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

March 1, 2022

(via Zoom Videoconference)
APPEARANCES (via Zoom videoconference):

Robbie Fox, Chairman
Fixed Amusement Device

David Hale, Board Member
Tennessee Fair Association Representative

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

Dewayne Scott, State of Tennessee
Deputy Commissioner

Jennifer Murphy, State of Tennessee
Board Secretary, Amusement Device Unit

Jamie Diefenbach, State of Tennessee
Executive Administrative Assistant, WRC
Appearances continued:

Chris Farmer  
Construction Superintendent, TK Elevator

Steven Vance  
CBRE/JC Penney account

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 December 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
* June 7, 2022 - 9:00 a.m. (CDT)
* September 7, 2022 - 9:00 a.m. (CDT)
* December 6, 2022 - 9:00 a.m. (CDT)

XI. Adjournment
CHAIRMAN FOX: We will call the March 1st, 2022 meeting of the Elevator and Amusement Device Safety Board to order.

Introductions and announcements.

Mr. Herrod?

MR. HERROD: Tom Herrod, Assistant Commissioner, WRC.

CHAIRMAN FOX: James Roy?

MR. POPE: James Roy Pope, board member.

CHAIRMAN FOX: Ms. Murphy?

MS. MURPHY: Jennifer Murphy, board secretary.

CHAIRMAN FOX: Mr. LaPorte?

MR. LaPORTE: Vic LaPorte, board member.

CHAIRMAN FOX: Mr. Hale?

MR. HALE: David Hale, board member.

CHAIRMAN FOX: Mr. McPherson?

MR. McPHERSON: Mike McPherson, Chief Elevator Inspector.

CHAIRMAN FOX: Ms. Diefenbach?

MS. DIEFENBACH: Jamie
Diefenbach, executive admin assistant, WRC.

CHAIRMAN FOX: Mr. Rader?

MR. RADER: Mitch Rader, board member.

CHAIRMAN FOX: Mr. Hardy?

MR. HARDY: Mike Hardy, Amusement Device Unit manager.

CHAIRMAN FOX: Ms. O'Connor?

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

CHAIRMAN FOX: Mr. Moore?

MR. MOORE: Larry Moore, board member.

CHAIRMAN FOX: Ms. George?

MS. GEORGE: Nan George, Zoom moderator and with Stone & George Court Reporting.

CHAIRMAN FOX: Mr. Moorer?

MR. MOORER: Lewis Moorer, board member.

CHAIRMAN FOX: Mr. Bailey?

MR. BAILEY: Dan Bailey, legal counsel.

CHAIRMAN FOX: Ms. Beiling?

THE REPORTER: Cassandra Beiling, Stone & George Court Reporting.
CHAIRMAN FOX: And Mr. Farmer?

MR. FARMER: Chris Farmer, TK Elevator.

CHAIRMAN FOX: All right. Moving right along. I would entertain a motion to adopt the agenda.

MR. RADER: So moved. This is Mitch Rader.

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

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

(No verbal response.)

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

(Affirmative response.)

CHAIRMAN FOX: All opposed, like sign and identify.

(No verbal response.)

CHAIRMAN FOX: Okay. Approval of the meeting minutes for the December 8, 2021 meeting, I would entertain a motion to approve.

MR. POPE: Motion. James Roy Pope.
MS. O'CONNOR: Kelly 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 it be known by saying aye.

(Affirmative response.)

CHAIRMAN FOX: All opposed, like sign and identify, please.

(No verbal response.)

CHAIRMAN FOX: Moving right along to the Elevator Unit's report.

Mr. McPherson?

MR. McPHERSON: Yes, sir.

Mike McPherson, Chief Elevator Inspector.

I'll give you some stats and then a little update.

MS. DIEDFEBACH: Hold on just a minute, Mike.

Nan, can you let me share the screen?

MS. GEORGE: Yes. Okay. You should be able to now.

MR. McPHERSON: Let me give
you the stats on the reports -- update, I should say. We've got 15,875 total permitted conveyances across the state. We are still working hard to get our delinquents up; however, we are improving. We've got a total of 625 across the state, which is 3.9 percent. Actually, 13 percent of that is still under kind of a protocol where we cannot access those quite yet.

