Elevator and Amusement Device

DEPOSITION OF SAFETY BOARD HEARING

Taken June 04, 2019
STATE OF TENNESSEE
ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD

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

June 4, 2019

Reported by:
Amber Thompson, LCR, CCR
CHAIRMAN FOX: I would like to recognize Commissioner McCord. And you have about a 30-minute speech for us, this morning? MR. MCCORD: Yeah, an hour and a half. Before we get started -- before you start, I don't want to take up any agenda time, but I did want to make some introductions, some formal introductions. We've had an organizational re-org, and so we have two major divisions within Labor and Workforce Development now. One side is headed by Deniece Thomas, and she has adult ed, workforce services, and our data component on that side. And the other side is headed by Steve Hawkins. And Steve has -- before that, I guess you've been at Tennessee OSHA for two or three centuries, or something like that? MR. JACKSON: Two or three decades, actually. MR. MCCORD: Two or three decades. I get those confused. So TOSHA, in case you didn't know, is the best agency of its kind in the United States. I didn't know that before I showed up, but I do now. So Steve has led that organization to basic prominence in the things that they do. And so it made sense for Steve to head what we call employment safety and security. And within those, there is Tennessee OSHA, there is unemployment insurance, and there is workplace regulations and compliance. Now, I know you've met Tom Herrod, and Tom comes out of that very stellar organization as the lead for the public sector. A lot of the industry experience as well, a lot of process experience. He's kind of mean, but besides that, we'll take him. And I have been really, really pleased to see how Tom has taken the bull by the horns and started off strong in helping us continue to get where we need to get. The second thing I will say is thank you for -- I know you're not getting rich coming to Nashville and spending time doing this, and so we need you, we need your guidance and your expertise, we need you to hold us to a high standard, so we appreciate that as well. So with that, I appreciate the few minutes, and I'll let y'all get started.
honored and thankful that you attend our meetings, and would beg of you to come back and visit with each meeting.

MR. MCCORD: Well, thank you. Now I'm going to be rude and have to leave because I've got to go to Chattanooga, but thank you for saying that. And, yeah, I'll be here and/or Steve will be attending as well. So thank you guys.

CHAIRMAN FOX: Great. Thank you, sir.

MR. RADER: Thank you, sir.

CHAIRMAN FOX: Okay. We'll go ahead and call the June 4th meeting of the Elevator & Amusement Device Safety Board to order. And the first item on the agenda will be introduction and announcements. Let me do the announcements and then we'll start with the introductions.

In the event of an emergency or natural disaster, security personnel will take attendees to a safe place in the building or direct them to the exit -- to exit the building on the Rosa Parks side.

Now, with the introductions, Ms. Lynn, you are first because you're sitting on the right-hand side.

MS. KIRBY: Yes, sir. I'm Lynn Kirby.

I'm with WRC, and I am the board secretary.

MR. HARDY: Mike Hardy. I'm the amusement device manager.

MR. JACKSON: Thomas Jackson, assistant chief elevator inspector.

MR. MOORER: Lewis Moorer -- help me, help me here -- member at large.

MR. LAFORTE: Vic LaPorte, board member.

MR. HALE: David Haleb, board member.

CHAIRMAN FOX: Robbie Fox, board member.

MR. RADER: Mitch Rader, board member.

MS. O'CONNOR: Kelly O'Connor, board member.

MR. POPE: James Roy Pope, board member.

MR. HERROD: Tom Herrod, assistant commissioner, Workplace Regulations and Compliance.

MR. BAILEY: Before I give my introduction, I do want to congratulate Tom for his appointment. Tom has been here nine years and started out in a cubical just outside of my office, and the next thing I know, I turn around and he's a supervisor, it seems like I turned around again and he's an manager, and now he's an administrator. So he's went up the ladder quickly, but deservingly. And the only bad thing I can say about him is he is a Vanderbilt graduate -- not that he's a graduate, but he's a Vanderbilt football fan. You know how that is.

CHAIRMAN FOX: We each have our crosses to bear.

MR. HARDY: As do I.

MR. BAILEY: I'm Dan Bailey. I'm the legal counsel for the board.

MR. HAWKINS: Steve Hawkins, deputy commissioner.

And I'll echo what Dan said about Tom. Tom has done a great job in Tennessee OSHA, and was real excited to give him this opportunity, and was excited for the opportunity the commissioner gave me. So we're really looking forward to learning more about the work and also getting to know you all. So thank you.

CHAIRMAN FOX: Sir?

MR. CHURCH: Mike Church. I'm with KONE Elevator.

MS. KELLY: Linda Kelly. I work at The Adventure Park at Nashville.

MR. GREGORY: Jason Gregory, Elevator Constructors.

MS. PAIGE: Ebony Paige, WRC.

MS. COLE: Cheryl Cole, WRC.

MR. CASTRO: Jonathan and Isaac, general manager and assistant general manager at AboveAll.

MS. XIXIS: Tia Xixis, Tennessee Department of Labor and Workforce Development.

MS. ALDRIDGE: Erica Aldridge, WRC.

MS. RHODES: Anita Rhodes, WRC, elevator manager.

MR. McPHERSON: Mike McPherson, State elevator inspector.

MR. FARMER: Chris Farmer, Lerch Bates.

MS. BARNETT: Doris Barnett, WRC.

MR. MARCHAL: Matt Marchal, HomeLift Elevator.

MS. MURPHY: Jennifer Murphy, safety compliance officer, Middle Tennessee.

MR. KLUTTS: Kevin Klutts, amusement device unit, safety compliance office.

CHAIRMAN FOX: Okay. Welcome, everyone. In order to get us started off right, Mr. Rader, would you lead us in the pledge, please?

MR. RADER: I will.

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRMAN FOX: Okay. For the record, we...
have an added -- or an item that was added to the agenda. Please bear with me while I read just a couple of things.

Item Number 4 is a proposed addition to the agenda, the following variance requests, including a blank or precedent setting request, of KONE Elevator Company.

First bullet point: KONE will request that a standing variance or precedent or process be put in place in order that this variance be approved by the chief inspector with the board's approval so that all future requests not have to be acted upon at the Elevator & Amusement Device Safety Board meetings. That's Bullet Number 1.

Bullet Number 2, for the record: Maryville Municipal Parking Garage, West Church Avenue, Maryville, Tennessee, 37801, install one MRL in an existing elevator shaft. Pit is 4-foot-3-inches deep.

And the third bullet point, second section, would be: Crowe Building, circa 1920.

And the fourth bullet point would be: Mooney Building, circa 1920.


That is all on Item Number 4.

Item Number 5 would be the adoption of the agenda.

I make a motion to accept Item Number 4 and then adopt the rest of the agenda.

MR. HALE: My motion still stands.

CHAIRMAN FOX: We have a motion and we have a second.

Any discussion?

(No verbal response.)

CHAIRMAN FOX: Hearing none, all in favor of the motion, let me know by saying "aye."

(Affirmative response.)

CHAIRMAN FOX: All opposed, like sign. (No verbal response.)

CHAIRMAN FOX: Motion carries. Okay. So now we would go back or go get Item Number 4. And I'm not going to read that again. It's on the -- it's on the record.

And you can place that in there for us, ma'am, if you will.

Okay. So who is going to speak on behalf of KONE?

MR. CHURCH: I will.

CHAIRMAN FOX: All right. If you will, please come to the table.

MR. CHURCH: Absolutely.

CHAIRMAN FOX: Sir, state your name, address, phone number, and speak loudly because that lady has to hear you.
MR. CHURCH: Okay. My name is Mike Church. I'm with KONE Elevator and Escalator Company. Our address is 738 Melrose, Nashville, Tennessee.

Phone number? Is that what you needed too?

CHAIRMAN FOX: Please.

MR. CHURCH: (816)365-8037.

CHAIRMAN FOX: Okay. Now, it's your five minutes or --

MR. CHURCH: Okay.

CHAIRMAN FOX: -- however long you need to talk.

MR. CHURCH: My five minutes. I guess I need to address why they were submitted late on to the agenda.

Okay. Two things. We submitted two variance requests for basically the same issue: One at MTSU in Murfreesboro, which was ahead of the 30 days; and then in addition to that, we submitted the Elliot condominiums ahead of the 30-day deadline.

I have -- representing our Knoxville office, I'm representing our Memphis office, and I'm here based in Nashville. So the Nashville [sic] and

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Knoxville office called me within the last 30 days, it wasn't going to quite make the deadline, so I asked the board to consider putting the same variance request for these two other projects, one in Knoxville and one in Memphis. But it's basically dealing with the same issue.

CHAIRMAN FOX: Okay. Mr. Jackson, would you like to respond, sir?

MR. JACKSON: It's my understanding that in Memphis they had started construction, they were actually going to cut the pits down to a 5-foot level. They ran into a structure issue. Is that -- that was my understanding from the gentleman that I spoke with in Memphis.

MR. CHURCH: That's correct.

MR. JACKSON: So they had planned on cutting down to a 5-foot pit, and then when they realized they couldn't -- this was two weeks ago?

MR. CHURCH: Yes.

MR. JACKSON: Two weeks ago that they realized that they couldn't cut it down.

The other job that was in Knoxville, I believe they had a closed-in hoistway. And when they cut the hoistway in, they realized at that point it was only a 4-foot pit. So I think that was the issue that resolved in the Knoxville area.

So it's not something that they really planned for. It's something that sort of came out of the blue. I think that was one of the reasons that he was wanting to get these in on a last-minute basis.

