, we'll be happy to give you that information.  
 7. CHAIRMAN FOX: Thank you.  
 8. MR. HARDY: Okay. Kevin and I both  
 9. started on the 19th of December of this year. We  
 10. also have Carlene Bennett, who is our  
 11. administrative services here in the Nashville  
 12. office. Carlene primarily works with companies  
 13. through the permit renewal process.  
 14. And most of you here already know  
 15. Carlene and you probably know or have figured out  
 16. that she's the glue that's holding us new guys  
 17. together. So we really appreciate her and what  
 18. she does.  
 19. It's the mission of the amusement  
 20. device unit, first and foremost, to ensure that  
 21. mostly our children and youth, young adults,  
 22. remain safe when they choose to participate with  
 23. the various amusement devices -- device companies  
 24. that are operating within the state of Tennessee.  
 25. And secondly, it's our goal, to the

1. best of our abilities, to ensure that the  
 2. amusement device companies within the state are in  
 3. compliance with the Tennessee code and carry valid  
 4. permits as issued by the unit. As part of that  
 5. goal, it's also our responsibility to find and  
 6. locate the noncompliant companies and assist them  
 7. as necessary with steps in becoming compliant with  
 8. state law by obtaining a valid permit or by  
 9. referring them to local authorities should they  
 10. refuse to comply or not pursue the permit process.  
 11. Ms. Jefferson mentioned that we have  
 12. completed interviews for the eastern and central  
 13. region compliance officers. Those were completed,  
 14. actually, yesterday. We finished up with those  
 15. interviews, and recommendations for hire are in  
 16. process.  
 17. The goal is to bring these two  
 18. additional compliance officers on by no later than  
 19. April 1st. That's our goal at this time. The  
 20. central region officer will be located here in  
 21. this office in Nashville. And the eastern region  
 22. safety compliance officer will be located in the  
 23. state office in Morristown.  
 24. We are in the process of also hiring  
 25. an additional administrative personnel to strictly

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1. work with the compliance officers on the issuance  
2. of new or first-time permits. Carlene will  
3. continue to do the renewals and will provide most  
4. of the training for this new administrative  
5. service personnel. But when the permits come in  
6. from our compliance officers, the permit package,  
7. then this new-hire administrative personnel will  
8. work with those companies and process those  
9. permits.  
10. I have some statistics. They're year to  
11. date for the unit. Primarily referring to  
12. renewals. From fiscal year 2017 we have issued  
13. 183 permits. We've collected \$97,000 of revenue.  
14. Of those 183 companies, we have permitted 1,592  
15. amusement devices. We've had 18 referrals. We've  
16. had six noncompliant companies that have  
17. subsequently achieved compliance, and have  
18. collected \$3,600 in penalties.  
19. For the west region, you know,  
20. compliance officer, based on information that  
21. Kevin has started compiling and put together for  
22. us, he's contacted 119 companies by either phone,  
23. email, or personal visit. He's sent twelve 15-day  
24. cease-and-desist letters to companies that have  
25. been deemed as noncompliant. He's followed up

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1. with that with seven, 7-day cease-and-desist  
2. letters. And on a positive note, he's sent the  
3. central office five completed application  
4. packages. So we've got the ball rolling, so to  
5. speak, and we have a good system or process in  
6. place. We'll talk about that a little bit more  
7. later.  
8. So in his region, from the research that  
9. he's done so far in the west, he's got ten  
10. compliant companies that he has personally worked  
11. with. That's not including the ones that are  
12. listed on our website as already being deemed as  
13. compliant. But 61 noncompliant companies that he  
14. has found in the western region, one company that  
15. has currently been closed.  
16. We have -- between Ms. Jefferson, Kevin,  
17. Carlene, and I, we have developed a standard  
18. operating procedure for the department which  
19. includes both administrative and the compliance  
20. officers process. It's an all-in-one document.  
21. It encompasses everything for the entire unit.  
22. And I am ready to distribute -- we've  
23. developed an amusement device unit manual which is  
24. a cookbook, so to speak. It will go to all of our  
25. compliance officers as well as we'll have a copy

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1. here for administrative, and I will maintain a  
2. master copy.  
3. And in the manual are reference  
4. materials that we use pretty much on a day-to-day  
5. basis. We have the current law or Tennessee code.  
6. We have the rules. We have the standard operating  
7. procedure that I mentioned earlier. We have a  
8. standard presentation where when and if Kevin and  
9. I are asked to go to school board meetings, police  
10. departments, what have you, we'll have a standard  
11. presentation that we'll give that we -- one thing  
12. we want to promote in the department is  
13. consistency. So we want the same thing to be  
14. coming out of our mouth in Memphis as it is in  
15. Pigeon Forge. And all of these documents are  
16. prone to be updated whenever new information  
17. becomes available.  
18. We also purchased -- I don't know if  
19. Wayne -- Wayne is not here. But Wayne White is a  
20. third-party inspector, and he gave us some good  
21. advice on what part of the ASTM standards are  
22. applicable to amusement devices. And this, pretty  
23. much, is the standard. So we appreciate Wayne for  
24. doing that. We've purchased our own standards so  
25. that we can have those. And if there are any

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1. changes made in that, we will readily have that  
2. available.  
3. And Don is here. Don Stock provided us  
4. with the ACCT standards, and there's one of these  
5. in each of our books. So these books will be  
6. issued to all personnel and it will be maintained  
7. by me with any changes and revisions as I've  
8. discussed. I think it will be a valuable tool  
9. that we can use and, again, promote consistency  
10. throughout the unit. Everyone should be on the  
11. same page and be looking at the same reference  
12. materials.  
13. If you're familiar with the amusement  
14. device website, there is a -- there has been a  
15. downloadable inspection report on the site. Now,  
16. we've worked really hard since we've been here.  
17. We have made that inspection report an interactive  
18. report to where the third-party inspectors can go  
19. online, they can fill in all the information on  
20. their company, they can fill in information on  
21. themselves, their certification agency and when  
22. their certification expires. The website has  
23. options to upload photos of devices if the  
24. companies and third-party inspectors choose to do  
25. that. It has the option of uploading serial

