STATE OF TENNESSEE
ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD

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

June 7, 2022
(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

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

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

Jamie Diefenbach, State of Tennessee
Executive Administrative Assistant, WRC

Matthew Grove, State of Tennessee
Legislative Liaison, WRC
Appearances continued:

Kenneth Nealy, State of Tennessee
Candice Hamen, State of Tennessee, WRC
Lawrence Taylor
Schnildor Elevator
Kate Skagerber, Attorney
Chris Farmer
Construction Superintendent, TK Elevator
Grace Bush
Nicole Boyles, Anakeesta
Dan Redmond, Vice President
Mowrey Elevator
Miranda Grantham
Mowery Elevator
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 March 1, 2022 Minutes

V.   Elevator Unit's Report

VI.  Amusement Device Unit's Report

VII. Old Business
* None

VIII. New Business
* None

IX.  Open Discussion
* Orlando Drop Tower Accident

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

XI.  Adjournment
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CHAIRMAN FOX: We'll go ahead and call the June 7th meeting of the Elevator and Amusement Device Safety Board to order. And I think that we can see everyone.

If you speak, I would ask that you preface your remarks by -- like Robbie Fox, and then if we have a question or a comment or whatever it may be, so that way our court reporter can make sure that we get that person speaking.

Do I have a motion for the adoption of the agenda?

MS. O'CONNOR: Kelly O'Connor. I'll move to adopt the agenda.

MR. POPE: James Roy Pope. Second.

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

(No verbal response.)

CHAIRMAN FOX: Hearing none -- Mr. Herrod, do we need to get everyone to do a roll call on that or just "aye" and -- what do we need to do there?

MR. HERROD: I think we have everyone's name. If they have not done so, please
go to the chat or comment and enter your name, the
company you represent and position, please.

    If everyone has done that, I don't
think we need any introductions. It will be
repeating the same thing.

    CHAIRMAN FOX: Yeah. But I'm
saying the adoption of the agenda, we have a
motion and a second.

    MR. BAILEY: According to the
statute, Mr. Chairman, it's got to be by voice.
Each person has got to indicate they're for or
against.

    CHAIRMAN FOX: Okay. So each
board member, if you will...

    MR. RADER: Mitch Rader. Yes.

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

    MR. LaPORTE: Vic LaPorte.
Yes.

    MR. HALE: David Hale. Yes.

    MR. MOORE: Larry Moore. Yes.

    MR. POPE: James Roy Pope.
Yes.

    MR. MOORER: Lewis Moorer.
Yes.
CHAIRMAN FOX: Item Number IV, approval of the meeting minutes from March the 1st, 2022. Do I have a motion to approve?

MS. O'CONNOR: Kelly O'Connor. I make a motion to approve the minutes, the March minutes of 2022.

MR. HALE: David Hale. I'll second that.

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

(No verbal response.)

CHAIRMAN FOX: Hearing none, roll call, please.

MR. RADER: Mitch Rader. Yes.

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

MR. HALE: David Hale. Yes.

MR. MOORE: Larry Moore. Yes.

MR. POPE: James Roy Pope. Yes.

MR. LaPORTE: Vic LaPorte. Yes.

MR. MOORER: Lewis Moorer. Yes.
CHAIRMAN FOX: Okay. I believe that's got it.

All right. Mr. McPherson, I believe you're up, sir. The Amusement Device Unit report.

MR. MCPHERSON: I'll stick with the Elevator Unit. I don't know much about the amusements.

CHAIRMAN FOX: I'm sorry. Elevator.

MR. MCPHERSON: That's all right.

CHAIRMAN FOX: I read the wrong one. Elevator Unit report.

MR. MCPHERSON: There will be some stats up there you can look at.

(Pause in proceedings.)

THE REPORTER: Did he freeze?

CHAIRMAN FOX: I think he froze.

THE REPORTER: Okay.

MS. DIEFENBACH: Mike Hardy, do want to do yours? I'll move to your slides if you want to.

MR. HARDY: That's the pleasure of the board.
CHAIRMAN FOX: I couldn't understand what was said.

