STATE OF TENNESSEE
ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD

QUARTERLY MEETING OF THE
STATE OF TENNESSEE
ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD

September 12, 2018

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

1. Robbie Fox, Chairman
   Fixed Amusement Device Representative
2. Chris Farmer
   Elevator Inspector Supervisor
3. Mike H. Hardy
   Amusement Device Manager
4. David Hale, Board Member
5. Tennessee Fair Association Representative
6. Kelly O'Connor, Board Member
7. Mike Hardy, Jr., Board Member
8. Owner and Lessees Representative
9. Larry R. Moore, II, Board Member
10. Mike H. Hardy
    Amusement Device Manager
11. Mitch Rader, Board Member
12. Insurance Company Representative
13. Victor LaPorte, Board Member
    Manufacturer Representative
    Assistant Commissioner, State of Tennessee
15. Dan Bailey, Esq.
    Legal Counsel, State of Tennessee
16. Lynn Kirby
    Board Secretary, State of Tennessee
17. Ms. Kirby: Lynn Kirby, AA3, and I work for WRC.
18. Mr. Hardy: Mike Hardy, WRC
19. Amusement Device Manager.
20. Mr. Farmer: Chris Farmer, representing the elevator unit.
21. Mr. LaPorte: Vic LaPorte, board member.
22. Mr. Rader: Mitch Rader, board member.
23. Ms. O’Connor: Kelly O’Connor, board member.
24. ** Reporter’s Note: All names are spelled phonetically unless otherwise provided to the Reporter by the parties.

AGENDA

I. Call Meeting to Order
II. Introductions and Announcements
III. Pledge
IV. Adoption of Agenda
V. Approval of the June 5, 2018 Minutes
VI. Elevator Unit’s Report
VII. Amusement Device Unit’s Report
VIII. Old Business
   None
IX. New Business
   None
X. Open Discussion Items:
   * Status of Vacant Safety Compliance
   Officer Positions
   * Process Amusement Device Unit
   Utilizes to Discover New Rides/Attractions
   (Refer to Standard Operating Procedure-SOP)
XI. Announcement of Next Meeting—The next regularly scheduled meeting of the Elevator & Amusement Device Safety Board will be held at 9:00 a.m. (CDT) on Tuesday, December 4, 2018 at the Tennessee Department of Labor and Workforce Development building, located at 220 French Landing Drive, Nashville, Tennessee.
XII. Adjournment
MS. KELSEY: Thank you, sir.

MS. BARNETT: Doris Barnett, IT.

MR. MCCRARY: Patrick McCrary, project manager with APTEAN, working with the WRC this week.

MS. MURPHY: Jennifer Murphy, Amusement Device Unit.

MR. KLUTTS: Kevin Klutts, Safety Device Officer, Amusement Device Unit.

CHAIRMAN FOX: Okay. Good. Again, welcome. We're glad everybody is here. Thank you very much.

If we could, we'll get started and we'll ask Brother Rader here, if he will, to do the Pledge of Allegiance.

(Pledge of Allegiance recited.)

CHAIRMAN FOX: Thank you.

If you will, I would entertain a motion to adopt the agenda.

MR. RADER: So moved.

MR. MOORE: Second.

CHAIRMAN FOX: We have a motion and a second. Any discussion?

(No verbal response.)

CHAIRMAN FOX: Hearing none, all in favor of the motion, let it be known by saying "aye."

(Affirmative response.)

CHAIRMAN FOX: All opposed, like sign.

(No verbal response.)

CHAIRMAN FOX: Okay. Motion carries.

Item Number 5, we have approval of the June 5th, 2018 minutes. You should have those in your packet or you should have been sent a copy of those. I would entertain a motion to approve.

MR. RADER: So moved.

MR. MOORE: Second.

CHAIRMAN FOX: We have a motion and a second. Any discussion?

(No verbal response.)

CHAIRMAN FOX: Hearing none, all in favor of the motion, let it be known by saying "aye."

(Affirmative response.)

CHAIRMAN FOX: All opposed, like sign.

(No verbal response.)

CHAIRMAN FOX: Okay. I'm sorry. I didn't mean to throw you a curve there.

MR. RADER: No, that's all right.

CHAIRMAN FOX: I just wanted to get that on the...

MR. RADER: Just to go over a few things. We have been very busy since the last board meeting. If you will remember, we were introducing our new computer system. The

injuries or how many injuries have we had on elevators, escalators, or things that go up and down?

MR. FARMER: Probably in the mid-30s from last year. I actually sent Anita upstairs to get that number. I can give it to you a little bit later. But mainly, it's on escalators, and it's falls, people with luggage.

We had, actually, not too long ago, somebody carrying a baby stroller on there with a baby in it, and they had an accident.

CHAIRMAN FOX: Okay.

MR. FARMER: Luckily, the baby was okay. The person, I guess, got injured trying to -- was saving the baby from flipping over. So that's what we see more than anything.

CHAIRMAN FOX: Okay. I'm sorry. I didn't mean to throw you a curve there.

MR. FARMER: No, that's all right.

CHAIRMAN FOX: I just wanted to get that on the...

MR. FARMER: Just to go over a few things. We have been very busy since the last board meeting. If you will remember, we were introducing our new computer system. The

inspectors and all the admin staff have completed most of their training on the new system, and it's working well.

I think the part that we're most excited about is the electronic billing and the online payments. It's been working well, and it's built more for the public use. These owners can sign up for it, they can pay their invoices online, and they can actually download their operating permits. If they lose them or if they get stolen, they can get new ones without calling us, you know.

