STATE OF TENNESSEE
ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD

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

December 8, 2021
(via Zoom videoconference)

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

Robbie Fox, Chairman
Fixed Amusement Device

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

Lewis Moorer, Board Member
Public-at-Large Representative

Kelly O'Connor, Board Member
Public-at-Large Representative

Mitch Rader, Board Member
Insurance Company Representative

James Roy Pope, Board Member
Traveling Amusement Device Representative

Victor LaPorte, Board Member
Manufacturer Representative

Mike McPherson, State of Tennessee
Elevator Inspector Chief

Mike H. Hardy, State of Tennessee
Amusement Device Manager

Thomas Herrod, State of Tennessee
Assistant Commissioner

Daniel Bailey, Esq.
Legal Counsel, State of Tennessee

Jennifer Murphy, State of Tennessee
Board Secretary, Elevator Unit

Jamie Presson, State of Tennessee
Executive Administrative Assistant, WRC

Candice Haman, State of Tennessee
Administrative Supervisor, Elevator Unit

Matthew Grove, State of Tennessee
Legislative Liaison
Appearances continued:

Jeffrey Parham
Macy's Department Store

Chris Farmer
Construction Superintendent, TK Elevator

Jason Gregory, IUEC Local 93
Elevator Constructor Business Manager

Stone & George Court Reporting
Nan George, Zoom Moderator
Cassandra Beiling, Court Reporter

*Reporter's Note: All names are phonetically spelled unless otherwise provided to the Reporter.
AGENDA

I. Call Meeting to Order

II. Introductions and Announcements

III. Adoption of Agenda

IV. Approval of the September 8, 2021 Minutes

V. Elevator Unit's Report

VI. Amusement Device Unit's Report

VII. Old Business
    * None

VIII. New Business
    * None

IX. Open Discussion
    * None

X. Calendar-Scheduled Board Meetings
    * March 1, 2022 - 9:00 a.m. (CST)
    * June 7, 2022 - 9:00 a.m. (CST)
    * September 7, 2022 - 9:00 a.m. (CST)
    * December 6, 2022 - 9:00 a.m. (CST)

XI. Adjournment
CHAIRMAN FOX: We'll call the December 8, 2021 meeting of the Elevator and Amusement Device Safety Board to order.

And I believe that we have everyone's name present, except -- we have James Roy, James Roy Pope. He is here with us.

And I would entertain a motion to adopt the agenda.

MS. O'CONNOR: Mr. Chair, I'm Kelly O'Connor, board member. I will move to adopt the agenda.

MR. RADER: Mitch Rader, board member. I will second it.

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

(No verbal response.)

CHAIRMAN FOX: Hearing none.

All in favor, please announce your name and vote yes or no.

MR. MOORER: Lewis Moorer, yes.

MS. O'CONNOR: Kelly O'Connor, yes.

MR. LaPORTE: Vic LaPorte,
MR. MOORE: Larry Moore, yes.

MR. RADER: Mitch Rader, yes.

CHAIRMAN FOX: James Roy, did you hear us? Were you able to hear us?

(No verbal response.)

CHAIRMAN FOX: You're back on mute now.

MR. POPE: All right. Can you hear me now?

CHAIRMAN FOX: Perfect. Yes, sir.

MR. POPE: Yes. James Roy Pope, yes.

CHAIRMAN FOX: All right. I believe that gets everyone.

Larry, good to see you here, brother. All right. Moving right along, Item Number 4, approval of minutes of the December 8, 2021 meeting. I would entertain a motion to approve.

MS. O'CONNOR: Kelly O'Connor --

MR. RADER: Mitch Rader, board --
MS.

O'CONNOR: Go ahead, Mitch.

MR. RADER: I make a motion to approve Item Number 4 as presented.

MS.

O'CONNOR: Kelly O'Connor.

I'll second.

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

(No verbal response.)

CHAIRMAN FOX: Hearing none, all in favor, please state your name and vote yes or no.

MR. MOORER: Lewis Moorer, yes.

MR. LaPORTE: Vic LaPorte, yes.

MS. O'CONNOR: Kelly O' Connor, yes.

CHAIRMAN FOX: James Roy, you're muted.

There you go.

MR. POPE: James Roy Pope, yes.

MR. MOORE: Larry Moore, yes.

MR. RADER: Mitch Rader, yes.
CHAIRMAN FOX: Okay. Next item on the agenda is the Elevator Unit Report.

Mr. McPherson?

MR. McPHERSON: Hello, everybody. I'm going to share that. Can everybody see that?

CHAIRMAN FOX: Are you trying to share on the screen?

MR. McPHERSON: I am. Do you see that?

CHAIRMAN FOX: No, sir, I don't. Some of the rest of them may, but I don't.

MR. RADER: No, I don't.

CHAIRMAN FOX: Now we do.

MR. McPHERSON: All right.

Here we go.