MS. DIEFENBACH: Would you like me to move to Mike Hardy's slides, since Mike McPherson froze, and let Mike Hardy do his report?

CHAIRMAN FOX: Are you going to bring Mike McPherson over there to you?

MS. DIEFENBACH: No. I'm actually at home today so I can't bring him to me.

CHAIRMAN FOX: Okay.

MR. HERROD: I am bringing him in this office.

CHAIRMAN FOX: Okay.

MR. HERROD: Or I'll do it.

CHAIRMAN FOX: All right. If you want to --

MR. MCPHERSON: Can you hear me now?

THE REPORTER: Not very well.

MR. HERROD: Mike McPherson, come to my office and you can do the report here.

CHAIRMAN FOX: We'll just hold until he gets over there, Mr. Herrod. I don't think anybody is in any hurry right now.

MR. HERROD: Okay. Here he
comes now. I'll let him come to the microphone.

CHAIRMAN FOX: Okay.

MR. MCPHERSON: I am sad to report the passing of Mr. Robert Mathis. He lost his battle with cancer April 6, 2022. He was with us ten years. He was also retired from the elevator trade after 20-plus years. And, of course, we will always miss him.

We don't have any serious incidents to report. Trips and falls, user error types quite often from bus stations and airports and stuff like that.

Nashville is still growing fast. The airport is adding on a lot of elevators and escalators, also. We roughly have 600 or so new elevators being constructed as we speak. That does not include mods.

Our delinquency rate is roughly 4 to 4 1/2 percent, so we're kind of holding steady there but still improving. We are seeking more inspectors to join our team. And, of course, most of those would be here in the Nashville area. We're down to 26 inspectors now, counting the assistant chief and myself. And we've got two other inspectors that will attend class and test
next week in New York. And that will be the
conclusion of my unit report for this quarter.

If you're looking at the elevator
inspections, that graph there, it shows you the
years 2015 to 2022, and then it shows you the
amount of inspections that we do there. And also,
the other screen, the other table to your right
will show our delinquency rate, which you'll see
is up and down due to labor causes and also COVID
and things like that, but we are still improving.
So that total of 4 to 4 1/2 percent is where we're
holding.

That will conclude my report.

CHAIRMAN FOX: Does anyone
have any questions?

(No verbal response.)

CHAIRMAN FOX: Mr. McPherson,
I have a question about in 2019 you did 24,151,
and then it jumped to 28,181, so that's obviously
pre-COVID to post-COVID. Is there that much
construction in the Nashville area, or where are
most of the new elevators coming from or the
inspections coming from in the area?

MR. MCPHERSON: Yes, sir.

Most -- I'd say 90 percent of the growth is here
in the Nashville area.

CHAIRMAN FOX: Okay. Does anyone have any questions?

MR. HERROD: Mr. Chairman?

CHAIRMAN FOX: Sir?

MR. HERROD: I would like to just expand on that just a hair here. I wanted to give Mr. McPherson -- he wouldn't take credit for it but I just want to show you that over the -- it says 2015 and going to the 2022, where we project in 2022, that the Elevator Unit is doing an outstanding job in reducing the number of delinquents, and then focusing on areas that are where most of the delinquents are. So you'll see, since 2019, since Mr. McPherson took over as Chief, and then we have now who was Assistant Chief before that, Thomas Jackson, who's done a great job in reducing delinquencies, getting elevators inspected and also going after the most delinquent accounts.

So they've done a great job over the last several years. So I wanted to give him credit for that. He didn't want to seem to take that but I wanted to give it to him.

Thank you, sir.
MR. MCPHERSON: Thank you.

CHAIRMAN FOX: Thank you. Are there any questions for Mr. McPherson?

(No verbal response.)

CHAIRMAN FOX: All right.

Moving right along to Amusement Device Unit report. Mr. Hardy?