Actually, we've gotten more use out of the system than we thought we would, just for the simple fact that we've introduced the elevator portion of the -- the contractor portion of it. And, actually, I want to thank Vic's company, KONE. They've been a big part in using it. And they were, like, our guinea pigs. Instead of mailing in permits and mailing in checks and us doing revenue, they can do it online now. So they can electronically send all the prints; I can review them; I can put them in the system; and it automatically emails them the invoice; they can pay. I mean, it's pretty streamline. So I would
like to thank them for doing that.
Just to give you some numbers,
we've -- since three months ago, since the last
board meeting, we've processed 395 online payments
for almost $50,000 worth. So it's going to build
and it's going to keep building.
We do have some forms, if anybody is
interested. If they want to sign up for them, we
do have some owners of some elevators in here.
MR. MOORE: Just a few.
MR. FARMER: If y'all want to sign
up for it, we can give you some forms to fill out
and get you signed up for it.
Staffing in the elevator unit, we
currently have 25 field inspectors, three admin
staff. That's including myself. Today we opened
the register to fill the two open positions. And
I know we had two positions last time, but we
actually filled them and we had a couple retirees
and some people resign. We wish them all the
luck. Hopefully, we'll be fully staffed in about
a month. And due to the growth in Nashville, we
definitely need the help.
I don't know if you remember me
telling you guys about the fire department
training that we introduced. We actually have got
one class behind us, and it was rave reviews over
it. Robert Mathis, one of my West Tennessee
inspectors -- I'm sorry -- South Tennessee
inspectors, actually went to the Lincoln County
Fire Department and gave a class, and I got
nothing but rave reviews over what he did and over
what the class provides for the Fund for safety.
So if you know any fire departments in your area
that are interested, please send them our way, and
we'll be happy to do it for them.
I did hand you-all out a sheet. It's
a fact sheet to kind of give you-all the numbers,
instead of me spilling them out to you. As you
can see, the construction permits are up quite a
bit of 693, the fiscal year of '16-'17, up to 868.
Acceptance inspections are about the same way.
They're up about 130. That's just new elevators
that we accepted through the year. The biannuals
are down little a bit, just for the simple fact
that we're doing so many acceptance inspections.
They take a day, a day and a half to do a
brand-new elevator; where a biannual inspection
doesn't take as long. So we're spending a little
bit more time on the new -- on the growth.
So "acceptance," those
are new elevators?
MR. FARMER: They're brand-new
elevators. Any of the stuff that's listed below.
And I kind of broke down the numbers for you of
exactly what we inspect and how many there is in
the state. Like, passenger elevators, there's
13,149; freight elevators is 592; there's
350 escalators; 10 moving walks; 257 dumbwaiters;
we actually do 1,197 handicap lifts -- which is
amazing. I didn't know there was that many --
aerial lifts and tramways, that's ski lifts over
Gatlinburg, there's 10 of them; and introduced to
the state a couple years ago was the ski
conveyors. Basically, what they are is they're
conveyor belts. They run up the side of a
mountain. Skiers get on and it pulls them to the
top, they jump off, and go back down. So it's a
little more -- it's a little faster than the lift
type. I think they use them for tubes, too.
That's about all I've got. I can
entertain any questions. I enjoy questions.
CHAIRMAN FOX: Any questions from
the board?
(No verbal response.)
statistics, closed out '17-'18 versus the previous year. The compliance officer and the administrative staff are responsible for permitting 25 new first-time permits so far this year. We closed out fiscal year '17-'18 by issuing 134 new permits. And the year prior to that, we issued 83 new permits. So as far as our year-ending statistic, that is a 61 percent increase of new companies permitted over fiscal year '16-'17.

I'm excited. I think the staff is excited about the remaining fiscal year, optimistic to see what we can get accomplished. We're kind of young into this year, but with the staff, optimistic to see what we can get accomplished this fiscal year and don't anticipate anything but continued growth there. Our goal, again, is by the end of this year, we'll have located, you know, with a few exceptions that we talked about, people dropping off and coming in. But by the end of this fiscal year, we should have located the majority of the companies doing business in the state.

CHRISTMALE FOX: No. I do want to point out to Mr. Farmer, though, and, I mean, far be it from me to ever notice this, but you have graphs, he has numbers.

MR. FARMER: Our graphs would have to be so much bigger.

MR. RADER: Take up more ink.

MR. FARMER: It's easy to make it look big when there's only 400.

MR. HARDY: Okay. Jurisdiction Online. You've heard that term before and Chris has mentioned that. The Division has been in the process of implementing or rolling out this new Jurisdiction Online software to replace our current EC METS software. And Jurisdiction Online -- we've shortened that to "JO" -- their representative, Patrick McCrary -- stand up again, Patrick. Let everybody see you -- he's been here with us all week, and we've been having some pretty aggressive discussions and trying to get what data we need to collect, and his homework and our homework. But we're well under way with that process, brainstorming, gathering information, and kicking this thing off.

Chris mentioned that the elevator has completed their process. They're now live with the software. We do anticipate more growing pains as we implement the software, but the rewards of what the new system will give us will be very advantageous. We'll have the capability of tracking renewals, tracking individual devices, and company -- company histories, and also incorporating the online payment system as elevators has done. We think that will be a tremendous help to us.

Fair season. Fair season is currently in full swing, maybe on the south side of the bell, but we've made several spot checks on various fairs and festivals within the state. Mainly what we do is verify that the devices from the company's permit match the devices that are operating on site there.

All the fairs are important to us. We've tried this year to especially visit and be visible for the big guys. We spent a couple days at the Wilson County Fair and the Tennessee State Fair. I know Kevin has covered the Delta Fair over in West Tennessee.

This year we've also tried to visit the traveling carnivals that are making their first stop in the state. So we think that's important, you know. Number one, they have to be permitted, but number two, we want to get boots on the ground and go out and make absolutely sure that the devices they have set up and operating have been inspected, and they are under their permit umbrella, so...

We're just working with the fairs and carnival companies to ensure everything is acceptable in accordance to the law. And fair season does end with the Franklin County Fair that begins on October 10th, is the last one as far as the Tennessee Association of Fairs lists.

We stay mindful of the urgency of issuing these permit renewals prior to the fairs operating in order to avoid backlogs. The staff continues to do a very good job staying on top of these renewals. And we're going to do whatever is necessary on our end to ensure that these companies that are playing these fairs and festivals are permitted before they operate.

