This transcript is intended for your law firm’s own use. If you wish to share this transcript with an outside law firm, log back in to your CasePlanner account and click the Share button.

For questions, call (615) 268-1244 or send an email to nangeorge@stoneandgeorge.com
The above-styled cause came on for hearing on this the 2nd day of June, 2015, before Robbie Fox, Vice President of Safety and Security at Dollywood, at 220 French Landing Drive, TOSHA Hearing Room, 1st Floor, Nashville, Tennessee, when and where the following proceedings were had, to wit:

* * *

PROCEEDINGS

Mr. Fox: Folks, thank you. Thank you, everyone, for being here today. And we will call the June 2nd, 2015 meeting of the Elevator and Amusement Device Safety Board to order. Introductions -- well, first of all, let's change that up and let's do the pledge first.

And, Mr. Hale, if you will, sir.

(WHEREUPON, the Pledge of Allegiance was cited.)

Mr. Fox: Please be seated. All right.

Mr. Sidler, if you would start us off.

Mr. Sidler: Well, I'm Ron Sidler. I'm the Chief Elevator Inspector for the State of Tennessee, Department of Labor.

Ms. Bennett: Carlene Bennett, Board Secretary.

Ms. O'Connor: Kelly O'Connor, Board Member.

Mr. Hale: David Hale, Board Member.

Mr. Fox: Robbie Fox, Board Member.

Mr. Moorer: Lewis Moorer, Board Member.

Mr. Moore: Larry Moore, Board Member.

Mr. Rader: Mitch Rader, Board Member.
was asked to visit the ThyssenKrupp manufacturing plant in Middleton. As y'all know, I had an opportunity to go to the towers a few years ago and see their new equipment. Thyssen got a Leader and Energy and Environmental Design, a LEED Gold certificate, which is very rare in the industry to get that and for what they've done with their plant. Basically, it gives all the description of what they've done within their plant to save power and to be a green facility. And Senator Gresham has this Resolution 30 that they put before the Senate to pass. And they basically save enough kilowatt hours to power all the homes in the Middleton area with what all they've done. So it's an award that, I guess, we need to congratulate them on. I had -- the plans were first to visit and see that before this board meeting and have them here, but it didn't work out. I'm going tomorrow.

MR. MOORER: What was the name of the award?

MR. SIDLER: It's the -- it's the LEED, L-E-E-D. It's the Leadership in Energy and Environmental Design. So I just thought I would bring that out. You know, when someone in my industry gets that award, I thought it was -- you know, we ought to applaud them.

The other thing is -- I guess, the big item on the agenda -- this will probably be my last board meeting. I've enjoyed working with everyone here for the years that I have. As you know, there is a state buyout, and I have been offered that. So, unless something changes, this will probably be my last board meeting. And I'm sure that as things continue on and people step up and, you know, in a year or so they'll forget that I was ever here. But I have enjoyed -- I know that this board is not the same board I started with; a lot of people come and go. But I appreciate y'all's hard work; it's all voluntary. Well, I'm paid to be here; I know y'all are not. So I applaud y'all for your time that y'all always dedicated to the State. So that's all I got.

MR. FOX: Mr. Sidler, I can only say thank you for the years that you have put in for the State and certainly thank you for the help that you've given this Board and myself and the leadership and the guidance. Because without you, I'm not sure we would've made it in this regard with some of the things that have come up. Again, you certainly have our respect and admiration. And I just want to say,

1. MR. FINKS: Mark Finks, Assistant Administrator for the Workplace Regulations and Compliance Division.
2. MR. BAILEY: Dan Bailey, Legal Counsel.
3. MR. FOX: And you, sir?
4. MR. WHITE: I'm Wayne White, Independent Ride Inspector.
5. MR. FARMER: Chris Farmer, Assistant Chief Elevator Inspector.
6. MR. STOCK: Don Stock, Board Member, Association Challenge Course Technology.
7. MS. RHODES: Anita Rhodes, Assistant Inspector, field inspectors, are all working and no one is out on sick leave or any disability. So we are at full staff, as far as health. We're still two -- two inspectors short, due to being unable to fill those positions. The economy, as you can look around Nashville and see all the cranes, and I think it's reflected around this state, as far as construction and elevators, is it's booming. There is a lot of construction and a lot of work; somebody has got a lot of money. They are still building buildings and putting in elevators, so our staff is very busy.

And I am proud to announce that our group of inspectors is 99.9 percent certified now. That's almost 100 percent pure. One of our inspectors still lacks his credentials. Are there six, Chris, are in for their promotions? Hopefully, they'll all go through this -- this month. So we're proud of those guys, and it's an achievement to get that certification. I think everybody has got a copy of this resolution.

Well -- all right. I had planned to --
Mr. Hale, you had a -- you had a proposal or a suggestion on those inflatables, as to what to do? MR. HALE: Well, I have received numerous calls from all across the state in reference to what our plan was for inflatables. And the inflatable industry people that I have talked with biggest concern is not so much the state fee, but the burden that third-party inspection is placing on -- on inflatables.

