

1 STATE OF TENNESSEE
2 ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD

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

11 September 8, 2021
12 (via Zoom videoconference)
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16

17 ORIGINAL
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21

22 -----
23 CASSANDRA M. BEILING, LCR# 371
24 STONE & GEORGE COURT REPORTING
25 2020 Fieldstone Parkway
Suite 900 - PMB 234
Franklin, Tennessee 37069
615.221.1089

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1 APPEARANCES (via Zoom videoconference):
 2 Robbie Fox, Chairman
 Fixed Amusement Device Representative
 3
 David Hale, Board Member
 4 Tennessee Fair Association Representative
 Larry R. Moore, II, Board Member
 5 Owner and Lessees Representative
 6
 Lewis Moorer, Board Member
 7 Public-at-Large Representative
 8 Kelly O'Connor, Board Member
 Public-at-Large Representative
 9
 Mitch Rader, Board Member
 10 Insurance Company Representative
 11 Mike McPherson
 Elevator Inspector Supervisor
 12
 Mike H. Hardy
 13 Amusement Device Manager
 14 Thomas Herrod
 Assistant Commissioner, State of Tennessee
 15
 Dewayne Scott
 16 Deputy Commissioner, State of Tennessee
 17 Kenneth Nealy
 Assistant Administrator, State of Tennessee
 18
 Matthew Grove
 19 Legislative Liaison, State of Tennessee
 20 Jennifer Murphy
 Board Secretary, Elevator Unit
 21
 Jamie Presson
 22 Executive Administrative Assistant, WRC
 23 Candice Haman
 Administrative Assistant, Elevator Unit
 24
 25

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1 A G E N D A
 2 I. Call Meeting to Order
 3 II. Introductions and Announcements
 4 III. Adoption of Agenda
 5 IV. Approval of the June 2, 2021 Minutes
 6 V. Elevator Unit's Report
 7 VI. Amusement Device Unit's Report
 8 VII. Old Business
 * None
 9
 VIII. New Business
 10
 IX. Open Discussion
 11 * None
 12 X. Calendar-Scheduled Board Meetings
 * December 8, 2021 - 9:00 a.m. (CST)
 13
 XI. Adjournment
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1 Appearances continued:
 2 Elaine Davis
 Administrative Assistant I, ADU
 3
 Chris Farmer
 4
 Ashlie (last name not provided)
 5
 6 Stone & George Court Reporting
 Nan George, Zoom Moderator
 7
 Cassandra Beiling, Court Reporter
 8
 9
 10
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 25 *Reporter's Note: All names are phonetically
 spelled unless otherwise provided to the Reporter.

Page 5

1 * * * * *
 2 CHAIRMAN FOX: We've got a
 3 quorum, ladies and gentlemen. This is Robbie Fox.
 4 I'll be calling the September 8, 2021 meeting to
 5 order.
 6 Introductions and announcements. So
 7 Mr. Herrod, what do we want to do on that? Do we
 8 just go around the screen, if you will? Is that
 9 what we want to do?
 10 MR. HERROD: I'm sorry. Can
 11 you repeat that?
 12 CHAIRMAN FOX: Do we just need
 13 to go around the so-called screen and announce
 14 those that are here, for the record?
 15 MR. HERROD: Yes. That would
 16 be good, yeah. Unless you call the -- if you'll
 17 call --
 18 CHAIRMAN FOX: Ms. Jennifer
 19 Murphy?
 20 MS. MURPHY: Jennifer Murphy,
 21 board secretary for Elevator and Amusement Device.
 22 CHAIRMAN FOX: Mr. Herrod,
 23 those with you?
 24 MR. HERROD: Tom Herrod,
 25 Assistant Commissioner, WRC.