<p style="text-align: right;">Page 21</p> <p>1. number photographs if the companies and the  2. third-party inspectors choose to do that. And  3. it's just pretty much a consistent method of us  4. receiving these inspection reports in all over the  5. state in a manner in which we can pull off of that  6. database and print our own reports and they'll all  7. look the same and they'll have the same  8. information. And you can't go through the  9. inspection report and have missing data in places.  10. Like, if you don't check the box where you're  11. certified through NAARSO, AIMS, or ACCT, it won't  12. let you advance. Or if you do not put your  13. certification or don't have a valid certification,  14. an inspector doesn't put a date of recertification  15. on there, then the program won't advance.  16. But anyway, we should be boing live with  17. this online inspection report. We've had final  18. approval. Carlene and I need a little more  19. training from the communications department here  20. on how to pull those reports off in the form that  21. we want to put them in the individual company  22. files, and -- but that's a minor thing that we  23. will do in the next few days, and we'll have that  24. report hopefully live within the next week or two.  25. Also, talking about the website, the</p>	<p style="text-align: right;">Page 23</p> <p>1. It eliminates some -- my dad is a timber  2. grower in Mississippi, so it will eliminate some  3. paper but hopefully he won't hold that against us.  4. And the third-party inspector list is  5. another thing we've changed on the website. We  6. originally went to the agencies -- NAARSO, ACCT,  7. or AMES -- and you had to navigate to find the  8. list of available inspectors. So we've  9. shortened -- or actually put the direct link for  10. each list on there. So when our customers find an  11. inspector tab on the website and they choose  12. either of these three agencies, it will  13. automatically take them to the list. And that's  14. how the law reads. So that's what we're doing is  15. trying to tweak the website to what the law gives  16. us and try to match that up as well as possible.  17. The last thing I'll talk about is the  18. fair season. The Tennessee Association of Fairs  19. has reported to us that there are currently 58  20. scheduled fairs for the 2017 season. They'll  21. start with Marion County on May 17th and end, as  22. the schedule is now, with Benton county and the  23. Middle Tennessee District Fair on September 25th.  24. We are mindful of the urgency of issuing  25. permit renewals prior to these associated fairs to</p>
<p style="text-align: right;">Page 22</p> <p>1. website is constantly being monitored for  2. necessary changes and revisions. It's an ongoing,  3. continuous improvement opportunity. You can't  4. create a website for the unit and just let it sit  5. there, because things change for us daily, whether  6. there are name changes or contact revisions on the  7. website, the online inspection report, as I  8. mentioned, terminologies or verbal clarifications  9. that need to be tweaked. We've made some changes  10. on reporting our compliant and noncompliant  11. listings.  12. On our website, there are two  13. downloadable documents. One is the application  14. for permit with itinerary, and the other is the  15. amusement device list. Those documents, as most  16. of you are familiar with, they're just downloaded  17. and they are filled out by the companies and a  18. third-party inspector.  19. So we have revised those documents since  20. Kevin and I have been here. Of course, with all  21. of our input. But those documents are revised,  22. but it's our goal in the future to also make those  23. documents interactive to where the inspector's can  24. put the information directly on the report, and  25. then it will come to us.</p>	<p style="text-align: right;">Page 24</p> <p>1. avoid any kind of backlogs. And with two  2. exceptions, we are well into our March list. And  3. again, Carlene is our main person that's  4. responsible for issuing these renewals and she's  5. doing a good job of staying on top of that right  6. now. And that's crucial and that's key because we  7. don't want any backlog, but when these carnivals  8. or companies get ready to play a fair, we want  9. them to be permitted and ready to go.  10. That's really all I have. If anyone has  11. any questions at this point, I'd be glad to do my  12. best to answer them.  13. CHAIRMAN FOX: Just one quick  14. question. The information you receive through the  15. website, are you putting that in a database  16. somewhere?  17. MR. HARDY: For the inspection  18. report?  19. CHAIRMAN FOX: Yeah, and overall  20. database so that you can track Scrambler Number  21. VR549.  22. MR. HARDY: Yes, we are. There are  23. required fields in this inspection report. And  24. amusement device type is a required field. And  25. depending upon the type of device you choose, it</p>



<p style="text-align: right;">Page 25</p> <p>1. opens up a separate screen. If you chose a  2. Tilt-a-Whirl, it would be categorized under  3. mechanical -- other mechanical device or  4. mechanical carnival device, and it would open up  5. the data manufacturer, the manufacturer, and the  6. last known inspection.  7.           On the amusement device list, if you  8. opened up a zipline, for example, it would open up  9. a menu of the designer, the date installed -- the  10. installer and the date installed. So we've put a  11. good bit of time in that.  12.           And all that information, those  13. required fields, are trackable. Communications  14. has set it up that way. If we want to pull  15. Tilt-a-Whirls or Ferris Wheels, we can see  16. histories on those, as well as information on the  17. companies and all the inspection report  18. information that's there.  19.           MR. HALE: So if you search for a  20. Ferris Wheel by manufacturer, you can do that as  21. well. Say there's a safety bulletin that comes  22. out about a particular brand of device, can you  23. search by manufacturer and say "X" number of  24. companies in Tennessee have said they have one of  25. these devices so that you could follow up that</p>	<p style="text-align: right;">Page 27</p> <p>1. their devices for an inspector to look at, until  2. this time of year when they're actually starting  3. to go back to work. Those devices have been being  4. repaired, painted, and stored somewhere up until  5. now. And now, as the weather improves and they  6. get to the point where they can put those devices  7. up somewhere, then their inspectors can come in  8. and look at them. So I would anticipate a lot of  9. those carnival companies will now be able to start  10. sending in information to you. And I don't  11. realistically believe they're going to rent a  12. fairgrounds to set all their rides up just to have  13. them inspected and tear them back down. But  14. instead, they're going to move them to the first  15. spot early enough for their inspectors to come in  16. or at least start working with their inspectors  17. now that the weather allows them to set them up,  18. so ...  19.           MR. HARDY: Right. And --  20.           MR. HALE: I think you'll see an  21. influx, in the next 60 days, of information from  22. carnivals.  23.           MR. HARDY: Yeah. We keep up with  24. it. Carlene has a spreadsheet that she goes by,  25. and it has the renewal dates by month so that we</p>
<p style="text-align: right;">Page 26</p> <p>1. safety bulletin?  2.           MR. HARDY: David, I'm pretty sure  3. that technology is there. It's dependent upon  4. whether or not they're required fields, and I'm  5. almost certain they are. But that's something I  6. can go back and check. Because we wanted to be  7. able to pull and compile the data from all of the  8. required fields, which is company names,  9. third-party inspector names, and have that data  10. base added to every time a new inspection report  11. is put through the system.  12.           And when those inspection reports are  13. submitted, Carlene and I automatically get an  14. email that we have a new one. And, like I said,  15. when we go through this last bit of training,  16. we'll be able to pull and print our own inspection  17. reports, instead of having those faxed and mailed,  18. and they'll be consistent. And then the data will  19. be in the database that we can pull from at any  20. time choose.  21.           MR. HALE: And from a fair  22. perspective, this is the time of year that  23. carnivals start actually getting their  24. inspections. They're not going to set up, and  25. maybe not even have the space to set up all of</p>	<p style="text-align: right;">Page 28</p> <p>1. know. And I mentioned earlier, we have two that  2. we are still working with. But for the most part,  3. we're completed through February, and she's well  4. ahead in March. And that thing is like a Bell  5. curve, you know, like you mentioned, David. It  6. starts out and then you have a peak and then it  7. tapers off again.  8.           MR. HALE: Right.  9.           MR. HARDY: But yeah, we're on top  10. of that now, and we're going make every effort to  11. make sure that we stay on top of that renewal  12. process.  13.           And one thing we were proactive in  14. doing, through Carlene's conversations with some  15. companies, we found that there's a company -- and  16. I can't remember the name or I don't know if I  17. should call it in here -- but there's a company  18. from Kentucky that's going to come in and do some  19. business this year. So we were proactive and we  20. reached out to all the fairs ourselves to make  21. sure that we lined this information up and that we  22. had as good of information as soon as we needed it  23. so that we could continue on those lines. And,  24. you know, play dates can change and that kind of  25. thing. I know the official fair season doesn't</p>