And first I want to say that all of those folks recognize, as I do, that there is a difference between mechanical devices and those inflatables. And I'm certainly not advocating to not have third-party inspections for mechanical devices, Ferris wheels, and roller coasters, and a list that goes on. And I -- the problem that the inflatable industry is having is this: A third-party inspector -- and I realize I can't speak for every third-party inspector, and I won't speak for you -- but they are indicating to me that third-party inspectors are asking them between $100.00 and $150.00 per inflatable to inspect and requiring them to set every device that they've got up all at once, so that they can make one trip to do that.

Well, if you own 60 inflatables and you've got to bring in enough manpower to set 60 inflatables up, find a location large enough to set 60 inflatables up, and pay a $100.00 to $150.00 per device, you -- you have generated $6,000.00, $8,000.00 cost just to try to get that inspection done. And you haven't even paid your State fees yet, and both of those inflatable owners are asking that we look at -- all of them are fully supportive of us requiring insurance for those, obviously, registration. Really nobody has fussed about the permit fees. They're asking that there be some type of -- of way to establish that they could show proof of a self-inspection program that they're working with their insurance provider, for instance, to look at those devices, as opposed to us requiring that third-party inspection just specifically for the inflatables, not any other devices. All of those folks -- most of them that I spoke with own other type of devices and they said, you know, hey, I know I've got to have third-party
inspections on those other devices. So that --
that's where I am with that. I would like to see us
evaluate that in some way, just specifically for the
inflatables, not other devices.
MR. FOX: Comments, questions?
MR. SIDLER: Just a question in general.
When you said -- I think, for education, probably for
everyone including myself: When an inflatable
industry owner, whether he owns other things or not,
he has insurance, which you will have, of course,
 isn't there -- is there an inspection required with
that? How do they do that; how do they handle that?

You know, if I'm an insurance company agent or
provider, how do I -- what do I do to look at that?
MR. HALE: My experience with that has
been that the insurance company is looking for -- and
I can only speak for when I owned inflatables. I've
sold all of mine, and I have no -- you know, I don't
have a personal interest in the inflatables at this
point -- but was that they asked me to show proof
that I had an ongoing program -- safety program and
those kind of things, and I had to show proof that I
was doing safety work with my employees, that I -- we
had a maintenance schedule showing that somebody
looked at that device when it was up and did a visual

And I would rather see us deal with it in
putting inspectors -- state inspectors out there.