<p style="text-align: right;">Page 6</p> <p>1 MR. NEALY: Ken Nealy, 2 Assistant Administrator with WRC. 3 MR. HARDY: Mike Hardy, 4 Amusement Device Manager. 5 CHAIRMAN FOX: Mr. Hale? 6 MR. HALE: David Hale, board 7 member. 8 CHAIRMAN FOX: And there's a 9 lady named Candice. If you would, please, unmute 10 and tell us who you are. 11 MS. HAMAN: I'm admin 12 assistant for Elevator. 13 CHAIRMAN FOX: Okay. Great. 14 Ms. Kelly? 15 MS. O'CONNOR: Kelly O'Connor, 16 board member. 17 CHAIRMAN FOX: Ms. Presson? 18 MS. PRESSON: Jamie Presson, 19 executive admin assistant for WRC. 20 CHAIRMAN FOX: The honorable 21 Mitch Rader? 22 MR. RADER: Mitch Rader, board 23 member. 24 CHAIRMAN FOX: Ms. George? 25 MS. GEORGE: Nan George, Stone</p>	<p style="text-align: right;">Page 7</p> <p>1 & George Court Reporting. 2 CHAIRMAN FOX: Cassandra 3 Beiling? 4 THE REPORTER: Cassandra 5 Beiling, Stone & George Court Reporting. 6 CHAIRMAN FOX: Mr. Moorer? 7 MR. MOORER: Lewis Moorer, 8 Jr., board member. 9 CHAIRMAN FOX: Larry Moore? 10 MR. MOORE: Larry Moore, board 11 member. 12 CHAIRMAN FOX: CG02102, if you 13 would, please, respond. 14 MR. HARDY: That's Elaine 15 Davis. She is listening and watching but doesn't 16 have audio capabilities. She's Amusement Device 17 Admin. 18 CHAIRMAN FOX: Okay. I also 19 see "Ashlie." 20 Ashlie, if you would, please, 21 identify yourself. 22 (No verbal response.) 23 CHAIRMAN FOX: I also have 24 Matthew Grove. 25 MR. GROVE: I'm a legislative</p>
<p style="text-align: right;">Page 8</p> <p>1 liaison for the Department of Workforce & 2 Development. 3 CHAIRMAN FOX: Okay. Moving 4 right along, I would entertain a motion to adopt 5 the agenda as presented. 6 MR. RADER: So moved. 7 MS. O'CONNOR: Second. 8 CHAIRMAN FOX: Mr. Hale made 9 the motion. Who did the second? 10 MS. O'CONNOR: I think I did. 11 Kelly O'Connor. 12 CHAIRMAN FOX: Ms. O'Connor. 13 All in favor of the motion, let it be 14 known by saying aye. 15 (Affirmative response.) 16 CHAIRMAN FOX: All opposed, 17 like sign. 18 (No verbal response.) 19 CHAIRMAN FOX: Vote passed 20 unanimously so we will not do a roll call. 21 Approval of the minutes from the 22 June 2nd, 2021 meeting. I would entertain a 23 motion to approve. Ms. Jennifer Murphy sent those 24 out Thursday of last week, I believe it was, at 25 8:03 a.m.</p>	<p style="text-align: right;">Page 9</p> <p>1 MR. RADER: Mitch Rader makes 2 a motion to approve the minutes of June the 2nd, 3 2021. 4 MS. O'CONNOR: Kelly O'Connor. 5 I'll second the motion. 6 CHAIRMAN FOX: All in favor of 7 the motion, please announce your name and vote yes 8 or no. 9 MR. HALE: David Hale. Yes. 10 MR. MOORER: Lewis Moorer. 11 Yes. 12 MR. MOORE: Larry Moore. Yes. 13 MS. O'CONNOR: Kelly O'Connor. 14 Yes. 15 MR. RADER: Mitch Rader. Yes. 16 CHAIRMAN FOX: Okay. It looks 17 like it's unanimous. 18 Mr. Hardy, I believe you're up, sir. 19 Excuse me. Mike McPherson, you're 20 up. 21 MR. HERROD: Mr. Chairman, I 22 think we need to get Mike Hardy to go now. Mike 23 McPherson is having trouble getting in right now, 24 so I may have to do the update in just a second. 25 CHAIRMAN FOX: Okay. So we'll</p>