CHAIRMAN FOX: And --

MR. BAILEY: Excuse me. When was the --

MR. CHURCH: And when did they know that they couldn't go 5 foot at Knoxville?

MR. JACKSON: I received -- in Knox, probably two-and-a-half weeks ago.

Am I correct on that, Mike, it was about --

MR. CHURCH: Yes.

MR. JACKSON: -- two-and-a-half weeks ago?

MR. RADER: And why couldn't you go 5 feet?

MR. CHURCH: The architect investigated the building structure, and it would disrupt the underpinnings of the building. So it was a structural concern going the additional 1 foot down into the ground.

MR. BAILEY: May I, Mr. Chairman?

CHAIRMAN FOX: Yes, sir.

MR. BAILEY: The question I have is, you knew about -- the Chattanooga issue came up two weeks ago, Knoxville about two-and-a-half weeks ago, and your e-mail to Ms. Kirby was May 31st, which was just last Friday. I mean the issue here is public notice. If she had been told about this two to two-and-a-half weeks ago, there would've been an additional two to two-and-a-half weeks of public notice that could have been given instead of just a half a day. I mean, why was it May 31st before that request was made if this was known two weeks or so ago?

MR. CHURCH: I received the information from the architect on Thursday of last week, and then I submitted it on to the board. So I tried to act promptly, as far as my actions, but I was also waiting on the architect's investigation of the situation.

MR. BAILEY: But you knew about it two, two-and-a-half weeks ago?

MR. JACKSON: I spoke with a gentleman out of Knoxville with KONE, and I spoke with a gentleman out of Memphis with KONE. And I told them, I said, You're too late to get this in front
of the board. I said, Now -- and I advised them at
that time, I said, You may reach out to Mike Church,
he may approach the board to see if they will accept
this late amendment. I said, I don't know whether
they would accept the late amendment, but that's the
only thing that I know they could do at that time.
And that was my suggestion to Knoxville and Memphis,
to present it to the board to see if they were able
to accept hearing a possible amendment request.

MR. CHURCH: You know, this whole thing
of short notice on things, sometimes that happens,
and we should've -- you know, we like to follow the
rules, and that's why we are suggesting that maybe
working with the elevator inspection chief on these
issues in the future to where we can review the
details and figure -- come to a reasonable variance,
that maybe the elevator inspector could set a
program or a precedence in place -- not necessarily
a precedence, but a case-by-case basis where he
would have the authority to act upon it.

MR. BAILEY: Well, that's one of the
items on this. The issue now is whether or not it
should be accepted as a late addition to the agenda.
And what I'm, I guess, somewhat concerned about is
that the rules of the board are not to be just, you
know, disregarded. And public notice is an issue.
And, you know, there seems to be a two,
two-and-a-half week lag from when the discovery was
made, Hey, we need a variance, until it's actually
requested.

Now, whether that's your fault or the
people that report to you, I don't know. But I just
want to stress the fact that if you're going to
request a late addition, that you should -- that any
company needs to give this board and our department
as much notice as they can. I mean, I think it
makes it a little easier to grant a late addition if
the request is not so late. You know, if it's only
like a week, you know, into it, and so there was
three weeks' notice, I think it's easier to grant a
late request like that instead of a last second,
basically 11th-hour request. And I just don't want
the perception to be out there that, Well, yeah,
they've got their rules, but, nah, you can kind of
disregard them, you know. So that's my concern.

CHAIRMAN FOX: Mr. Bailey, for the
record, what is the minimum amount of time or
maximum amount of time that they have to notify for
an appeal or a request? Is it 30 days?

MR. BAILEY: 30 days, yes. That's what
the rules say.

MR. CHURCH: Yes.

CHAIRMAN FOX: And so you -- I guess the
first notice from you was May 31st?

MR. CHURCH: On these last two
additions, that's correct.

MR. HALE: So, Mr. Chairman, is there
not two different issues in question here, one being
whether we're willing to say, from now on, this
doesn't have to come before us, changing the rules
of the way the board operates; and then the other
being the issue of the buildings that need a
variance?

So we actually have two very distinct
issues to discuss. So I think as we progress
through this, we need to do so with that in mind,
that, you know, to me, approving a variance is one
thing, versus approving to say you don't ever have
to come ask for a variance again.

MR. BAILEY: Well, that is all part of
the late-agenda request. So, I mean, the first
question is whether or not to allow this to go on
the agenda for today's meeting. And then if it
does, then each of those requests can be dealt with.
But the first question is: Should it be allowed on
the agenda today?

MR. HALE: All right. But the wording
says "so that future requests do not have to be
acted upon."

MR. BAILEY: But that is --
MR. RADER: A separate issue.

CHAIRMAN FOX: That's an item that is
part of what he wants to add to the agenda as a
late-added item.

So the first question is whether that
request gets on the agenda. Then if it is on the
agenda --

MR. HALE: Right, I get that.

But if we approve that, does that mean
that anybody that has a variance doesn't have to
come to the board from this point forward?

CHAIRMAN FOX: No. I think, to your
point, they are two totally different issues. One
of them has to do with the late-filed, and the other
has to do with the precedence.

Am I wrong?

MR. BAILEY: No, I think that's right.

MR. HALE: And that only applies to
these three requests?

MR. BAILEY: Well, those requests are
part of the request to add it to the agenda late.

MR. HALE: Right, I understand that.

MR. BAILEY: All right. So if that's approved, then we can discuss whether or not the board would want to grant authority to the chief elevator inspector to make decisions that should -- that have been coming to the board.

I can discuss that, but I feel like discussing that comes after you decide whether to put it on the agenda or not.

CHAIRMAN FOX: All right.

MR. POPE: Mr. Chairman?

CHAIRMAN FOX: Yes.

MR. POPE: I would like to make a motion that we put it on the agenda solely, and that we go ahead and discuss it. Because according to Robert's Rules, you've got to have a motion to get it in front of the board before you can discuss it.

MR. HALE: Well, don't you think my motion to --

MR. POPE: I think it was the same thing --

MR. HALE: -- adopt the agenda as amended --

MR. POPE: That's what I said, I don't know that we haven't already done that.

MR. HALE: Yeah.

MR. POPE: But that's what we need --

MR. HALE: It puts it on the --

MR. POPE: -- to go ahead and do that.

MR. HALE: It puts it on the agenda.

MR. POPE: I get picking it apart. But I'm going to ask a question: This board meets quarterly, right? So if this gentleman was already behind the eight ball, if you would, and he's going to be three more months --

MR. RADER: He'll be really behind the eight ball.

MR. POPE: So, I mean, it's not something they've made a habit of doing, that I'm aware of. So I don't see that there's a big issue on bringing it before the board.

MR. RADER: I don't either.

MR. POPE: That the board, it shouldn't be that -- easily dealt with that we could do something there and be --

MR. RADER: Be accommodating.

MR. POPE: Accommodating is a great word -- for the gentleman.

Now, like I said, as far as changing the variance, that would be a whole different ballgame that we need to look into. But I'm with David, I think we need to go ahead and discuss it, but I don't see a reason that we can't bring it before the board.

I don't know how much public notice that you need for one elevator or two elevators that's --

MR. HALE: But I appreciate Dan's comments that it --

MR. POPE: Again, I get --

MR. HALE: -- you can't erode the board's credibility.

MR. POPE: I get going by the rules, and I understand going by the rules. But I also understand that in today's rat race, if you will, sometimes you have to do what you have to do.

MS. O'CONNOR: Mr. Chair, I would love to be accommodating. My concern is, by doing this, are we opening up a can of worms for precedence in getting late additions to the agenda in the future by everybody, so that then public notice is irrelevant because nobody is paying attention to it?

MR. MOORER: Mr. Bailey, what's your recommendation that would apply to, you know, the

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MR. JACKSON: I spoke with representatives from KONE.

MR. CHURCH: From KONE, yeah, in Memphis and one in Knoxville.

MR. BAILEY: But the issue, again, though, is public notice. I mean, yeah, the department had notice --

CHAIRMAN FOX: Okay.

MR. BAILEY: -- but it's public notice.

CHAIRMAN FOX: Okay. All right. So we have -- I'm going to say that we have a motion, and I'm going to take yours as a second.

MR. POPE: (Nodding head affirmatively.)

CHAIRMAN FOX: Any other discussion on just the notice part of it? Or do you want -- is that -- you want to do both, the notice and the variance?

MR. HALE: No. I mean, I think we already voted on my motion.

CHAIRMAN FOX: Well, I think we have on the --

MR. HALE: Because we accepted the agenda as amended.

CHAIRMAN FOX: We accepted the agenda,

but there were two separate pieces, the notice part and the --

MR. RADER: The time frame.

CHAIRMAN FOX: -- the variance --

MR. HALE: So I will make a motion that we consider the variances then.

MR. BAILEY: Basically that motion is that we will allow this late-filed agenda item.

MR. HALE: That's right.

MR. BAILEY: That's basically what that motion says.

CHAIRMAN FOX: So the motion is to allow the late-filed agenda.

MR. POPE: I second that.

CHAIRMAN FOX: Okay. Any other discussion on that particular section of the motion?

(No verbal response.)

CHAIRMAN FOX: Hearing none, all in favor of the motion, let me know by saying "aye."

(Affirmative response.)

CHAIRMAN FOX: All opposed, like sign?

(No verbal response.)

CHAIRMAN FOX: Motion carries.