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1. really start until May-June, but we have a lot of  
2. work ahead of that that we need --  
3. MR. HALE: I think it's a good  
4. thing you've got more help coming on in April.  
5. MR. HARDY: Oh, yes, sir. Yes,  
6. sir. And we're excited about the capabilities of  
7. what we're going to be able to do and what we're  
8. going to be able to capture. Thank you.  
9. CHAIRMAN FOX: Thank you.  
10. The next item is Old Business. It  
11. appears as though there is no old business, so  
12. that takes us to Item Number 9, which is New  
13. Business, and then we have Item Number 17-01,  
14. Variance request for a LULA elevator located at  
15. 715 Belle Meade Boulevard, Nashville, Tennessee.  
16. Mr. Farmer, do you want to talk to us  
17. about that?  
18. MR. FARMER: Yes. The HomeLift is  
19. looking to -- as y'all know, last year we made the  
20. LULA where they didn't have to get a various  
21. variance to install anymore. So we've got that  
22. taken care of, but they're actually to extend the  
23. travel but limit it to 25-foot of travel, and  
24. they're wanting to put in 29 or 28-6 somewhere  
25. around there. So those were about 3-1/2 foot of

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1. extra travel on this. I believe the intent of the  
2. cold was to have a limit on it before the fire  
3. service was added. They do have fire service now,  
4. so I don't feel like it's a big deal that we have  
5. that extra protection, so the extra couple of feet  
6. is not really going to affect that much.  
7. CHAIRMAN FOX: And you would  
8. recommend approval of the variance?  
9. MR. FARMER: I would. It's an  
10. existing building, and it's a real small elevator.  
11. They could never put a commercial elevator in --  
12. just your standard passenger elevator -- just for  
13. the simple fact of the limited size. It would be  
14. hard for them to reach the building code, the way  
15. that they require for stricter requirements. So  
16. this is an alternative that we've used for that.  
17. The extra distance, I mean, it's not that big a  
18. deal to us, it don't feel like. But it is  
19. reaching outside of what the scope of the code  
20. says, so that's the reason why they're looking for  
21. a variance.  
22. CHAIRMAN FOX: Okay.  
23. MR. FARMER: And he's here. He  
24. might want to speak a little more on it.  
25. CHAIRMAN FOX: Sir, if you do, come

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1. right here and speak loud.  
2. MR. HOOD: Thank you.  
3. CHAIRMAN FOX: I can't hear and  
4. this lady right here needs to hear what you've got  
5. to say.  
6. MR. HOOD: Chairman Fox, thank you  
7. for your time, and board members.  
8. David Hood with HomeLift. What we've  
9. got is a hundred-year-old structure there that has  
10. a hundred-year-old winding drum elevator in it,  
11. and we want to replace that. And we propose to do  
12. that.  
13. In this particular situation, there's  
14. a gentleman who cannot go up and down the steps  
15. and cannot access his materials and things in his  
16. basement area. That would require the additional  
17. travel just to allow that gentleman to be able to  
18. get down to the basement to access storage items  
19. that he utilizes in everyday life.  
20. CHAIRMAN FOX: Okay. Anything  
21. else, sir?  
22. MR. RADER: I make a motion we  
23. approval the variance request for the LULA  
24. elevator located at 1715 Belle Meade Boulevard  
25. from 25 to 29 feet.

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1. MR. HALE: Second.  
2. CHAIRMAN FOX: We have a motion and  
3. a second. Any discussion?  
4. (No verbal response.)  
5. CHAIRMAN FOX: Hearing none, all in  
6. favor of the motion, let it be know by saying  
7. "aye."  
8. (Affirmative response.)  
9. CHAIRMAN FOX: All opposed, like  
10. sign.  
11. (No verbal response.)  
12. CHAIRMAN FOX: You've got your  
13. variance, sir.  
14. MR. HOOD: Thank you very much. I  
15. appreciate it.  
16. MS. BENNETT: Mr. Fox, do you want  
17. to see if there was a conflict?  
18. CHAIRMAN FOX: Excuse me. I forgot  
19. about that.  
20. Does anyone have a conflict of  
21. interest with this particular company?  
22. (No verbal response.)  
23. CHAIRMAN FOX: Okay.  
24. And the next item is 17-02, a  
25. variance request for three elevators located at