Does anyone have any questions for me regarding anything that I've gone over so far for amusement devices? I've got one more thing.
MR. RADER: Mike, in your report, it would be nice if you could provide the board maybe a quarterly report of what accidents have been reported within the amusement --

MR. HARDY: We can do that. MR. RADER: -- yeah, the description of the accident and...

MR. FARMER: We can do that. And just generally, to answer your question, primarily -- and I always look for wood to knock -- but primarily, the most consistent accidents that we have reported are from trampoline parks. And, as you say, it's the nature of the beast, you know, broken ankles, broken arms, broken legs. But these guys -- primarily, East Tennessee is the highest concentration of these type parks, and they're clockwork now. They know that they have to shut down that device, that they have to report that accident, they have to get it inspected, and we send business resumption once that process is completed.

But we've had a couple of minor things with traveling carnivals. Mr. Fox, I think the last issue that we had at Dollywood was a patron getting off of a device. It had nothing to do with the operation of the device. We've had a couple of those. We did get accident reports in, but after reviewing that, making the determination that the device was not responsible. But we can and we will get you some information in the next meeting about accidents so you-all can stay abreast of that.

The last thing I wanted to mention is that the unit lost a former compliance officer and friend, Andrew Rayborn, that lives in East Tennessee. Andrew passed away on August 28th. He was 31 years old, and he is survived by his wife, Paige, and a one-year-old daughter, Ava Jade. And Paige and Ava are in need of your thoughts and prayers. So I wanted to mention that this morning.

And again, I'll entertain any questions.

CHAIRMAN FOX: I want to say thank you for bringing that up. Had you not, I would have. He was a good soul and I hated to see that happen.

Again, like Mitch said, Mr. Farmer, if you would, maybe both of you could give us a report on the number of incidents/accidents that are out there.

MR. FARMER: Our reports are pretty thorough about what happened and the accounts. And we usually get an on-site accident report from the companies. They do their own. We do ours and they do theirs. We kind of put them together and make a determination of what we think the cause was and fix it or at least make a report of it, so I'll be able to supply it for you.

CHAIRMAN FOX: Okay. Anything else, gentlemen? Either one of you.

MR. HARDY: Not under this section.

CHAIRMAN FOX: All right. Thank you very much.

Under old business, we have none. Item Number 9, new business, we have none. Item Number 10, open discussion items: Status of vacant safety compliance officer positions.

Ms. Jefferson, I'm going to make the assumption you're going to talk about that.

MS. JEFFERSON: Yes, I'll talk about that.

CHAIRMAN FOX: All right.

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news. And I have to thank all of the folks who were involved, as I said, are HR. Liaison for the department, we have Lynn. She also serves as our HR liaison, Lynn Kirby. Mike, of course, he's involved in the interview process. And we expect for those folks to start on Monday. And during the December meeting, Mike will bring or allow those employees to attend the meeting, and they'll come to the meeting and so you'll have an opportunity to meet them at that time.

CHAIRMAN FOX: Okay. Any comment from the board members?

(No verbal response.)

CHAIRMAN FOX: The next item is the process the amusement device unit utilizes to discover new rides/attractions.

MR. HARDY: Yeah. We were asked about that, and I think everyone, in your books — board members, in your books, you have a copy of the Amusement Device Unit's standard operating procedures. That was completed and implemented on July the 13th. A lot of hard work went into that SOP. We wanted to create a user-friendly cookbook-type document, which will be a big help for our staff, the new safety compliance officers coming board, and administrative personnel, as they join the team.

But we've been asked what means compliance officers use to discover new and current noncompliant companies, and you can find this information on that SOP on page 18. I'll read the segment that covers it. It's very short. "Safety compliance officers discover and locate through various means, such as internet searches, as in Google, telephone calls; white/yellow pages; industry lists, like the Tennessee Association of Fairs website and listing, as I mentioned earlier; local news publications; other unit staff members; concerned citizens; other amusement device companies; social media, examples, Facebook, Twitter, Instagram, LinkedIn; other agencies, Amusement Device Unit Tip Line, which is generated from our website and automatically submitted to us. Of course, company on-site visits and by any other means as we see as necessary and acceptable by the unit -- It's our goal, in relation to the SOP, to review it on a regular basis and make necessary revisions on an annual basis. And so I know it's several pages, but if you have any questions ever, or any comments on anything that you find in the SOPs, let us know, you know. We'd be interested in your thoughts and what you might have.

CHAIRMAN FOX: Let me ask a question of ignorance. Remember ignorance is trainable; stupid is forever. So a question of ignorance: The State, like the IRS, they issue a number per business. Like, if you're a theme park, your number is 1234. If you're a grocery store, you're a 1278. Pick a number, pick a type. Is there way, through the tax records, that you could identify those specific, like, theme park or businesses that would be related to the amusement device world? Is there a way to do that through the tax records somehow or other?

MS. JEFFERSON: Now, when you say "tax records," are you referring to state tax records --

CHAIRMAN FOX: Yes, ma'am.

MS. JEFFERSON: -- or federal?

CHAIRMAN FOX: Well, you've got to have -- if you do business in the state, you've got to go through the Secretary of State's office and get a number and all that sort of thing.
that, or only if you have a certain number of employees?

MR. BAILEY: For unemployment insurance premiums, it's if you have any employees.

MS. JEFFERSON: So if you have any employees. Okay.

So we can perform searches. We actually utilize that program for labor standards and some of our other programs within the department. Not sure how helpful it will be, but we'll certainly take a look at it. That's something we'll be happy to take a look at to see if we can identify additional companies that way. It won't hurt to take a look at it. You just never know unless you look.

CHAIRMAN FOX: There's got to be a tag in either the state tax records that says you are an amusement device company or pick a name, or whatever they choose to name it. I know I had a little business on the side, and I had a specific number. And I apologize for the fact I can't think of what it's actually called. But it's -- the IRS issues you a number --

MS. JEFFERSON: It's like an account number. I know the --

MR. RADER: Yeah. SIC number.