for -- for the board -- for the State to support
resolve this as a board, as end up in another
situation at the legislature where the
representatives of the inflatable industry are down
there trying to get themselves completely exempted.
And even from a financial aspect with the support of
what we are trying to accomplish here is if multiply
out the $25.00 times the 3,000 and something number
that you gave us of the anticipated devices and the
permit -- the annual permit fee for the business
times 353 businesses, that's a substantial income
for -- for the board -- for the State to support
putting inspectors -- state inspectors out there.
And I would rather see us deal with it in
<table>
<thead>
<tr>
<th>Page 17</th>
<th>Page 18</th>
<th>Page 19</th>
<th>Page 20</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. this manner than totally lose any control over them.</td>
<td>1. did this happen? And we don't have an answer, other</td>
<td>1. MR. HALE: Well, and let me say this, and</td>
<td>1. resources division and our fiscal division. We</td>
</tr>
<tr>
<td>2. At least, we will be ensuring that they are</td>
<td>2. than financial, and that's just not good enough.</td>
<td>2. I think you will eventually agree with this: It's</td>
<td>2. understand that the board -- the number of members on</td>
</tr>
<tr>
<td>3. inspected, that we know who they are, and they are</td>
<td>3. MR. HALE: Absolutely.</td>
<td>3. important for that inspector to go out there and</td>
<td>3. the board have been advocating for at least one or</td>
</tr>
<tr>
<td>4. insured, and that we know who they are. So -- and</td>
<td>4. decides -- sometimes decide that the device is not at</td>
<td>4. decide -- sometimes decide that the device is not at</td>
<td>4. two, possibly even three inspectors, and we have been</td>
</tr>
<tr>
<td>5. that gives us a way if there is an accident involved</td>
<td>5. fault. You know, sometimes it's -- it's a rider</td>
<td>5. fault. You know, sometimes it's -- it's a rider</td>
<td>5. in communication like fiscal and with human</td>
</tr>
<tr>
<td>6. and want them to be able to go to that site and with</td>
<td>6. responsibility problem. But without that inspector</td>
<td>6. responsibility problem. But without that inspector</td>
<td>6. resources. We're still in communications with them</td>
</tr>
<tr>
<td>7. an inspector and say, you know, here -- here is what</td>
<td>7. to go out there and say -- make that determination --</td>
<td>7. to go out there and say -- make that determination --</td>
<td>7. to see if that might be possible.</td>
</tr>
<tr>
<td>8. the situation is. If we allow it to become a</td>
<td>8. MR. RADER: Absolutely.</td>
<td>8. MR. RADER: Absolutely.</td>
<td>8. MR. FOX: With that being said, I would</td>
</tr>
<tr>
<td>9. legislative issue, we are going to lose all control;</td>
<td>9. MR. HALE: The ride didn't misbehave; the</td>
<td>9. MR. HALE: The ride didn't misbehave; the</td>
<td>9. like for this Board to entertain a motion. And the</td>
</tr>
<tr>
<td>10. I would rather obtain some control than none.</td>
<td>rider misbehaved. And so to me it's a -- and I think</td>
<td>rider misbehaved. And so to me it's a -- and I think</td>
<td>10. motion is that we recommend -- we're requesting that</td>
</tr>
<tr>
<td>11. MR. FOX: And that's exactly what the</td>
<td>11. the mobile industry sees it that way, too. But they</td>
<td>11. the mobile industry sees it that way, too. But they</td>
<td>11. the State of Tennessee hire three inspectors; one for</td>
</tr>
<tr>
<td>12. rock climbing group did to us.</td>
<td>12. want somebody to come out there and look at that</td>
<td>12. want somebody to come out there and look at that</td>
<td>12. each grant division. We would take two the first</td>
</tr>
<tr>
<td>13. MR. HALE: Yeah.</td>
<td>13. device and say, there's nothing happened with this</td>
<td>13. device and say, there's nothing happened with this</td>
<td>13. year and hire the third one in the second term. We</td>
</tr>
<tr>
<td>14. MR. RADER: Well, not to move away from</td>
<td>14. device; that -- that rider decided to stand up in the</td>
<td>14. device; that -- that rider decided to stand up in the</td>
<td>14. understand budgeting and those sort of things. And</td>
</tr>
<tr>
<td>15. this topic, but we're kind of putting a cart before</td>
<td>15. Ferris wheel and fell out. The safety devices were</td>
<td>15. Ferris wheel and fell out. The safety devices were</td>
<td>15. that -- well, I'll see if I can get a motion.</td>
</tr>
<tr>
<td>16. the -- that we don't have an inspector as we stated.</td>
<td>16. in place; they defeated them.</td>
<td>16. in place; they defeated them.</td>
<td>16. MR. HALE: So moved.</td>
</tr>
<tr>
<td>17. So I think that should -- that's got to be addressed.</td>
<td>17. The unfortunate situation in Georgia</td>
<td>17. The unfortunate situation in Georgia</td>
<td>17. MS. O'CONNOR: Seconded.</td>
</tr>
<tr>
<td>18. MR. FOX: Absolutely agree.</td>
<td>18. where the guy climbed two chain link fences to get in</td>
<td>18. where the guy climbed two chain link fences to get in</td>
<td>18. MR. FOX: Any discussion? Okay. Let me</td>
</tr>
<tr>
<td>19. MR. HALE: Absolutely. And let me say</td>
<td>19. to the restricted area of the ride and got hit by the</td>
<td>19. to the restricted area of the ride and got hit by the</td>
<td>19. add one caveat to that. That we take that motion, or</td>
</tr>
<tr>
<td>20. this: I have -- I have not talked to anybody in the</td>
<td>20. ride, I mean, you know, those kind of things happen</td>
<td>20. ride, I mean, you know, those kind of things happen</td>
<td>20. if the Board passed it, that we ask Mr. Bailey and</td>
</tr>
<tr>
<td>21. mobile entertainment industry, inflatable business.</td>
<td>21. yearly, unfortunately.</td>
<td>21. yearly, unfortunately.</td>
<td>21. Mr. Finks to take that recommendation to the</td>
</tr>
<tr>
<td>22. carnival operator who is opposed to a state inspector</td>
<td>22. FERRIS wheel and fell out. The safety devices were</td>
<td>22. FERRIS wheel and fell out. The safety devices were</td>
<td>22. Commissioner and let him know of our request and see</td>
</tr>
<tr>
<td>23. walking in and looking at their equipment, nobody.</td>
<td>23. in place; they defeated them.</td>
<td>23. in place; they defeated them.</td>
<td>22. if he can help us in that regard.</td>
</tr>
<tr>
<td>24. And because we put these regulations and these laws</td>
<td>24. MR. FINKS: The amusement device -- we</td>
<td>24. MR. FINKS: The amusement device -- we</td>
<td>23. Would you accept that as a secondary or</td>
</tr>
<tr>
<td>25. in effect in Tennessee, those lists of reputable</td>
<td>25. are currently in communications with our human</td>
<td>25. are currently in communications with our human</td>
<td>25. an amendment?</td>
</tr>
</tbody>
</table>
24. MR. RADER: Request a timeline?
25. MR. FOX: Let's say within the next week
26. and ask for that and ask for a reply.
27. MR. FINKS: I would ask if we could have
28. more time than a week. Ms. Jefferson is out on
29. annual leave this week and I would want to have her
30. input into this, and she will not be back until
31. Monday. And so if we have a week, then that's
32. cutting it pretty close. If we could have a little
33. bit more time than that, I would ask if we could have
34. a little bit more time than that so to bring her into
35. the loop.
36. MR. FOX: Does anybody have an objection
to that?
37. MR. RADER: I do not.
38. MR. FOX: Okay. Within two weeks from
today, we would like a reply on whether that's
possible. And we would like to have a reply from the
Commissioner letting us know one way or the other.
Now, with that motion being stated, we
have --
39. MR. HALE: We agree to that type of
motion.
40. MR. FOX: All right. All in favor of the
motion let me know by saying "aye".