Now, is there a motion -- or I would entertain a motion to discuss the variance.

CHAIRMAN FOX: 39 and a half.

MR. JACKSON: Yes. I think if -- my opinion is if the board approves to have the open variance, a standing variance on this request, that anything under 39-and-a-half inches has to come in front of the board. If it's 39 inches, they have to come in front of the board. That skirt has to be at least 39-and-a-half inches.

It's like this case that's happened here, they were prepared to cut the pits and found out they couldn't. So if they have to wait three months to appear before the board once they discover this, it's like they can't get the elevators in time and it can actually shut a building down depending on what all is being -- how many they are doing at one time in a building.

I think we can work with them as far as the elevator department. I believe that if a company requests in writing to us, tells us exactly what they want, we can survey the job, do whatever we have to do to research and be sure this is the only thing that it's going to affect, and have us a standardized -- standard letter that we can send to the company so that when they request a permit, they attach that variance request to -- or approval to
the permit application. And that way we can keep
good track and we can report back to the board on
any that have been -- that have come to the elevator
department and that we have accepted. That would be
my thoughts on how to handle it.
CHAIRMAN FOX: Okay.
MR. HALE: So if we approve that as a
standing variance, then these three requests right
here are irrelevant because he can handle them,
right?
MR. JACKSON: Yes, sir.
MR. HALE: We don't have to vote on
those three requests if we vote to change the...
CHAIRMAN FOX: That's the way I
understand it. Of course, I could be wrong on my
part.
Are you comfortable with that
Mr. LaPorte? Are you -- you're a representative of
the company?
MR. LAPORTE: I'm a representative of
the company, yes.
MS. O'CONNOR: I have a question for
Mr. Jackson.
Are there any potential circumstances
that you can foresee at all that any -- by a blanket
statement of having that variance there and
automatically approved, that that would be, in any
way, potentially dangerous?
MR. JACKSON: With today's equipment,
and we touched base a little earlier, the equipment
that they are taking out and the new equipment that
they are putting in is actually safer than the old
equipment. All of the -- these KONE elevators,
which are what we are addressing today, not to
single out any company -- but addressing these KONE
elevators, they have an emergency brake and they
have a normal brake. So any unintended motion -- in
a real-world situation, any unintended motion on
that elevator, the most that it can travel is
48 inches. That's code. It's required to stop
within 48 inches of any unintended motion.
Unintended motion would come about if,
let's say, the normal brake did not activate, the
elevator came down to a landing, the normal brake
didn't activate, and the elevator started back up,
then the emergency brake is going to drop and stop
it. And code does require we do test that, and they
periodically test that.
We could actually put requirements in if
we give a variance, we can request that the elevator company
do that on a yearly basis, that they have to -- that
may come under Category 1 where they actually have
to do that. I'd have to look at the codes. But we
could request that they do a yearly unintended
motion test on it and keep records of it where we've
provided these variances.

MS. O'CONNOR: But we are talking KONE
elevators. Won't this affect any --
MR. JACKSON: Yes, ma'am.
MS. O'CONNOR: -- elevator that --
MR. JACKSON: Yes, ma'am.
MS. O'CONNOR: So any -- would there be
any foreseeable circumstances with any other
companies?
MR. JACKSON: No, ma'am. Because all
the elevators are going to follow the same code,
they're going to have the same requirements. They
will all be installed under what we're adopted to
right now, A17.1-2010, and they do require all the
emergency backups that are in place.
MS. O'CONNOR: Thank you.
CHAIRMAN FOX: So what is the pleasure
of the board?
MR. BAILEY: Mr. Chairman?
CHAIRMAN FOX: Sir?
MR. BAILEY: I just want to point out,
currently the rules say that exceptions and use of
other devices and methods, the board only shall have
the power to grant exceptions from the requirements
of this chapter and to permit the use of other
devices and methods at its discretion within the
limitations stated in the elevator safety code.
CHAIRMAN FOX: So they would have to
come to us for each one?
MR. BAILEY: Or you need to -- or the
rules have to be changed to allow you to delegate
that authority to the chief inspector.
CHAIRMAN FOX: Then a rule change is a
long, tedious process.
MS. O'CONNOR: Yes, we just did that.
MR. BAILEY: It is. I mean, I can give
you an example from the boiler board. The boiler
board, their rules still have the 20-minute rule,
where unless you get a variance from that, you have
to check that boiler every 20 minutes. And those
requests continue to come every meeting, and that
has never been delegated to the chief boiler
inspector. So I just want to point that out.
CHAIRMAN FOX: Thank you very much.
So I want to entertain a motion to -- well, we would have to bring each one of them back before the board until the rule is changed.

So what's the pleasure of the board?

MR. HALE: Well, I will move that -- you want to do each one of these buildings as their own independent motion?

CHAIRMAN FOX: Let's do that for the record, that way there's no ambiguity.

MR. HALE: So I will make a motion that the Crowe Building be approved for a variance.

MR. RADER: I 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 me know by saying "aye."

(Affirmative response.)

CHAIRMAN FOX: All opposed, like sign.

(No verbal response.)

CHAIRMAN FOX: Does that take care of that section, sir?

MR. BAILEY: Yes, sir.

Mr. Chairman, if I may?

CHAIRMAN FOX: Yes, sir.

There's been a few people that has joined the crowd since we took introductions, if we can get those on the record.

CHAIRMAN FOX: If you have not introduced yourself, would you please stand and do so, your name, and who you work for or with.

MR. BENTLEY: Lee Bentley, The Island in Pigeon Forge.

MR. JOHNSON: Adam Johnson, The Island in Pigeon Forge.

MR. STOCK: Don Stock, The Adventure Guild.

CHAIRMAN FOX: Anyone else? Did we miss anybody?

(No verbal response.)

CHAIRMAN FOX: Okay. All right. Item Number 6, moving right along, approval of the March 5, 2019, meeting minutes.

I would entertain a motion to approve the minutes.

MR. RADER: So moved.

MS. O'CONNOR: 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 me know by saying "aye." (Affirmative response.)
CHAIRMAN FOX: All opposed, like sign. (No verbal response.)
CHAIRMAN FOX: Okay. Mr. Jackson?
MR. JACKSON: Yes, sir.
CHAIRMAN FOX: Now it's time to report, sir.
MR. JACKSON: All right. We presently have 26 inspectors, including myself. We have two inspectors out on sick leave following surgery.
We hired one new inspector last month to fill the vacant route that came about from Ms. Reynold's resignation, and he is presently in changing.
We had one inspector, Jose Martinez, resign and take a position in another state. That opened another vacant route. Mr. Herrod has approved posting for a new inspector to fill the vacant position.
We have one office manager with two staff members, one of which is out on sick leave following surgery.
All inspectors attended our annual QEI recertification training in April, and all past associated tests will be issued their new QEI inspector cards. Inspectors were issued their renewed state licenses on June the 1st.
We hired two inspectors going to Chicago to receive their QEI training and take the exam to get their QEI certification next week.
Presently we have 486 new acceptance inspections pending. 408 are new installations and 78 are alterations.
We're making progress on the past due inspections and presently addressing those inspections that are the furthest out. Jobs prior to 1/1/19 were at 519 on April 22nd. Today we're at 285. So we're making good progress on getting caught up to the present year.
I know we're still running behind. We were actually 1170 total in the delinquent status prior to 4/4/19. The inspectors are working diligently at hitting the past due ones and trying to get as close up to the present dates with the staff we have. Mr. Herrod has been very supportive in getting us the inspectors and the staff that we need to get us in a real-world situation, so we are very pleased with his support.
The position for the Elevator Inspector 4 was posted last week, last Wednesday. It will run through next Wednesday. So by the next board meeting, there will be a chief sitting in this chair instead of an assistant chief.
On our accomplishment numbers, I passed those numbers out to the members. Biannual inspections from July the 1st, 2018, to June 30th, 2019, are a total of 20,962. The inspectors performed 782 acceptance inspections. Temporary inspections and renewals, which are construction elevators we turn over to construction for construction use, was 278. Inspectors performed 237 red tag verifications. That's going in and verifying that an elevator that was red tagged has been -- is still red tagged and has not been put back in service. We performed 18 red tag removals, 70 special inspections, and there were 25 accident inspections in that time period.
CHAIRMAN FOX: Any fatalities, sir?
MR. JACKSON: No, sir. No, sir. Most of the accident inspections that come in to our department are on escalators, and the majority of them are at the Nashville Airport. So it's people totting their luggage behind them and in a hurry and running. And that's normally where the accidents occur, is on escalators.
Any questions?
CHAIRMAN FOX: Anything else that we need to know, sir?
MR. JACKSON: Not at this point. I think that pretty well has us covered.
MR. RADER: Good job.
CHAIRMAN FOX: Thank you very much. Good job, yes.
Mr. Hardy, it looks like you're up, sir.
MR. HARDY: Thank you, Chairman. Yeah, I passed out our stats, like I am accustomed to doing lately. The first one -- and I'll review these. The first one are permits that the unit have issued, the year to date, or through last Friday, the 31st of May. And we have issued 421 operating permits to amusement device companies during this fiscal year. And as you can see from the graph, that already surpasses our number from last year, so we are confident that we're going to
increase over devices permit on what we had last year. I believe that that's a 13-and-a-half percent we've already surpassed the number from last year. Companies' permits, we're at 4,066 this year. So another way to say it, devices that fall under our actually don't permit devices, but I don't know inspectors in the state. I appreciate them taking Mr. Johnson, and Mr. Stock, they're third-party inspectors. And I appreciate Mr. Bentley, inspections that are performed by our third-party statistician. And this is direct correlation with the We put down -- or started showing maintain permit renewals. And the next graph will show that we've permitted 110 new companies this year. We're below the number of new companies that were permitted in fiscal year '17-'18, but we're close, we're close to reaching that 134. I think we will hit and surpass that with the remaining weeks that we have. We might not, but I think we'll hit close to that number.