All right. I've got a few little stats there for you with a little chart as well. I'll start with -- the last meeting, I know I had a bad connection, so there was a question that I couldn't hear or answer that was pertaining to the cabins or whatnot in Gatlinburg and other areas that were residential areas operating commercially, possibly, with elevators.

So we did have a couple reported and
we did investigate those and found those to be operating in compliance. So we will continue to keep our ears and eyes open, and also if we hear anything, we definitely will go check those and make sure they are compliant.

So other than that, Elevator Unit-wise, we are working with 31 inspectors now, and we have a possibility of having 34, so we're still a few short. We're doing better. We're interviewing to fill our inspector assistant position. And this is a position that gives someone -- it's kind of like an apprenticeship, so giving someone an opportunity that may have a mechanical background but not necessarily elevator specific.

So we've tried this once and it's worked out pretty well, so we're looking forward to hopefully bringing someone aboard over here shortly.

Tennessee has a total of 15,797 conveyances today across the state. And we're still -- once again, we're growing. To date, we have done 26,929 inspections. And actually, this time last year to date, we had done 24,738, I think, if I'm reading right. So we're still
growing and catching up our delinquent units as well.

We have a better delinquency rate. We're at 4 percent, and this time last year we were at 7-1/2 percent. So we're still doing real well there, too, as well.

We also -- we had no serious incidents to report either.

So if anyone has any questions, I'll be happy to answer what I can.

CHAIRMAN FOX: May I ask one question?

MR. McPHERSON: Yes, sir.

CHAIRMAN FOX: What does a new inspector start off at salary wise?

MR. McPHERSON: Inspector I, I think we are at $3,300 or $3,500 a month. I think Tom might be able to better keep up with that more so than I do.

CHAIRMAN FOX: That's fine.

MR. McPHERSON: We're close to that area, yes.

MR. HERROD: Chairman Fox, we're working with the Commissioner. Dr. Jeff McCord is working along with our HR department in
trying to get those salaries up considerably, so that's in the works. But I can't give you an estimate of when that might happen.

But we are losing opportunities with some people who would like to come to work for us but not at that salary. So we're trying to work within the system, and it's a challenge, to say the least.

But I think next year, 2022, we'll be able to get salaries up and we'll be able to fill those additional positions that are vacant at this time.

CHAIRMAN FOX: Good. Thank you very much. Thank you.

All right. Anything else, Mr. McPherson?

MR. McPHERSON: No, sir.

That's it.

CHAIRMAN FOX: All right. If you will, I guess, unshare the screen, we will go on to the Amusement Device Unit Report.

MR. McPHERSON: I'm trying to do that here.

MR. HARDY: Mike, could you unshare your screen so I can throw mine up there?
MR. McPHERSON: I'm not trying to be a screen hog here. I've got my screen messed up here and I can't get it to go away.

CHAIRMAN FOX: Mr. Hardy, if you will, just see if you can come in over the top of it. I don't know enough about this system to tell you one way or the other.

MR. HARDY: It says I can't share the screen while other participant is sharing, so...

CHAIRMAN FOX: Okay.

MR. HARDY: We'll just go ahead.

MR. HERROD: Well, hold on.

CHAIRMAN FOX: Hold on.

MR. HERROD: Hold on just a minute, Mr. Hardy.

MR. HARDY: All right.

MR. HERROD: Help is on the way.

MR. HARDY: Okay. Great.

CHAIRMAN FOX: Now we're getting it.

MR. HERROD: Okay. Thank you, sir.
MR. HARDY: Am I up now?

MS. O'CONNOR: Yes.

CHAIRMAN FOX: You're up.

MR. HARDY: Okay. Operating permits issued. Thus far, we've issued

148 permits.

And Tom wanted us to add a feature on

our graphs with projections.

MR. HERROD: Can you share that, Mr. Hardy?

MR. HARDY: Can I...

MR. HERROD: Do you have that where you can show it on the screen for everybody?

MR. HARDY: I thought we were there. Hang on.

MR. HERROD: I don't see it.

CHAIRMAN FOX: I don't either.

MR. HERROD: You'll have to start over.

Jamie, can you go assist Mr. Hardy?

MR. HARDY: I'm sorry about the technical difficulties. But anyway, we've issued 148 permits thus far in this fiscal year of 2022.

Tom, we looked over the graphs this
week, and he thought it would be a good idea for us to introduce a projection. So based on the numbers, where we are right now, well, we're projected at 350. Which if that holds, that will surpass our numbers from last year.

    New permits issued, we have already surpassed last year's number with 36 new companies. And we're estimated at 85, which if that holds, we will surpass our 2020, as far as new companies permitted.

    Of course, you can see the dips in COVID, how it's affected the amusement industry, but we feel like we're bouncing back here.

    Total devices inspected so far, we've had 1,343 inspections turned in for registering devices. Our projection for 2022 is at 3,174.

    Now, this next graph, we did not show anything prior to 2020. This is our reportable accidents from 2020 up to present day. And if you will remember on the graph, the years prior to 2020 had the trampoline park incidents or accidents in there, and we're handling those a little bit different now. So these numbers, it's more of an apple-to-apple comparison.