1. that safety bulletin.
2. There -- there is no way that your
inspector is going to look at every device; however,
3. they can make a tremendous impact in making sure that
the -- that the third-party inspections are accurate
4. and in those areas that I just outlined. I keep
5. saying my same spiel about, you know, this is like
6. having, you know, you have the chief and chief dog
7. and shepherds and the sheep are the ride owners and
8. the chief dog are the third-party inspectors, but you
9. still gotta have the shepherd to make sure that
10. everything is being done the way it's supposed to be.
11. We're lacking a shepherd at this point.
12. MR. FOX: Or two of them.
13. MR. HALE: Multiple shepherds. We've got
14. a big plot, so we need multiple shepherds.
15. MR. FOX: Okay. Any further discussion?
16. I think I'm going to try to restate the motion that
we are recommending, requesting, whatever verbiage we
17. need to use, that we need to hire a minimum of two
18. inspectors this year. One inspector -- at least one
19. more the following year for a total of three; one
20. representing each grant division. And that we ask
21. Mr. Bailey and Mr. Finks to carry that to the
22. Commissioner's office.
1. (IN UNISON:) Aye.
2. MR. FOX: All opposed by like sign.
3. Motion carries. Thank you.
4. All right. Amusement rides in general.
5. We talked about the fee schedule for that, and I had
6. proposed in that fee schedule that if, in fact, we
7. had -- this is what during the workshop that we had
8. proposed: If, in fact, that we were going to
9. continue with fully, or if there were no inspectors,
10. we were going to continue solely with third-party
11. inspectors, that we drop all fees to $25.00, period.
12. If in fact we had state inspectors, that we would use
13. the fee schedule that was presented prior to that
14. workshop. And I would ask this board for us to hold
15. the fee schedule in abeyance until we get a reply
16. from the Commissioner's office before we make a
17. decision.
18. Does anybody have objection to that?
19. MR. RADER: I'll make that motion.
20. MR. HALE: I'll second that motion.
21. MR. FOX: Okay. The motion is seconded.
22. Any discussion? Okay. So it's clear right now we
23. will -- just for everybody's information -- we would
24. continue with the fee schedule that's there today
25. until we hear back from the Commissioner's office.

1. So everybody understands what we are
2. doing?
3. MR. HALE: Is that an attemptable
4. situation for you filing? I mean, is -- is the fee
5. scheduling causing you -- that we're currently using,
6. is it causing you a bit of difficulty as you're
7. currently -- as you're currently trying to apply?
8. MS. BENNETT: No, it's fine. It's just
9. that -- are the fees not in the rules, though?
10. MR. HALE: They are in the rules.
11. MS. BENNETT: They are in the rules. So,
12. you know, to change it to $25.00 would, you know,
13. would take changing the rules, you know, which --
14. MR. FOX: Correct. So what I am saying
15. is that I had made a proposal -- I was going to make
16. that proposal, but I want us to hold that in abeyance
17. until we hear back from the Commissioner's office.
18. And at that point if, in fact, we cannot do something
19. with inspection -- inspectors, then I'll have another
20. proposal.
21. MS. BENNETT: But until the time that the
22. rules are changed, I have to go by the fee schedule
23. if there are any rules that -- you know, until it's
24. changed.
25. MR. FOX: And that's what we are asking

1. you to do at this point.
2. MR. FINKS: And just to clarify, you're
3. saying that in your motion -- you're saying continue
4. with the fee motion as is?
5. MR. FOX: As is temporarily, until we
6. hear what's going to happen with the inspections.
7. MR. FINKS: Okay. And Carlene is
8. correct. And I think Dan will -- Mr. Bailey, will
9. back me up that she's right; that the rules would
10. have to stay in effect until the rules can be
11. changed. If they were going to be changed, that
12. those -- those -- we're on the same page?
13. MR. FOX: Yes. You and I are on the same
14. page.
15. MR. FINKS: Okay.
16. MR. FOX: And right now the fees stay the
17. same, but we want to know where we're going with the
18. inspections. And as I say, if, in fact, we do not
19. get inspectors and do not have a --
20. MR. FINKS: Then we will address the
21. rules and the fees?
22. MR. FOX: Right.
23. MR. FINKS: And then at that time, if
24. it's something -- if you were to make a proposal or a
25. motion or whatever, the rules would still need to be