MR. HARDY: Thank you. Mike Hardy, Amusement Device Unit manager. The first slide you see is our total number of operating permits that we've issued thus far in the fiscal year. Right now we're at 359 operating permits issued. If you'll remember back in March, we projected 317, so we have always -- we've already surpassed that number and we now have a revised projection of 389 companies that we'll permit by the end of June, which is also the end of our fiscal year.

And Jennifer Murphy assures me that if we get the documentation in, that we'll get those numbers up and hit 400 again.

So you can see through the fiscal year, starting at 2020 -- well, actually, from 2019 through present, you can see where our industry is coming back from COVID. I think those
numbers will indicates that and that's a good thing.

   Next slide, Jamie.

   New companies -- you'll have to scroll down on that first graph. I had all those on one sheet. But we can move on, Jamie, if we need to.

   MS. DIEFENBACH: Can you see what I just put up there?

   My apologies, Mike.

   MR. HARDY: Right. That's -- we've been over that one. Do you have new companies issued next?

   MS. DIEFENBACH: Okay. You can't see my Word document I've put up. Hold on. That's my fault. I'm sorry.

   MR. HARDY: There you go. New companies, we have issued 63 operating permits for new companies thus far this year. Again, in the March meeting, we projected 61 companies, and we have -- again, we've surpassed that number, and we have a revised projection of 68 new companies that we should hit close to by the end of this fiscal year.

   Devices inspected, we have inspected or registered 3,226 devices thus far. We
projected 2,633 in our March meeting, so we've surpassed that number. It gives you an indication of the businesses relative to the time of year, so those numbers are picking up in the spring and close to be summer. But we surpassed that projection in March, and we have a revised projection of 3,495 devices inspected and registered by the end of June or the end of our fiscal year.

We are at five reportable accidents so far this year. Numbers are a little bit up from the previous two years. But there again, that can be an indication of the activity that's picked up in the industry.

This is a breakdown of where these five accidents/reportables have occurred. I think since our March meeting, we have a -- we had a child that fell from a platform on a trampoline park. It was more of an operational issue than it was a mechanical issue. And we visited that park and made some corrections there. We did get a post-accident inspection, and I think we've done our best to eliminate the possibility of that occurring again.

And you'll see on the purple bar,
we've had a -- we had a patron that was injured on a kiddie ride, on a carousel. There was a chunk of fiberglass missing on the horse on the carousel, and a patron swung his knee over and had a pretty good laceration on his knee there. So again, we went through our proper procedures. We shut that ride down.

The company repaired the horse on the carousel, and it was signed off by a qualified third-party inspector, and we released the ride to continue operations.

So that's our breakdown at this point with the rest of this month left to go, with five reportable accidents.

I would like to mention that -- James Roy had already mentioned he's in Clay County. So our fair season is officially getting started today with Clay County. It runs from today through the 11th, and our fair season will end up with Hamilton and Benton County fairs in late September.

We've already seen some traveling carnival activity in strip malls and other parking areas that you tend to see at times. All companies thus far have been permitted. They have
valid operating permits. Again, regarding the fairs and festivals, it's our intent to visit all fairs and festivals and spot check or do an audit of these companies for compliance, ensuring they have an operating permit and verification of devices that they have registered through our office, so...

We kind of do an inventory of those devices when we go out to a carnival, and make sure that there's not something on the ground that we're not aware of or don't have an inspection for.

And the other thing on the horizon for us is our database software, BEADS. And I think we will -- BEADS, Boiler Elevator and Amusement Device. It's our database software that we will be going to. And we should start seeing some activity there on over in the fall and maybe early winter.

And that's basically all I have to report on amusement devices. I'd be glad to entertain any questions that you might have.

MR. POPE: I have one, Mike. Those in the purple, are those fixed rides?

MR. HARDY: Yeah. I can't see
the legend there, but those are fixed rides.

Exactly.

MR. POPE: Okay.

MS. O'CONNOR: I just have a

comment, Mike. I want to thank you, and I
can't -- and this is for the whole department, as
well as, you know, the leadership of our wonderful
board chair, Robbie Fox.