CHAIRMAN FOX: SIC number. That's it.

MS. JEFFERSON: Okay. Well, most of those, the accounts for the state, I'm not sure if they have SIC. I haven't seen that with the records that we have access to.

MR. BAILEY: Well, I mean, there's code numbers that workers' comp uses and Tennessee OSHA uses, you know, for businesses that are in certain categories.

CHAIRMAN FOX: Yes.

MR. BAILEY: Now, whether or not the Tennessee Department of Revenue, when they issue a tax I.D. number, whether or not that's based on the type of business they're in, I really don't know.

MS. JEFFERSON: We have pursued the Tennessee Department of Revenue in the past, and -- we were talking about this the other day -- when we first began looking at the Amusement Device Unit, we actually asked them to provide us a list of companies who have "amusement device" in their name and were affiliated with amusement device companies.

They did send us a list. Unfortunately, most of those didn't -- they weren't the type of companies that we pursued. There were coin-operated companies. There were other companies that had nothing to do with what -- so that wasn't beneficial. We have talked about workers' comp, as Dan indicated, because they do have information through NCCI. And it gives you a particular code number. And since Mr. Rader is in the insurance industry, I'm sure you're familiar with that. It gives you a particular number.

I believe we requested information from workers' comp before. I'll have to take a look at that. It's been a while since we reviewed that information. But that may be an alternative for us to obtain additional information. Because they should have a code for amusement device companies.

And that's something, Mr. Rader, you may be able to help us with.

MR. RADER: You should be able to pull that up through the Department of Workers' Comp --
MS. JEFFERSON: And a lot of these -- I know we talked about that during our discussion this week with Jurisdiction Online. And most of the companies -- I know someone brought out during the meeting that most of the companies we deal with don't have five or more companies. So that would limit us, as far as that's concerned. But we can take a look at it and see if they can provide us any more companies than what we currently have. It won't hurt.

CHAIRMAN FOX: Again, we just need to do whatever we can to identify those. And if we can do that, send them a nice letter or go visit...

MR. HARDY: Oh, yes. We have that process.

CHAIRMAN FOX: Yes. We just need to be there to show them that we care.

MR. HARDY: That's right.

CHAIRMAN FOX: Okay. Anything else on that particular topic?

MR. MOORE: I have one topic for discussion.

CHAIRMAN FOX: All right.

MR. MOORE: It's not on the agenda.

MR. MOORE: What would be, from your perspective, the preference?

MR. FARMER: To be honest with you, I've tested under '10, because that's what we've done. I've tested under '13. I've not tested or done any real legwork in '16. I have fuel inspectors that were QEI certified under '16. They seem to like the code. It seems to be a little more -- they take some of the language out of the building cold, out of the NEC, which is electric code, and they put it in the elevator book, which makes it -- it's in elevator language instead of electrician language or architect language.

What I'm hearing from them, it's a good thing. What we wouldn't want to do is adopt it without reviewing it and making sure that we're not accepting something that we don't want in this state, so...

MR. MOORE: And when will '19 be out?

MR. FARMER: It should be soon, you know. I mean, I don't know the exact -- I know they're working on it.

MR. LAPORTE: Yeah. '19, it probably would be closer to '20. They're usually about a year behind. I can tell you -- it's funny, because Chris and I were just talking about this before the meeting. But the biggest actual operational changes in the '16 code are the addition of a lot of seismic pieces. So that's probably the biggest change.

And then there's going to be some things to review that we may want to change locally, like a maintenance control program. There's been a lot of issue with what the '16 code actually requires and what most HJs have been adopting. So there definitely should be some more review work.

Like Chris said, though, they did clean up the language nicely, and they also have, in every section, actual notes to what changes were made from previous '13 code and -- so it's a nice track of how they've migrated to '16 code. If you need, we could talk afterwards. I can probably provide you copies of 2010.

MR. FARMER: Well, I actually found it online somehow or another. Somebody decided to post that. So that --

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MR. FARMER: Well, I actually found it online somehow or another. Somebody decided to post that. So that --
of it upstairs, of '13 and '16.

MR. MOORE: We should be good now.
I just started thinking, you know, as it gets more
and more difficult. And we're growing.

MR. FARMER: And it's not just
A17.1. It's also the handicap lift. We're
currently under the '08 code for it, you know.
And we're actually, for the ski lifts, under
1999's code. There's not much changes to it,
thank God. But it would be something that needs
to be revised, so...

CHAIRMAN FOX: Well, that begs the
question, what do -- does this board have any
authority to ask that we bring the
standards up to a certain year? I know at one
point we had to be within five years, or whatever,
of the last and final.

MR. FARMER: Yeah, I don't think
that's in effect for us.

CHAIRMAN FOX: Okay.

MR. FARMER: So that would be a Dan
question. But actually, what we adopt is under
the rules; it's not under the law, so it's --

MR. BAILEY: Well, it -- no, it is
stated in the law at 68-121-103(c) says, "Any new
technology, as defined in the adopted version of
the Elevator Safety Code, as such code is defined
in Rule 0800-3-10(7), shall be authorized for use
under this chapter; provided, that such technology
meets the latest published standards of the
American Society of Mechanical Engineers Safety
Code for Elevators and Escalators."

So it says the latest version. So I
don't know that that would require a rule change
when the statute clearly says it.

CHAIRMAN FOX: So, then, would this
body, then -- would we need to make a
recommendation that we move toward that, or does
that just happen because the law says it will
change on July the 1st or pick a date?

MR. BAILEY: Well, with it being in
the statute, I don't think there's anything the
board needs to do, really.

CHAIRMAN FOX: Okay.

MR. BAILEY: It's just a matter of
the Unit using it as -- if they think that it's
applicable. I mean, I don't know if the latest
standard is -- I mean, you would know better than
I would of whether or not --

MR. FARMER: The only thing I have
a question about is in the rules that we specify
A17.1 2010 and what's deleted from it, why would
we specify a code in the rules if the law says one
thing? Is that just a...?