1. the Tennessean Hotel and Residences, 531 Henley  
 2. Street, Knoxville, Tennessee 37902.  
 3. MR. FARMER: What we've done is the  
 4. Tennessean has applied for permits to install --  
 5. to remodel -- it's actually just two elevators on  
 6. this group. They have a pit that's 258 inches  
 7. deep. We're asking them to put in a grated metal.  
 8. It's basically a false pit and it keeps my  
 9. inspectors and also elevator personnel from having  
 10. to stand on top of a 24-foot ladder to do the  
 11. inspection or to do any service to this elevator.  
 12. It would make a safer means of access to the  
 13. elevator and it would also give them a safer place  
 14. to work. And they're asking for a variance.  
 15. Justin Tillery is here. He can speak  
 16. about it.  
 17. CHAIRMAN FOX: Sir, if you do, step  
 18. forward and tell this lady over here your name.  
 19. MR. TILLERY: Yes, sir.  
 20. Good morning. My name is Justin  
 21. Tillery, and I represent Thyssenkrupp Elevator  
 22. Corporation. And in this circumstances, I'm  
 23. actually here to represent the financial interest  
 24. of the owner and developer.  
 25. So a little history here. What we

1. would like -- a little bit of what we have done.  
 2. I've had our operations -- our service maintenance  
 3. operations manager, as well as our construction  
 4. modernization field managers taking a lot of  
 5. photographs of the pit area. Mr. Farmer and I  
 6. have discussed it a little bit as well. I don't  
 7. contest that all of what he's asking for is the  
 8. safest design system to be installed in that  
 9. elevator pit. But on behalf of the owner, where,  
 10. obviously, the owner is paying for this structure  
 11. to be built, we have taken a look at the pit, and  
 12. as we understand the way the code reads on  
 13. A17-1, 2.2.8, in this circumstance, it says,  
 14. "Where the distance from the pit floor to the  
 15. underside of the plank channels or slings exceeds  
 16. 2100 mm or 83 inches" -- which in this case it  
 17. does -- "with the car at the lowest landing, a  
 18. means shall be permanently installed or  
 19. permanently stored in the pit to provide access to  
 20. the equipment on the underside of the car."  
 21. And then it goes on to further say,  
 22. "When the access is provided by means of the  
 23. working platform it shall conform to the  
 24. requirements in the code."  
 25. So what we would propose, from a

1. cost-effective solution, would be to store a  
 2. 24-foot extension ladder in the pit area for  
 3. access and install permanent lifelines from the  
 4. bottom of the pit channel, and that will allow our  
 5. employees, in the event of performing inspections  
 6. or maintenance, to tie off with the fall  
 7. protection means and perform maintenance or  
 8. inspections in compliance with our safety policy.  
 9. So that's, in essence, what we would ask for on  
 10. the variance.  
 11. CHAIRMAN FOX: So what you're  
 12. asking your employees to do is be on a 24-foot  
 13. ladder?  
 14. MR. TILLERY: Yes, sir, for  
 15. performing any -- in the event they needed to  
 16. perform an inspection. It's fairly rare to  
 17. perform major repairs or anything to that effect  
 18. from that area.  
 19. CHAIRMAN FOX: Okay.  
 20. MR. FARMER: If I may, I just -- my  
 21. concern is, is that the 83 inch is minimal, or is  
 22. what they're asking -- is what the code asks for.  
 23. And it's actually 258 inches. It's not like it's  
 24. just a little over the minimum depth or maximum  
 25. depth. It's a lot over it.

1. And for storage of a 24-foot ladder,  
 2. I know what's going to happen to that ladder once  
 3. they leave the job. It's going to get taken out  
 4. of there. And not that their group would do it.  
 5. It's maintenance people. It's -- I feel like  
 6. we're just setting a precedence of an unsafe  
 7. condition if we leave it, them working off a  
 8. ladder, having to work with fall protection. It's  
 9. just not -- it's not a feasible -- in my opinion,  
 10. it's not feasible that it's going to happen.  
 11. Being in the elevator business, I  
 12. would have had -- you know, it's just not safe,  
 13. the way I look at it. We've done this before, put  
 14. in false pits. It's not that -- it's not my  
 15. money. I don't want to spend it for other people,  
 16. but I don't think what we're asking for is  
 17. unreasonable. I think it's been done before.  
 18. It's fairly -- it's cheap to do and it may save  
 19. some of his people's lives and it may save some of  
 20. my people's lives.  
 21. CHAIRMAN FOX: Okay.  
 22. MR. HALE: So my understanding is  
 23. the reason the pit is this depth is because you're  
 24. replacing an existing elevator with a newer type  
 25. that doesn't require as deep a pit. Is that --

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1. MR. FARMER: Well, it's an original  
2. elevator, and it was -- the design of the building  
3. is they've got an elevator that goes down further  
4. than these two, so pit is deep for that reason.  
5. The bottom floor of the building is that far down.  
6. They have a lobby area and then they  
7. have a basement area, and this elevator here goes  
8. down to the basement area. It's got a normal pit  
9. of six foot. This one is the full length of that  
10. floor plus the six foot.  
11. And when the original elevator was  
12. put in, we didn't have the safety standard we do  
13. now that's been proven. This is in here for a  
14. reason. And if it was a ten-foot pit, maybe a  
15. ladder would be more reasonable, or a platform.  
16. But being the depth that it is, I just feel like  
17. something permanent needs to be installed in this  
18. pit.  
19. CHAIRMAN FOX: So let me understand  
20. what I hear you tell us. You're saying that we  
21. should not approve the ladder in the pit, and we  
22. should approve a false floor.  
23. MR. FARMER: A false floor. It's a  
24. false pit.  
25. CHAIRMAN FOX: Okay.