It was so fantastic to hear you just
talk about the fact that it's your intention to
get spot checks out there and inspections and just
see who's permitted and everything. I've been on
this board, gosh, I think about six years now, and
that was not always the case. And it is just
fantastic to hear how far we've come in such a
short time. So I want to commend the whole
department as well as the Board on this, because
it's just great to hear.

MR. HARDY: Thank you,

Ms. Kelly. We appreciate it.

MS. O'CONNOR: Thank you for

all you do.

CHAIRMAN FOX: Any other

questions?

(No verbal response.)
CHAIRMAN FOX: Good job. All right.

Under Old Business, we did not have any. Under New Business, nothing new.

On Open Discussion, the Orlando Drop Tower accident, Mr. Hardy, are you going to address that?

MR. HARDY: Yes, sir.

Most of you are aware -- if you sit on this board and you watch the news, you're aware that there was a fatality on March the 24th in Orlando at Icon Park. They had the world's largest drop tower, and a person, a patron, 14-year-old patron, was ejected on the descent of that drop tower, and there was a fatality there.

Your second bullet point, the manufacturer was identified as Funtime. They have offices in Australia and Austria. And Funtime happened to be the manufacturer of Dollywood's drop tower, which is named Dropline.

And according to Funtime's website, the original ride was designed to be portable and only hold 25 riders and reach roughly 260 feet in height. And Icon Park, again, the tallest in the world as of today, it was 65 percent taller than
the original design and is 430 feet in height and
would hold 40 riders.

Again, the manufacture also built the
Dollywood Dropline Tower. It is roughly 230 feet
high and holds 24 riders. So as a result of this
accident, Dollywood temporarily closed their
Dropline, their statement read, out of an
abundance of caution, after the accident at Icon
Park.

And I've been in touch with Evan and
Jessica over at Dollywood. They were gracious
enough to give me a timeline here so we could
share it with you. It was Tom's idea to bring you
guys up to speed on where this particular device
that we have in the state, on where it stands.

The current status is that Dollywood
has been coordinating with the ride manufacturer
of Funtime regarding weight requirements, height
requirements, and the use of seatbelts. So I'm
sure there will be some type of retrofit to add,
you know, additional safety features for this
ride. And as of now, there's no timetable set for
reopening the attraction. But I feel like that it
will reopen at some time in the near future.

Again, that's coming from me and not Dollywood,
but whenever they've worked through all the corrective actions that they are currently working with through Funtime.

So that's the report on that drop tower accident, as tragic as it may be.

Any questions regarding this?

CHAIRMAN FOX: Mr. Hardy, for the record, Dollywood's ride did not have the exact same configuration that the one in Orlando did. Is that a fair statement?

MR. HARDY: Yes, sir. That's correct. And my understanding -- actually, we attended NAARSO in late January, the compliance officers as well as myself. And I guess, the three of -- the three of us that were more daring actually rode that drop tower in late January. And we could've possibly been in one of the seats that this young man was in. And it kind of really puts everything in perspective there.

But to answer your question, the Dollywood Tower, once it reaches a height, the maximum height, it drops from there. Of course, the seating is smaller, roughly 24 riders there versus the 40 riders on the Orlando...

And one main difference is the...
Orlando attraction was designed that once it gets to a maximum height, that thing actually tilts you over 30 to 45 degrees, so you're looking at the ground when it drops. And the Dollywood ride does not have that feature.

CHAIRMAN FOX: And I think they are adding seatbelts to theirs. Is that a fair statement?

MR. HARDY: I don't know that specifically, but I have read that there the -- there would be seatbelts installed in the Orlando -- with the Orlando Drop Tower, which is a secondary, you know, safety feature, you know, for that. I think it would be great to have secondary and even -- you know, as many features as they can have on safety, as many, you know, stops and warnings and those things of that nature on the -- how the apparatus works and how the harness locks and things of that nature. But I do think seatbelts are coming as a secondary feature, probably, for both of those rides.