This graph will eventually bell curve because we will eventually get to the point where we have captured all the companies that are operating in the state, so that number will taper down, and we'll concentrate our efforts a little bit differently when that happens. But once we feel like that we have captured the majority of the companies in the state, then they'll be in a renewal mode at that time, and it will be easier for us to maintain permit renewals.

We put down -- or started showing statistics, and this is direct correlation with the inspections that are performed by our third-party inspectors. And I appreciate Mr. Bentley, Mr. Johnson, and Mr. Stock, they're third-party inspectors in the state. I appreciate them taking an interest and being here at the board meeting.

But our number of devices permitted, we actually don't permit devices, but I don't know another way to say it, devices that fall under our companies' permits, we're at 4,066 this year. So we've already surpassed the number from last year. And I believe that that's a 13-and-a-half percent increase over devices permit on what we had last year. And, again, we've got the remaining portion of June left, so I think that that number will obviously increase as well.

Now we get into reportable accidents. I think two or three board meetings ago were asked for these graphs. And I want to point out that these are calendar year graphs. And it looks like we might have had a decrease, but we have six months to go. And by the looks of that, it looks like that we will go above -- I hope we don't, but it looks like from the way the graph shows, in another six months, it will go past the 32 accidents that we had reported last year.

And then the final graph, and we've talked about this before, and I don't think it's any secret, we can see what's escalated those numbers over the last few years.

And I want to mention again to the board that I think everyone is aware, but with the current law definition of serious incident and serious personal injury, you know, the key -- the key ingredient of that is a transport to local or offsite medical facility. So if an accident meets that criteria, we have a reportable accident in this state.

And Mr. Herrod has come in, we appreciate him. He's come in and listened to some ideas that we have that we might can do and interject. And maybe if we can convince and have a law change on those definitions, because it's been the board's pleasure to combine those two definitions for overnight hospital stay in order to be the criteria for reportable accident in the state. That would eliminate the sprained ankles, sprained knees, which most of what we're seeing on trampoline parks. But I mean, you know, you can look in that graph and you can see it's no secret to see where our issues are, and it's simply because of the way that the law defines serious incident and serious personal injury.

Fair season. Fair season is about to get going with the Clay County Fair starting up on the 11th of June, and it remains the unit's intent to visit all the first-time players, as we call them. We do go out in the field and visit these sites and these fairs. We like to catch these companies the first time they come in to keep us both honest. And we have found some issues in the field of going out and inspecting for these first times. But we do that to let the owner and the
operators know that we're available for them if
we're needed, and that we support them as they do business in the state.

    We'll continue to do spot checks on county fairs. And when we go in there, it's pretty simple, our objective when we go in, number one, we want to go in and make sure -- well, we already know what, we want to go in and make sure and see that operating permit that that company has on the ground there.

    And the second thing we do, we have a device list that you're aware of, when you're permitted, you submit a device list and inspections that go with each one of those devices. So we take that device list in the field with us, whether it be the Wilson County Fair or smaller, and we check off and make sure that there are no more devices than what we have permitted to operate for that company.

    So that's some of the things we're doing in the field. And Kevin and Jennifer will put the boots on and get out there as we get in fair season. And hopefully some of these measures will, you know -- may help make the carnivals and amusement devices somewhat safer in the state. At least we're providing some oversight there.

Personnel. Most of you know we lost our safety compliance officer in the east territory back in the end of April, and he was a good one for us. He had an opportunity to go back to what he was doing previously and change his schedule, but we enjoyed having him the short time that we did. But the good part about that is, and again with Mr. Herrod's help, we've immediately jumped in there and HR has helped us here and we've got a register. I believe we had 64 to choose from, Jennifer, and we've got some really good candidates. We have already started interviewing those, and we'll finish up interviews on Friday. And we're in hopes that we can make that hire by the first week -- around the first week of July. So we are talking -- we are talking about a two-month turnaround. So last time we got in a little quagmire and it took us somewhere in the neighborhood of nine months to fill that position. So I appreciate Mr. Herrod coming in and helping us push these things through. It's really been good for us.

    So we've got some good candidates here. We are excited to hear the rest of them and see who we pick to take that position and we'll move forward. So I think we're going to have more opportunity to select a more qualified candidate that has amusement device experience this time than maybe, you know, just a degree in some police or judicial type. So I think we're in good shape there.

    And that's pretty much all I have, but I'd be glad to entertain any questions that anyone might have of me.

CHAIRMAN FOX: Any questions from the board?

MR. HALE: I just want to say sort of, I guess, for lack of a better way of saying it, in defense of the trampoline folks, and they have a huge number on here, but the lion share of that is twisted ankles and rider responsibility type things and not a failure of the equipment.

MR. HARDY: Well, it's the nature -- it's the nature of what it is, Mr. Hale, yeah. I mean, obviously if you get a bunch of kids jumping in a football-field size trampoline park, you're going to get some incidentals. And that's what we're seeing.

But, again, if we have that transport, if it's by emergency personnel or if it's by a family member or whatever, if we have a transport, then we have a reportable accident.

MR. HALE: But that shows the importance of us revisiting some of the rules to make them easier to comply with, more reasonable to comply with.

MR. HARDY: Absolutely. And I don't know if -- you know, as we go through this, I don't know if the State wants sprained ankles to be a reportable accident. But that's something we're digging through there, and we'll come to a resolution and whatever we end up with is what we'll live with. But I think we're on the right track.

CHAIRMAN FOX: Okay. Any other questions?

(No verbal response.)

CHAIRMAN FOX: Good job, Mr. Hardy.

MR. HARDY: Thank you, Chairman.

CHAIRMAN FOX: Thank you for your dedication on this. This is great.

Okay. Under old business, elevator sub committee update and amusement device sub committee update. I don't think we have either one. We were sort of in a state of flux for a little while. We were waiting -- or looking at a realignment, and that has taken place.
And with that being said, is there an appetite now to do a workshop on both the elevator and the amusement device subcommittee? Is there an appetite for us to do that?

MR. HARDY: Excuse me, Chairman, for rules revision primarily?

CHAIRMAN FOX: Yes. So I guess we need to look at calendars. What do we need to do to get on everyone's calendar?

Mr. Herrod, do you have a good or bad day? We've got to look at you first because you're the leader of our group.

MR. HERROD: Every day is open for me from now on. I got my vacation out of the way, so it's all good now.

CHAIRMAN FOX: Okay. Do we want to try after July, or in July, or do y'all want to do it the month of June?

MR. HERROD: Let's go July.

CHAIRMAN FOX: Let's go July.

MR. HALE: My preference would be the second or fourth week.

CHAIRMAN FOX: Okay. So let's look at the middle of that. July the 10th?

MR. HALE: July 10th?

CHAIRMAN FOX: July 10th.

MR. POPE: What are we looking at, just a meeting?

CHAIRMAN FOX: We'll have a -- we may take four to five hours to do this, several -- we've done this before.

MR. HALE: So where are you?

MR. POPE: That's what I was going to say, you're getting right in the middle of fair season, is the only thing. If we're going to do that, then I need to be middle of the week somewhere, at least.

CHAIRMAN FOX: The 10th is a Wednesday. MR. LAPORTE: That's the one day that week, Mr. Chairman, I can't do.

MR. RADER: I can't either.

MR. LAPORTE: I can do the 9th or 11th.

MR. RADER: I can't do the 10th or the 11th.

CHAIRMAN FOX: 17th? So say you anyone?

MR. HERROD: The 17th?

CHAIRMAN FOX: So say you all?

MR. HALE: So would the 9th be a better day?

MR. RADER: Not for me --
ask Lynn to send back to everyone what we have proposed and your proposals as well. We'll get that to all the groups. So we'll get that out to you shortly.

New business. Penalty appeal, AboveAll Extreme Air Sports.

And is there anyone here to address that?

Gentlemen, come forward, and give us your name, address, and phone number, please. And speak loudly so that lady can hear you. And, also, I'm hard of hearing, so...

MR. BAILEY: Mr. Chairman, if I may, since this involves an appeal of departmental action, I'd ask that they both be put under oath.

CHAIRMAN FOX: Okay. So swear in the witnesses.

(The witnesses were sworn.)

CHAIRMAN FOX: Thank you, gentlemen. All right. So tell us about the appeal.

MR. CASTRO: Jonathan Castro from AboveAll Extreme Air Sports, 1647 Mallory Lane, Brentwood, Tennessee.

Okay. So first and foremost, we're a trampoline park facility. And I'm just hearing Mr. Hardy speak with everything that is occurring in the last several years and what's happening in the industry; it's been great to feel the support that you guys have in regards to safety for the public. And also working with Mr. Hardy, with Jennifer, with Mr. Wayne Right, the inspector, have all been the greatest experience. For us as management, to be able to work with. We respect what they do and we try to really appease them and understand the amount of work and pressure that is on them right now and are completely understanding.