<p style="text-align: right;">Page 10</p> <p>1 move to Mr. Hardy.</p> <p>2 MR. HARDY: Mike Hardy,</p> <p>3 Amusement Device Unit.</p> <p>4 Okay. Did that work?</p> <p>5 CHAIRMAN FOX: We're waiting</p> <p>6 to see.</p> <p>7 MS. O'CONNOR: We can see that</p> <p>8 you're sharing the screen. We just -- there we</p> <p>9 go.</p> <p>10 MR. HARDY: Okay. Good. This</p> <p>11 first draft sheet shows the permits that were</p> <p>12 issued. Our final number for fiscal year 2021, we</p> <p>13 were at 333 total permits issued. And thus far</p> <p>14 this year through September the 6th, we have</p> <p>15 permitted 62 companies.</p> <p>16 Number of devices inspected, we</p> <p>17 finished the year, last year, out at 2,871 devices</p> <p>18 inspected. This year, also through 9/6, we're at</p> <p>19 508.</p> <p>20 New permits issued, we finished 2021</p> <p>21 with 33, and we're at 21 thus far for our fiscal</p> <p>22 year of 2022. Which I think that's a good number.</p> <p>23 I mean, we're almost equal to the number that we</p> <p>24 did in 2021. So maybe this is a sign that COVID</p> <p>25 is -- that the industry is having a rebound from</p>	<p style="text-align: right;">Page 11</p> <p>1 COVID.</p> <p>2 And the final graph I have are</p> <p>3 reportable accidents. We finished up with three</p> <p>4 for 2021. We had two mountain coaster incidents</p> <p>5 in East Tennessee. One was fairly publicized --</p> <p>6 I'm sure you heard of it, from Gatlinburg Mountain</p> <p>7 Coaster -- and the other was a minor bump on the</p> <p>8 track.</p> <p>9 But we had them take those carts off</p> <p>10 and we went through our normal process of having</p> <p>11 the devices reinspected and then we issued</p> <p>12 business reassumptions.</p> <p>13 The third accident that we reported</p> <p>14 was at a trampoline park. There was a ninja or</p> <p>15 obstacle course area in which some swings did not</p> <p>16 have padding, and a gentleman was hurt. He had a</p> <p>17 laceration to his head.</p> <p>18 And this was the second type incident</p> <p>19 there, so we decided to deem that one as</p> <p>20 reportable, and the trampoline park got some</p> <p>21 padding put on those different areas there.</p> <p>22 CHAIRMAN FOX: Anything else,</p> <p>23 Mr. Hardy?</p> <p>24 MR. HARDY: Trying to go off</p> <p>25 share now.</p>
<p style="text-align: right;">Page 12</p> <p>1 The only other thing that I have is a</p> <p>2 couple of things that we have going. We've talked</p> <p>3 about it before, but we are going to evolve into a</p> <p>4 new database software. It's called BEADs, which</p> <p>5 stands for Boilers Elevators and Amusement</p> <p>6 Devices. It's in the early stages of this, but</p> <p>7 right now, boilers and, I think, elevators are</p> <p>8 going to go through that process, and then it will</p> <p>9 be our turn.</p> <p>10 We hope that will make a lot of</p> <p>11 improvements and lead to online payments down the</p> <p>12 road and those things that we've talked about for</p> <p>13 awhile. So we're in the early stages, but we're</p> <p>14 headed in the right direction.</p> <p>15 Also, the NAARSO safety forum is this</p> <p>16 January. It's every other year we go, so it's our</p> <p>17 year to go to get our recertifications or --</p> <p>18 especially a couple of us have operation Level 1</p> <p>19 certification, so it's our intent to do that in</p> <p>20 January.</p> <p>21 And that's all I really have for the</p> <p>22 Amusement Device Unit, but I would be glad to</p> <p>23 entertain any questions that you might have.</p> <p>24 CHAIRMAN FOX: Does anyone</p> <p>25 have any questions for Mr. Hardy?</p>	<p style="text-align: right;">Page 13</p> <p>1 (No verbal response.)</p> <p>2 CHAIRMAN FOX: Okay. Thank</p> <p>3 you, Mr. Hardy. Very good report.</p> <p>4 Mr. Herrod, I'm looking for</p> <p>5 Mr. McPherson. I don't know if --</p> <p>6 MR. HERROD: Mr. Chairman,</p> <p>7 he's still not able to get on, so I am going to</p> <p>8 try to lead you in the visual display that I can't</p> <p>9 give you, but just try to talk you through some of</p> <p>10 the things that he was going to report to you, as</p> <p>11 I recall.</p> <p>12 Thomas Jackson, who has been</p> <p>13 Assistant Chief for the past at least two years,</p> <p>14 has elected to retire. His last day was last</p> <p>15 Friday. And he was with us for 10 years, 40 years</p> <p>16 previous to that in elevator business. It was a</p> <p>17 close to 50-year career.</p> <p>18 We have named James Steel as the new</p> <p>19 Assistant Chief effective the first of the month.</p> <p>20 We have, for the past -- for this</p> <p>21 calendar year, we have conducted close to 20,000</p> <p>22 inspections and we're on pace to conduct 30,000 by</p> <p>23 the end of this calendar year. We still have a</p> <p>24 delinquency. It's down around 2-1/2 percent,</p> <p>25 which is, if you recall about two years ago, we</p>