1. changed, go through the rulemaking process?
2. MR. FOX: Yes, sir.
3. MR. FINKS: Which is somewhat of a
4. lengthy process?
5. MR. FOX: Yes, sir. I understand that,
6. too, but wanting you to know that if we can't have
7. inspectors, then I would ask for us to make a motion
8. at that point to change all fees to $25.00 because
9. we're stepping back in time to where we were in 2006.
10. And if we're going to do that in the process that we
11. have, then we step back in time with the fee
12. structure, as well.
13. MR. FINKS: So it would be a motion to
14. change the rules?
15. MR. FOX: Yes, sir.
16. MR. FINKS: Okay.
17. MR. FOX: That would be my next motion,
18. or I would ask this board to entertain that motion,
19. not today. But, again, holding what we have
20. temporarily until we hear back.
21. MR. RADER: What you are implying is that
22. if we change the fee schedule, if we hear back and
23. there is no room, no money or budget for inspectors,
24. then going a different direction in order to change
25. the fee schedule, we are going to have to change the
| 1. | rules, which is a legislative process. That's what I hear you saying? |
| 2. | MR. FOX: Yes, sir. That's what I'm saying. |
| 3. | MR. FINKS: The board understands that? |
| 4. | MR. FOX: Yes. That's where we are at. |
| 5. | MR. FINKS: Mr. Bailey, do you agree with that? |
| 6. | MR. BAILEY: Yes. The rulemaking process is an administrative process that we would have to go through. It's ultimately approved by the governing operations in the legislature. But, yeah, until the rules change, we -- they have to apply that fee. |
| 7. | MR. HALE: I think we are all on the same page here. And that's the reason why I was asking Ms. Bennett if the current structure was dysfunctional, for lack of a better way to say it, for us to use until we can step back and say, here -- here's where we are now. But I, you know, just want to echo the Chair's position about this. Those of us that work spending a lot of time in getting the amusement laws in place and regulations in place never intended for there not to be State inspectors. I don't think we ever went to the legislature a single time and said, we want to pass some laws to collect some money. We went down there to pass a law and pass regulations, put regulations in place here to inspect and protect the public. And if we're not going to do that, then I'm not advocating, supporting us collecting money for the sake of collecting money. |
| 8. | MR. FOX: You made a motion; is that correct? |
| 9. | MR. RADER: Well, I think I was adding to your motion. |
| 10. | MR. FOX: Oh, okay. |
| 11. | MR. RADER: As it relates to the existence of this board and having the overseeing of the amusement. If it happens to be that they don't agree to come back with hiring inspectors, as to what is our purpose beyond overseeing the elevator portion as far as this board. Because I have a concern from just a standpoint of liability, if there is nobody in the field that you mentioned to hold any accountability. And I -- I have a problem with that as a board member. I'm not wanting to speak for each one of you, but -- so I don't know if we would want to put that in a form of a -- you know, I don't know how you put that in a motion. I just wanted to bring that out to the | 1. | board as my concern as a board member. And the fear of having no inspectors is, to me, a huge liability, not only for each one of us sitting here but also for the State of Tennessee. |
| 2. | MS. BENNETT: And I agree with that. |
| 3. | MR. HALE: I think that your -- that our motion that we passed a while ago reflects that. But I think the current motion that I thought you made and that I seconded was that we would not change the fee structure. |
| 4. | MR. FOX: Right. |
| 5. | MR. HALE: We would not do any work on the fee structure at this point. But instead wait until we know what -- what the answer is about whether we are going to have inspectors. |
| 6. | MR. BAILEY: I have a quick question, I guess more for curiosity and for my own information: To be a certified amusement rides inspector, what are the qualifications, the process? |
| 7. | MR. HALE: Two certifying organizations, AIMS and NAARSO. |
| 8. | MS. BENNETT: Three. |
| 9. | MR. HALE: Well, three, if you count the AIMS and NAARSO. |
| 10. | MS. BENNETT: ACCT. |
| 11. | MR. HALE: Right. If you count the zip line certification in place. |
| 12. | MS. BENNETT: Excuse me for interrupting. |
| 13. | MR. HALE: No, no. You are correct. And I think that it has always been the intention of this board that -- at least my intention; I'm not speaking too much for the board. My intention that whomever was inspecting for the State of Tennessee need -- need the qualifications required by those organizations. |
| 14. | MR. BAILEY: By all those organizations? |
| 15. | MR. FOX: Not necessarily by all of them. |
| 16. | MR. BAILEY: At least be certified by one? |
| 17. | MR. FOX: Three governing boards: There's NAARSO; National Association of Amusement |
1. Ride Safety Officials, and AIMS; Amusement Industry
2. Manufacturers and Suppliers. And then there's ACCT;
3. American Challenge Course Technology.
4. MR. FINKS: I think it's Association.
5. MR. FOX: I'm sorry. Correct. I stated that wrong. But the ACCT is kind of -- they're paying which is strictly for zip lines, canopy tours, the fixture items. The others, NAARSO and AIMS, are that you can obtain certification for all amusement rides. And furthermore, I think you can obtain through ACCT a NAARSO inspector candidate, get their certification through ACCT, as well.
6. MR. BAILEY: And do those organizations put on training?
7. MR. FOX: Yes, sir. Each one of them -- well, I don't know about ACCT. But I know for a fact NAARSO puts on training once a year; AIMS puts on training once a year. It's a 40-hour class. It's a very intensive class. I know for a fact that you are there for 40 hours.
8. MR. BAILEY: And at the end of it, if you go though it successfully, you are then certified?
9. MR. FOX: No, sir. There is a certification process; you have to go through that process. And in most cases, a level one inspector,
10. you have to wait a year. If you start today in the amusement industry, you have to wait a year to sit for the test. And if you are able to take that, then you are a level one. And then at that point, then you work with someone for about five years and then you are eligible for a level two. And then after about 25 years of hard knocks, then you can become a level three. And there is probably less than -- probably less than 150 level three inspectors in the world. So it's a pretty intense type training situation.
11. MR. BAILEY: Thanks. I was just curious what the process training was.
12. MR. FOX: Okay. Current Administrative Process. We have --
13. MR. FINKS: I'm sorry. I have the report on that.
14. MR. FOX: Okay.
15. MR. FINKS: Currently, the Amusement Device Unit consists of two employees: Carlene Bennett and Anita Rhodes. Carlene Bennett researches to determine if Tennessee companies are compliant with the Amusement Device Law. She always reviews incoming permit application packages to determine if they are accurate and complete. Carlene maintains a spreadsheet that contains the status of active cases that have been discovered since February 2015, she enters relevant information on program spreadsheets, contacts company owners when files are incomplete, contacts certifying agency representatives to ensure inspectors are qualified and certified, checks insurance policies, and contacts local sheriffs and district attorneys if a company refuses to meet statutory compliance requirements.