In regards to coming to the board today is to appeal a mishap on our behalf, and accountability on my behalf in regards to not necessarily following -- in regards to the first incident that we had that needed to be filed within the State. And it wasn't necessarily done properly due to just not being familiar with the regulations. And I'll go ahead and read what I have here.

So we'd like to request an appeal of the penalty assessment of the injury that occurred on April 28th, 2019. Taking into consideration of it being our first reported incident to the State of Tennessee, the process of completing the State's newly required report were not familiar to us. We did cover every other step in accordance with the regulations in place under the assumption that we were in line with the State's regulations.

So this is how it followed. Our guest was injured. We treated him, helped him, assisted him. He requested to be picked up by an ambulance. We provided that. We did close off the attraction to the public. We did not make it available.

Within that first hour, we did file a company-required report, injury report, because it's within our company requirements that when injuries of this nature happen, that we file them immediately.

We then -- I then called Mr. Wayne Right and told him about the incident, told him that we had closed off the area and that we needed him to come and inspect it. It remained closed.

Mr. Wayne performed the inspection. He went ahead and submitted that. It continued to be closed until we received the State resumption letter, and we then went ahead and opened it.

On May 2nd, I received a phone call from Jennifer, the morning of when she had been contacted by Wayne Right, in regards to submitting the report. And she said, Jonathan, you need to file your report. Do that as soon as possible.

At that moment, I had my, Oh, whoops, moment, and I went ahead and hopped on the laptop, filed the report. And at that time, I knew that I probably would be in a situation like this, asking for your guidance and approval on an appeal.

Since then, though, we did have another injury that occurred this last month. We did everything in regulation and did the right reporting now that we are more familiar with how to proceed in those instances.

I just want to say that we take injuries at our park seriously and in no way are we shying away from the reporting requirements in place by the State of Tennessee. This case has served as a valuable learning experience for us and I hereby understand all that is needed to avoid any misunderstandings or violations moving forward.

CHAIRMAN FOX: May I ask you a question, sir?

MR. CASTRO: Yes, sir.

CHAIRMAN FOX: When did you open your business?

MR. CASTRO: AboveAll was opened June 15th, 2015.
CHAIRMAN FOX: So you've been in business for four years?
MR. CASTRO: Correct.
CHAIRMAN FOX: Okay. When did you first apply for a permit or an inspection?
MR. CASTRO: So I became the general manager about a year ago. I understand that there was already a permit -- a device permit in place prior to getting there. And then I believe this year we started a new permit on February -- early February, not sure on the date, of this year.
CHAIRMAN FOX: Okay. Were you furnished a copy of the rules and regulations as it pertains to reporting from the State of Tennessee?
MR. CASTRO: Jennifer did visit us, did drop those off to us. We did speak about it, and that did happen, yes.
CHAIRMAN FOX: In regards to the reports to the State of Tennessee?
MR. CASTRO: Jennifer did visit us, did drop those off to us. We did speak about it, and that did happen, yes.
CHAIRMAN FOX: Let me understand what I think I heard you say. You knew about the rules prior to the incident or not?
MR. CASTRO: Briefly, yes.
CHAIRMAN FOX: Briefly.
MR. CASTRO: In brief, yes.
CHAIRMAN FOX: Okay. So let's narrow that down. How briefly?
MR. CASTRO: In regards to the reports to the State?
CHAIRMAN FOX: Yeah.
MR. CASTRO: Call the inspector, close off the arena. In my doing so of calling Mr. Wayne Right, I thought I was reporting to the State. That was my misjudgment.
MR. RADER: Mr. Chairman, can I ask a question?
MR. BAILEY: If the Chairman recognizes you.
CHAIRMAN FOX: Ask the question.
MR. RADER: So when you have an accident to occur, do you call your insurance carrier or do you file a claim report?
MR. CASTRO: So we submit that within our company injury report system, and that automatically goes into an insurance claim.
MR. RADER: Via just a phone call or e-mail or an actual report?
MR. CASTRO: The actual platform that we use that's set up, that automatically does it.
MR. RADER: But you'd have to facilitate that?
MR. CASTRO: Correct. Within 24 hours.
MR. RADER: Right.
MR. CASTRO: Which it did occur with this injury that occurred in April, yes. Yes.
MR. HARDY: I don't know, am I allowed to ask a question, Dan, or not?
MR. BAILEY: If the Chairman recognizes you.
CHAIRMAN FOX: Ask the question.
MR. HARDY: Jonathan, were you under the impression that Wayne White was a State-employed inspector and not a third-party inspector?
MR. CASTRO: I guess I was, yes.
CHAIRMAN FOX: Is it Wayne White or Wayne Right?
MR. JACKSON: It's White.
CHAIRMAN FOX: That's what I thought.
MR. CASTRO: Sorry.
MR. HARDY: Thank you.
MR. POPE: Mr. Chairman?
CHAIRMAN FOX: Sir?
MR. POPE: Coming from the amusement industry and having amusement rides myself, I can see where the gentleman tried to do the right thing, and I can see where he could be confused. I have even spoke with Jennifer about this matter. And, you know, it's his first offense. I could see somebody making that mistake. I could have made that mistake.
I will tell you, if I had an accident today on one of my rides, and God forbid I do, I don't know that I would know exactly the steps to take and do it quite as diligently as he did it, other than not calling the State. So, I mean, you know, I can see where the fault is there, but I can see where I wouldn't want to fine somebody for that.
CHAIRMAN FOX: Okay.
MR. POPE: He tried to do the right thing.
CHAIRMAN FOX: Any other questions?
MR. POPE: Let me say this, I'll even go further to say, I have had accidents on my rides before and I've had to call Mr. Hardy to ask what to do and how we need to handle that. And it's -- like I said, sometimes it's a misconception, again, going back and reiterating that we need some rule changes on some things, this transport issue and things like that. I've had very minor incidents, but they requested to be transported because they did not have a ride, so those became reportable accidents. And I've had other accidents that I thought should've been reportable that under our State rules and guidelines are not.
So you're going to have them in his industry, in our industry, you know, these things. That's why they call them accidents; you're going to have them.

CHAIRMAN FOX: I've had those exact same experiences.

MR. POPE: Exactly. And we all know that. Coming from this industry, we know it's not just something -- you know, and it's enough -- and I'll go even further to say, I don't know how much of his park he has to close down when he does it, I know if I'm working an event and it's a smaller-type event and we have to close down a ride for something that I think is superficial, it's very detrimental to the event and to the coordinators and to the outcome of the whole thing. So we have some issues.

CHAIRMAN FOX: I think in his practice -- or his business normally -- I'll do that with emphasis, normally -- he closed -- he or his company or someone similar to him closed down the particular trampoline device, and that --

MR. POPE: And we can all understand that -- and I don't have the exact percentages, but I would say a very high percentage of them are either rider error or just a mishap of some type.

You know, like I said, it's not normally the equipment. The equipment is inspected, the equipment has gone through and it's done everything it's supposed to do, and I think Mr. Hardy will reiterate that. But a lot of times it's just the child or the adult or the rider being a little excited or something like that and having an accident.

MR. HALE: I think this shows the importance of us visiting that part of the rules, too --

MR. POPE: Exactly.

MR. HALE: -- to clarify.

MS. O'CONNOR: May I ask Mr. Castro?

CHAIRMAN FOX: Sure.

MS. O'CONNOR: What could we do as a board to make the rules and communicate the rules better to you as an owner/operator/manager, so that if this were to happen again, you'd know? Assuming that this hadn't happened.

MR. CASTRO: Right. It's only a matter of time before all states pick up something like this. And representing CircusTrix, which is the company that, you know, owns a lot of trampoline parks throughout the United States, it's going to be something that all general managers are going to have to add to their plate.

In all honesty, I think that if there is a test, a test to injury report in regards to the processes of how to do everything and there's already like a -- maybe we could submit one, and it just kind of goes through the plain practices of what we need to do in order for that to really teach us, or at least go through the steps of what we need to do, it would be -- it would give us the protocol of mind of how to do it.

And it's not too -- like I would also just want to state that what you guys are asking us and what I failed to do, it's not hard, and it's not something we're not familiar with at all. It's already something in practice that we do within our own company guidelines.

So I just think that the -- and Jennifer did a good job at -- if anything, it's on my side. But she did a good job at telling me the site to go to, to get familiar with it, I believe is what she told me a few times. But obviously we have a thousand things to do at the same time, and -- but if it's a required test that we have to do within that year, when that inspection happens at the top of every year, I think that would be a great way to be -- the formalities to be set in place.

CHAIRMAN FOX: Okay. Is there anything else that you want to tell us regarding the appeal?

MR. CASTRO: In regard to the appeal, no, other than I'm in agreement to everything that you guys are saying about the devices and what you guys are projecting in bettering the regulations. I think I represent a lot of people with saying thank you.

CHAIRMAN FOX: Okay. Mr. Pope.

MR. POPE: I'm going to say one more time, the people -- the companies that have accidents know how to file accident reports and things. The companies that don't have them, it's a new ballgame.

MR. RADER: Good point.

MR. POPE: A lot of times -- and that's what we need to understand, the gentleman's first reported accident, things like that. Again, you know, like myself, a smaller company, I'm not as used to it as a larger company may be, so therefore -- and I don't have a staff that does that, just does that. So it falls on the owner a lot of times, or the manager or whoever they've got,
as it did this gentleman here.

And with that said, I would like to ask
that we waive this fine.

CHAIRMAN FOX: Is that going to be a
motion?

MR. BAILEY: Mr. Chairman?