MR. MOORE: And does that create a
problem, because that says the "latest version,"
which is '16, and they're working on '19.

MR. FARMER: But it's clearly
specified in our rules. It's A17.1 2010 for all
new technology.

MS. JEFFERSON: And I believe
that's something that we were looking at
previously, when we submitted the rules. We had
to put that on hold. But I think that's something
that we had talked about previously, in that the
next time, we don't want to put a specific year;
we want to just say the latest version. Because
that will eliminate all these types of
discrepancies.

MR. BAILEY: Well, in the
definition of rules, it says ASTM standard, you
know --

MR. FARMER: I'm sorry, what did
you say? I'm sorry, Dan. What did you say the
standard was?
1 is a huge can of worms, if you wanted to get into that. So we'd have to really review it and make sure that adopting 2016 A17.1 doesn't force the state to recognize A17.7, unless that's something you want to do.

MR. FARMER: A17.7 basically says we allow you to bring whatever you want in the state as long as you have somebody that says it's safe, outside of us.

MR. LAPORTE: To test their own new developed product.

MR. MOORE: Yes. That's why there's a problem there. And that's why, if that is the law, that could actually contradict itself because, you know, we're saying, as a board, 2010 is what we go by. But if it's stated in the law that we're going by the latest version, then those two are butting heads.

CHAIRMAN FOX: Yes.

MR. MOORE: Especially with, like you said, the A17.7 that says, you know, you make it and Joe Blow, your engineer says, "Oh, it's safe. You're good." And I don't agree with that.

CHAIRMAN FOX: I don't either. You can't inspect yourself.

MR. BAILEY: The rules under the elevator safety code does reference what Chris was saying in the 2010, the 19th edition, approved by the American National Standards Institute in October 19, 2010, effective as of June 30, 2011.

So, you know, I mean, the statute overrules the rules, you know, but it would probably be a thing where you would want to clean up the rules so that people aren't confused, at some point in time.

MS. JEFFERSON: And I believe that was on the -- when we proposed the previous rules, I believe you had some information you wanted to clean up in the rules that we proposed. We were thinking about modifying the device --

MR. FARMER: I don't think that's -- I don't think this was part of it.

MS. JEFFERSON: If it wasn't, then yeah, we need to do that.

MR. HARDY: There's a lot of work that needs to be done on amusement rules.

MS. JEFFERSON: So yeah, we probably do want to make that part of -- yeah, we probably want to establish a subcommittee, maybe two subcommittees, one for amusement devices and one for the elevator unit so that we can actually clean up those sections of the rules.

CHAIRMAN FOX: And when would you want to do that?

MS. JEFFERSON: I would suggest, with additional meetings coming up, probably beginning of next year. I would suggest probably after the holidays. That would probably be good, unless you-all wanted to -- it's up to you-all. If you want to start meeting prior to the holidays, I know that we have three boards, and we have meetings for all three boards coming up throughout the remainder of the year. So that's why I would suggest the beginning of the calendar year.

CHAIRMAN FOX: Okay. Then the question becomes would we need to submit this to anybody, other than ourselves, to any governing body, other than ourselves, or whatever, to get this in process?

MS. JEFFERSON: Right. And Dan actually handles the rulemaking process.

CHAIRMAN FOX: Okay. So --

MS. JEFFERSON: Also, we have our legislative liaisons, and we'll be in touch with them as well.

CHAIRMAN FOX: Okay. But just trying to think ahead and establish that drop-dead date of when we need to have the rules ready for process to the next step.

MS. JEFFERSON: I guess once you-all start, you probably want to take a look at the process, because as Mr. LaPorte was saying, it's going to take -- it may take a little more time, as far as the elevator rules are concerned, more specification. We would love to have it completed by March, if we could, but I'm not sure if that's unreasonable.

So I think we have to take a look at it. Once you-all maybe have your first meeting, you can let us know, and then we can just go from there.

MR. FARMER: To streamline the process, they have a thing called summary of changes. And it's going to basically tell you what the difference between this code and the next code is. The problem with it is there's one in...
between it. We're under 2010, so we'll have a summary of changes between '10 and '13, and then you'll have a summary of changes between '13 and '16. So you would have to basically put the two together and make sure that you're not -- that we're not recommending an adoption of something that we don't want in this state. And it basically gives people a license to put in whatever they want to, ever how they want to do it. And we don't have a say on it as long as they've got a piece of paper that says it's safe.

And our accident reporting is pretty low, and I would like to keep it that way.

MR. MOORE: Amen.

CHAIRMAN FOX: And globally, our job is to keep them safe, whether they really want that or not.

MR. FARMER: Yes. And Vic LaPorte, he can agree with me. It's not something that you just want to wildly say we want to adopt this without taking into real consideration what you're saying, you know, and what you're doing.

MR. LAPORTE: And there is some strong criteria for the companies. They don't just get to say themselves, that something is safe. They have to have it tested by third-party engineers. There's a lot of bugs that come out and happen. Because they test a specific piece or a specific function of a new piece of equipment, but not necessarily in the totality of the elevator or the escalator. Other things, then, do happen, so, you know, down the road, some of these things that are A17.7, I think, would naturally migrate to A17.1. And at that time, there's probably enough mileage behind them that they are proven, not only in a factory or a test setting, but actually out in the field.

MR. MOORE: It's the real world.

MR. LAPORTE: And if that takes place in other states, that's fine by me.

MS. O'CONNOR: Help me understand, because I'm not in the industry. Is this a difference in '13 or '16 or both of them?

MR. LAPORTE: It's both, actually. There's some -- not -- I mean, we're talking about this A17.7. It's a major change. But other than --

MS. O'CONNOR: But in that change -- that seems to be the most frightening -- has that change been made in '16.

MR. FARMER: I think the language is in all of them; it's just a little more intense in '16.

MS. O'CONNOR: Okay.

MR. FARMER: They touch on A17.7.

