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

September 8, 2021
(via Zoom videoconference)
APPEARANCES (via Zoom videoconference):

1. Robbie Fox, Chairman
   Fixed Amusement Device Representative
2. David Hale, Board Member
3. Tennessee Fair Association Representative
4. Larry R. Moore, II, Board Member
   Owner and Lessees Representative
5. Lewis Moorer, Board Member
6. Public-at-Large Representative
7. Kelly O’Connor, Board Member
   Public-at-Large Representative
8. Mitch Rader, Board Member
9. Insurance Company Representative
10. Mike McPherson
    Elevator Inspector Supervisor
11. Mike H. Hardy
    Amusement Device Manager
12. Thomas Herrod
    Assistant Commissioner, State of Tennessee
13. Dwayne Scott
    Deputy Commissioner, State of Tennessee
14. Kenneth Nealy
    Assistant Administrator, State of Tennessee
15. Matthew Grove
    Legislative Liaison, State of Tennessee
16. Jennifer Murphy
    Board Secretary, Elevator Unit
17. Jamie Presson
    Executive Administrative Assistant, WRC
18. Candice Hanan
    Administrative Assistant, Elevator Unit
19. Stone & George Court Reporting
   Nan George, Zoom Moderator
20. Cassandra Beiling, Court Reporter

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

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AGENDA

I. Call Meeting to Order
II. Introductions and Announcements
III. Adoption of Agenda
IV. Approval of the June 2, 2021 Minutes
V. Elevator Unit's Report
VI. Amusement Device Unit's Report
VII. Old Business
   * None
VIII. New Business
IX. Open Discussion
   * None
X. Calendar-Scheduled Board Meetings
   * December 8, 2021 - 9:00 a.m. (CST)
XI. Adjournment

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CHAIRMAN FOX: We've got a quorum, ladies and gentlemen. This is Robbie Fox. I'll be calling the September 8, 2021 meeting to order.

Introductions and announcements. So Mr. Herrod, what do we want to do on that? Do we just go around the screen, if you will? Is that what we want to do?

MR. HERROD: I'm sorry. Can you repeat that?

CHAIRMAN FOX: Do we just need to go around the so-called screen and announce those that are here, for the record?

MR. HERROD: Yes. That would be good, yeah. Unless you call the -- if you'll call --

CHAIRMAN FOX: Ms. Jennifer Murphy?

MS. MURPHY: Jennifer Murphy, board secretary for Elevator and Amusement Device.

CHAIRMAN FOX: Mr. Herrod, those with you?

MR. HERROD: Tom Herrod, Assistant Commissioner, WRC.
MR. NEALY: Ken Nealy, Assistant Administrator with WRC.

MR. HARDY: Mike Hardy, Amusement Device Manager.

CHAIRMAN FOX: Mr. Hale?

MR. HALE: David Hale, board member.

CHAIRMAN FOX: And there's a lady named Candice. If you would, please, unmute and tell us who you are.

MS. HAMAN: I'm admin assistant for Elevator.

CHAIRMAN FOX: Okay. Great.

Ms. Kelly?

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

CHAIRMAN FOX: Ms. Presson?

MS. PRESSON: Jamie Presson, executive admin assistant for WRC.

CHAIRMAN FOX: The honorable Mitch Rader?

MR. RADER: Mitch Rader, board member.

CHAIRMAN FOX: Ms. George?

MS. GEORGE: Nan George, Stone & George Court Reporting.

CHAIRMAN FOX: CG02102, if you would, please, respond.

MR. HARDY: That's Elaine Davis. She is listening and watching but doesn't have audio capabilities. She’s Amusement Device Admin.

CHAIRMAN FOX: Okay. I also see "Ashlie."

Ashlie, if you would, please, identify yourself.

(No verbal response.)

CHAIRMAN FOX: I also have Matthew Grove.

MR. GROVE: I'm a legislative liaison for the Department of Workforce & Development.

CHAIRMAN FOX: Okay. Moving right along, I would entertain a motion to adopt the agenda as presented.

MR. RADER: So moved.

MS. O'CONNOR: Second.