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1. MR. FARMER: And I know they're  
2. looking to open this hotel, slash -- I think it's  
3. apartments right now -- next month. And we could,  
4. in-house, have an extension to approve the  
5. elevator with a written statement saying that  
6. they're going to install this. And we can go as  
7. far as accepting the elevators and write citations  
8. on it, and they have to comply with the citations  
9. within a certain amount of time.  
10. So we could accept this elevator the  
11. way it is right now with the understanding that  
12. they're going to put these in. And I think that's  
13. one of their biggest concerns is they're wanting  
14. to open this business, and part of opening this  
15. business is getting a valid operating permit from  
16. us.  
17. CHAIRMAN FOX: Okay.  
18. MR. HALE: So if we approve it with  
19. the false pit and -- but allow them to open --  
20. MR. FARMER: Yes.  
21. MR. HALE: -- and then you would  
22. issue a citation that says, "You have 'X' number  
23. of days to get the false pit installed."  
24. MR. FARMER: Yes, sir.  
25. MR. HALE: If they fail to comply

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1. with that -- I'm not saying that you will -- if  
2. they fail to comply with that, the citation has  
3. enough teeth to stop the operation of that  
4. elevator if it became necessary?  
5. MR. FARMER: I believe so. If it  
6. became necessary, we could reach the legal  
7. ramifications for it.  
8. CHAIRMAN FOX: So you red-tag it  
9. and shut it down.  
10. MR. FARMER: Red-tag it and shut it  
11. down.  
12. CHAIRMAN FOX: Okay.  
13. MR. HALE: But I assume that  
14. citation would have a reasonable amount of time  
15. for them to ...  
16. MR. FARMER: That's right. There's  
17. no -- it depends on the depth of the violation,  
18. how long we give them. You know, something of  
19. this magnitude, we would give them a little extra  
20. time to do it. If it was an immediate danger to  
21. the public, we would never release it. And I will  
22. make my guys aware of it, and I'm sure Justin will  
23. make his people aware. They'll be the ones  
24. working on it and people will be the ones  
25. inspecting it. We'll make stipulations in there

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1. of how they need to do their job until then.  
2. MR. MOORE: How do you access to  
3. pit currently? Is there a ladder down to it?  
4. MR. TILLERY: No. There's  
5. currently not a ladder there. It's a -- it's like  
6. Chris said, it's a false floor there. So it's a  
7. door access walk-in pit. This is -- you know, in  
8. some older buildings where there may have been  
9. consideration provided for another floor of access  
10. at some future point in time, there are lots of  
11. these that are out there. So I do think that this  
12. is kind of an important case, because in the  
13. circumstances where these elevators were not  
14. changed for the operation or the alteration of  
15. their usage and it's an existing structure and  
16. existing building -- I will contradict a little  
17. bit of what Mr. Farmer said -- it is fairly -- it  
18. can be fairly costly to construct the platforms  
19. underneath in the pit areas of these because of  
20. the specifications and the requirements for the  
21. code. So that's one of the reasons why I bring  
22. this up from the owner's perspective also.  
23. MR. FISHER: Is any of these  
24. located deep in the pit, or is all of this for  
25. these elevators fairly high up?

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1. MR. TILLERY: I've got some photos,  
2. and I can pass this around. But it's a photograph  
3. of where the -- should I pass it around?  
4. MR. HALE: I'd like to see them.  
5. MR. TILLERY: You can page through  
6. here just by hitting the arrow over.  
7. The only equipment that would be  
8. accessible and really, I think, as I understand,  
9. what the State would need to inspect, is the  
10. buffer apparatus, the safety buffer. And  
11. underneath, from the underside of the car  
12. mechanism, there's a mechanical safety device  
13. that, in the event of overspeed, the governor  
14. trips and shuts down the car. That's the system  
15. that would be maintained or lubricated from time  
16. to time. It could easily be done from the ladder  
17. and --  
18. MR. FARMER: They will be doing  
19. yearly tests, Category 1 testing on these buffers  
20. and the safety on the cars, so it's required, they  
21. do have to have maintenance along with other  
22. things.  
23. (Pictures reviewed.)  
24. CHAIRMAN FOX: Any other --  
25. MR. MOORE: Do you have an estimate

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1. for how much it will cost to put in a false floor?  
2. MR. TILLERY: The owner is working  
3. on those costs. I do not have the rough figure in  
4. front of me, but it's several thousand.  
5. MR. MOORE: I guess my concern is I  
6. understand that you represent the owner  
7. financially, but at the same point, you also have  
8. to represent your employees from a safety  
9. standpoint, not -- falls are the number one killer  
10. of employers in the United States, period.  
11. I have an elevator team myself, and  
12. if I had an opportunity to make an environment  
13. safe for them, I believe I would have to take  
14. that. It just seems like, you know, working from  
15. that height, tying off, tying off correctly. And  
16. then you have a suspended trauma hazard. You  
17. know, there's a significant amount of hazards  
18. there that, given an opportunity to eliminate, I  
19. believe I would have to do that.  
20. MR. FARMER: And, Larry, what we've  
21. asked for is just the front side of the pit to be  
22. graded, not the whole pit area, so you wouldn't  
23. have any contact with the counter weights coming  
24. down. It's just basically from the buffer stand  
25. forward. And actually, I think his original

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1. cost -- and I talked to the contractor -- his  
2. original cost was pretty high, but it was for the  
3. full size of the pit. So we've reduced it down  
4. where they can get to the undercarriage of the car  
5. everything that needs to be worked on.  
6. CHAIRMAN FOX: Any other questions  
7. or comments from the board?  
8. (No verbal response.)  
9. CHAIRMAN FOX: What is the pleasure  
10. of the board?  
11. MR. MOORE: I make a motion that we  
12. deny.  
13. MR. BAILEY: Are there any  
14. conflicts?  
15. CHAIRMAN FOX: Any conflicts of  
16. interest?  
17. (No verbal response.)  
18. CHAIRMAN FOX: Do we have a motion?  
19. MR. MOORE: Yes. I motion that we  
20. deny the variance.  
21. MR. HALE: Second.  
22. CHAIRMAN FOX: We have a motion and  
23. a second. Any discussion?  
24. (No verbal response.)  
25. CHAIRMAN FOX: Hearing none, all in

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1. favor of the motion let it be known by saying  
2. "aye."  
3. (Affirmative response.)  
4. CHAIRMAN FOX: All opposed, like  
5. sign.  
6. (No verbal response.)  
7. CHAIRMAN FOX: Motion carries.  
8. MR. FARMER: We'll work on the  
9. timeline with them and then we'll update the board  
10. as it gets done.  
11. CHAIRMAN FOX: Okay.  
12. MR. TILLERY: Thank you.  
13. MR. FARMER: Thank you, Justin.  
14. CHAIRMAN FOX: Item 17-03. Now, I  
15. understand that has been --  
16. MS. JEFFRSON: Actually, Mr. Lynn  
17. requested appeal the department's decision  
18. determining that inflatables were amusement  
19. devices as defined by the definition. We  
20. immediately placed that on the March -- today's --  
21. agenda. And Mr. Lynn requested that we place it  
22. on the June agenda instead. But yesterday  
23. Mr. Lynn submitted his document, because he  
24. submitted his payment by mail. And he told us  
25. that he wanted to achieve statutory compliance.