    And here is the breakdown of the
accidents or incidents that we've had for the last three years. Of course, we had four in 2020, three in fiscal year 2021, and we've had three reportables thus far this year.

One involving a fixed ride in the Pigeon Forge area, it was involving an operator and not a patron. And we had a mechanical malfunction that could have been bad. We didn't have a transport or a serious injury or illness due to this, but due to the mechanical failure of the zip line track in a trampoline park, we recorded that as a reportable. We had the company to secure a third-party inspection before we allowed that attraction to reopen.

The last one you see is a speed climb. It's a climbing pole, not a climbing wall. And we had a patron deglove a finger. Had a ring caught and it caught something on the pole on her descent, and we had a finger amputation there.

So this company was also advised that they needed to shut down the device and get a third-party inspection in there. And there were various modifications on the pole and a reinspection by a certified third-party inspector. And we cleared that one.
I have one more thing, if I can. I'll just go over it real quick. But for the last three years, this is basically our breakdown of what we've had as far as reportable accidents. This graph right here is not in your packets, but if you'd like to see it, I think Jennifer can email that to each of you individually.

And the only other thing that I have to report for the Amusement Device Unit, we made a little minor website modification to allow our users to navigate across the site more easily. Things like permitting and annual fees and report an accident, when you hit our homepage now, it kind of jumps right out at you. So there shouldn't be any navigational issues for our customers and patrons there.

And the unit is preparing to attend the NAARSO Safety Conference to obtain our recertifications and any new certifications under inspection and operations there.

So that's kind of where we are, and I would be glad to entertain any questions that you might have.

CHAIRMAN FOX: Any questions for Mr. Hardy?
(No verbal response.)

CHAIRMAN FOX: I like what you've done with the graphs, Mr. Hardy. That is informative, and I appreciate that.

MR. HARDY: Thank you.

CHAIRMAN FOX: Okay. Anything else for him?

(No verbal response.)

CHAIRMAN FOX: All right.

Moving on to old business. Mr. Herrod, is there anything that we need to take care of?

MR. HERROD: Mr. Chairman, I don't think there's anything that we have on that we need to discuss any further.

I do have, looks like, three people on the Zoom call, on the Zoom, that have not either put their name in or announced their position. If I think -- as I call their names, if they can either tell us verbally or type it in the chat box.

Chris Farmer?

MR. FARMER: Good morning, guys. How are you-all doing?

MS. O'CONNOR: Hey, Chris.

MR. FARMER: It's good to see
everyone. Just jumping on, keeping up with the latest.

MR. HERROD: Okay. Hey, Chris, would you announce your position or your title?

MR. FARMER: Yes. I'm Construction Superintendent for TK Elevator.

MR. HERROD: Okay. That's Chris Farmer.

Then Candice?

MS. HAMAN: I'm the admin supervisor for the elevator unit.

MR. HERROD: Can you repeat that?

MS. HAMAN: The administrative supervisor for the elevator unit.

MR. HERROD: Okay. I'm sorry, Candice.

THE REPORTER: What's her last name?

MR. HERROD: Can you type that in for me, please, in the chat box?

THE REPORTER: And her last name?

MR. HERROD: Haman.
administrative secretary.

And then Jeff?

MR. PARHAM: Yes. Jeff Parham with Macy's Department Stores. I'm actually out of Atlanta, but I thought I would attend the meeting and see how everything was going.

MR. HERROD: Are you able to type that in or -- are you on a computer or a phone?

MR. PARHAM: A computer.

MR. HERROD: Can you go to the chat box and type in your name and position, please?

Okay. Chairman Fox, I think that clears up some unfinished business there.

MS. MURPHY: We have Jason Gregory also, Mr. Herrod.

MR. GREGORY: Jason Gregory, Elevator Construction business manager.

MR. HERROD: Can you type that in, please, in the chat box?

MR. GREGORY: Yes.

MR. HERROD: All right,

Chairman Fox. Thank you.
CHAIRMAN FOX: I believe --

okay. Thank you.

There's nothing under new business.

There's no items for open discussion. And the
next item would be Number 10, our calendar. Are
the dates amenable to everyone?

(No verbal response.)

CHAIRMAN FOX: So say you one,

so say you all.

(No verbal response.)

CHAIRMAN FOX: I'm going to

say that all hearts and minds are clear.

All right. Do I have a motion for

adjournment?

MS. O'CONNOR: Kelly O'Connor.

I'll move to adjourn.

MR. RADER: Second. Mitch

Rader.

CHAIRMAN FOX: Okay. And with

that, I'll wish you—all a merry Christmas and a

very prosperous and happy New Year.

END OF PROCEEDINGS.
CERTIFICATE

STATE OF TENNESSEE  )
COUNTY OF WILLIAMSON  )

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 8th day of December, 2021.

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 21st day of December, 2021.

Cassandra M. Beiling, LCR# 371
Notary Public State at Large
My commission expires: 3/10/2024