16. Anita Rhodes receives incoming documents, processes payments, and issues permits. Anita also enters relevant information on the computer system and issues permits to companies that meet statutory compliance requirements. She processes payments and provides receipts and maintains program statistics.
17. Administrator Kim Jefferson implements policy and processes and oversees the Amusement Device Unit.
18. Since February 2015, the Amusement Device Unit has researched amusement device companies to determine if they are compliant with the Amusement Device Law, sent numerous letters to noncompliant employers, provided owners and operators permit application packages for completion, obtained third-party inspection reports signed by qualified and certified third-party inspectors which show the number of devices inspected and confirms the devices are safe and operable, verified companies have valid general liability insurance coverage, and assessed and collected fees. The Association for Challenge Course Technology, ACCT, became a certifying agency in Tennessee on March 19, 2015. Companies certified by ACCT are authorized to inspect aerial adventure parks, trekking parks, team challenge courses, rope courses, canopy tours, climbing structures, and zip lines only. As of March 2015, and as a result of legislation passed during the last legislative session, the department will no longer regulate climbing walls.
19. Wayne White, third-party certified inspector by the National Association of Amusement Ride Safety Officials, NAARSO, from Dickson, Tennessee, is a new face in the amusement device industry. He is a local inspector, performs on-site inspections, and prepares inspection reports for his clients. As a third-party inspector, he is neutral and detached in performing his inspections. Although Mr. White does not work for the Amusement Device
1. Unit, he is very helpful and answers technical questions when asked. Another good source for technical information is James Borishade, Executive Director for ACCT.
2. Since July 1, 2014, the Amusement Device Unit has received 35 permit applications, created 137 program files, received 28 third-party inspection reports, issued 104 permits to 104 companies, recorded 542 devices, received 90 payments, and processed and collected $73,725.00 in fees. Revenue collected from fees is used to administer the program. Three accidents have been reported.
3. Companies were immediately contacted and informed of accident reporting and operation reporting requirements for the state of Tennessee.
4. Four employers have failed to comply with the Amusement Device Law and have been referred to the proper County Sheriff and District Attorney.
5. MR. FOX: Thank you, sir, for the good report.
6. MR. RADER: Can you tell me again the revenue and that's through when?
7. MR. FINKS: That was through -- I believe it was through last Friday at the end of -- the end of May, $73,725.00. And that's from July 1st, 2014 to the end of May 2015.
8. MR. FOX: Sir, I would have to say good report, and I will tell you that the administrative process works very well. I would have to also say that Ms. Carlene and Ms. Anita do an outstanding job of taking care of us and taking care of the people in the state of Tennessee.
9. Anything else on that?
10. MR. FOX: Okay. Inspections. I think we have talked about that. And the audits kind of go hand in hand with the next group being annual permits.
11. We brought up the annual permits; it was brought up in the database. And, actually, when I sat down to do actually fill out my permit to obtain a permit for Dollywood, for me, there was -- I had some questions. So I had to call the lady that I would say knows everything on here on the ride business, and we worked -- we worked through it. But I'm just -- as Lynyrd Skynyrd said, I'm just a simple man and in that regard, have to be -- things have to be simple for me.
12. So we came up with this document, and we looked at this. Some of you should have a copy of it. And put together, obviously, the normal document here is the company name, the owner, the address, contact information. And then when you look at this document talking about the Ride/Attraction.
13. Information, the Amusement Name -- we, however, as a lot of other things, like the Himalaya, as in Himalayan, there's 25 different names; I'm sure there's hundreds of different names out here for the Himalayan that different owners have. But the manufacturer's name for it is -- is unique. That's the Model Number, so forth and so on. So we came up with the Amusement Name category, the Manufacturer, and then that Model or, again, the Himalayan. That is the Model Number.
14. Who makes that? Is it --
15. MR. WHITE: Reverchon.
16. MR. FOX: It's who?
17. MR. WHITE: Reverchon.
18. MR. FOX: Okay. Anyway, that's the Model, so we put that in. And, obviously, every -- every amusement device has to have a Serial Number, so we put that on there. And then we came to which applies to what. So we come up with the Minimum Height to Ride, which is like a kiddie ride, south of 36 inches. Or -- and then you come up with a medium ride is a 42, and then a Minimum Ride -- Height to Ride, 48. That's normally a fairly large ride like a roller coaster, or maybe even a Ferris wheel. Not necessarily that it's a thrill ride, but there are certain requirements by the manufacturer. And then there is a flat ride. Again, it could be a kiddie ride or is like -- we have a car ride, Rockin' Roadway. And it's on a flat track, and so that's a flat ride.
19. And then the thrill ride, again, could be -- again, a green the carnival of the Himalayan, that's a thrill ride. Or it could be a spectacular, which would be a roller coaster.
20. And then we were trying to apply the fee structure to meet the fees. And then Carlene came up with, well, when we were doing this document, we left off -- or I did -- the inflatables and the zip line. Well, the zip line is kind of a catchall there for a canopy tour, an adventure, or an adventure ride, or whatever. So we were trying to, again, to come up with something that would be easy for that person who is filling this out to check one of those boxes. And then from that point, we would figure out where they fell in the fee structure, and that's what this document is all about.
1. And then, of course, the last part is the
date it was inspected, inspected by, and that contact
information. It’s kind of like if, in our situation,
we hire a third-party inspector group. As a matter
of fact, it takes five people a week to go through
our ride. So we -- we’re going to put the name of
that company, and then that way she knows who it is
and then she goes back and she’ll immediately go back
and verify that that company, or whoever the owner
is, is a certified NAARSO, AIMS, or ACCT inspector in
the things that we have. So that’s -- that’s the
reason that you have this document.