1. So after the documents are reviewed and processed  
 2. and so and so forth, Mr. Lynn will be issued an  
 3. annual permit.  
 4. We also confirmed this morning,  
 5. because were still unsure of whether or not to  
 6. submit that he wanted to appeal some time in the  
 7. future, so we wanted to clarify. And he did  
 8. confirm this morning that he no longer wishes to  
 9. appeal and appear before the board, however, he  
 10. does plan to look at other options.  
 11. CHAIRMAN FOX: Anything else under  
 12. New Business that we need to discuss?  
 13. (No verbal response.)  
 14. CHAIRMAN FOX: Okay. Item  
 15. Number 10, Discussion Items. You-all have been  
 16. gracious enough to put the copies of the latest  
 17. and greatest bills that have been introduced  
 18. regarding amusement devices. Are you going to  
 19. speak to any of that?  
 20. MS. JEFFRSON: I am not. Leanne  
 21. asked me to let you know that she couldn't make it  
 22. today. Of course it's legislative session, and  
 23. during that time she's required to stay over at  
 24. legislative plaza because they may have committee  
 25. meetings and so on and so forth. But she did

1. provide those three copies of the bills. She  
 2. asked me provide those, give those to you-all and  
 3. just to let you know that at this time none of the  
 4. bills have been heard in committee. None of them  
 5. have been amended. And that's basically the  
 6. information she asked me to provide in regard to  
 7. those bills.  
 8. CHAIRMAN FOX: Just as a point of  
 9. information, if you have your basic iPhone, there  
 10. is a way to track these -- any bill that comes out  
 11. of the legislature on a little app. It's called  
 12. TrackBill. And so I've been tracking these, and  
 13. you can get that right off the app store.  
 14. I'm not advocating you go to Apple  
 15. and pay them any money, just simply that it's  
 16. there.  
 17. MR. HALE: It's free?  
 18. CHAIRMAN FOX: It's free. If it's  
 19. free, it's for me. That's my motto.  
 20. MR. HALE: That's right.  
 21. CHAIRMAN FOX: So none of these  
 22. have gone to committee.  
 23. MS. JEFFRSON: None have gone to  
 24. committee. None have been amended. So that's  
 25. pretty much the status of this.

1. CHAIRMAN FOX: So let's talk about  
 2. future. If we, this board, made a recommendation  
 3. to the commissioner about passing legislation,  
 4. when would we have to do that?  
 5. MS. JEFFRSON: You would have to do  
 6. that before -- I would say as long as we do it  
 7. before June-July, because after speaking with  
 8. Leanne yesterday she explained that she generally  
 9. tries to submit the information, and she has to  
 10. submit the information in August. So as long as  
 11. we do it before, I would say, July, get that  
 12. information to her, then we should be okay.  
 13. Last year I believe we had  
 14. recommendations in December, maybe October or  
 15. December. It was well after that time period. So  
 16. it's too late. So I would think July. As long as  
 17. we have them to her by July, we should be okay.  
 18. CHAIRMAN FOX: So at the June 6  
 19. meeting we need to -- whatever recommendations we  
 20. would have for changing the legislation, we need  
 21. to give that to you-all at that point.  
 22. MS. JEFFRSON: Yes.  
 23. CHAIRMAN FOX: Okay. And let's  
 24. talk about rule changes as well. When -- what is  
 25. the date certain that we need to have any

1. suggestions for rule changes to you?  
 2. MS. JEFFRSON: Okay. That's a  
 3. little different. There's really no date for  
 4. that.  
 5. MR. BAILEY: There is no, like,  
 6. date certain for that.  
 7. CHAIRMAN FOX: Okay. So we could  
 8. do that at any time?  
 9. MR. BAILEY: Yeah. You can do that  
 10. at any time. The only thing pertaining to fees,  
 11. if a rule -- once a rule becomes effective, if  
 12. it's after July 1st and it increases a fee, that  
 13. fee increase won't go into effect until the  
 14. following July 1st.  
 15. CHAIRMAN FOX: Okay. That's why  
 16. I'm asking the question. So if we wanted to  
 17. recommend a rule change to change the fee  
 18. structure or -- if you will, give us the dates and  
 19. times that we have to have that in process so that  
 20. we don't have to wait 12 months to get it in  
 21. place.  
 22. MR. BAILEY: Well, I can give you  
 23. some ballparks.  
 24. CHAIRMAN FOX: Okay.  
 25. MR. BAILEY: If you have a

1. rulemaking hearing, if you go that route where you  
 2. have a public meeting for people to comment on the  
 3. fee increases or other changes to the rules, then  
 4. that's going to add time to it because you've got  
 5. to have the public meeting and you've got to  
 6. respond to the comments before you get to the  
 7. point of filing it with the Attorney General's  
 8. office and then them going through it and then  
 9. approving it and then getting it filed with the  
 10. Secretary of State's office. Because once you  
 11. finally get to the point where you file to the  
 12. Secretary of State's office, it goes into effect  
 13. 90 days after that date. So you have to file it  
 14. with the Secretary of State's office -- June, May,  
 15. April -- by April 1 or March 31st, somewhere like  
 16. that, in order to -- because it would go into  
 17. effect 90 days later, and you would want it to be  
 18. effective before July 1. So as far as the fee  
 19. increase goes ...  
 20. Now, if it's a rule change that  
 21. doesn't pertain to any fee increase, you don't  
 22. have to worry about that. It's just a matter of  
 23. going through the process, determining whether you  
 24. want a rulemaking hearing or if that's not  
 25. necessary, just propose a rule method. That