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1 were up in double digits with our delinquency
 2 rate. So that's gone down. We're still adding --
 3 we're still hiring some folks, new elevator
 4 inspectors, so we have that process going.
 5 Here is Mr. McPherson. I'm going to
 6 let him try to -- okay. Mike McPherson?
 7 (No verbal response.)
 8 MR. HERROD: He's still having
 9 trouble. He can't hear and he can't talk. I
 10 apologize for all of that. I'll be happy to
 11 answer any questions that you might have.
 12 We currently have 28 inspectors. We
 13 have -- our staffing is a max of 34, so you can
 14 tell we still have some vacancies we're trying to
 15 get. As soon as we can get those numbers up, our
 16 delinquency rate will continue to go down.
 17 Mike McPherson, his elevator
 18 inspector has done an outstanding job for the past
 19 year getting those delinquencies down. He's
 20 attacked them very vigorously.
 21 So if you have any questions, please
 22 let me know. I'll be glad to answer at this time.
 23 MS. O'CONNOR: (Indicating.)
 24 CHAIRMAN FOX: Ms. O'Connor?
 25 MS. O'CONNOR: Yes.

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1 Every time we take two steps forward,
 2 something happens and people retire and we just
 3 have that continued attrition rate that we're
 4 fighting all the time.
 5 But I wish I could give you a better
 6 outlook but we're doing our best to do that. So
 7 that's all I can tell you at this time.
 8 MS. O'CONNOR: If we're four
 9 people down in Davidson County with the absolutely
 10 unstoppable construction going on in Davidson, how
 11 is that affecting the permitting and all of that?
 12 MR. HERROD: Well, we have
 13 had -- I don't think it's affecting us that much
 14 with permitting. We had, this past year, about,
 15 to date, 750 acceptance inspections throughout the
 16 state. And Mike McPherson and Thomas Jackson,
 17 before he retired, were right on top of that,
 18 getting the Metro area and any other area. So
 19 wherever these acceptances come up, that will take
 20 a priority for the inspectors in those particular
 21 areas. If they can't get to them, Mike has
 22 somebody cover the area.
 23 So we're making sure that does
 24 happen. We're not letting anything fall through
 25 the cracks.