We have 468 new-construction permits -- actually, new-construction pending across the state; 45 that are actually operating on temporary construction use.

We are operating with 29 inspectors, including -- not including, but myself and also our assistant chief, Mr. James Steele.

We do have a new inspector starting next Monday, so I would add two. Like I said, the state of Tennessee still is growing. Nashville still is your busiest area.

The area, actually, downtown where the Christmas bomb went off in 2020, they are really working hard in cleaning that up. We'll be happy to see Second Avenue back up and running.

On the accidents and incidents, we're always proud to say we don't have many of those.
Like I said, we have a lot that happens at busy places like Opryland Hotel or the airport or bus station where luggage and other things may cause a tripping hazard or -- that's mainly on an escalator or an elevator not quite leveling correctly. But those are the type of incidents and accidents that we do have reported that aren't, you know, life-threatening by no means.

Our goal is always helping educate the riding public and to protect them and our customers in the state of Tennessee.

That is our March elevator report.

CHAIRMAN FOX: Okay. Any questions from the group?

(No verbal response.)

CHAIRMAN FOX: Okay. Thank you, Mr. McPherson.

MR. McPHERSON: Thank you.

CHAIRMAN FOX: And we'll move to the Amusement Device Unit report.

MR. HARDY: Mike Hardy, State of Tennessee Amusement Device Unit manager. And thanks to Jamie for presenting our slides today. It takes a little away from Mike and Mike for doing that.
But anyway, the first slide that you see is our total operating permits that we've issued thus far this fiscal year. We're currently at 207. Last year, we ended at 333, and if you see our projection on the far right, it's at 317. I personally believe that we're going to surpass last year's number due to the activity that we're hearing.

And some of the companies that we believe are going to come in, traveling carnivals, things of that nature, that are going to operate more this year than they did during the last fiscal year.

Next slide. New operating permits issued, we're at 40, currently. Last year, we issued 33 operating permits to new companies, first-time permits. And that projection goes to 61 for the end of this fiscal year.

Devices inspected, which pretty much parallels our total number of companies that have obtained operating permits thus far, we have -- we have registered or had 1,722 devices inspected so far this year. That projection is 2,633 which closely resembles the numbers that we had in '21.

But again, I'm confident. I think
we'll surpass those 2021 numbers. I think we'll
have a busy last quarter of the fiscal year.

Reportable accidents, we finished
fiscal year '21 with three, and right now we stand
at three as well.

The next slide gives a breakdown. I
think this is a new slide that we've added to give
basically a description. So in 2022, we had a
kiddie ride, which was mainly an operator -- it
was not a mechanical error; it was mainly an
operator error. But we deemed this as a
reportable, and allowed the company to give us
their procedures and to discuss what they could --
what kind of corrective actions they could put in
place to keep this kind of incident from happening
again.

We've had -- in a trampoline park,
there's a ninja course, we had a sky rider --
which is actually a zip line coaster within the
trampoline park -- we had a patron that was coming
into a landing area, and as she came into the
landing area and operators or attendants were
catching her there as they normally do, part of
the track fell from the ceiling.

No one was injured here, but
obviously we had to deem this as a reportable.
That flaw in the track was corrected and we issued
a business resumption notice.
The last accident that we had was
involving a speed climb or a climbing pole where a
patron's finger -- she had a ring on her finger
and that finger was degloved as she came in on the
pole there. So we issued a cease and desist for
that device.
The device was completely gone over,
pinch points and things of that nature were looked
at individually. They were corrected and along
with some criteria that the company added such as
a recommendation that no hand jewelry be worn
while using the device and signage of that nature.
So we're equal to the number of
reportables that we had in fiscal year 2021. I
hope we don't have any more but we're monitoring,
and it seems like the companies are -- most of the
companies are aware of the requirements for
accident reporting, and we handle those, again, on
a case-to-case basis.
A couple more things regarding the
Amusement Device Unit. We have B.E.A.D.S, our new
database software that's on the horizon. We're
working with Jamie and a group there. I think we're next in line to convert our database software. I think it will be much better once we get this in place, but it will take some time as we go through that and get it where we need it to be.