Now, in talking with Carlene, it may or
may not work from a practicality standpoint for
someone to download that document and fill it in and
send it back. I don’t know how that ultimately is
going to work. But this would be a start, in my
opinion, a start of a pretty good database for all
rides in the state of Tennessee.

MS. BENNETT: Yes. If we are going to
wait on the fee schedule to determine whether it is
going to have the rules to be changed.

MR. FOX: Yes.

MS. BENNETT: Then I would suggest that
we wait on this, as well, until we determine that.

1. Because if it’s just going to be a flat $25.00, then
there will be no point to rule on this.

MR. FOX: I agree. Good point.

MR. HALE: I think the other thing that
we looked at, as having this type of data available,
is if we can get inspectors -- let me put a positive
spin on that. When we get inspectors, that this
would give our state inspector the opportunity to
look down through that and say, okay, there’s a
safety bulletin about this particular device. I can
look through this right here and find everybody in
the state of Tennessee that owns one, everybody that
is playing one of those in the state of Tennessee.

And then they’ll be able to go over to
those folks and say, do you have this safety
bulletin, and can you show me the proof that you
complied with it? Send me proof that you bought the
parts necessary from the manufacturer; show me proof
that it has been put in place. Or better yet, where
are you? I’m going to come look.

MR. FOX: And piggybacking on that is
that the other items were red flags or, excuse me, if
it had been tagged out, if the ride had been red
flagged or tagged out, then there would be a note on
that particular device stating such, or if there had

1. been, as defined in our law, a serious accident that
occurred. So if we have that same ride with multiple
accidents on it, obviously, we’ve got a problem. So
we were trying to keep up with that, as well. And
then our inspectors would be able to fill in that
information, so that was the reason for us putting in
all of that together.

But to your point, a very valid point,
that in this situation we would probably need to wait
until that decision was made on at least.

MR. HALE: I would also like to submit
that if we’re going to be able to move forward with
inspectors, well be getting into the -- the fair,
carnival season where we are really probably already
into that season, truth being said. But, you know,
this may be something that requires us to come back
before September to deal with, if we can get those
inspectors on board.

MR. BENNETT: It would be helpful to have
an inspector’s input on creating the annual process
also.

MR. FINKS: And from an administrator’s
input, if we are able to hire inspectors, the
interview process with the State takes several weeks
at a minimum. So even if we do get a green light to