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1 Mr. Herrod or Mr. McPherson, whoever wants to
 2 answer this, how confident are you that those
 3 positions will be filled in the near future? I
 4 don't know about you-all, but we're having a
 5 horrible time trying to get people to even show up
 6 for interviews, much less get them hired.
 7 Are you experiencing that same thing?
 8 MR. HERROD: Well, yes, we
 9 are. We have had some people retire and been
 10 unable to get qualified applicants for those
 11 positions we have.
 12 We have about four positions open in
 13 the Davidson County area, and those jobs are being
 14 posted. We just hired a new person in
 15 Chattanooga, and we have a vacancy that just came
 16 open in the Knoxville area. So you can tell the
 17 biggest -- the metropolitan areas are where we're
 18 concentrating.
 19 But yes, it's an ongoing process of
 20 hiring people and getting them qualified and
 21 getting them out there. So how confident am I?
 22 We're going to -- I'm confident we're going to
 23 continue to try to get people interviewed and
 24 hired if they meet the qualifications. But it is
 25 a process.

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1 MS. O'CONNOR: Thank you.
 2 MR. HERROD: Yes, ma'am.
 3 I'm sorry for the technical
 4 difficulties. If Mike happens to be able to get
 5 back on and talk, I'll let him complete his report
 6 later. But I can promise you this, we'll do a
 7 better job next time.
 8 CHAIRMAN FOX: You're doing
 9 fine.
 10 Mr. McPherson, you do show up on the
 11 screen, but I'm assuming that you're having
 12 technical difficulty.
 13 MR. McPHERSON: Yes.
 14 MS. PRESSON: This is Jamie.
 15 He just texted me and said that he --
 16 CHAIRMAN FOX: Go ahead,
 17 Jamie.
 18 MR. HERROD: She may have
 19 frozen up.
 20 MR. HALE: I think we've lost
 21 her, too, now.
 22 CHAIRMAN FOX: Yeah, I think
 23 so. But it does look like we picked up Dwayne
 24 Scott and, I'm assuming, that is Chris Farmer.
 25 MR. HERROD: Let me introduce

<p style="text-align: right;">Page 18</p> <p>1 Dewayne Scott. He's the new, fairly new, Deputy 2 Commissioner for the Department of Labor. And 3 he's been with us for about three months now or 4 four months. 5 I'll let him introduce himself 6 further. I see he's un-muted. 7 CHAIRMAN FOX: Mr. Scott, you 8 have the floor. 9 MR. SCOTT: Good morning. Can 10 you hear me? 11 CHAIRMAN FOX: Yes, sir. 12 MR. SCOTT: Well, I'm glad to 13 be a part. This is my first board meeting, and as 14 I'm doing a lot of right now, I'm just doing a lot 15 of listening and watching and learning. 16 But you've got a really good team 17 here with Tom and the crew there and glad to be 18 participatory in your board meeting today. Thank 19 you. 20 CHAIRMAN FOX: Sir, we're glad 21 to have you. And we, too, are learning and 22 listening. 23 MR. SCOTT: All right. 24 CHAIRMAN FOX: We do that 25 every day.</p>	<p style="text-align: right;">Page 19</p> <p>1 MR. SCOTT: There we go. 2 CHAIRMAN FOX: Okay. Anything 3 else, Mr. Herrod, from the amusement or elevator 4 group? 5 MR. HERROD: No, sir. I think 6 that's all we have at this time. Thank you. 7 CHAIRMAN FOX: All right. So 8 we have no old business. We have no new business. 9 But we do have open discussion. So are there 10 topics, Mr. Herrod, that we need to discuss? 11 MR. HERROD: No, sir, we don't 12 have anything. I do want to take the opportunity 13 now -- I didn't do it the last time we met 14 because -- we did meet in person last time, but I 15 want to thank all the board members for your work 16 with us. 17 It's good to have you with us and a 18 steady crew of people. I know y'all are -- well, 19 you've been very dedicated to be a part of this 20 for the safety board and I just appreciate all of 21 you and what you've done for us. So thank you for 22 your service to the State of Tennessee. 23 CHAIRMAN FOX: Thank you, sir. 24 MR. RADER: You're welcome. 25 CHAIRMAN FOX: Okay. So</p>
<p style="text-align: right;">Page 20</p> <p>1 moving right along, the next -- the calendar 2 says -- 3 (Technical interruption.) 4 MR. RADER: Mr. Chairman, 5 before we depart, I would like an update where we 6 are with the residential elevators in these 7 overnight rentals. Where are we with that to this 8 point? 9 MR. HERROD: I wish I could -- 10 this is Tom Herrod, Assistant Commissioner. I do 11 not have any update. I know that the last time I 12 spoke with Mr. McPherson, that they were going to 13 these places and doing those inspections as they 14 became aware of them. And so that's all I can -- 15 I don't know how many they've actually done, but I 16 know that they were going to start doing those 17 type of inspections. 18 I think I can have Mr. McPherson send 19 you an email with that information after the 20 meeting so that you'll have that, if that's okay. 21 MR. RADER: But as it relates 22 to the code, are the ones that are currently 23 operable, are they grandfathered or where are we 24 with that? 25 MR. HERROD: I don't think</p>	<p style="text-align: right;">Page 21</p> <p>1 they're grandfathered. You mean without having to 2 go back and do inspections? 3 MR. RADER: That's correct. 4 MR. HERROD: I don't think 5 they're -- no, I don't think it's grandfathered 6 in. That's not the way we have seen it. They're 7 open to inspections. 8 I will just have to say I'm not up to 9 speed on it other than I know, that part, I can 10 just have Mr. McPherson relay that information to 11 you. We can certainly have it for the next 12 meeting, but if we need it before then, we can 13 contact you via email and give you that 14 information. 15 MR. RADER: Oh, as far as I'm 16 concerned, the next meeting would be fine. 17 MR. HERROD: Okay. All right. 18 We'll have that available. I'm sorry we didn't 19 have it this time. And he may have been -- he 20 would have been able to speak to it but -- 21 MR. RADER: He's frozen up. 22 MR. HERROD: That's right. 23 That's the excuse he's got, so we'll -- we'll be 24 ready next time. 25 CHAIRMAN FOX: Okay. Anything</p>