1. usually can take, I don't know, maybe six weeks to  
 2. two months to get to the point where you're filing  
 3. it with the Secretary of State's office. And then  
 4. it would go into effect in 90 days.  
 5. CHAIRMAN FOX: So taking that  
 6. information, if we made a recommendation to use  
 7. the fee schedule that we talked about in December,  
 8. how do we get that in process so that we can  
 9. collect from that fee structure? What do we need  
 10. to do next? What's the next step for this board?  
 11. MS. JEFFRSON: Well, actually, at  
 12. this point, we're just waying for a  
 13. recommendation -- I'm sorry -- your recommendation  
 14. was submitted to the commissioner for approval.  
 15. CHAIRMAN FOX: Okay.  
 16. MS. JEFFRSON: So we're just  
 17. waiting for the commissioner to approve that.  
 18. Once it's approved, then we can give it to Dan,  
 19. and then he can submit it to the proper --  
 20. MR. BAILEY: Yeah. Well, the first  
 21. step is sending it to the governor's office with  
 22. the response to the six questions. That's the  
 23. first step. My email to the governor's office is  
 24. already drafted, ready to go. I'm just waiting  
 25. for the approval to send it.

1. CHAIRMAN FOX: Okay. So when do we  
 2. think -- well, let me ask the question this way:  
 3. Do we think we will have that in place and be able  
 4. to charge the fees by July the 1st of this year?  
 5. MR. BAILEY: No. I don't think  
 6. there's any way you can do that now. I don't  
 7. think there's enough time.  
 8. CHAIRMAN FOX: So then we would put  
 9. this in process for next July? Is that  
 10. essentially what happens?  
 11. MR. BAILEY: Yeah. I mean, if --  
 12. like I said, if it's not filed with the Secretary  
 13. of State's office by the end of this month, then  
 14. it's not gong to be effective before July 1. So  
 15. it would be effective sometime after July 1, which  
 16. means you've just got to wait until the next  
 17. July 1 before you can actually start collecting  
 18. the increased fee.  
 19. CHAIRMAN FOX: Okay. Anything else  
 20. on that topic or either of those two topics?  
 21. MR. HALE: Mr. Chairman?  
 22. CHAIRMAN FOX: Sir?  
 23. MR. HALE: There's a gentleman that  
 24. raised his hand.  
 25. CHAIRMAN FOX: Yes, sir?

1. MR. SELLS: Would it be okay if I  
 2. come to speak with you for a moment?  
 3. CHAIRMAN FOX: Come right here.  
 4. MR. SELLS: Appreciate it. I just  
 5. want to share my story and let you guys know who I  
 6. am.  
 7. CHAIRMAN FOX: First of all, who  
 8. are you?  
 9. MR. SELLS: I'm getting there.  
 10. David Sells with Tennessee Event Specialists and  
 11. Spacewalk.  
 12. CHAIRMAN FOX: I'm sorry, sir. I  
 13. could not understand you.  
 14. MR. SELLS: David Sells with  
 15. Tennessee Event Specialists and Spacewalk Party  
 16. Rental.  
 17. CHAIRMAN FOX: Okay.  
 18. MR. SELLS: I was approached last  
 19. year by several people and five different news  
 20. outlets about Mr. Mike Bell, Senator Bell, trying  
 21. to do away with amusement inspection. I want to  
 22. start by saying that inflatables are amusement  
 23. devices and they have to be inspected. But I want  
 24. to talk about something that he told me was going  
 25. to happen but now I see happening. And I think

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1. it's wrong.

2. We are noncompliant as of today for

3. 61 days. We have been sent over to the district

4. attorney's office for the possibility of warrant

5. and arrest. We have been sent to the sheriff's

6. office for the same reason. And I was the guy

7. that went and spoke in front of the house and the

8. Senate and five different news media outlets about

9. how important this inspection is.

10. We've been inspected. We were

11. inspected in January. I have 127 items in my

12. inventory. My building is large enough to blow up

13. one to two units at a time inside, and so it took

14. a little while to get 122 items blown up,

15. inspected by Mr. White, also a lot of labor.

16. But during this time of not being

17. compliant, I'm already on the list of noncompliant

18. with the State along with 27 other people. Now,

19. 27 is an important number because we just learned

20. today, and I believe the number was 67 people in

21. just West Tennessee that we found noncompliant.

22. But we only have 27 on the list.

23. Now, Mr. Bell told me, he said,

24. "They're going to go after the people that have

25. done the best that they could up until now. So as

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1. soon as you make a wrong step, they're going to go

2. after you." And that's exactly what's happening.

3. I think it's very wrong that my

4. company is on the noncompliant list. I think it's

5. a ridiculous that I'm a member of 27 when we know

6. that there's 67 in this gentleman's jurisdiction

7. that aren't on that list. I've been noncompliant

8. for 60 days. 60 days. Which I have an inspection

9. and it hasn't been turned in yet, and I'm refusing

10. to turn them in at this moment because there's

11. other Senators right now that are about to do the

12. same thing that Mr. Bell did. It's going to

13. happen. It's going to get in there and it's going

14. to go back in front of the Senate this year. And

15. I just want you guys to know about it because I

16. think it's wrong. I think the way we're doing it

17. is wrong.

18. I think -- last year I stood up here

19. in front of you guys and I said, "We're putting

20. the steps in, I like what we're doing, and I think

21. we're headed in the right direction." But

22. everything I was told was going to happen and I

23. said, "There's no way this is going to happen.

24. It's happening now. And I don't think it's just

25. happening to me, and I just wanted to bring that

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1. to your guys' attention.

2. CHAIRMAN FOX: Okay. Thank you

3. very much.

4. MS. JEFFERSON: Can I speak to that?

5. CHAIRMAN FOX: Please.

6. MS. JEFFERSON: Because I want to

7. explain our process and Mike will follow up.

8. Mike and Kevin started with the

9. department in December. So since Kevin has been

10. here, he's found those 67 noncompliant companies.

11. There's a process in place. He sends a 15-day

12. letter, he sends a 7-day and/or goes to see each

13. one of those companies to inform them that they

14. need to achieve statutory compliance requirements.

15. After he's done all that he can do out in the

16. field, he sends that information to Mike Hardy,

17. who is the manager. Mike makes a referral to the

18. local authorities or the district attorney's

19. office, because that's what the law requires.