CHAIRMAN FOX: I read somewhere that there was, shall we say, an overt action where someone had modified the seat or configuration.
MR. HARDY: Yeah. I've got a detailed report from a colleague of mine that manages the Florida Amusement Device Unit. And in that report, there was an adjustable feature where you could adjust the overlapping harness to people's size, their varying size. And it was mentioned in that report that it appeared that that particular seat had been adjusted.

Anyway, it had something to do with making the sensor on that particular seat because of that adjustment.

CHAIRMAN FOX: And do you have any information, is there maybe criminal charges filed in this case?

MR. HARDY: None, other than what I read online, Chairman. But yeah, I think they're -- I think they're pursuing criminal as well as a civil action against the park and the manufacturers, is the way I understand it.

CHAIRMAN FOX: To the best of my knowledge, this one and one other case, both of them in Tennessee, are the only cases that I know of or read about where criminal charges have been filed because of an overt act to adjust the safety systems. One of them was in Pigeon Forge on the
main street up there. And that person was charged with second-degree murder.

MR. HARDY: Oh, wow.

CHAIRMAN FOX: That was in 2004.

MR. HARDY: Well, you know, it's serious business. It's serious for us, and you've been in those shoes for a long time as well, and it's nothing to be taken lightly, you know, the safety and the maintenance in the programs that these companies have.

CHAIRMAN FOX: Any questions or other discussion about this?

(No verbal response.)

CHAIRMAN FOX: Okay. Is there anything else we need to know, Mr. Hardy?

MR. HARDY: Not to my knowledge. I just -- you know, I have all the confidence in the world in Dollywood, in their maintenance teams and preventative maintenance and daily checks. And we've reviewed those in the past, and I feel -- we feel very confident that that ride will not start up until the Dollywood folks are absolutely confident that it's safe.

CHAIRMAN FOX: Good deal.
Did someone have a comment?

(No verbal response.)

CHAIRMAN FOX: Okay. Moving right along. The next item on the agenda is -- before we get to that, Mr. Hardy, let me ask you a question. What method do we use -- what standard do we use for reporting incidents? Do we use the ASTM standard specifically or do we use the law as it's presented to us, the state law?

MR. HARDY: We use the state law's definition of serious personal injury and serious incident. And the key to that is -- both of those definitions, the key to that is if you have an immediate transport to an off-site medical facility. If we have an immediate transport to an off-site medical facility, then the companies are required to submit an accident report through our website. They're required to shut that device down.

We review that. In the case of trampoline parks, we review video and photos of the area, and we make a determination if it was an operational error or a mechanical error with the device. If it is, we require the company to get a qualified, certified third-party inspector to do a
post-accident inspection report.

Once those reports are completed and received in good order and reviewed by us, we will issue a business resumption letter to the company telling them they're good to go.

CHAIRMAN FOX: Okay. So if I report -- let's take this tact. If I report an incident today, is that a permanent -- and there's no fault of our own -- say I work for the ACME company and I report to you that we had an incident and you give me a permit to bring the ride back up and there was no fault and there's no report; is there still that information posted on the website?

MR. HARDY: No, sir. We don't post specific accident information on the website at all. Now, we retain -- I retain every accident report and all of the associated paperwork that we have, all of the back-up documentation. I retain all of that, whether they're reportable or nonreportable. We've been doing that for quite some time. But there's nothing listed on our website at this time.

CHAIRMAN FOX: Okay. Anything else from any of the board members?
(No verbal response.)

CHAIRMAN FOX: Okay. Moving right along. Calendar of the next scheduled board meeting will be September the 7th, 2022, at 9:00 a.m. Central Daylight time, and then following that will be December 6, 2022, 9:00 a.m. Central Standard time.

And with that, do we have a motion for adjournment?

MR. POPE: Motion. James Roy Pope.

MS. O'CONNOR: Kelly O'Connor. I'll second.

CHAIRMAN FOX: Ladies and gentlemen, it's been a very good meeting. Thank you for being here today. Thank for being a part of this. We will see you on September the 7th. Thank you.

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 via Zoom Videoconference 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 7th day of June, 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 22nd day of June, 2022.

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