CHAIRMAN FOX: Sir.

MR. BAILEY: There's just one aspect of
this thing that I want to bring before the board.
The statute says 24 hours', you know, notice. Okay.
So this accident occurred April 28th at 6:52 p.m.
So they would not have been out of compliance until
April 29th at 6:53 p.m.

CHAIRMAN FOX: Correct.

MR. HALE: And I'm going to make my
motion that we --

MR. POPE: Again, I'm going to make my
motion that we --

MR. HALE: And I'm going to second it.

MR. POPE: -- that we take this fine
away from this gentleman. I feel like he tried to
do what was right. He may or may not have made all
the right decisions, but I think it's already proved
in the second incident that he has learned from it,
and I don't see any need in having to do that.

MR. HALE: I second.

MR. POPE: And I also want to say in
discussion of that, and not to talk disparaging
about somebody that's not here to defend themselves,
but I'm a little disappointed that their inspector
didn't say, Hey, have you filed the report.

CHAIRMAN FOX: Exactly.

MR. HALE: Mr. White is familiar with
the reporting, and I would've thought he would've
said, Hey, guys, you should've done this right here;
if you didn't, let's get it in progress.

MR. RADER: And they did all the right
things with the exception of filing the report.

MR. HALE: Exactly.

MR. POPE: And I don't want that to
reflect anything on the department, because I think
the department did everything they were supposed to
do.

MR. HALE: Absolutely.

MR. POPE: And I think you've handled it
the way you were supposed to.

And like I said, if I had not -- I had
spoke with Jennifer about this previously and had
time to think about it, and that's the reason I'm
making that motion.

MR. RADER: And I think as a board we
all agree that when we have our workshop, these
discussions about the incidents that occur at a trampoline park really are no reflection on the industry itself as it relates to amusements, because those things are going to happen, and it's obvious when you look at the numbers --

MR. POPE: In this day and age --

MR. RADER: -- and it's 20 to 1 in the number of incidents that occur at a trampoline park.

It's kind of a different industry. And I think that needs to be addressed in our workshop.

MR. POPE: I haven't seen anything that the person doesn't want reported. You know, it doesn't matter if they trip, they fall, if they trip over their own feet, they want it reported that we put the ground there. So it's going to be -- it's just the day and age that we live in.

CHAIRMAN FOX: Any other discussion?

(No verbal response.)

CHAIRMAN FOX: All in favor of the motion, let me know by saying "aye."

(Affirmative response.)

CHAIRMAN FOX: All opposed, like sign.

(No verbal response.)

CHAIRMAN FOX: Motion carries.

MR. CASTRO: Thank you, members.

CHAIRMAN FOX: Thank you.

Okay. The next item on the agenda --

MR. BAILEY: Mr. Chairman?

CHAIRMAN FOX: Sir?

MR. BAILEY: On that, since this was a penalty that had been assessed by the department and now has been appealed and overturned, I think there should be some kind of order that comes from the board retracting it for the record and the paperwork. I mean, there's got to be a reason that -- basically you're granting them relief from a penalty assessment by our department, so I think there's got to be some kind of order issued reflecting that.

CHAIRMAN FOX: I would agree with you, Mr. Bailey. I would ask for your help in writing that order for us. And if we need -- if I need to sign it on behalf of the board, I will, however that process needs to work. I have to tell you that I'm ignorant of that process on issuing the order.

MR. BAILEY: Yeah, I can draft an order or work with Mike in getting an order drafted.

You know, I don't know if each board member would need to sign it because the board has voted, and you may be able to sign on their behalf, and the wording can reflect that the board, as a whole, approved it. But I do think there's got to be some kind of order entered.

CHAIRMAN FOX: Kind of like I do at the City of Sevierville, I sign off for the board. So I'll sign off for this, if that works.

MR. BAILEY: All right.

CHAIRMAN FOX: Okay. Next item, variance, elevator unit. KONE. Kirksey Old Main.

Request a variance to allow a reduction of 8 foot 5 inches in the required 48-inch toe guard when installing a Machine Room Less Traction elevator in an existing elevator shaft that has a 48-inch pit.

A17.1 code calls for a 48-inch toe guard. KONE is requesting this variance specifically for an elevator project at Kirksey Old Main on Middle Tennessee State University campus where KONE is replacing a hydraulic elevator with a Machine Room Less Traction elevator, and further requests a precedence for future projects be granted when these conditions are met so a variance does not have to be requested on individual projects.

MR. LAPORTE: Mr. Chairman?

CHAIRMAN FOX: Sir?

MR. LAPORTE: Being this is new business, I just want to say again that I'm going to recuse myself from this discussion, and I'm going to excuse myself real quick.

CHAIRMAN FOX: All right.

MR. POPE: Did I misunderstand you, is it not 8 inches, 8-and-a-half inches instead of 8-foot?

CHAIRMAN FOX: I'm sorry, 8-and-a-half inches.

MR. RADER: Same representative from KONE?

MR. CHURCH: Want me to state it all again?

CHAIRMAN FOX: Yes, sir.

MR. CHURCH: All right. Mike Church, KONE Elevator, Nashville, Tennessee, (816)365-8037.

KONE is requesting a variance for Middle Tennessee State University, we're replacing a hydraulic elevator that currently has a machine room in the
boiler section of the building, which is very hot, dusty, dirty. We are relocating the elevator machine room up to the third floor, a code-approved machine room in a controlled environment with HVAC. So we're improving the elevator for Middle Tennessee State. It's the same variance that were granted on the first three projects that we requested at the beginning of the meeting. So we are looking to install the elevator with a 39-and-a-half-inch toe guard -- or platform apron.

CHAIRMAN FOX: Mr. Jackson?

MR. JACKSON: It's the same variance we approved previously.

CHAIRMAN FOX: Okay. What's the pleasure of the board?

MR. RAIDER: I make a motion we approve this, with the exception of the request for a precedence for future products be granted when these conditions are met so a variance does not have to be requested on individual projects.

CHAIRMAN FOX: Did you second?

MR. MOORE: I agree with that. I wouldn't want that in there, all future approval.

CHAIRMAN FOX: Okay. Did you second?

MS. O'CONNOR: Second.

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

MR. POPE: It all falls within the same guidelines.

CHAIRMAN FOX: Yes. Hearing none, all in favor of the motion, let me know by saying "aye."

(Affirmative response.)

CHAIRMAN FOX: All opposed, like sign.

No verbal response.

CHAIRMAN FOX: Thank you very much.

All right. So KONE -- and, again, I want to reflect that Mr. LaPorte had a conflict; he excused himself and he did not participate in the discussion.

On the next item, KONE, Elliot school condo, requesting a singular variance. One MRL 3500 pounds. The capacity is increasing from 2500 pounds to 3500 pounds and changing from three stops to four stops. Building is being renovated into condos.

Sir?

MR. CHURCH: That's correct. We are replacing a current three-stop hydraulic elevator with a Machine Room Less elevator, traction elevator, and we're taking the elevator up one floor to the roof level for the condominium. We're increasing it from 2500 to 3500 pounds capacity in order to meet ADA requirements and stretcher requirements as well. So whenever we can, we try to meet as many code requirements as possible in these renovation projects. And we are requesting to install a traction elevator with a 39-and-a-half-inch apron guard.

CHAIRMAN FOX: Mr. Jackson?

MR. JACKSON: The only variance that you're requesting is a pit variance; am I correct?

MR. CHURCH: That's correct.

MR. JACKSON: Okay. That's the same --

MR. BAILEY: I'm sorry, what's the difference in the pit depth?

MR. JACKSON: 5 foot on a traction is required, and they're replacing a -- they're replacing a hydraulic elevator that has a 4-foot pit. So this is technically the same variance that we've issued on all the other ones.

MR. BAILEY: As a 48-inch pit?

MR. JACKSON: Yes.

CHAIRMAN FOX: And what's the pleasure of the board?

MR. HALE: I move we grant it.

CHAIRMAN FOX: We have a motion.

MR. POPE: Second.

CHAIRMAN FOX: A motion and a second.

No verbal response.

CHAIRMAN FOX: Hearing none, all in favor of the motion, let me know by saying "aye."

(Affirmative response.)

CHAIRMAN FOX: All opposed, like sign.

No verbal response.

CHAIRMAN FOX: Motion carries.

MR. RADER: Mr. Church, it's the pleasure of the board for us to always be accommodating, we never want to put KONE or anybody else behind the eight ball, but as far as the requests for variances on a timely manner be submitted for public hearing, we'd like for that to kind of be honored in the future if you can do that.
MR. CHURCH: Yes. I recognize that, and today I will send that correspondence off to my Memphis office and my Knoxville office and all the sales reps involved saying we -- if we're going to request a variance, it's got to be 30 days in advance whenever possible. And if we're up against the wall, as in some of these cases --

MR. RADER: Let us know.

MR. CHURCH: -- we will speak directly to Mr. Jackson or whoever the chief inspector is and file it the same day.

MR. RADER: Yeah, and you need to make sure that they're aware that we meet quarterly. So we don't want to, again, put you in a situation that, you know, we shut you down for any reason. We want to be accommodating as much as possible, but we also have guidelines to go by as well as a board.

MR. CHURCH: I understand.

CHAIRMAN FOX: Thank you.

All right. HomeLift, request for a 10-inch variance for a lift at The Ramble restaurant.

Who is here to speak to that?