20. That's the final step for the department.

21. However, we have to take a certain process. We

22. have to do certain things. We can't just -- once

23. Kevin finds those companies, we could not just

24. refer them. There are certain steps you have to

25. take to get to the referral process. So I want to

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1. make sure that I explain that. So it's not to

2. target any particular person or to go after them

3. or, you know, just for the sake of pursuing them.

4. We have to take a look and, as Mike said, we have

5. to be consistent with our approach, because we

6. can't treat one company different than the other.

7. You know, that's not our intent. Our intent is to

8. ensure that we follow the law and that we treat

9. all of the customers the same across the board.

10. So just know that it may appear that way to you at

11. this point, but that's not the way that it works.

12. And the D.A.'s office will not arrest

13. you. That's a Class C misdemeanor, which means

14. it's a \$50 fine at the most. But the way that it

15. works is that we have to make a referral to the

16. local authority, which is the sheriff's office,

17. and we copy the district attorney's office

18. pursuant the statute. We also copy the attorney

19. general's office, because there is an injunctive

20. relief. There's injunctive relief in the law as

21. well.

22. So we have to follow certain steps in

23. order to ensure everyone meets statutory compliant

24. requirements.

25. MR. SELLS: I agree with that. The



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1. letter to the D.A. is not my problem. The website  
2. that you guys manage is what my customers go to,  
3. because you guys have directed them there. Those  
4. people, the 67, that are noncompliant today, they  
5. should be on the noncompliant list.  
6. MS. JEFFERSON: They're placed on  
7. the noncompliant list when they're referred to the  
8. D.A.'s office.  
9. MR. SELLS: But they're  
10. noncompliant today. They're not noncompliant in  
11. 30 days.  
12. MR. HARDY: We're giving them an  
13. opportunity of going through our process as it  
14. relates to the law. We're going through that  
15. process and our standard operating procedures.  
16. And when we carry you through 15-day, 7-day  
17. letter, follow-up phone call, our final act is to  
18. refer. And immediately, when companies are  
19. referred, is when they are referenced to  
20. Communications to be added to the noncompliant  
21. list.  
22. MR. SELLS: So until then, until  
23. that fact, the public doesn't -- they don't need  
24. that information until then; is that correct?  
25. MR. HARDY: Well, we're making

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1. every attempt to find the companies in the state  
2. that are doing business without a valid permit.  
3. MR. SELLS: Well, in the last  
4. 12 months -- and I have a list in my office, I  
5. forgot to bring it -- I've submitted 27 of those  
6. companies. None of them are on the noncompliant  
7. yet. You have an online submission, so why are  
8. they not there? And I'm not the only one.  
9. I'm not coming up here to try and  
10. start an argument, because I believe in what we're  
11. doing. But I believe that we need to do this  
12. fairly, and we need to do it the right way, and we  
13. need to put the right steps into motion here. And  
14. I don't think we're doing that. And when I submit  
15. companies and I don't see anything show up for  
16. twelve months, yet then when I get 61 days behind  
17. my name is immediately on the list, I think  
18. there's a problem there.  
19. Now, do I need to submit this  
20. information? Absolutely. Because I believe in it  
21. and I want to do it. But do I believe that  
22. everybody else should have to follow the same  
23. rules and be under it? Absolutely. And they're  
24. not right now.  
25. And I know you guys are taking steps

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1. for hiring people. I love it. But I think there  
2. should be a phone call, or something, of some  
3. reasoning behind this right here. It doesn't  
4. happen overnight. I don't have four units in my  
5. garage like a lot of these guys. I have 122  
6. inflatables. That takes some time and a lot of  
7. money to get it done. And luckily, right now,  
8. we're not paying a fee to you guys, but I don't  
9. mind paying it. I paid it last year. But it  
10. takes some time to blow that stuff up here in the  
11. wintertime, and it takes labor hours. I mean, I  
12. have three guys there turning out. I've got Wayne  
13. White standing there for two or three days turning  
14. out stuff. That costs a lot of money and takes a  
15. little time, and I just think that we should have  
16. a little bit of leeway for the companies that are  
17. doing it right and the companies that care. Let's  
18. pursue the heck out of the ones that aren't doing  
19. anything, the ones that I've talked to and said,  
20. "Hey, you probably need to get inspected," and  
21. they tell me, straight up, "I'll never get  
22. inspected until they come and arrest me. And then  
23. I submit those along with those comments;  
24. 12 months later, there's nothing.  
25. I appreciate your time.

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1. CHAIRMAN FOX: Yes, sir. Thank you  
2. very much.  
3. Item Number 11, Announcement of the  
4. Next Meeting. The next regularly scheduled  
5. meeting of the Elevator and Amusement Device  
6. Safety Board will be held on the first floor TOSHA  
7. Hearing Room at 9:00 a.m. Central Standard Time on  
8. Tuesday, June the 6th at the State of Tennessee  
9. Department of Labor and Workforce Development  
10. Building located at 220 French Landing, Nashville,  
11. Tennessee.  
12. Do I have a motion for adjournment?  
13. MR. HALE: So moved.  
14. MR. RADER: Second.  
15. CHAIRMAN FOX: We are adjourned.  
16. Thank you.  
17. END OF THE PROCEEDINGS.  
18.  
19.  
20.  
21.  
22.  
23.  
24.  
25.

1. CERTIFICATE  
2. STATE OF TENNESSEE )  
3. COUNTY OF WILLIAMSON )  
4. I, Cassandra M. Beiling, a Notary Public  
5. in the State of Tennessee, do hereby certify:  
6. That the within is a true and accurate  
7. transcript of the proceedings taken before the  
8. Elevator and Amusement Device Safety Board and the  
9. Chief Inspector or the Chief Inspector's Designee,  
10. Tennessee Department of Labor and Workforce  
11. Development, Division of Workplace Regulations and  
12. Compliance, Elevator and Amusement Device Unit, on  
13. the 7th day of March, 2017.  
14. I further certify that I am not related to  
15. any of the parties to this action, by blood or  
16. marriage, and that I am in no way interested in  
17. the outcome of this matter.  
18.  
19. IN WITNESS WHEREOF, I have hereunto set my  
20. hand this 27th day of April, 2017.  
21.  
22.  
23. \_\_\_\_\_  
24. Cassandra M. Beiling, CCR, LCR# 371  
25. Notary Public State at Large  
My commission expires: 3/15/2020

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