All members of the Unit attended the NAARSO safety forum in January of '22. Certifications that we had obtained previously were retained.

And we are leaving after the meeting today. Dollywood undergoes their annual inspections this time of year, and we typically go over there and observe those inspections and finish up all the paperwork that is needed for permit renewal for Dollywood.

And that's really all I have right now, but I would be more than glad to try to answer any questions that you may have.

MS. O'CONNOR: Mr. Hardy -- this is Kelly O'Connor -- I have a question for you or perhaps Chairman Fox. And this has nothing to do with what you just reported on. But out of curiosity's sake, who -- is there any permitting
process by anybody for water rides, like water parks like Nashville Shores?

MR. HARDY: That may be a better question for Chairman Fox because we do not regulate water parks. Wave pools are specifically exempt within the law. And we consider most of the water parks to fall under that umbrella.

MS. O'CONNOR: I knew that it didn't fall under us. I was just curious if there was somebody else it fell under.

CHAIRMAN FOX: Ms. O'Connor, there are no organizations that have inspection authority over those water rides. There's movement afoot to do that, but it has not come to pass yet as we sit.

MS. O'CONNOR: So currently, they're uninspected and unpermitted, and it's the wild west.

CHAIRMAN FOX: Well, yes and no. They are unpermitted. But in most cases, your insurance company is going to have someone who comes to inspect those rides. I'll leave it at that.

MS. O'CONNOR: Okay. Thank you very much.
MR. BAILEY: Mr. Chairman?

CHAIRMAN FOX: Yes, sir.

MR. BAILEY: I just wanted to add to that that if it's any type of a public pool type place, the Department of Health does -- they do -- they don't inspect the rides, but they certainly make sure the water quality is where people can swim in it.

MS. O'CONNOR: Right.

CHAIRMAN FOX: Yes, they do.

MS. O'CONNOR: Thank you, Mr. Bailey.

CHAIRMAN FOX: Any other questions?

(No verbal response.)

CHAIRMAN FOX: Okay. Good report, Mr. Hardy.

Good report, Mr. McPherson.

Like I did Mr. Hardy one time, he's got charts and graphs, Mr. McPherson, just in case you were wondering, with numbers on them.

MR. McPHerson: I hear you.

CHAIRMAN FOX: Okay. Going to Old Business, there is no old business.

Under Item 8, no New Business.
We have Open Discussion. Mr. Herrod, is there anything we need to talk about, sir?

MR. HERROD: Mr. Chairman, I know of no items at this point for either Amusement Device or Elevator, but I will throw it open to the Unit managers for that.

Mr. McPherson, do you have anything?

MR. McPHERSON: I don't have anything at this time.

MR. HERROD: All right.

Mr. Hardy?

MR. HARDY: No, sir, other than our pending Dollywood inspection observance and our B.E.A.D.S database software, I mentioned earlier, that we're going to tackle in the future.

CHAIRMAN FOX: Okay. Anything from the Board that we need to talk about?

MR. HERROD: Mr. Chairman, it looks like we've had one other gentleman join us here.

CHAIRMAN FOX: Mr. Vance, Steven Vance?

MR. HERROD: If you would introduce yourself and put your position in the chat box for us.
MR. VANCE: Yes. Good morning. I'm Steven Vance. I'm with CBRE JC Penney account just sitting in to kind of get updates on the elevator codes.

CHAIRMAN FOX: We're glad to have you, Mr. Vance. This is Robbie Fox. We're glad to have you but we're just about ready to conclude.

MR. VANCE: Okay. Well, that's fine.

CHAIRMAN FOX: Just so you're aware.

Okay. Next item would be our scheduled board meetings for 2022. The next one would be June the 7th, 2022, 9:00 a.m. Central Daylight time. The following one, September 7th, 2022, 9:00 a.m. Central Daylight time, and December the 6th, 2022, 9:00 a.m. Central Standard time.

So with all of that being said, I would move for a motion to adjourn.

MS. O'CONNOR: Kelly O'Conner. I move to adjourn.

MR. HALE: Second.

CHAIRMAN FOX: And we have a
second. Without objection, we are adjourned.

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 1st day of March, 2022.

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 28th day of March, 2022.

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