MR. MARCHAL: Good morning. Matt Marchal, HomeLift, LLC, 3901 Charlotte Avenue Nashville, 37209. Phone number, (615)385-5438.

CHAIRMAN FOX: Sir, please tell us what you're asking for.

MR. MARCHAL: So The Ramble is a new restaurant being -- an addition is being built just north of the Sounds' stadium in Germantown area. The specs on the drawings call for 14 feet, 10 inches of travel and our unit that we recommended is an enclosed shaftway wheelchair lift, which the spec is 14 feet. So we're asking for a 10-inch variance for this unit, which will be used for handicap folks to get up to seating upstairs.

CHAIRMAN FOX: Okay. Mr. LaPorte, is this part of your company, or do you have --

MR. LAPOorte: No, this is not.

CHAIRMAN FOX: Okay. Good deal.

All right. So Mr. Jackson?

MR. JACKSON: You say it is an enclosed hoistway?

MR. MARCHAL: Yes, sir.

MR. JACKSON: Is this just a standard --

MR. MARCHAL: It's a hydraulic drive.

MR. JACKSON: -- hydraulic drive?

MR. MARCHAL: Yes, sir.

MR. JACKSON: I'm not sure what the board has passed on the variances on these wheelchair lifts in the past. I really don't see an issue with the 10 inches. I don't think I would go anymore than a 10-inch variance. It's still going to be a safe unit. I don't see any issues on safety on granting a 10-inch variance on this.

CHAIRMAN FOX: Okay.

MR. BAILEY: What is the 10-inch variance regarding?

MR. JACKSON: Code requires that these lifts not be over 14 foot. That is maximum on what the code requires or allows. And the 10 inches, they run into an issue where their landing is more than the 14 foot of travel. They're actually adding that extra 10 inches of travel on to be able to meet the building requirements for height, should I say.

MR. BAILEY: I'm just trying to understand. So the code requires that it have a 14-foot --

MR. JACKSON: Maximum.

MR. BAILEY: -- maximum lift?

MR. JACKSON: Yes, sir. Yes, sir.

MR. BAILEY: And they're asking for 14 and 10 inches?

MR. JACKSON: Yes, sir. 10 inches of additional travel.

MR. BAILEY: And that's in order for the lift to get to the next level?

MR. MARCHAL: Correct.

MR. BAILEY: Okay. I'm just trying to figure out what was being asked.

MR. JACKSON: Yes, sir.

MR. RADER: And your recommendation is no problem?

MR. JACKSON: I don't see an issue with the 10 inches.

MR. RADER: I make a motion we approve it.

MS. O'CONNOR: I'll second that.

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 me know by saying "aye."

(Affirmative response.)

CHAIRMAN FOX: Motion carries.

MR. MARCHAL: Thank you.
CHAIRMAN FOX: Thank you, sir.

Okay. Item Number 11, open discussion item. Inspections of fire service access elevators.

Are you going to speak to this, sir?

MR. JACKSON: Yes, sir.

CHAIRMAN FOX: All right.

MR. JACKSON: After 911, the International Building Code recognized the issues with the amount of people trying to evacuate a building. They have put into the codes requirement that fire access elevators be included. They are actually a beefed-up elevator, is what they are, for fire department use. Any building that has over 120 foot of occupied space is required to have two of these elevators. Like I said, they are beefed-up elevators for the fire department to help evacuate people. Plus they're also for the fire department to stage a couple floors below the fire so that they can get their equipment up quicker.

The issue we're having as inspectors -- all of this comes out of the International Building Code. Our A17.1 elevator code does not address fire service access elevators. We, as inspectors, sometimes are being -- how am I going to phrase this? When we're going out to inspect these elevators, we're having a little bit of conflict with other inspecting units, such as electrical inspectors and plumbing inspectors and fire inspectors, as far as what our responsibility is and what we consider their responsibility to be. I wanted to address the board to highlight what we feel like our responsibilities are, and that way we're in clear understanding amongst ourselves on what our inspectors are checking.

I've highlighted in this handout that I gave you, this is the building code that addresses the fire service access elevators. The items that I have highlighted I feel fall under another inspector's --

MR. HALE: Entity.

MR. JACKSON: Yes, sir.

So I'm going to highlight -- I'm going to get through the ones that I feel like we're not responsible for. And if the board has a question on it or feels like it's something that maybe we should address, if you would please advise us, and that's something that we will set in motion and items that we will start looking for in the future.

On 3007.3, automatic sprinkler systems --

MR. LAPORTE: Can I interrupt you one second?

MR. JACKSON: Yes, sir.

MR. LAPORTE: Just to clarify, because you made the statement that the fire service access elevator is a beefed-up elevator --

MR. JACKSON: Yes.

MR. LAPORTE: -- just so the board understands, it's beefed up as far as it's placed in the building and the building structure. The elevator itself is nothing special. There is not -- a manufacturer does not manufacture a special fire service access elevator.

CHAIRMAN FOX: It's just the infrastructure around it?

MR. JACKSON: Yes, sir.

MR. LAPORTE: The surrounding of the structure, yes.

MR. JACKSON: Thank you, Mr. LaPorte, for clarifying that.

3007.3, automatic sprinkler system, we feel that is the fire department's responsibility. We don't go through and verify that the building is fully sprinkled. We don't, as elevator inspectors, know what those requirements might be.

CHAIRMAN FOX: Okay. So just for clarification, are you asking us to rule on that or make a motion and vote on that particular section and then each one of these sections? Or how are we going to do that?

MR. JACKSON: I think -- I'm not really looking for a vote as much as I'm just looking for agreement with the board on items that I feel the inspectors are -- what our -- as elevator inspectors, we're required to look at.

And I don't know point of order, or I don't know if this is something that would have to be voted on, or if it's just advising us. I don't know the point of order on that.

MR. POPE: Can I make a motion we group all these together at one time if we're going to make a vote?

CHAIRMAN FOX: You can.

MR. RADER: I think it needs to be in the form of a motion.

MS. O'CONNOR: I think it needs to be on the record.

CHAIRMAN FOX: That's why I'm asking --

MR. POPE: That's how we do it on our level on our --
CHAIRMAN FOX: So we have a motion.
Do we have a second?
MR. RADER: What's the motion, we lump them all together?
CHAIRMAN FOX: Put them all together.
MR. RADER: I second.
MR. HALE: All the ones that we agreed with?
MR. POPE: The ones he's got -- the ones that he's got marked here. He's got them marked for.
MR. JACKSON: That we're not responsible for.
MR. LAPORTE: What may be easier is the opposite, voting for the ones that they are responsible for. I think that would be a much shorter list, and it would pertain to exactly what we would expect the elevator inspectors to look at.
CHAIRMAN FOX: Okay.
MR. JACKSON: Good with me. I can just reverse what I've highlighted.
MR. LAPORTE: Exactly.
CHAIRMAN FOX: Okay.
MR. HALE: Is your motion --
CHAIRMAN FOX: We will have to modify the motion.
MR. RADER: I second.
MR. HALE: I will second that.
CHAIRMAN FOX: Okay. We have a motion and a second.
MR. POPE: I rescind my motion, and I'll modify it to include the things that we are going to inspect them or we're going to expect them to inspect.
CHAIRMAN FOX: What we expect them to inspect.
MR. RADER: Second.
MR. HALE: I will second that.
CHAIRMAN FOX: Okay. We have a motion and a second.
Any discussion?
MR. FARMER: Mr. Chairman?
CHAIRMAN FOX: Okay. And will you be there with that chief inspector?
MR. JACKSON: Yes, sir. Yes, sir.
CHAIRMAN FOX: Okay. All right.
MR. LAPORTE: Mr. Chairman?
CHAIRMAN FOX: Sir?
MR. LAPORTE: Can I ask Mr. Farmer a question?
MR. FARMER: Well, you know, the A17.1 code book references the IBC, so we took the elevator portions out of the IBC and we enforce it, because there is no other agency that will enforce it. I just think that the clarifications on like the -- let's not go in to what we don't enforce, let's go in to what we do enforce --
MR. LAPORTE: And I agree --
MR. FARMER: -- and the rest will fall on other AHJs.
MR. LAPORTE: -- with that. But...
MR. HALE: You shouldn't be expecting that that's not our responsibility.

CHAIRMAN FOX: You've certainly made our case that -- or a case for the fact that this needs to be in our workshop.

MR. LAPORTE: Yeah.

CHAIRMAN FOX: And so if we could defer this until that time, everybody good with that? On the 24th, we'll bring this up at that time.

MR. JACKSON: Yes, sir.

MR. LAPORTE: Yes, sir.

MR. BAILEY: Correct. But that's because we're currently required to inspect for those things, as I understand what -- MR. JACKSON: No, sir, I don't think -- I don't think we're required. What we're required to inspect is the elevator itself. The machine room, control space, the elevator hoistway, the elevator itself. But when you start getting outside of that elevator hoistway and they're supposed to keep water -- for example, they're supposed to keep water from infiltrating in to that hoistway. Well, I'm not a -- I don't know what the grade of that floor is. I'm not going to pour a bucket of water out on the floor and see if it drains to the elevator or away from the elevator. I feel like that's either building codes or plumbing inspectors. I don't know who would check that. But it's not

MR. FARMER: -- it's logical, but it's not -- it don't happen.

MR. LAPORTE: In some cases, correct, the fire inspector to --

MR. JACKSON: What -- I'm sorry, go ahead.