It's an existing code that they date along with other codes. It's getting to be a little more broad, you know. I think they would have a small scope at the beginning, and now it's a big scope.

MR. LAPORTE: And I will say the 2010 code is a really good, solid code. What's nice about the 2016 is the clean-up of the language. It's easier for the inspectors to follow. It's easier for the elevator companies to follow. Reporting-wise, log sheets, things like that make it much easier for people utilizing the code out in the field to understand it and be compliant.

MS. O'CONNOR: And that makes sense to me, but there again, as somebody without that technical expertise, if I were watching TV, saw that somebody had an accident and then found out we were inspecting to go a code eight years ago when there are other codes since then, to me, that's problematic. Even though we might have very good reasons for it, you know, the general public doesn't understand the intricacies of it. I mean, it just sounds bad, and it seems very problematic, so I think we do need to look at that and see how we can do the best job for the safety of everybody.

MR. LAPORTE: There's authorities still operating under 1996 code. And that's something that would have to be explained, because I understand the perception. But as far as the equipment that the code is covering itself, very little has changed between 2010 -- actually, between 2007 and 2016 there's very little that's changed.

MR. FARMER: And if it makes you feel any better -- well, I don't know if it will make you feel better -- we'll always inspect elevators under 2010 code that were installed under 2010 code.

MS. O'CONNOR: Right.
1960 up to 1996 up to this certain code.

MR. MOORE: A17.3.

MR. FARMER: Yeah, which is A17.3

1996. So we made -- back in 2000, I guess, we
took the A17.3 code that brought all of them up
to a certain standard. And then it kind of
follows whatever it's installed under after that.

So we'll still use the 2010 code for
whatever it was installed under.

MS. O'CONNOR: But with all this
building going on right now...

MR. FARMER: Yes. Yeah, and what
people are saying about the clean-up of the
language, we use multiple code books now. We use
an international building code. It has an
elevator section. We have -- and the actual
electric code has an elevator section.

And they contradict each other a lot,
and it's really complex to figure it all out.
Well, elevator personnel has got into this
business where we're going to write it in our
codes where we don't have to use this
international building code as much or this
electric code, so that me and Vic can understand
it, because we're elevator guys. It's not an
electrician trying to write elevator language.

And it's where the problem lies. So yes, adopting
a new code would be a great idea.

MS. O'CONNOR: In theory.

MR. FARMER: To make sure that we
get the part that we want out of it is a better
idea.

MR. MOORE: Absolutely.

CHAIRMAN FOX: So, Ms. Jefferson,
have we figured out the so-called deadline to have
whatever we need to have in place to give it to
the rulemaking committee and -- do we have that
date?

MS. JEFFERSON: Well, we don't have
a date. That's what we were just talking about.
It depends on when you-all meet. I think the
first thing that should be considered is the
establishment of subcommittees. So if you-all can
agree to establish your subcommittees -- I was
just asking Dan whether or not those subcommittees
had to be -- whether or not those committees have
to be held in a public forum, which we don't think
that they would have to be held in a public forum,
so you-all would be able to meet, you know, as you
wish.

But the establishment of two
subcommittees, one for the amusement device unit
to review the rules and one for the elevator unit
to review the rules. And then we can just go from
there.

MR. RADER: I'm just curious why we
would need to have subcommittees when we are the
board that represents both the elevator and
amusement devices.

MS. JEFFERSON: Well, however you
want to do it. I was just thinking of a good way
to actually approach both, because you have to put
a lot of time and effort into both of those. So
however you-all wish to do it.

CHAIRMAN FOX: I think the law
actually states that we have to have a
subcommittee for the elevator division.

MR. BAILEY: I think you're right.

CHAIRMAN FOX: I'm reasonably sure
that's correct.

MR. BAILEY: But -- and you can
either tell me I'm right or I'm wrong, but the
first step of the rulemaking process is getting
approval from the Governor's office, and I don't
think that's going to happen until we get a new
governor.

CHAIRMAN FOX: True.

MR. BAILEY: So that's going to
slow it up a little bit.

CHAIRMAN FOX: But if we were ready
to go and hand that over, would it work?

MS. DURM: Sir, if I may...

CHAIRMAN FOX: Please.

MS. DURM: So the rulemaking
process, you know -- there's the legislative
process and there's the rulemaking process. And
the rulemaking process continues throughout the
year, no matter if the legislature is in session
or not. The government operations committee is
one of those committees that meets around the
year.

So if we're looking at amending or
revising any rules, once we find the language that
you-all have deemed to be appropriate or that
you've agreed upon, and we do run it through the
governor's office, the next step -- it's a fairly
lengthy office -- in general, it goes to the AG's
office for approval, to be vetted. It then goes
to the Secretary of State's office. And usually,
once it's received by that office, it'll be slated
before the legislature, usually within about three
months. So you're looking at several months for
your timelines. I mean, even if you start working
on it the first of the year, you're probably
looking at next fall for those to be approved.

Once they do go from the Secretary of
State's office, those go before the government
operations committee. And we then go before them
and present the rules for their vote and for their
final approval.

CHAIRMAN FOX: And I'm just looking
for that drop-dead date that says you've got to
have this done by this date to get it in front of
all the committees that you just talked about.

MS. DURM: Yes, sir. And so
that's -- and, of course, it's a revolving
process, so -- and you may all want to start on
them, I mean, ASAP. That is up to y'all. And so
I just wanted to shed a little light on the
timeline and the process.

CHAIRMAN FOX: And I appreciate it.

MR. BAILEY: I'll say this: The
boiler board, about a year or so ago, recently
completely redid their rules. And the way they
did it was by emailing drafts back and forth to
all the members, and each member commenting on
what they either thought should be changed or
should be added or not changed or whatever. And
then at the next board meeting, they would talk
about, "Okay. Here is where we're at in the draft
of these rules. Are there any other comments?"