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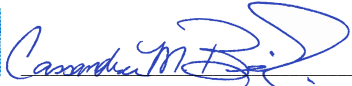
1 else for the good of the order?
 2 (No verbal response.)
 3 CHAIRMAN FOX: That being
 4 said, do I have a motion for adjournment?
 5 MS. O'CONNOR: Kelly,
 6 O'Connor. I'll move to adjourn.
 7 CHAIRMAN FOX: Thank you very
 8 much.
 9 Ladies and gentlemen, we are
 10 adjourned.
 11
 12 END OF PROCEEDINGS.
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C E R T I F I C A T E

1 STATE OF TENNESSEE)
 2 COUNTY OF WILLIAMSON)
 3 I, Cassandra M. Beiling, a Notary Public
 4 in the State of Tennessee, do hereby certify:
 5 That the within is a true and accurate
 6 transcript of the proceedings taken via Zoom
 7 videoconference before the Elevator and Amusement
 8 Device Safety Board and the Chief Inspector or the
 9 Chief Inspector's Designee, Tennessee Department
 10 of Labor and Workforce Development, Division of
 11 Workplace Regulations and Compliance, Elevator and
 12 Amusement Device Unit, on the 8th day of
 13 September, 2021.
 14 I further certify that I am not related to
 15 any of the parties to this action, by blood or
 16 marriage, and that I am in no way interested in
 17 the outcome of this matter.
 18 IN WITNESS WHEREOF, I have hereunto set my
 19 hand this 23rd day of September, 2021.
 20
 21
 22
 23
 24
 25




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

1	8	areas 11:21 15:17 16:21	Chairman 5:2,12,18,22 6:5,8,13,17,20,24 7:2,6, 9,12,18,23 8:3,8,12,16, 19 9:6,16,21,25 10:5 11:22 12:24 13:2,6 14:24 17:8,16,22 18:7, 11,20,24 19:2,7,23,25 20:4 21:25 22:3,7
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		CG02102 7:12	D
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