MR. LAPORTE: No, just to clarify, what we're saying then is, the rule change would be us, I guess, asking or recommending that the elevator department look at certain IBC codes for an inspection, kind of going beyond their typical authority or jurisdiction. Because, quite frankly, I mean, we've talked about this, there's a lot of things in here that because it says elevator, I think other AHJs are trying to refer to elevator, but no offense, quite frankly, most of the elevator inspectors aren't qualified to inspect a lot of things that fall in this section. So we're taking responsibility that I don't necessarily see a clear line to, but it may be the right thing to do.

MR. LAPORTE: -- for instance.

MR. HALE: -- for instance.

MR. JACKSON: This is under the International Building Code. As Chris mentioned a moment ago, the International Building Code is referenced in A17.1, so that throws us back into where we actually inspect out of the building code.

There's several issues that we inspect out of --

MR. BAILEY: And A17.1 is the elevator safety code that we operate under?

MR. JACKSON: Yes, sir.

MR. BAILEY: And this is referenced in there?

MR. JACKSON: Yes, sir.

MR. BAILEY: So I think also that if the pleasure is to exempt our inspectors from inspecting certain things, I think we need some evidence that somebody is inspecting it. You know, the fire marshal or the electric -- you know, somebody so it's not being looked at by nobody before I would
something that I'm trained to do or would have an idea on really how to check that. Now, that's just one example of it.

MR. BAILEY: Right.

MR. JACKSON: I feel like the building code, they're building -- they're putting these buildings in by the building code, and each entity that inspects, the fire department needs to be inspecting their part of it, the electrical inspectors should be checking to verify that it's a two-hour rating protecting the power to the elevator from downstairs to the 25th floor. That's not something that we would be trained to do or even know where to begin checking that requirement.

So I feel like this is the building code, and I feel like every inspecting unit should be inspecting off of this. I just don't want people thinking that just because it says elevator that we're going to be required to check everything under that terminology.

MR. RADER: When you say "people," who are you referring to?

MR. JACKSON: I'm referring to the fire inspectors, electrical inspectors. I had an electrical inspector on one building that I went downtown to help another inspector, and the superintendent on the job said, Can you come down here and look at something, and I --

MR. RADER: So you're talking about other artisan contractors involved in --

MR. JACKSON: Yes, sir. Yes, sir. This is -- the fire access elevators is huge -- I mean, it is a huge -- it's a combination of all units inspecting, electrical inspectors, fire inspectors, building inspectors, plumbing inspectors. And I just want to be sure that we're not being -- it's not being all poured back on us and then when something comes up down the road somewhere and they say, Well, this isn't right, well, it says elevator, so why didn't you check that.

And I've brought out -- I've got letters on -- if I see something that's not working right, I want a letter. I call the fire department and tell them, Hey, this is -- you've got to have this, or you can't have this. No, we're going to leave that sprinkler there. I'm like, Send me a letter.

I can't overrule the fire department, you know, but I want a letter. I want a letter saying it. And I've got letters on several jobs where we've noticed different issues with this that's not being taken care of.

MR. HALE: So for instance, though, and I come from a fire service background, so if memory serves me, the elevator doors have to meet -- on these fire elevators has to have a three-quarter of an hour, 45-minute protection rating --

MR. JACKSON: On the hoistway doors.

MR. HALE: Yes, on the hoistway doors.

MR. JACKSON: Yes, sir, we check that.

That's ours.

MR. HALE: So that part of it would fall under the elevator inspector.

MR. JACKSON: Yes, sir. The fire rating on the elevator lobby doors would not fall on us.

That would fall on the fire department, because they're the ones that inspect fire doors outside of the elevator.

MR. HALE: So the elevator lobby door has to have a fire rating?

MR. JACKSON: Yes, sir.

MR. HALE: And the elevator inspector wouldn't check for that?

MR. JACKSON: No, sir. No, sir.

MR. HALE: Even though it's intrinsically part of the elevator?

MR. JACKSON: Not really. It's part of the -- because the building code has different terminology on what they require on these access lobbies, the fire rating that has to be in that, and that's outside of the elevator enclosure. So we would be -- I feel like we would be stepping outside of our bounds going in and telling somebody they've got --

MR. HALE: But we have to approve if there's a variance in the lobby doors.

MR. LAPORTE: I think you're talking about two separate things. If you're talking about the elevator doors in the lobby that open and close, that's a component of the elevator. What Tom was talking about is doors leading into the lobby and walking --

MR. HALE: Oh, okay.

MR. LAPORTE: -- to the elevator.

MR. HALE: That's a different --

MR. JACKSON: Not the elevator hoistway door.

MR. HALE: I gotcha. Okay.

MR. JACKSON: It's a different door.

MR. HALE: Okay.

MR. RADER: Mr. Chairman, do you need a
1. motion to table this?
   2. CHAIRMAN FOX: Well, I don't want to --
   3. I'd rather not table it. I would say that we defer
   4. it and talk to --
   5. MR. RADER: Same, yeah.
   6. CHAIRMAN FOX: -- and talk about this in
   7. the workshop.
   8. MR. RADER: Workshop.
   9. CHAIRMAN FOX: So if somebody wants to
   10. make a motion to that effect, then please do.
   11. MR. RADER: I make a motion that we
   12. discuss this in our workshop on the 24th of July.
   13. CHAIRMAN FOX: 24th of July or June?
   14. MR. HERROD: July.
   15. CHAIRMAN FOX: 24th of July.
   16. MS. O'CONNOR: I'll second that.
   17. CHAIRMAN FOX: We have a motion and a
   18. second.
   19. Any discussion?
   20. (No verbal response.)
   21. CHAIRMAN FOX: Hearing none, all in
   22. favor of the motion, let me know by saying "aye."
   23. (Affirmative response.)
   24. CHAIRMAN FOX: Motion carries. Thank
   25. you.

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1. All right. Do we need to discuss the
2. division's update on Jurisdiction Online for the
3. following programs, elevator unit and amusement
4. device unit? Is there anything we need to know
5. there?
6. MR. JACKSON: Doris, do you have a
7. report?
8. MS. BARNETT: Doris Barnett, 2121 Paula
10. And most of the points I have for the
11. Jurisdiction Online presentation have been covered
12. ably by both Mike Hardy and J.J. Jackson.
13. The main thing that I want to bring out,
14. one of the points that was brought out to the board
15. and was asked as a question at a previous board
16. meeting was, we had talked about referrals, we
17. talked about whether or not we had a payment portal
18. for amusement devices. We do do referrals, and we
19. are in the process of working towards getting the
20. payment portal. It will be a couple of months yet,
21. but we will have -- it has to be programmed and
22. everything else. So Jurisdiction Online has agreed
23. to it and we're working on getting the funding for
24. it. And hopefully by the end of the year -- I won't
25. promise that date, but I'm hoping by the end of the

---

1. year we will have the payment portal for amusement
2. devices.
3. CHAIRMAN FOX: That would be great.
4. That would be fantastic.
5. MS. BARNETT: I thought that would
6. please you, Mr. Chairman.
7. CHAIRMAN FOX: We won't hold you to
8. that --
9. MS. BARNETT: That's what I'm hoping
10. for, but as I said, I can't promise that date.
11. CHAIRMAN FOX: Well, we look forward to
12. that. That would be a great thing for all the
13. amusement device folks in our state.
14. MS. BARNETT: I think so, too. We have
15. had a lot of questions on that in the past, and many
16. of the companies have asked if they can have that as
17. a plus.
18. CHAIRMAN FOX: Thank you very much.
19. MR. HARDY: It just increases our
20. efficiency.
21. MS. BARNETT: It does.
22. CHAIRMAN FOX: That's right.
23. MR. HARDY: And, you know, a lot of
24. times, some of these folks are last minute and have
25. to overnight checks to us because we don't accept

---

1. online. So continuous improvement is our desire.
2. MR. RADER: The name of the game.
3. MR. HARDY: The name of the game.
4. CHAIRMAN FOX: That's right.
5. MS. BARNETT: That's the main thing I
6. had. Thank you.
7. CHAIRMAN FOX: Thank you very much,
8. ma'am.
9. Okay. And that leads us to the
10. announcement of the next meeting. The next
11. regularly scheduled meeting of the Elevator &
12. Amusement Device Safety Board will meet -- will be
13. held at 9:00 a.m. Central standard time, Tuesday,
14. September 24th, 2019, at this same building on 220
15. French Landing Drive, Nashville, Tennessee.
16. And the following one, just for the
17. record, will be held on December the 4th. That will
18. be the last one for this year.
19. MR. HERROD: Sir, Central daylight time
20. on that?
21. CHAIRMAN FOX: Central daylight time or
22. whatever it is.
23. MS. KIRBY: Central daylight time,
24. Central standard time.
25. CHAIRMAN FOX: It's all good. It's all
good.

Anything else before we adjourn?

(No verbal response.)

CHAIRMAN FOX: Do I have a motion for adjournment?

MR. POPE: A motion, sir.

MR. HALE: Second.

CHAIRMAN FOX: We are adjourned. Thank you all very much for being here.

(WHEREUPON, the proceedings were adjourned at 10:45 A.M.)

REPORTER'S CERTIFICATE

STATE OF TENNESSEE

COUNTY OF WILSON

I, AMBER A. THOMPSON, Licensed Court Reporter and Notary Public, hereby certify that I reported the foregoing Elevator and Amusement Device Safety Board by machine shorthand to the best of my skills and abilities, and thereafter the same was reduced to typewritten form by me.

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