But it was mainly done back and forth
through emails, through joint -- group emails.
And that seemed to work pretty good. It took a
while, but it was a total revamp of their rules.
And it could be a thing where, you know, Chris, in
the elevator unit maybe goes through and comes up
with a draft as to -- you know, here is what we
think are some changes needed, and then, you know,
email that to all the board members, get comments
or, you know, additions or whatever, and then just
back and forth until we hammer it out, the final
version that everybody says is okay.

MS. JEFFERSON: And it took a
while.

MR. BAILEY: It took a while, yeah.
But that seems to be the easier way to do it in
today's world than trying to operate by
subcommittees and that kind of thing. It's just a
snuck anything in that somebody can use, you know,
to bring in a product that may not be as safe as
we want it.

MR. MOORE: Chris, what's the
difference between a rule and a standard? I'm
thinking about national electrical code standards.
Is that what we're talking about being a rule?

MR. FARMER: Well, the rule,
actually -- and I don't want to -- the rule is
more we're adopting a standard. Right?

MR. BAILEY: Right.

MR. FARMER: So a standard is what
we use to inspect elevators by; the rule tells us
which one to use.

MR. BAILEY: It's the same with
Tennessee OSHA standards, right? You know, we
have to, by rule, adopt what OSHA standards that
we're adopting for our state standards. And we
adopt most all of them. Some of them we don't,
and some of our standards are more stringent than
the federal standards. But we have to do that by
rule.

MR. MOORE: Okay. I'm with you.

MR. FARMER: And please keep in
mind that we've got several of these that we'd
have to do. It's not just elevators. You know,
MR. LAPORTE: Dumbwaiters.
MR. FARMER: Well, I think
dumbwaiters, hopefully, are still on A17.1 '16.
And we do the aerial lifts. We'll have to update
it. And just to forewarn you, you might get some
kickback on some of the owners that this is going
to raise prices for stuff that they're going to
have to start doing, just so to mentally prepare
you for that.

CHAIRMAN FOX: Well, there were
some issues when we did ten, when we brought that
up.
MR. FARMER: Exactly. There's more
issues of people wanting us to do it than there
was people not wanting us to do it at the end.
CHAIRMAN FOX: Yeah, there were
some issues.
Yes, ma'am?
MS. DURM: Chairman, this is
something you-all just may want to consider, to
start reviewing the language, because it is a
tedious process. And then that way, if it's done
and decided under Governor Haslam or under our

MR. MOORE: Did they say there had
to be five members?
MR. BAILEY: It says the five
members that are --
MS. JEFFERSON: A total of eight.
MR. BAILEY: The members of the
subcommittee shall be the five members of the
board whose focus is elevator safety.
MS. JEFFERSON: So there are five
on elevator safety, and then you have three
members for amusement device, the amusement device
representatives. We have the fixed rides,
representatives for the fixed rides. We have
Mr. Hale, who is the --
CHAIRMAN FOX: Fair association.
James Roy Pope?
MS. JEFFERSON: Yes.
CHAIRMAN FOX: Are we missing
someone? Who are we missing?
MR. RADER: Those two.
CHAIRMAN FOX: Well, those two,
but --
MR. BAILEY: The board has eight
members. Five are elevator device safety. Two are --
members shall be amusement device safety and one

next governor, then we'll cross that bridge when
we get there.
CHAIRMAN FOX: Okay. So,
Mr. Bailey, if I were to ask this sublime and
gust group right here to serve on two
committees, then I pick Mr. Moore and Ms. O'Connor
and Mr. LaPorte for the elevators, and I pick
Mr. Moorer and Mr. Rader and Mr. Hale for the
amusement rides, and then ask these two gentlemen
to be a part of that as a liaison to
Ms. Jefferson.
Am I violating any tenant rule or law
standard or anything else?
MR. BAILEY: I don't believe so.
The statute does reference the fact that -- it
says there is established a subcommittee whose
focus shall be related to issues concerning
elevator safety. The members of the subcommittee
shall be the five members of the board whose focus
is elevator safety.

So it already talks about a
subcommittee for elevator safety. It doesn't say
that about amusement device, but there's nothing
wrong with establishing a subcommittee for the
purpose of devising the rules.

shall be traveling amusement device safety.
MS. JEFFERSON: So there's three
amusement.
MR. BAILEY: Yes, three amusement.
MR. FARMER: And the five could be,
like, insurance, right?
MR. BAILEY: Yes.
MR. FARMER: Congratulations.
MR. RADER: Look what you started.
MR. BAILEY: Have you got any more
questions?
MS. O'CONNOR: And, Mr. Chair, I'm
happy to serve. I'm happy to double up if you
need me to.
CHAIRMAN FOX: Okay. Then
Mr. Moorer, will you serve with this -- again,
this -- the three of you and Mr. LaPorte and
myself?
MR. MOORE: Yes.
CHAIRMAN FOX: And that way, that
will work out. Can I serve on two committees, and
that way we've taken care of that numbers game?
MR. BAILEY: I don't see any reason
why you couldn't do it.
CHAIRMAN FOX: It's not that I really want to. But that takes care of the numbers game.

MS. JEFFERSON: That's good.

CHAIRMAN FOX: And then, Mr. Rader, Mr. Hale, and Mr. Pope -- well, we don't have to have five on that, do we? Then we'll take care of the other side, too.

MR. BAILEY: Okay. CHAIRMAN FOX: Do you-all accept --

MS. O'CONNOR: And if you need a fifth on the other one, I'm happy to do that.

CHAIRMAN FOX: Okay. But I don't think we have to have a fifth on the amusement side. But it does state that we have to have five. So that gets the five of us. So if you-all will accept, then we will say that that works.

MR. MOORE: I accept.

CHAIRMAN FOX: Because I don't think that I have to say a motion and all that to make that happen. Just that you're pointed to that subcommittee, right?

MR. BAILEY: Correct.

CHAIRMAN FOX: Okay. So you will send us the --

MR. FARMER: Summary of changes.

CHAIRMAN FOX: -- summary of changes.