CHAIRMAN FOX: Mr. Hale made the motion. Who did the second?

MS. O'CONNOR: I think I did.

Kelly O'Connor.

CHAIRMAN FOX: Ms. O'Connor.

All in favor of the motion, let it be known by saying aye.

(Affirmative response.)

CHAIRMAN FOX: All opposed, like sign.

(No verbal response.)

CHAIRMAN FOX: Vote passed unanimously so we will not do a roll call.

Approval of the minutes from the June 2nd, 2021 meeting. I would entertain a motion to approve. Ms. Jennifer Murphy sent those out Thursday of last week, I believe it was, at 8:03 a.m.
move to Mr. Hardy.

MR. HARDY: Mike Hardy, Amusement Device Unit.

Okay. Did that work?

CHAIRMAN FOX: We're waiting to see.

MS. O'CONNOR: We can see that you're sharing the screen. We just -- there we go.

MR. HARDY: Okay. Good. This first draft sheet shows the permits that were issued. Our final number for fiscal year 2021, we were at 333 total permits issued. And thus far this year through September the 6th, we have permitted 62 companies.

Number of devices inspected, we finished the year, last year, out at 2,871 devices inspected. This year, also through 9/6, we're at 508.

New permits issued, we finished 2021 with 33, and we're at 21 thus far for our fiscal year of 2022. Which I think that's a good number. I mean, we're almost equal to the number that we did in 2021. So maybe this is a sign that COVID is -- that the industry is having a rebound from COVID.

The third accident that we reported was at a trampoline park. There was a ninja or obstacle course area in which some swings did not have padding, and a gentleman was hurt. He had a laceration to his head. And this was the second type incident there, so we decided to deem that one as reportable, and the trampoline park got some padding put on those different areas there.

CHAIRMAN FOX: Anything else, Mr. Hardy?

MR. HARDY: Trying to go off share now.

The only other thing that I have is a couple of things that we have going. We've talked about it before, but we are going to evolve into a new database software. It's called BEADs, which stands for Boilers Elevators and Amusement Devices. It's in the early stages of this, but right now, boilers and, I think, elevators are going to go through that process, and then it will be our turn.

We hope that will make a lot of improvements and lead to online payments down the road and those things that we've talked about for awhile. So we're in the early stages, but we're headed in the right direction.

Also, the NAARSO safety forum is this January. It's every other year we go, so it's our year to go to get our recertifications or -- especially a couple of us have operation Level 1 certification, so it's our intent to do that in January.

And that's all I really have for the Amusement Device Unit, but I would be glad to entertain any questions that you might have.

CHAIRMAN FOX: Does anyone have any questions for Mr. Hardy?
were up in double digits with our delinquency
rate. So that's gone down. We're still adding --
we're still hiring some folks, new elevator
inspectors, so we have that process going.

Here is Mr. McPherson. I'm going to
let him try to -- okay. Mike McPherson?
(No verbal response.)

MR. HERROD: He's still having
trouble. He can't hear and he can't talk. I
apologize for all of that. I'll be happy to
answer any questions that you might have.

We currently have 28 inspectors. We
have -- our staffing is a max of 34, so you can
tell we still have some vacancies we're trying to
get. As soon as we can get those numbers up, our
delinquency rate will continue to go down.

Mike McPherson, his elevator
inspector has done an outstanding job for the past
year getting those delinquencies down. He's
attacked them very vigorously.

So if you have any questions, please
let me know. I'll be glad to answer at this time.

MS. O'CONNOR: (Indicating.)

CHAIRMAN FOX: Ms. O'Connor?

MS. O'CONNOR: Yes.

Every time we take two steps forward,
something happens and people retire and we just
have that continued attrition rate that we're
fighting all the time.

But I wish I could give you a better
outlook but we're doing our best to do that. So
that's all I can tell you at this time.

MS. O'CONNOR: If we're four
people down in Davidson County with the absolutely
uncontrollable construction going on in Davidson, how
is that affecting the permitting and all of that?