Page 41
Page 42

Page 43
Page 44
1. to be the norm in the Government to give you more to
do than you can possibly do, and then fuss at you
because it's not finished.
4. MS. BENNETT: Thank you.
5. MR. HALE: But I think y'all do an
6. excellent job, and I -- I hope that in the future we
can grow this to get help for y'all, too.
8. MR. FOX: Okay. Again, Mr. Sidler, I
9. hate that you are leaving, but in one way I admire
you.
11. Item Number 9: Announcement of the next
meeting. The next regularly scheduled meeting of the
Elevator and Amusement Device Safety Board meeting
will be held on the first floor TOSHA Hearing Room at
9:00 a.m. on Tuesday, September 1st, at the State of
Tennessee, Department of Labor and Workforce
Development building, located at 220 French Landing
Drive, Nashville, Tennessee.
19. Do I have a motion for adjournment?
20. MR. RADER: So moved.
21. MR. FOX: Another motion?
22. MR. MOORE: I second.
23. MR. FOX: Meeting is closed.
24. (WHEREUPON, the foregoing proceedings
were adjourned at 10:20 a.m.)
1. REPORTER'S CERTIFICATE
2. STATE OF TENNESSEE
3. COUNTY OF DAVIDSON
4. I, MEREDITH M. WILKINS, Licensed Court
5. Reporter, with offices in Nashville, Tennessee,
6. hereby certify that I reported the foregoing
7. proceedings of the STATE OF TENNESSEE ELEVATOR &
8. AMUSEMENT DEVICE SAFETY BOARD by machine shorthand to
9. the best of my skills and abilities, and thereafter
10. the same was reduced to typewritten form by me.
11. I further certify that I am not related to
12. any of the parties named herein, nor their counsel,
13. and have no interest, financial or otherwise, in the
14. outcome of the proceedings.
15. I further certify that in order for this
document to be considered a true and correct copy, it
must bear my original signature and that any
unauthorized reproduction in whole or in part and/or
transfer of this document is not authorized, will not
be considered authentic, and will be in violation of
Tennessee Code Annotated 39-14-104, Theft of
Services.
19. 
22. _______________________________
23. MEREDITH M. WILKINS, LCR, CCR
24. Stone & George Court Reporting
25. Certified Court Reporter (TN)
26. Notary Public State of Tennessee
28. LCR #674
29.
<table>
<thead>
<tr>
<th>E</th>
<th>D</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td>30:15 33:20</td>
<td>31:12 31:13 31:14</td>
<td>32:10 32:12 33:1</td>
</tr>
<tr>
<td>30:16 33:19</td>
<td>31:12 31:13 31:14</td>
<td>32:10 32:12 33:1</td>
</tr>
<tr>
<td>30:17 33:18</td>
<td>31:12 31:13 31:14</td>
<td>32:10 32:12 33:1</td>
</tr>
<tr>
<td>30:18 33:17</td>
<td>31:12 31:13 31:14</td>
<td>32:10 32:12 33:1</td>
</tr>
<tr>
<td>30:19 33:16</td>
<td>31:12 31:13 31:14</td>
<td>32:10 32:12 33:1</td>
</tr>
<tr>
<td>30:25 33:10</td>
<td>31:12 31:13 31:14</td>
<td>32:10 32:12 33:1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>40:17</td>
<td>40:18</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>00</td>
<td>11:25</td>
<td>12:1</td>
</tr>
<tr>
<td>45:15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>000</td>
<td>12:8</td>
<td>12:9</td>
</tr>
<tr>
<td>0024</td>
<td>9:24</td>
<td></td>
</tr>
<tr>
<td>0234</td>
<td>9:25</td>
<td></td>
</tr>
<tr>
<td>0235</td>
<td>10:5</td>
<td></td>
</tr>
<tr>
<td>0352</td>
<td>10:6</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>45:25</td>
<td></td>
</tr>
<tr>
<td>100</td>
<td>6:18</td>
<td>11:25</td>
</tr>
<tr>
<td>104</td>
<td>37:8</td>
<td>37:8</td>
</tr>
<tr>
<td>1089</td>
<td>1:25</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>46:24</td>
<td></td>
</tr>
<tr>
<td>137</td>
<td>37:6</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>46:18</td>
<td></td>
</tr>
<tr>
<td>150</td>
<td>12:1</td>
<td>12:7</td>
</tr>
<tr>
<td>19</td>
<td>36:8</td>
<td></td>
</tr>
<tr>
<td>1st</td>
<td>2:5</td>
<td>37:25</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>45:25</td>
<td></td>
</tr>
<tr>
<td>2006</td>
<td>28:9</td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>37:5</td>
<td>37:25</td>
</tr>
<tr>
<td>2015</td>
<td>1:13</td>
<td>2:2</td>
</tr>
<tr>
<td>35:2</td>
<td>35:19</td>
<td>36:8</td>
</tr>
<tr>
<td>36:13</td>
<td>38:1</td>
<td></td>
</tr>
<tr>
<td>2017</td>
<td>46:24</td>
<td></td>
</tr>
<tr>
<td>2019</td>
<td>10:7</td>
<td>10:15</td>
</tr>
<tr>
<td>2020</td>
<td>1:23</td>
<td></td>
</tr>
<tr>
<td>220</td>
<td>2:4</td>
<td>45:17</td>
</tr>
<tr>
<td>221</td>
<td>1:25</td>
<td></td>
</tr>
<tr>
<td>22nd</td>
<td>10:20</td>
<td></td>
</tr>
<tr>
<td>234</td>
<td>1:24</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>16:19</td>
<td>25:11</td>
</tr>
<tr>
<td>28:8</td>
<td>34:7</td>
<td>39:7</td>
</tr>
<tr>
<td>28</td>
<td>37:7</td>
<td></td>
</tr>
<tr>
<td>2nd</td>
<td>2:2</td>
<td>4:5</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>7:12</td>
<td>10:7</td>
</tr>
<tr>
<td>35</td>
<td>37:6</td>
<td></td>
</tr>
<tr>
<td>353</td>
<td>14:13</td>
<td>14:23</td>
</tr>
<tr>
<td>16:22</td>
<td></td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>39:25</td>
<td></td>
</tr>
<tr>
<td>37069</td>
<td>1:24</td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>46:18</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>33:18</td>
<td>33:20</td>
</tr>
<tr>
<td>42</td>
<td>40:1</td>
<td></td>
</tr>
<tr>
<td>48</td>
<td>40:2</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>542</td>
<td>37:9</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>60</td>
<td>12:4</td>
<td>12:5</td>
</tr>
<tr>
<td>615</td>
<td>1:25</td>
<td></td>
</tr>
<tr>
<td>674</td>
<td>46:24</td>
<td></td>
</tr>
<tr>
<td>68</td>
<td>9:6</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>725</td>
<td>37:10</td>
<td>37:25</td>
</tr>
<tr>
<td>73</td>
<td>37:10</td>
<td>37:25</td>
</tr>
<tr>
<td>9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>90</td>
<td>37:9</td>
<td></td>
</tr>
<tr>
<td>900</td>
<td>1:24</td>
<td></td>
</tr>
<tr>
<td>99</td>
<td>6:17</td>
<td></td>
</tr>
</tbody>
</table>