MR. LAPORTE: I'm going to have to locate them.

CHAIRMAN FOX: Okay. Send that to the group of five, and then -- so, Mr. Hardy, will you, then, work with Mr. Rader, myself, Mr. Hale, and Mr. Pope to work on the amusement side, and then we'll send that -- from both of these, we'll have to funnel everything to Ms. Jefferson.

She'll be the conduit. And then she comes to you; is that correct? And then you pass it on.

MR. BAILEY: Yes.

CHAIRMAN FOX: Did I get all the points and pieces?

MS. DURM: I think so.

CHAIRMAN FOX: Okay. That's what we live for. Thank you. Okay. You'll still ride home with me, won't you?

MR. RADER: You're an overachiever, is all I can say.

CHAIRMAN FOX: Okay.

MR. MOORER: Will these committee meetings be in the Caribbean somewhere?

CHAIRMAN FOX: Well, let's wait until after hurricane season, if you don't care, because there's another one coming through right now.

So when would you be able to get us that information and then let us get started?

MR. FARMER: Without putting me on the spot, I would say no later than the first of October. Is that too late?

MR. MOORE: That's good.

MR. FARMER: I hate to -- I have IPEs, which is individual performance evaluations coming up and they are time consuming. So I need a few weeks on them.

MS. O'CONNOR: So, no sooner than October.

MR. FARMER: No. If I can get them sooner, I'll get them out sooner. But no later than October 1st. Is that good? I'm going to weigh on my board member over here to help me out with this.

MR. HARDY: For discussion purposes, let me ask you, I think the amusement devices is a little bit different in relation to elevators. I mean, the coasters and devices at Dollywood, you have to meet the current standard.

CHAIRMAN FOX: Yes.

MR. HARDY: You have to meet the current standard?

CHAIRMAN FOX: We do.

MR. HARDY: And what I've seen, as far as our clean-up, the original rules will all address a specific standard, which most of them are obsolete. You know, ASTM requires that the standard be updated every two years.

CHAIRMAN FOX: Uh-huh.

MR. HARDY: But I just wanted to make sure we were on that same wave length. The Flying Eagle has to meet the latest standard on coasters.

CHAIRMAN FOX: Yes. ASTM meets, like, twice a year. Now, they take forever to pass a particular standard or to mandate it, but once they do, then it becomes, quote -- well, I'll just say our standard. I don't want to use the word "law."

MR. HARDY: Right.

CHAIRMAN FOX: But it's the standard that we have to operate with.
MR. HARDY: Yeah. The current standard is the standard.

CHAIRMAN FOX: Yes. If it's --

MR. HARDY: Well, I've noticed in the rules that the standard are specific to year.

CHAIRMAN FOX: Yes, they are.

MR. HARDY: You know, mostly the suffix of 2010, 2009, so that's all absolute and we'll have to clean that up.

CHAIRMAN FOX: Yes.

MR. HARDY: But I think that's going to be the majority of what we'll do.

MR. BAILEY: Yeah. I was going to say the amusement device portion of the rules probably -- there probably won't be a lot of revisions needed, I wouldn't think, because they're not that old to begin with.

CHAIRMAN FOX: Okay. But nevertheless, let's take a strong look at both sides of this equation. And you -- Mike, you'd serve with the amusements, and you would serve with the others.

MR. FARMER: (Nods head.)

CHAIRMAN FOX: Now, one other --

MS. JEFFERSON: We have a bridge line.

CHAIRMAN FOX: A bridge line.

MS. JEFFERSON: As long as the bridge line is available, all we have to do is just contact the Commissioner's office and schedule.

CHAIRMAN FOX: Okay. So if you could furnish us that number to where we could establish the different phone calls. And then, obviously, we can do our own groups in sending that out. That's kind of an easy one.

MR. FARMER: We actually used Webex during the JO implementations and it worked out really well. So it may be something we can utilize, too.

CHAIRMAN FOX: Whatever technology we can use to make it easier, faster, and more efficient, let's do that.

MR. FARMER: Okay.

CHAIRMAN FOX: Because time is very valuable.

MR. FARMER: We'll try to do most of the legwork where it's basically just a review for your guys.

CHAIRMAN FOX: Well, we certainly expect you to do the legwork. Yes, you and Mr. Hardy.

MR. FARMER: I'll put that on that other third, fourth, or fifth job I've got, sixth job I've got.

CHAIRMAN FOX: We don't do legwork real easy.

Well, now that we've sufficiently added a lot of work and time to everybody... MR. MOORE: I'd like to officially apologize.

MR. RADER: Too late now.

MR. FARMER: It's needed to be done.

MS. O'CONNOR: It's a good thing.

CHAIRMAN FOX: That was the question that needed to be asked. It truly was, and I thank you for that.

MR. FARMER: If it makes you feel any better, Vic was going to say it and I put him on the hot seat and said don't say anything yet.

CHAIRMAN FOX: Okay. Anything else on that particular subject?

(No verbal response.)

CHAIRMAN FOX: If not, moving forward to Number 11, announcement of the next meeting. The next regularly scheduled meeting of the Elevator and Amusement Device Safety Board will be held at 9:00 a.m. on Tuesday, December the 4th, right here.

Do I have a motion to adjourn?

MR. RADER: So moved.

CHAIRMAN FOX: We are adjourned.

Thank you very much. Again, good meeting.

END OF THE PROCEEDINGS.
CERTIFICATE

I, Cassandra M. Beiling, a Notary Public in the State of Tennessee, do hereby certify:

That the within is a true and accurate transcript of the proceedings taken before the Elevator and Amusement Device Safety Board and the Chief Inspector or the Chief Inspector's Designee, Tennessee Department of Labor and Workforce Development, Division of Workplace Regulations and Compliance, Elevator and Amusement Device Unit, on the 12th day of September, 2018.

I further certify that I am not related to any of the parties to this action, by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of October, 2018.

Cassandra M. Beiling, LCR# 371
Notary Public State at Large
My commission expires: 3/15/2020
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