MR. HERROD: Well, we have
had -- I don't think it's affecting us that much
with permitting. We had, this past year, about,
to date, 750 acceptance inspections throughout the
state. And Mike McPherson and Thomas Jackson,
before he retired, were right on top of that,
getting the Metro area and any other area. So
wherever these acceptances come up, that will take
a priority for the inspectors in those particular
areas. If they can't get to them, Mike has
somebody cover the area.

So we're making sure that does
happen. We're not letting anything fall through
the cracks.
Dewayne Scott. He's the new, fairly new, Deputy Commissioner for the Department of Labor. And he's been with us for about three months now or four months.

I'll let him introduce himself further. I see he's unmuted.

CHAIRMAN FOX: Mr. Scott, you have the floor.

MR. SCOTT: Good morning. Can you hear me?

CHAIRMAN FOX: Yes, sir.

MR. SCOTT: Well, I'm glad to be a part. This is my first board meeting, and as I'm doing a lot of right now, I'm just doing a lot of listening and watching and learning.

But you've got a really good team here with Tom and the crew there and glad to be participatory in your board meeting today. Thank you.

CHAIRMAN FOX: Sir, we're glad to have you. And we, too, are learning and listening.

MR. SCOTT: All right.

CHAIRMAN FOX: We do that every day.

moving right along, the next -- the calendar says --

(Technical interruption.)

MR. RADER: Mr. Chairman, before we depart, I would like an update where we are with the residential elevators in these overnight rentals. Where are we with that to this point?

MR. HERROD: I wish I could -- this is Tom Herrod, Assistant Commissioner. I do not have any update. I know that the last time I spoke with Mr. McPherson, that they were going to these places and doing those inspections as they became aware of them. And so that's all I can -- I don't know how many they've actually done, but I know that they were going to start doing those type of inspections.

I think I can have Mr. McPherson send you an email with that information after the meeting so that you'll have that, if that's okay.

MR. RADER: But as it relates to the code, are the ones that are currently operable, are they grandfathered or where are we with that?

MR. HERROD: I don't think they're grandfathered. You mean without having to go back and do inspections?

MR. RADER: That's correct.

MR. HERROD: I don't think they're -- no, I don't think it's grandfathered in. That's not the way we have seen it. They're open to inspections.

I will just have to say I'm not up to speed on it other than I know, that part, I can just have Mr. McPherson relay that information to you. We can certainly have it for the next meeting, but if we need it before then, we can contact you via email and give you that information.

MR. RADER: Oh, as far as I'm concerned, the next meeting would be fine.

MR. HERROD: Okay. All right.

We'll have that available. I'm sorry we didn't have it this time. And he may have been -- he would have been able to speak to it but --

MR. RADER: He's frozen up.

MR. HERROD: That's right.

That's the excuse he's got, so we'll -- we'll be ready next time.

CHAIRMAN FOX: Okay. Anything else, Mr. Herrod, from the amusement or elevator group?

MR. HERROD: No, sir. I think that's all we have at this time. Thank you.

CHAIRMAN FOX: All right. So we have no old business. We have no new business. But we do have open discussion. So are there topics, Mr. Herrod, that we need to discuss?

MR. HERROD: No, sir, we don't have anything. I do want to take the opportunity now -- I didn't do it the last time we met because -- we did meet in person last time, but I want to thank all the board members for your work with us.

It's good to have you with us and a steady crew of people. I know y'all are -- well, you've been very dedicated to be a part of this for the safety board and I just appreciate all of you and what you've done for us. So thank you for your service to the State of Tennessee.

CHAIRMAN FOX: Thank you, sir.

MR. RADER: You're welcome.

CHAIRMAN FOX: Okay. So moving right along, the next -- the calendar says --
else for the good of the order?

(No verbal response.)

CHAIRMAN FOX: That being said, do I have a motion for adjournment?

MS. O'CONNOR: Kelly, O'Connor. I'll move to adjourn.

CHAIRMAN FOX: Thank you very much.

Ladies and gentlemen, 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 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 8th day of September, 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 23rd day of September, 2021.

Cassandra M. Beiling, LCR# 371
Notary Public State at Large

My commission expires: 3/10/2024